

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

FRIDAY, JUNE 28, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 55

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. KENNETH R. ARTHUR, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Almighty God, we gather this day in Your presence, and we ask for the gifts of Your grace that will make this a successful session of the legislature.

We ask for guidance that we might prioritize the issues that we face, insight that enables us to understand all matters before us, and the patience required to work through the demands of many people to achieve legislative goals.

Inspire us that we may treat all issues with respect, and direct us that we may walk the road that leads to continual success.

With this prayer answered, we will continue in our efforts to find newness of vision and enthusiasm of spirit. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, June 27, 2002, will be postponed until printed. The Chair hears no objection.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 630, PN 2127**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2100, PN 4128**; and **HB 2126, PN 4129**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1458, PN 2677**, with information that the Senate has passed the same without amendment.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 1458, PN 2677

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for bonds for county officers, for bonds of deputies and other appointees, for taking money and property by gift, for creation of a capital reserve fund, for the operating reserve fund, for billing and collecting by the county treasurer, for functions of the controller, for custody of documents, for books of fiscal affairs, for claims against a county, for reports to commissioners, for fees of witnesses and jurors, for receipts and accounts of money due a county, for preparation of proposed annual budget, for amending budgets, for levies, for tax rates, for appropriations, for filing the budget, for notice and for the preparation of uniform forms; providing for refusal to submit to examination and for the procedure for approval; and making an editorial change.

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

BILL ON SECOND CONSIDERATION

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

SB 832, PN 2052.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move HBs 1743 and 1900 from the table.

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1743 and HB 1900 be returned to the table.

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

COMMUNICATION FROM DEPARTMENT OF STATE

The SPEAKER. The Chair acknowledges receipt of the Pennsylvania Voter Registration Act, submitted by the Pennsylvania Department of State.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, Mr. Smith, who requests a leave for the gentleman from Juniata County, Mr. CLARK. Without objection, the leave will be granted. The Chair hears none.

It is the information of the House that the Democratic Caucus has no requests for additional leaves.

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—200

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

LEAVES CANCELED—1

Clark

SENATE MESSAGE

**SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 1848, PN 3982**.

**MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS**

Mr. PERZEL moved that the House insist upon its nonconcurrency in Senate amendments to HB 1848, PN 3982, and

that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 1848, PN 3982: Messrs. Perzel, Boyes, and D. Evans.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 2044, PN 4135**.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. PERZEL moved that the House insist upon its nonconcurrency in Senate amendments to HB 2044, PN 4135, and that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 2044, PN 4135: Messrs. Ross, Argall, and D. Evans.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 4, PN 3839**.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. PERZEL moved that the House insist upon its nonconcurrency in Senate amendments to HB 4, PN 3839, and that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on HB 4, PN 3839: Messrs. S. Smith, Stairs, and D. Evans.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurrent in the amendments made by the House of Representatives to **SB 1366, PN 2134**.

MOTION INSISTING UPON AMENDMENTS

Mr. PERZEL moved that the House insist upon its amendments nonconcurrent in by the Senate to SB 1366, PN 2134, and that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 1366, PN 2134: Messrs. Perzel, S. Smith, and D. Evans.
Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDMENTS NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurrent in the amendments made by the House of Representatives to **SB 5, PN 2003**.

MOTION INSISTING UPON AMENDMENTS

Mr. PERZEL moved that the House insist upon its amendments nonconcurrent in by the Senate to SB 5, PN 2003, and that a committee of conference on the part of the House be appointed.

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

CONFERENCE COMMITTEE APPOINTED

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on SB 5, PN 2003:

Messrs. Perzel, Argall, and D. Evans.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. Will the gentleman, Mr. Rooney, come to the rostrum.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that permission has been given to Mr. Jim Deegan of the Pennsylvania AFL-CIO News to take photographs of the presentation that is about to take place.

TERESA RUHL PRESENTED

The SPEAKER. Mr. Rooney, you are recognized.

Mr. Strittmatter is recognized. Pardon me.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

T.J. and I would like to celebrate with all of—

The SPEAKER. The gentleman will yield.

Conferences in the rear of the House, break up. Staff members and members, please, for the purpose of this presentation, give the participants your attention.

Mr. Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker, and thank you, members of the House, for your attention, because I know you all want to join us.

T.J. and I have the great honor of thanking someone who has worked with us for many years. All of us know Teresa Ruhl is now finishing her fine, distinguished career working with us in the General Assembly, and so it is that honor that we have today to thank Teresa for all the many kindnesses that she shared with us by getting us involved in many different campaigns of charity that she led us in as well as the work that she did making sure that we are better informed in the decisions that we make here in the legislature.

And as we were working on celebrating this with Teresa, we found out that also another person we have worked with for many years, Glenn Schaeffer, who is here to celebrate with Teresa, is also going to be leaving his distinguished career, and so we want to celebrate that today and have all of you join us in thanking them after T.J. says a few words. T.J.

Mr. ROONEY. Thank you very much, Jere, and, Mr. Speaker, let me thank you and your incredibly great staff for allowing us to make this presentation in the midst of all that we have going on today.

As you know, for more than 17 years the working men and women of Pennsylvania have benefited from the hard work of the woman I, along with my friend and colleague, Representative Jere Strittmatter, am pleased to honor today.

Mr. Speaker, today marks the last day of Teresa Ruhl's active employment with the Pennsylvania AFL-CIO.

While Teresa will be remembered for her unyielding commitment to issues affecting all Pennsylvania workers, I think it is appropriate that we honor her today for her strength, courage,

and determination.

Teresa has faced adversity in her personal life with the same tenacity she has fought battles on behalf of Pennsylvania workers. We are all acquainted with Teresa's work on behalf of the American Cancer Society and, in particular, the Pennsylvania Breast Cancer Coalition.

While today may mark the last day that we will see Teresa working the halls on behalf of Pennsylvania workers, I am confident that we will continue to benefit from Teresa's advocacy and interaction with members on behalf of issues that matter to all Pennsylvanians.

Mr. Speaker, I, like so many on both sides of the political spectrum, am proud to call Teresa Ruhl my friend. Today I am duly honored to pay tribute to all that she has contributed on so many, so many different levels to the people of the Commonwealth of Pennsylvania.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania congratulates Teresa Ruhl upon her richly deserved retirement, offers sincere best wishes for every future success and happiness, and directs that a copy of this citation sponsored by myself and Representative Strittmatter be presented to our friend, our dear, dear friend, Teresa Ruhl.

Thank you.

The SPEAKER. Please take your seats. I have asked the lady to say a few words to us. This is something we ordinarily do not do, of course, as you know, but she is a special woman. She has been special to the General Assembly and to the people of Pennsylvania.

Ms. Ruhl.

Ms. RUHL. Thank you so much, Mr. Speaker.

This is a day of happiness and a day of sadness. I do need to tell you that I love my job just as much today as I did 20 years ago when I started.

I want to thank all of you personally for supporting me in my efforts for the American Cancer Society's Relay For Life and for the Pennsylvania Breast Cancer Coalition. I know there have been members of the General Assembly that have suffered and struggled as well as I have. So far I have been one of the fortunate ones.

It has been 7 years that I am a survivor of cancer and still fighting. Thank you.

Although I will not be up here in the House, I will have my TV on and I have my computer so that I can keep tabs on what all of you are doing up here. I am going to miss all of you, I am going to miss the legislative process that I work in every day, and I am not going to say goodbye, because hopefully I will be able to come back and visit. But I want to thank all of you again, all my brothers and sisters in the labor movement. If it would not have been for my brothers and sisters in the labor movement and all of you, I can truly say I probably would not be here today, because you helped me with the struggles not only in my personal efforts but with all of the legislative efforts that we have fought for for the working families in Pennsylvania through the last 20 years.

Thanks for this opportunity, and I will be seeing you.

The SPEAKER. Mr. Geist, do you desire recognition?

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

I think Teresa left something out of her speech that is very important. She has the number one Elvis collection in the United States and knows more about Elvis Presley than any living soul in America.

The SPEAKER. Mr. Geist, as you were making those remarks, I thought you said “elephant collection.” I thought, this does not make sense.

Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, Teresa Ruhl is a constituent of mine, and over the years there have been times where we were not sure she actually lived in my district because you would try and get ahold of her and she was in Allentown or Scranton or Erie or all around the State doing what she does. While this is a sorry day and the State will have a loss in terms of her advocacy throughout the State, we will welcome her back to Lancaster so that she can advocate full time in Lancaster, and I appreciate what she has done all these years and look forward to working with her in the future.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would like to rise and concur in the celebration of Teresa Ruhl.

The SPEAKER. The gentleman will yield.

Please. We have a very distinguished guest who is retiring from a very important position, and remarks, although we do not do this as a rule, it is being done today, and I want it done right.

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I, too, would like to rise and join in the celebration of Teresa Ruhl.

I have known Teresa Ruhl during my tenure, and, Mr. Speaker, I can say without question that her advocacy, her commitment, has been colorblind, has been compassion tempered, and has been always driven by what is in the best interests of the working people of Pennsylvania, and to that end, Mr. Speaker, I am proud to call Teresa Ruhl my friend, but I am also proud to call her a great lady and a great advocate for not just Lancaster County but all

66 counties in the Commonwealth of Pennsylvania.

Thank you, Teresa.

STATEMENT BY MR. GEORGE

The SPEAKER. The gentleman, Mr. George.

Mr. GEORGE. On a matter that I feel very personal about, and I would ask the Speaker to allow me a personal privilege.

The SPEAKER. The gentleman may continue.

Mr. GEORGE. Mr. Speaker, we know not how long we will be here today or whether we will be here tomorrow, and I am willing to guess in my 28 years that the nerves will fray and the tempers will rise somewhat. And I know on these types of days, Mr. Speaker, through all of that turmoil and difficulty, I can state that through it all, you have always been a gentleman, and when this day is over, each and all of us will be heading, as they say, to the four corners of the Commonwealth, well satisfied maybe not with what happened but the fact that we are going home for a deliberate break, and I would be remiss, Mr. Speaker, if I did not say to you that, as we leave, if we did not say what I am going to say to you along with all of our colleagues, that through it all, you have always been a fine, upstanding individual, and that I along with all of these people wish you the best and that everything turns out all right. You will constantly be in our thoughts and our prayers.

And I am not a theologian, but Mr. Corrigan taught me the Irish prayer, and so, if I may, I would like to recite it: And so may the road rise up to meet you. May the wind be always at your back. May the sun shine warm upon your face, the rain gently wet your fields, and until we meet again, may God hold you in the palm of His hands.

We think you are a great guy.

The SPEAKER. This is not fair. Please; please. I am too old to cry and in too much pain to laugh, but I have to laugh at you, Bud, because you are up here every day charming me and telling me jokes, and I am going to miss that for the summer. And I am going to try my best to have the sun in my face and the rain on my fields, the field just being a little plot of green grass.

But I did not necessarily want this brought up here today, but I guess it is up, so I am going to make mention of the fact that most everybody here—everybody here, I guess—knows that I am facing what I think our guest has faced for the past 7 years. I have struggled with my weight for years, you know, like so many of us from all these big meals we get up here, and I finally found a way to get control of it—take your stomach out. It is the only thing they could come up with that was a foolproof diet for me, and I expect that that is going to happen sometime in September or October, and as I have told you before, I am into a chemotherapy regime for the next 13, 14 weeks.

I made mention earlier to Mr. Daley that when I came in yesterday and took myself off of leave, noting my presence on the floor of the House, there were some 10, 15 guys still here, ladies, and they started to applaud, and I saw Mark Cohen was one because I had just recognized him, and it really felt good. I hope you folks out there never have to feel good for the same reason. But I want to tell you that there is no party in this House; there are just friends. There are members that disagree from time to time, but there is no party. We are colorblind, as the gentleman, Mr. Thomas, made mention of Teresa, and it is a camaraderie that exists between the members, the staff people, all the employees of the House and Senate, that is just indescribable, and until you have felt the warmth of it, as I have just now and have for the past several weeks, you do not understand it is really there. I have been a member for 40 years, and I knew there was something special here, but until it is directed at you and it is pointed at you, you just do not feel the whole thing, and I feel it here today, and I am going to get on to business before and turn it over to the theater group, Mr. DeWeese, so I do not start bawling.

Mr. DeWeese, you are recognized for the purpose of making a statement with respect to our guest.

Mr. DEWEESE. Thank you, Mr. Speaker.

Quickly, Teresa and Eleanor Roosevelt come together in my thought process, Eleanor Roosevelt through history and through a dominant presence in the 20th century worldwide, especially in the world of women’s rights and collective bargaining and civil rights, and Teresa has cut a certain swath through our process for many years. She is a woman of incomparable steadfastness and focus and practicality. Her tactical talents at vote counting are nonpareil, and notwithstanding the concussions of this chamber, as the Honorable Mr. Ryan just alluded, and notwithstanding the fact that the American Federation of Labor and the Congress of Industrial Organizations has had its imbroglios with the Republican Party, and some of us, too, from time to time, today and throughout her career she was able to breach that chasm. She was able to engender friendships with men and women who did not vote with her very

often, and this is a special and poignant moment for a variety of reasons – the business at hand, the Speaker’s challenge, Teresa’s retirement – and it does embody the comments that Speaker Ryan just evinced.

So with a closing observation, I want to share with the chamber and especially with Teresa that in my 27 years – I am quite junior compared to the commanding officer of this battalion – but in my 27 years no one has been more aggressive and unrelenting and adamant on behalf of women’s rights and especially if those women bargained collectively. I have said many times from many podiums that collective bargaining in the 1930s, sustained in the fifties, projected more aggressively in the seventies, and halted to some degree or at least stymied to some degree in 1981 with the air-traffic-controller-strike phenomenon, has never been, has never been asserted more cogently and, again, with tactical vote counts better – better – for the AFL-CIO than by Teresa Ruhl, and I doff my hat to a grand lady.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I would like to echo all the comments made about my good friend, Teresa Ruhl. Everything has been said, I think; all of her accomplishments here on the Hill.

I would like to ask the gentleman, Mr. DeWeese, if he would stand for a brief interrogation.

The SPEAKER. The gentleman, Mr. DeWeese, shrugs his shoulder—

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. —and agrees.

Mr. BELFANTI. Thank you, Mr. Speaker.

I just want to ensure that with Teresa’s departure, you will not instruct Representative Belardi to remove any of my furniture or telephone lines.

Mr. DeWEESE. The gentlelady – excuse me, sir; I was munching on an apple – the gentlelady was an habitue of the gentleman’s sanctum sanctorum; in other words, she hung around his office a lot.

So I am going to opine that he meant that he had the chance to share that local phone line down to AFL headquarters, and we all have those kinds of relationships in this building with different men and women who advocate a variety of groups, and the answer to your question is, of course, I will not try to circumscribe your administrative circumstances. They seemed to have worked very well over the years, and I think we should allow them that extra line or that extra chair near your desk to be dedicated for all time to Ms. Ruhl.

Mr. BELFANTI. Thank you, Mr. Speaker.

I want to, for the record, be clear that she never used a line to make calls out; it was only calls that came in when her cell phone line was in use.

To the Speaker, I would also like to echo the comments of Representative George not only on behalf of all of us in this chamber, but in particular, those half a dozen or seven of us that are United States Marines, semper fi and Godspeed.

The SPEAKER. When they took me in the other day to tattoo me for the radiation, I had them put a ball and hook on my chest. That is the Marine Corps emblem.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1225, PN 2149**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for vehicles not requiring certificate of title and for vehicles exempt from registration; providing for electric personal assistive mobility devices; and further providing for driving upon sidewalk and for inspection station certificates of appointment.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. It is the understanding of the Chair that all amendments have been withdrawn to this Senate bill.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

Ms. Josephs.

Ms. JOSEPHS. I would like to make a comment on final passage, please.

The SPEAKER. The lady is in order.

Ms. JOSEPHS. Thank you.

People who live in any kind of urban area that has sidewalks ought to be thinking about this bill. I think the municipality may have an opt-out, which is a difficult thing to do, but if there is no opt-out, this bill will allow these little electronic vehicles that people can stand on and motor down the sidewalk at a speed up to 15 miles an hour, and while the municipality may be able to keep private citizens from using these little vehicles, which are undoubtedly a danger to older people and people with physical handicaps, I believe this bill will allow utility company employees to use them on the sidewalks, anyplace in a municipality, without permission or consent from the local government authorities.

Those people who want to bring tourists, who want to encourage walking rather than using the car, those people who would like to have their city be attractive and appealing to retain and bring in businesses, people and permanent residents may want to take another look at this, because I am not sure that any of you really ought to be voting “yes.”

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—191

Adolph

Evans, J.

Major

Saylor

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

NAYS—9

Bishop	Freeman	Williams, J.	
Cohen, M.	Josephs	Wright, G.	Ryan,
Curry	Manderino		Speaker

NOT VOTING—0

EXCUSED—2

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

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

STATEMENT BY MR. DALEY

The SPEAKER. Mr. Daley.

Mr. DALEY. Mr. Speaker, on unanimous consent.

Mr. Speaker, just for the information of the members, a number of us had a number of amendments on this particular bill that just passed. My amendment was for women's health issues, for a plate to be issued by the Department of Transportation. We will revisit that issue when we come back, Mr. Speaker, and I have been assured by the majority party that that issue will be revisited, and for all those people that had their hopes that we could get this amendment passed, let me let them rest assured that we do have some assurances that this and other issues will be dealt with.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1485, PN 2137**, entitled:

An Act redesignating the Northeast Veterans Center as the Gino J. Merli Veterans Center.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Clark LaGrotta

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Bill and Lynda Gallagher from Bristol Borough, close friends of Representatives Corrigan and Petrone. These guests are seated in the balcony. Would they please rise.

CONDOLENCE RESOLUTION

The SPEAKER. We are about to take up a condolence resolution on the death of a former member of this House. Sergeants at Arms will close the doors of the House. Members will please take their seats; members will please take their seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, The House of Representatives of Pennsylvania mourns the loss of the Honorable Edward J. Haluska, a former member of the House of Representatives, who passed away on June 12, 2002, at the age

of eighty-five; and

WHEREAS, First elected to the House of Representatives in 1980 by the citizens of the 73rd Legislative District in Cambria County, Dr. Haluska served in that position for seven consecutive terms. He was a member of the Local Government Committee; the Education Committee; the Appropriations Committee; and the Aging and Youth Committee, where he served as Chairman of the Subcommittee on Aging; and

WHEREAS, A United States Army veteran of World War II and a 1943 graduate of the University of Pittsburgh's Dental School, Dr. Haluska practiced dentistry for more than forty years. He was a member of the Queen of Peace Catholic Church and a life member of the Patton Volunteer Fire Company, American Legion Walter McCoy Post 614, Veterans of Foreign Wars of Patton and the Patton Slovak Club. A stalwart proponent of his community, Dr. Haluska also volunteered his time with many other beneficial organizations, including the Cambria County Tourist Council as a charter member. Additionally, he served a total of twenty-four years as a school board member for the Patton Area and Cambria Heights School Districts. To his great credit, Dr. Haluska played a key role in the development of Prince Gallitzin State Park and of the Seldom Seen Tourist Coal Mine, and he was an instrumental force behind the development of the Cambria County Area Community College; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable Edward J. Haluska; and extend heartfelt condolences to his wife, Lorraine Wilshire Mertens Haluska; sons, Wayne, Gary and George; daughter, Margaret; stepsons, Jeff, Kim and Wayne Mertens; seven grandchildren; and five great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Gary Haluska, be transmitted to Mrs. Lorraine Wilshire Mertens Haluska.

Matthew Ryan
Speaker of the House
ATTEST:
Ted Mazia
Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Edward J. Haluska.)

The SPEAKER. The resolution has been unanimously adopted. Sergeants at Arms will open the doors of the House.

RULES COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Perzel, calls for an immediate meeting of the Rules Committee.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 754, PN 4170 (Amended) By Rep. PERZEL

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of

stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals,” adding definitions; further providing for disposal of whole waste tires, for the priority enforcement list and for remediation grants; providing for remediation liens, for an authorization program, for documentation and recordkeeping, for revocation of authorization and for collection programs; authorizing civil penalties; and repealing obsolete provisions relating to tire recycling investment tax credits.

RULES.

HB 1501, PN 4171 (Amended) By Rep. PERZEL

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities) of the Pennsylvania Consolidated Statutes, further providing for sale of tobacco; and providing for placement of tobacco vending machines and for preemption.

RULES.

HB 2100, PN 4128 By Rep. PERZEL

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions, for examination and inspection and for extracts, copies or photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

RULES.

HB 2126, PN 4129 By Rep. PERZEL

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.

RULES.

RULES SUSPENDED

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

Mr. T. STEVENSON. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of HR 461.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, J.	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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

RESOLUTION

Mr. T. STEVENSON called up **HR 461, PN 3425**, entitled:

A Resolution directing the Joint State Government Commission to establish a task force to conduct a study on the shortage of applicants for administrative positions serving the Commonwealth’s 501 school districts.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0
EXCUSED—2

Clark LaGrotta

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

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Beth Ann Hargraves, an intern for the House Local Government Committee. She is here as the guest of Representative Herman and State Representative Pat Vance. She is seated to the left of the Speaker. Would she be good enough to rise.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2378, PN 4025**, entitled:

An Act amending the act of December 14, 1992 (P.L.866, No.137), known as the Optional County Affordable Housing Funds Act, amending the title and short title of the act; further providing for legislative purpose, for definitions, for optional fee increases and for disposition of proceeds; and providing for economic development efforts.

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

Mr. **WRIGHT** offered the following amendment No. **A3542**:

Amend Sec. 1 (Sec. 4), page 3, lines 8 through 14, by striking out all of said lines and inserting

commissioners for affordable housing or for economic development shall not exceed 100% of the amounts charged [on the effective date of this act] for recording deeds and mortgages.

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

The SPEAKER. On the question of the adoption of the Wright amendment, Mr. Samuelson.

Mr. SAMUELSON. I would like to interrogate the maker of the amendment.

The SPEAKER. Mr. Wright.

Mr. WRIGHT. Yes.

The SPEAKER. You may begin.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Just a question about the intent of the amendment.

My understanding is, the affordable housing fund, which was established by this legislature in 1992, allows a fee to be added on. This bill would allow an additional economic development fee. The wording of this amendment, I am wondering if it would have this economic development fee added on above and beyond the affordable housing fee, or would the 100-percent limit set forth in this amendment put counties in a situation of either/or, whether they would have to choose between affordable housing and economic development?

Mr. WRIGHT. The intent of the bill is to add on an additional fee, but there were some questions about how clear it was, so the amendment clarifies that it could be added on as an additional fee, and the 100-percent rule for the housing fund would stay there. Commissioners would still have that right to impose 100 percent for the housing fund.

Mr. SAMUELSON. So they could continue to impose a fee for the affordable housing fund in the amount of 100 percent of the

deeds or mortgage recording fee, and in addition, they could also impose an economic development fee if they so choose?

Mr. WRIGHT. Yes. That is what the bill does, and the amendment clarifies that.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—150

Adolph	Diven	Maitland	Schroder
Allen	Donatucci	Major	Schuler
Argall	Egolf	Manderino	Semmel
Armstrong	Evans, D.	Mann	Smith, B.
Baker, J.	Evans, J.	Markosek	Smith, S. H.
Bard	Fairchild	Marsico	Stairs
Barrar	Feese	Mayernik	Steil
Bastian	Fichter	McGeehan	Stetler
Bebko-Jones	Fleagle	McGill	Stevenson, T.
Belfanti	Flick	McIlhinney	Strittmatter
Benninghoff	Forcier	McNaughton	Sturla
Birmelin	Frankel	Melio	Tangretti
Bishop	Gabig	Micozzie	Taylor, E. Z.
Boyes	Gannon	Miller, R.	Taylor, J.
Brooks	Geist	Myers	Thomas
Bunt	Gordner	Nickol	Travaglio
Butkovitz	Gruitza	O'Brien	Trello
Buxton	Haluska	Oliver	Trich
Caltagirone	Harper	Pallone	Tulli
Cappelli	Hennessey	Perzel	Turzai
Cawley	Herman	Petrone	Vitali
Civera	Hershey	Phillips	Walko
Clymer	Hess	Pippy	Washington
Cohen, L. I.	Horse	Pistella	Waters
Cohen, M.	Jadlowiec	Preston	Watson
Colafella	James	Raymond	Williams, J.
Coleman	Kaiser	Readshaw	Wilt
Cornell	Keller	Reinard	Wojnaroski
Corrigan	Kenney	Rieger	Wright, G.
Costa	Kirkland	Robinson	Wright, M.
Creighton	Krebs	Roebuck	Yewcic
Cruz	Lawless	Rooney	Youngblood
Curry	Lederer	Rubley	Yudichak
Daily	Leh	Ruffing	Zimmerman
Daley	Lucyk	Samuelson	Zug
Dally	Lynch	Santoni	
DeLuca	Mackereth	Saylor	Ryan,
DiGirolamo	Maher	Scavello	Speaker

NAYS—49

Baker, M.	Habay	Metcalfe	Scrimenti
Belardi	Hanna	Michlovic	Shaner
Blaum	Harhai	Miller, S.	Solobay
Browne	Harhart	Mundy	Staback
Casorio	Hasay	Nailor	Steelman
Coy	Hutchinson	Petrarca	Stern
Dermody	Josephs	Pickett	Stevenson, R.
DeWeese	Lescovitz	Roberts	Surra
Eachus	Levdansky	Rohrer	Tigue
Freeman	Lewis	Ross	Vance
George	McCall	Sainato	Veon
Godshall	McIlhattan	Sather	Wansacz
Gruclera			

NOT VOTING—1

Laughlin

EXCUSED—2

Clark

LaGrotta

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?

RULES SUSPENDED

The SPEAKER. Mr. Wright, do I understand that you have another late amendment?

The Chair recognizes the gentleman, Mr. Wright.

Mr. WRIGHT. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 4189.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Clark LaGrotta

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

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

Mr. WRIGHT offered the following amendment No. A4189:

- Amend Bill, page 1, by inserting before line 1 (A3542)
- Amend Title, page 1, line 8, by removing the period after "efforts" and inserting
in counties of the second class A.
- Amend Sec. 1 (Sec. 2), page 2, line 7, by inserting after "efforts"
in counties of the second class A
- Amend Sec. 1 (Sec. 3), page 2, line 24, by inserting after "commissioners"
of a county of the second class A
- Amend Sec. 1 (Sec. 4), page 1, line 3 (A3542), by inserting after "or"
in counties of the second class A.
- Amend Sec. 1 (Sec. 4), page 1, line 3 (A3542), by inserting a comma after "development"
- Amend Bill, page 1, by inserting after line 5 (A3542)
- Amend Sec. 1 (Sec. 4), page 3, line 11, by inserting after "Counties"
of the second class A
- Amend Sec. 1 (Sec. 5), page 3, line 25, by inserting after "EXERCISED"
by a county of the second class A
- Amend Sec. 2 (Sec. 6.1), page 4, line 3, by inserting after "efforts"
in counties of the second class A
- Amend Sec. 2 (Sec. 6.1), page 4, line 4, by inserting after "efforts"
in counties of the second class A

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

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

Mr. WRIGHT. Thank you. Thank you, Mr. Speaker.

There were some concerns about the effect of this for the whole State, so this amendment limits this bill change to just 2-A counties. The bill will not affect the whole State; it only

affects 2-A counties, which are the four southeastern Pennsylvania counties. Thank you.

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

The following roll call was recorded:

YEAS-179

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

NAYS-21

Casorio	Hanna	Mundy	Staback
Colafella	Harhai	Petrarca	Steelman
Eachus	Laughlin	Samuelson	Surra
Freeman	Lucyk	Scrimenti	Wansacz
Grucela	McCall	Shaner	Yewcic
Haluska			

NOT VOTING-0

EXCUSED-2

Clark LaGrotta

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—142

Adolph	DiGirolamo	Mayernik	Smith, B.
Allen	Diven	McGeehan	Smith, S. H.
Argall	Donatucci	McGill	Solobay
Armstrong	Egolf	McIlhinney	Stairs
Bard	Evans, D.	McNaughton	Steil
Barrar	Evans, J.	Melio	Stern
Bastian	Fairchild	Micozzie	Stetler
Belfanti	Feese	Miller, S.	Stevenson, T.
Benninghoff	Fichter	Myers	Strittmatter
Birmelin	Fleagle	O'Brien	Sturla
Bishop	Flick	Oliver	Tangretti
Boyes	Gannon	Perzel	Taylor, E. Z.
Brooks	Gordner	Petrone	Taylor, J.
Browne	Gruitza	Phillips	Thomas
Bunt	Haluska	Pickett	Tigue
Butkovitz	Harhart	Pippy	Travaglio
Buxton	Harper	Pistella	Trich
Caltagirone	Hennessey	Preston	Tulli
Cappelli	Herman	Raymond	Turzai
Cawley	Hershey	Readshaw	Veon
Civera	Hess	Reinard	Vitali
Clymer	Horsey	Rieger	Walko
Cohen, L. I.	James	Robinson	Washington
Cohen, M.	Josephs	Roebuck	Waters
Coleman	Kaiser	Rooney	Watson
Cornell	Keller	Ross	Williams, J.
Corrigan	Kenney	Rubley	Wojnaroski
Costa	Kirkland	Ruffing	Wright, M.
Creighton	Krebs	Sainato	Yewcic
Cruz	Lawless	Santoni	Youngblood
Curry	Lederer	Sather	Yudichak
Dailey	Maher	Saylor	Zimmerman
Daley	Major	Scavello	Zug
Dally	Manderino	Schroder	
DeLuca	Mann	Schuler	Ryan, Speaker
DeWeese	Markosek	Semmel	

NAYS—58

Baker, J.	George	Lynch	Roberts
Baker, M.	Godshall	Mackereth	Rohrer
Bebko-Jones	Grucela	Maitland	Samuelson
Belardi	Habay	Marsico	Scrimenti
Blaum	Hanna	McCall	Shaner
Casorio	Harhai	McIlhattan	Staback
Colafella	Hasay	Metcalfe	Steelman
Coy	Hutchinson	Michlovic	Stevenson, R.
Dermody	Jadlowiec	Miller, R.	Surra

Eachus	Laughlin	Mundy	Trello
Forcier	Leh	Nailor	Vance
Frankel	Lescovitz	Nickol	Wansacz
Freeman	Levdansky	Pallone	Wilt
Gabig	Lewis	Petrarca	Wright, G.
Geist	Lucyk		

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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.

RULES SUSPENDED

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

Mr. HABAY. Mr. Speaker, I move that the rules of the House be suspended to immediately consider HB 472 plus amendments by Mr. Veon and me.

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

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 472, PN 507**, entitled:

An Act amending the act of June 29, 1953 (P.L.304, No.66), known as the Vital Statistics Law of 1953, providing for certificate of stillbirth.

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

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Veon, has withdrawn his amendment and that Mr. Habay has only amendment 4071.

Mr. **HABAY** offered the following amendment No. **A4071**:

Amend Bill, page 7, by inserting between lines 27 and 28 Section 10. The addition of section 806.1(c) of the act shall be retroactive to January 1, 1980.
Amend Sec. 10, page 7, line 28, by striking out “10” and inserting 11

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

The SPEAKER. On the question of the amendment, Mr. Habay. Mr. **HABAY**. Thank you, Mr. Speaker.
This amendment would simply make the bill retroactive to January 1 of 1980.

The SPEAKER. On the question of the adoption of the Habay amendment, Mr. Vitali.

Mr. **VITALI**. Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will. You may

proceed.

Mr. **VITALI**. I may have just missed it, but I do not remember caucusing on this. I am just curious as to – and I guess to understand the amendment, I have to understand the bill a little bit – but you are changing the word “fetal death” to “stillborn” or vice versa. What is going on here? What is the issue?

Mr. **HABAY**. Thank you very much.

The issue is simply, I had a constituent that had come to me in my district office in Shaler Township that had a very heartwarming story about her son that unfortunately was stillborn – her son, Tanner Jason. She had asked me to see if we could change the designation to “stillbirth” in Pennsylvania, and the reason why we wanted to make it retroactive is, many families have come to me not only from my district but other districts across Pennsylvania who had a stillborn son or daughter that really wanted to have this made retroactive, and it was simply for the concerns of the people, many of them had stillborn children from back in the 1980s, 1990s, that would like to have a chance at this, to be part of this legislative effort, and that is simply why this was introduced, this particular amendment today.

Mr. **VITALI**. But, Mr. Speaker, what is the practical effect? I understand it is making something retroactive, but what is it making retroactive? What is the practical effect if this passes? Who would be given what additional rights? I do not really understand what is going on yet.

Mr. **HABAY**. It would simply be for the parent or guardian; the parent of the stillborn child would be able to obtain a stillbirth certificate.

Mr. **VITALI**. Oh, okay.

Mr. **HABAY**. It is simply that, yes.

Mr. **VITALI**. Okay.

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

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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?

Mr. GRUCELA, do you desire recognition on final passage? You are recognized.

Mr. GRUCELA. Thank you, Mr. Speaker.

I just wanted to speak in favor of final passage, because I, too, had had a couple families who had contacted me on this very issue, and I am glad the issue has come before us, and I would urge the members to vote for this.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Habay, do you have anything further?

Mr. HABAY. Mr. Speaker, thank you.

I wanted to let the members know as well that this is not a pro-life/pro-choice issue. We very carefully crafted this legislation and even have a letter of support of neutrality of Planned Parenthood from the Harrisburg office and checked with their national office as well.

So this is an issue where we avoided the California language and looked more toward States like Kentucky, that I based the legislation on a year ago when I looked at their new bill that they had passed in the House of Representatives.

So I wanted to make it clear to the members that that issue will not be opposed by pro-choice groups such as Planned Parenthood, of which I have a letter here in support of the passage of the legislation.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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

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

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mr. GORDNER called up **HR 639, PN 4172**, entitled:

A Resolution celebrating Bloomsburg’s Bicentennial (1802-2002).

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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

REPUBLICAN CAUCUS

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Feese, for a caucus announcement.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the Republicans will have an informal caucus beginning immediately upon the call of the recess. We will continue our budget discussion beginning at 1:15.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus immediately upon the recess.

The SPEAKER. The Chair thanks the gentleman.

Does the majority leader or minority leader have any further business?

Mr. DeWeese.

Mr. DeWEESE. I apologize, Mr. Speaker. What time are we to return for session?

The SPEAKER. No one said, but I am going to say 3 o’clock, subject to the earlier call of the Chair or extension of the Chair. This is one of those days, as you well know.

VOTE CORRECTIONS

The SPEAKER. Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I would like to have the record show that my vote on HB 2378 is in the negative.

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

Any further corrections?

Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

Mr. Speaker, my button malfunctioned, and with respect to

HB 2378, I would appreciate to be recorded as in the negative, not the affirmative.

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

Mrs. Laughlin.

Mrs. LAUGHLIN. Thank you, Mr. Speaker.

On HB 2378 I would like to be recorded in the negative on amendment 3542. Thank you.

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

RECESS

The SPEAKER. Anything further?

Hearing none, this House will stand in recess until 3 p.m., unless sooner recalled or extended by the Chair.

RECESS EXTENDED

The time of recess was extended until 5 p.m.

AFTER RECESS

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

COMMUNICATION FROM DEPARTMENT OF EDUCATION

The SPEAKER. The Chair acknowledges receipt of a report on the automatic external defibrillator program submitted by the Department of Education.

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 2775 By Representatives SCRIMENTI, RUBLEY, CREIGHTON, J. WILLIAMS, YOUNGBLOOD, HORSEY, CORRIGAN, FREEMAN, STEELMAN, JOSEPHS, MELIO and CRUZ

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, imposing penalties on the improper placement and operation of cigarette vending machines.

Referred to Committee on JUDICIARY, June 28, 2002.

No. 2776 By Representatives SCRIMENTI, THOMAS, M. COHEN, TIGUE, GRUCELA, ROONEY, MYERS, YOUNGBLOOD, STABACK, PISTELLA, CORRIGAN, JAMES, J. WILLIAMS, WASHINGTON and GEORGE

An Act establishing limitations on credit blocking by the retail industry or a provider of travel services; establishing a ceiling amount on the amount of credit allowed to block and establishing a fixed time period to block a certain amount in a consumer's account.

Referred to Committee on CONSUMER AFFAIRS, June 28, 2002.

No. 2777 By Representatives SCRIMENTI, WASHINGTON, LAUGHLIN, SHANER, ROEBUCK, YOUNGBLOOD, JOSEPHS, MELIO, STABACK, BOYES, HORSEY, WALKO, J. WILLIAMS and PISTELLA

An Act amending the act of June 28, 1995 (P.L.89, No.18), known as the Conservation and Natural Resources Act, further providing for State forests; and making an editorial change.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 28, 2002.

No. 2778 By Representatives TULLI, FLICK, PERZEL, MANN, BOYES, CAPPELLI, BISHOP, L. I. COHEN, COSTA, J. EVANS, GEORGE, HENNESSEY, LAUGHLIN, LEDERER, MELIO, PRESTON, RUBLEY, J. TAYLOR, TRELLO, YOUNGBLOOD, E. Z. TAYLOR, HORSEY and ALLEN

An Act amending the act of December 18, 2001 (P.L.949, No.114), known as the Workforce Development Act, further providing for definitions, for staff and operations and for critical job training grants; providing for State and local workforce development TAP scholarship accounts; and further providing for the expiration of the act.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, June 28, 2002.

No. 2779 By Representatives STEIL, BUNT, CAPPELLI, CIVERA, CORRIGAN, CREIGHTON, DAILEY, LESCOVITZ, McILHATTAN, MELIO, PISTELLA, ROBERTS, SATHER, SHANER, WATSON, DiGIROLAMO, CLYMER, M. WRIGHT, McILHINNEY and THOMAS

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts and culverts; and making editorial changes.

Referred to Committee on URBAN AFFAIRS, June 28, 2002.

No. 2780 By Representatives STEIL, ADOLPH, BENNINGHOFF, BROOKS, BUNT, CIVERA, L. I. COHEN, FRANKEL, HENNESSEY, HORSEY, KELLER, MELIO, MYERS, RUBLEY, SHANER, WALKO, WASHINGTON, WATSON, YOUNGBLOOD and THOMAS

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

Referred to Committee on LABOR RELATIONS, June 28, 2002.

No. 2781 By Representatives TIGUE, STEIL, CORRIGAN, WANSACZ, MUNDY, CAPPELLI, YOUNGBLOOD, J. WILLIAMS, WASHINGTON, STETLER, SOLOBAY, SAYLOR, HARHAI, DeLUCA, LAUGHLIN, GEORGE and DALEY

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for payment of tax to other political subdivisions or states as credit or deduction.

Referred to Committee on LOCAL GOVERNMENT, June 28, 2002.

No. 2782 By Representatives GRUCELA, SOLOBAY, STABACK, G. WRIGHT, BROWNE, CAPPELLI, CREIGHTON, HARHAI, HORSEY, LAUGHLIN, PALLONE, SHANER, WASHINGTON, J. WILLIAMS, YOUNGBLOOD and CRUZ

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, authorizing the Department of Revenue to grant credits to certain taxpayers for the lease vehicle tax imposed by other states.

Referred to Committee on FINANCE, June 28, 2002.

No. 2783 By Representatives GRUCELA, PALLONE, G. WRIGHT, CASORIO, BROWNE, HARHAI, MYERS, STEELMAN, WANSACZ, WASHINGTON, J. WILLIAMS and DALLY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury.

Referred to Committee on TRANSPORTATION, June 28, 2002.

No. 2784 By Representatives EACHUS, YUDICHAK, WALKO, STURLA, GRUCELA, DeWEESE, COY, FREEMAN, BELARDI, BELFANTI, CALTAGIRONE, CAPPELLI, CAWLEY, CORRIGAN, COSTA, DeLUCA, GEORGE, GRUITZA, HALUSKA, HANNA, HARHAI, HORSEY, JAMES, LAUGHLIN, LESCOVITZ, LUCYK, MANDERINO, MARKOSEK, McCALL, MELIO, MICHLOVIC, MUNDY, OLIVER, PALLONE, PISTELLA, READSHAW, ROBINSON,

ROONEY, SAINATO, SHANER, STABACK, STEELMAN, SURRA, TANGRETTI, THOMAS, TIGUE, TRAVAGLIO, WANSACZ, WASHINGTON, WATERS, J. WILLIAMS, G. WRIGHT and YOUNGBLOOD

An Act amending the act of December 14, 1992 (P.L.1116, No.145), known as the Wholesale Prescription Drug Distributors License Act, further providing for legislative intent, for definitions, for license and renewal requirements, for license application, for storage, handling and record keeping and for additional requirements; and further providing for persons without license and current renewal, for refusal, revocation, suspension or limitation of license, for injunction against unlawful practice, for penalties for unlicensed practice, for disciplinary proceedings, for right to enter and inspect and for rules and regulations.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 28, 2002.

SENATE MESSAGE

HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 5, PN 2003**, and has appointed Senators Brightbill, Thompson, and Fumo a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE

HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 1366, PN 2134**, and has appointed Senators Brightbill, Conti, and O'Pake a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurred in by the House of Representatives to **HB 4, PN 3839**, and has appointed Senators Brightbill, Rhoades, and Mellow a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurred in by the House of Representatives to **HB 1848, PN 3982**, and has appointed Senators Brightbill, Thompson, and Wagner a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE**SENATE INSISTS ON AMENDMENTS
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 2044, PN 4135**, and has appointed Senators Brightbill, Mary Jo White, and Musto a committee of conference to confer with a similar committee of the House of Representatives (already appointed) on the subject of the differences existing between the two Houses in relation to said bill.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 1670, PN 4016**

By Rep. PERZEL

An Act designating a certain bridge on SR 0054 over the North Branch of the Susquehanna River connecting Riverside, Northumberland County and Danville and Mahoning Townships, Montour County, as the Danville-Riverside Bridge.

RULES.

SUPPLEMENTAL CALENDAR A**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2100, PN 4128**, entitled:

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions, for examination and inspection and for extracts, copies or photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On the question of concurrence in Senate amendments, the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

We have many difficult decisions ahead of us this evening, but this is an easy decision. For the first time in 45 years, Pennsylvania's open records law is moving forward. We are going to have greater sunshine in our government than we have ever had before, and I just want to congratulate the members of the House for all the work that went into accomplishing this mission.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. McIlhinney.

Mr. McILHINNEY. Thank you, Mr. Speaker.

Will the gentleman from Allegheny County stand for a brief

question?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. McILHINNEY. I would like a clarification on the 30-day response time. Under section 3.4(b), suppose I was to submit an application for some records to a non-Commonwealth agency and they gave me a letter saying that in 30 days we will be able to achieve what you want to get. Twenty-eight days go by and I receive a second letter saying that it is going to take a few more days; the records were offsite; they just could not find it and put it together. Now, would that constitute a denial under that section at that point, and would this agency then be in trouble for extending that time?

Mr. MAHER. Thank you, Mr. Speaker.

That is an excellent question.

The circumstance you described was contemplated very carefully in the way that the wording appears, and that would not constitute a denial. In fact, the wording in the legislative intent is important, that the object here is to encourage timely response, but that response quite reasonably may be, at the end of the 30 days, that we are working on it and we will be completing it expeditiously. But if there is a good-faith effort, particularly – and I might mention as an example – Philadelphia has some incredible response rates; something over 90 percent of all requests are responded to by the city of Philadelphia within a matter of a day or two, but there are complicated circumstances that can go on and would require additional time, and this recognizes that in those circumstances, if there is a good-faith effort under way, the 30 days requires a response but may not require the completion of the production of the records that are requested.

Thank you, Mr. Speaker.

Mr. McILHINNEY. Mr. Speaker, on the bill?

The SPEAKER. The gentleman is in order.

Mr. McILHINNEY. I would ask for the House to concur with HB 2100. It has been 45 years since we have taken this step, and you see President Bush calling on Palestine for a transparent government. We should actually be the example here in Pennsylvania. For far too long, we have had troubles getting at some of the public records in the local townships and the local municipalities, and it is far overdue that we finally update this open records law.

So I am asking for an affirmative vote on HB 2100.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I first want to start out by congratulating Representative Maher for the fine work he did on the bill. I fully concede that he did the best he could in a very bad political environment, and my remarks with regard to this bill are no reflection on the fine work he did.

But the reality is, this bill is a sad disappointment and a poor reflection on State government, the General Assembly and State government, and like too many things we do up here with regard to reform, it has the appearance of reform but will not change politics as usual. The bill as I see it has several major flaws, and its biggest flaw is that it does not change the definition of what a public record is. It does not make anything that was not a public record now a public record under this new bill.

Now, we talked about a transparent democracy. Things the public are not allowed to see now, they will not be able to see

under this new bill, and that is a real problem. For example, contract applications are not discoverable under this act, and that is very important. That is a very important element, because if we want to see if our State moneys are being spent the right way, we need to see not only the contracts that were awarded but the applications that did not get the award, and there were many other items – canceled checks, check registers, books on fiscal affairs, settlement documents, reports, rules, regulations, opinions – numerous things that the community, the newspaper publishers and others, called for to be made part of public records that simply were not. That, I think, is the main flaw of this bill.

But a second flaw and something that it is my understanding that the Senate made even worse than the bill we passed over is who is afforded the protection of this bill. Only citizens of the Commonwealth are afforded the protection of this bill, the framework of this bill, to get public records. Prior to this and under current law, it was limited to any person. Now it is simply limited to any citizen of Pennsylvania. So for example, if the New York Times or any other newspaper wanted public records from Pennsylvania, they could not get them under this bill, or if some university like Princeton was doing studies on our State government, they could not get them under this bill. The definition of “requester” in this bill is fatally flawed.

So, Mr. Speaker, I am not going to vote to concur in this. I suspect it is going to pass overwhelmingly, perhaps with all but one vote, but I do not want it to pass unanimously, because it is important that we send a message that this is not, not good law and this will not change the way things are done and this will not open up Pennsylvania government in any significant way.

And again I will close by saying, I do not mean any disrespect to Representative Maher, because he did a great job taking a tough issue and moving it as far forward as he could, and I watched him in the process, and he got what he could. It simply was not enough.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I do not want to belabor the issue, but just so the members understand that there was a great deal of work done on HB 2100. We had the newspaper associations involved, the county associations, law enforcement. We had Common Cause, the League of Women Voters. There were many people who participated, in addition to both the Democrat and Republican House members, and this is indeed, as Representative Maher has said, a major step. For the first time in 45 years, we are making some progress. No one said that this is the end result. It is the first step. It is a giant step forward to opening more sunshine for public records, and I truly would ask the members to support this bill.

Thank you very much, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

Adolph	Evans, J.	Major	Scavello
Allen	Fairchild	Manderino	Schroder
Argall	Feese	Mann	Schuler

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

NAYS—1

Vitali

NOT VOTING—0
EXCUSED—2

Clark

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2126, PN 4129**, 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 concur in Senate amendments?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today guests of Representative Matt Baker – Matthew and Laura Brann. They are from Troy, Pennsylvania. They are seated in the balcony. Would these guests please rise.

SUPPLEMENTAL CALENDAR B

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 754, PN 4170**, as further amended by the House Rules Committee:

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled “An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals,” adding definitions; further providing for disposal of whole waste tires, for the priority enforcement list and for remediation grants; providing for remediation liens, for an authorization program, for documentation and recordkeeping, for revocation of authorization and for collection programs; authorizing civil penalties; and repealing obsolete provisions relating to tire recycling investment tax credits.

On the question,

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

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, J.	Manderino	Schroder
Allen	Fairchild	Mann	Schuler
Argall	Feese	Markosek	Scrimenti
Armstrong	Fichter	Marsico	Semmel
Baker, J.	Fleagle	Mayernik	Shaner
Baker, M.	Flick	McCall	Smith, B.
Bard	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McGill	Solobay
Bastian	Freeman	McIlhattan	Staback
Bebko-Jones	Gabig	McIlhinney	Stairs
Belardi	Gannon	McNaughton	Steelman
Belfanti	Geist	Melio	Steil
Benninghoff	George	Metcalfe	Stern
Birmelin	Godshall	Michlovic	Stetler
Bishop	Gordner	Micozzie	Stevenson, R.
Blaum	Grucela	Miller, R.	Stevenson, T.

Boyes	Gruitza	Miller, S.	Strittmatter
Brooks	Habay	Mundy	Sturla
Browne	Haluska	Myers	Surra
Bunt	Hanna	Nailor	Tangretti
Butkovitz	Harhai	Nickol	Taylor, E. Z.
Buxton	Harhart	O'Brien	Taylor, J.
Caltagirone	Harper	Oliver	Thomas
Cappelli	Hasay	Pallone	Tigue
Casorio	Hennessey	Perzel	Travaglio
Cawley	Herman	Petrarca	Trello
Civera	Hershey	Petrone	Trich
Clymer	Hess	Phillips	Tulli
Cohen, L. I.	Horsey	Pickett	Turzai
Cohen, M.	Hutchinson	Pippy	Vance
Colafella	Jadlowiec	Pistella	Veon
Coleman	James	Preston	Vitali
Cornell	Josephs	Raymond	Walko
Corrigan	Kaiser	Readshaw	Wansacz
Costa	Keller	Reinard	Washington
Coy	Kenney	Rieger	Waters
Creighton	Kirkland	Roberts	Watson
Cruz	Krebs	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Clark LaGrotta

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

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

* * *

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1501, PN 4171**, as further amended by the House Rules Committee:

An Act amending Titles 18 (Crimes and Offenses) and 53 (Municipalities) of the Pennsylvania Consolidated Statutes, further providing for sale of tobacco; and providing for placement of tobacco vending machines and for preemption.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. Ms. Josephs.
Ms. JOSEPHS. Thank you, Mr. Speaker.

The first thing I want to say is to commend the House Rules Committee for making a really dreadful, dreadful bill that came from the Senate a much better bill, but I am still of the opinion that this bill can be much, much better, and I want to talk about the amendments that came out of the Rules Committee and suggest that a "no" vote on concurrence is still the right vote.

The thing that the Rules Committee did – and I am sorry, Mr. Speaker, that it was done in secret, as many things are in semisecret or behind closed doors, because I would like to know whom to thank for allowing local health departments to do compliance checks against illegal sales to children and youth, which is now in this bill and which is an amendment which was put in by the Rules Committee – but the Rules Committee did some things which I wish they had not done. They wiped off the books Allegheny County's local ordinance, which would have really, really effectively curbed sales to children and youth of tobacco products, and worse than that, perhaps, from the fiscal point of view, had we left Allegheny County's ordinance on the books, it would have saved us, a State, the State, maybe \$250,000 a year, perhaps more, because the Allegheny County ordinance is self-funded. So for that reason I would ask for a "no" vote.

The House Rules Committee amendments also do not contain many of the House-approved amendments. One of them is the Scrimenti amendment, which had restrictions on cigarette vending machines, putting them in locations where youth would not have access or where they could be overseen by an adult, and many, many people in this chamber voted for the Scrimenti amendment. I think it is a very important amendment, and I think we ought to insist upon it, because if a vendor puts a cigarette machine in a cloakroom or a hallway, you know and I know, we are going to have minor children buying cigarettes, and that is something we do not want to happen.

The House Rules Committee also continued the Senate amendment which— Let me back up a little bit. There was a Senate amendment, the Williams amendment, which outlawed the selling of bidis. Bidis are flavored cigarettes. Bidis are very, very attractive to kids and teen children. Bidis should not be allowed to be sold in this State. For that reason I think we ought to vote "no" on concurrence.

We also no longer have the Caltagirone amendment, which prohibited cigarette coupons, discounts, and incentive programs that reduce prices below the State-required minimum price. When you reduce prices, you incentivise, you encourage children, who are very price sensitive, to buy tobacco products. We should not have this practice in our State. We should vote "no" on concurrence.

And unlike what we passed, the House Rules Committee allows vendors to sell illegal drug paraphernalia to children, including pipes, metal bowls, water pipes, tubes and devices, chamber pipes, chillums, bong. We should not have a legal market in these devices for anybody, for anybody, and I think this is another reason for voting "no" on concurrence on HB 1501.

It is a better bill, as I said, but we can do much better. We owe our children much more. We anticipate under this bill, as it stands now, as we are looking at it for concurrence, that some 23,000 people will die premature deaths because they made a decision or they became habituated to tobacco when they were children and teens and because we did not do enough to make sure that they could not get the product to which they were addicted, so their addiction continues, their habit is stronger, they are

smoking or chewing or snuffing more and more, and as adults, they will suffer and they will die prematurely.

I think also, under this bill, we run a very serious chance of being fined quite dramatically by the Federal authorities who have already fined us \$6.3 million for not curbing youth use of tobacco. We ought not to run the risk, we ought not to run the risk of a further fine. And I say this as a member of the Appropriations Committee: We cannot afford to lose 1 cent from this State. Six-point-three million may be small change compared to our next fine. We should not be risking it.

I want to back up a little bit. Somebody just asked me to go back and say what are bidis – b-i-d-i? Bidis are flavored cigarettes that you smoke; you get a flavor, I guess. I am not about to experiment. I do not really know what they might taste like. I do know that data show that they are— Excuse me, Mr. Speaker. Could I have a little order? I will be finished soon.

The SPEAKER. The lady is exactly right. Conferences on the floor, break up, all of them.

Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

Bidis are very attractive to young people. If you recall, we just got a little newsletter from the LCB (Liquor Control Board). They are not allowing something called zippers to be sold in this State, sort of an alcoholic candy. This is a tobacco-laden candy. It should not be sold in our State. We should not be sanctioning legislation that allows this little piece of poison to sit out there and be attractive to our kids and our teenagers.

So for these reasons the Allegheny County very, very good tobacco control ordinance is gone. We still allow bidis, tobacco candy; we still allow drug paraphernalia. We have not done anything about the vending machines. For these reasons, because we can do better, I urge a “no” vote on concurrence.

Thank you for your attention. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Adams, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I just wanted to note that on page 11, line 10, the definition of “tobacco product” includes bidis and the paraphernalia used to smoke tobacco. So I believe that a lot of the lady’s concerns are addressed in that section of the bill, and I ask for support of the bill, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—148

Adolph	Egolf	Mackereth	Scavello
Armstrong	Evans, D.	Maitland	Schroder
Baker, J.	Evans, J.	Major	Schuler
Baker, M.	Fairchild	Marsico	Sammel
Barrar	Feese	Mayernik	Shaner
Bastian	Fichter	McGeehan	Smith, B.
Belardi	Fleagle	McGill	Smith, S. H.
Belfanti	Flick	McIlhattan	Solobay
Benninghoff	Forcier	Metcalfe	Staback
Birmelin	Gabig	Micozzie	Stairs
Blaum	Gannon	Miller, R.	Steil
Boyes	Geist	Miller, S.	Stern
Brooks	George	Myers	Stetler

Bunt	Godshall	Nailor	Stevenson, R.
Butkovitz	Gordner	Nickol	Stevenson, T.
Caltagirone	Gruitza	O’Brien	Strittmatter
Cappelli	Habay	Oliver	Sturla
Casorio	Hanna	Pallone	Surra
Cawley	Harhai	Perzel	Tangretti
Civera	Harper	Petrarca	Taylor, E. Z.
Clymer	Hasay	Phillips	Taylor, J.
Cohen, L. I.	Hennessey	Pickett	Trello
Colafella	Herman	Pippy	Trich
Coleman	Hershey	Pistella	Tulli
Cornell	Hess	Preston	Vance
Corrigan	Horsley	Raymond	Veon
Costa	Hutchinson	Reinard	Wansacz
Coy	Jadlowiec	Rieger	Watson
Creighton	James	Roberts	Wilt
Cruz	Kaiser	Roebuck	Wojnarowski
Dailey	Keller	Rohrer	Wright, M.
Daley	Kenney	Ross	Youngblood
Dally	Kirkland	Rubley	Zimmerman
DeLuca	Lederer	Ruffing	Zug
Dermody	Leh	Sainato	
DeWeese	Lescovitz	Sather	
Diven	Lewis	Saylor	Ryan, Speaker
Donatucci	Lynch		

NAYS—52

Allen	Grucela	McCall	Steelman
Argall	Haluska	McIlhinney	Thomas
Bard	Harhart	McNaughton	Tigue
Bebko-Jones	Josephs	Melio	Travaglio
Bishop	Krebs	Michlovic	Turzai
Browne	Laughlin	Mundy	Vitali
Buxton	Lawless	Petrone	Walko
Cohen, M.	Levdansky	Readshaw	Washington
Curry	Lucyk	Robinson	Waters
DiGirolamo	Maher	Rooney	Williams, J.
Eachus	Manderino	Samuelson	Wright, G.
Frankel	Mann	Santoni	Yewcic
Freeman	Markosek	Scrimenti	Yudichak

NOT VOTING—0

EXCUSED—2

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

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

SUPPLEMENTAL CALENDAR E

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1670, PN 4016**, entitled:

An Act designating a certain bridge on SR 0054 over the North Branch of the Susquehanna River connecting Riverside,

Northumberland County and Danville and Mahoning Townships, Montour County, as the Danville-Riverside Bridge.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of SB 1453.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—200

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

Eachus	Maier	Saylor	
Egolf	Maitland	Scavello	Ryan,
Evans, D.	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1453, PN 2168**, entitled:

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County; authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Department of Conservation and Natural Resources, certain lands situate in the City of Philadelphia, Philadelphia County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Pennsylvania Suburban Water Company (as successor to Philadelphia Suburban Water Company by merger), certain lands situate in Canaan Township, Wayne County, and Carbondale and Fell Townships in Lackawanna County.

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

Mr. **TANGRETTI** offered the following amendment No. **A4188**:

Amend Title, page 1, line 9, by striking out “AND” where it appears the first time

Amend Title, page 1, line 15, by removing the period after “County” and inserting

; and authorizing the Department of General Services, with the approval of the Department of Corrections and the Governor, to grant and convey to the County of Westmoreland a tract of land situate in Hempfield Township, Westmoreland County.

Amend Bill, page 33, by inserting between lines 5 and 6

Section 4. Conveyance in Hempfield Township, Westmoreland County

(a) Authorization.—The Department of General Services, with the approval of the Department of Corrections and the Governor, is hereby authorized on behalf of the Commonwealth of Pennsylvania to grant and convey to the County of Westmoreland 4.5662 acres of land described in subsection (b). Fair consideration for the property shall be an exchange for adjacent County of Westmoreland property that is of equal value as determined by an independent appraisal. The exchange shall be in accordance with an Agreement of Sale.

(b) Description.—The property to be conveyed pursuant to subsection (a) consists of all that certain parcel of land situated in

Hempfield Township, Westmoreland County, Pennsylvania, bounded and described as follows:

All that certain parcel of land situate in Hempfield Township, County of Westmoreland and Commonwealth of Pennsylvania, being more particularly bounded and described as follows, to wit:

BEGINNING at a point in the middle of Route 119 (SR 119) on the common line property owned by N/F Westmoreland County Housing Authority and N/F General State Authority (Regional 5 Prison) thence following said dividing line N 22 degrees 06’28”W a distance of 198.69’ to a point being the true place of beginning; thence 59 degrees 23’32”W a distance of 548.63’ to a point; thence N 19 degrees 37’28”W a distance of 502.15’ to a point; thence N 59 degrees 23’32”E a distance of 233.40’ to a point on line of lands N/F Westmoreland County; thence along lands N/F Westmoreland County S 22 degrees 06’28”E a distance of 90.46’ to an iron pin; thence along same S 67 degrees 06’28”E a distance of 226.27’ to an iron pin; thence along same N67 degrees 53’32”E a distance of 130.00’ to an iron pin on the common property line of lands N/F Westmoreland County and N/F Westmoreland County Housing Authority; thence S 22 degrees 06’28”E a distance of 204.68’ to a point being the place of beginning.

Containing an area of 4.5662 acres.

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

(d) Deed.—The deed of conveyance shall be by Special Warranty Deed and shall ensure an exchange of adjacent County of Westmoreland property being of equal value as the 4.5662 acres described in subsection (b) and consistent with an Agreement of Sale. The deed of conveyance authorized by this section shall be approved as provided by law and shall be executed by the Secretary of General Services in the name of the Commonwealth of Pennsylvania.

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

Amend Sec. 4, page 33, line 6, by striking out “4” and inserting 5

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

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Clark LaGrotta

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. FREEMAN offered the following amendment No. A4253:

Amend Sec. 3, page 32, line 28, by inserting after "PENNSYLVANIA."

The deed of conveyance shall contain a clause that the property conveyed shall be used for public water purposes by the Pennsylvania Suburban Water Company or its successor, and, if at any time the Pennsylvania Suburban Water Company or its successor sells or transfers the property or permits the property to be used for any purpose other than those specified in this section, the title to the property shall immediately revert to and revest in the Commonwealth of Pennsylvania, provided that nothing in this section shall preclude the Pennsylvania Suburban Water Company or its successor from granting a right-of-way over such property if the grant of right-of-way is approved by the Department of General Services.

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

The following roll call was recorded:

YEAS-200

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Clark LaGrotta

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
 The question is, shall the bill pass finally?
 Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Clark LaGrotta

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

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

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 1670, PN 4016

An Act designating a certain bridge on SR 0054 over the North Branch of the Susquehanna River connecting Riverside, Northumberland County and Danville and Mahoning Townships, Montour County, as the Danville-Riverside Bridge.

HB 2100, PN 4128

An Act amending the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law, further providing for definitions, for examination and inspection and for extracts, copies or photostats; providing for denial of access to public records, for redaction, for response to requests for access and for final agency determinations; further providing for appeal from denial of right; and providing for court costs and attorney fees, for penalty and for immunity.

HB 2126, PN 4129

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.

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Clark. He should be added to the master roll call and removed from the leave list.

The Chair is advised by the majority leader's desk that a 1-hour break is requested.

Mr. Cohen, is that satisfactory with you?

It is suggested that the members— Supper has been provided in the various caucus rooms and the staff eating places. I suggest you go down and grab a bite to eat. It could or could not be a long night. It is just not going to be an average night; that we know.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a caucus in the Democratic caucus room immediately upon the recess.

The SPEAKER. The Chair thanks the gentleman.

Does the majority leader or minority leader have any further business prior to the break?

May I have your attention? The Chair expects that we will not be back in session until a quarter of 7. However, there is an excellent chance that I will call us back in prior to that time for the purpose of announcing conference committees and meetings such as that. Your leaders will be made aware of those activities, but I might not wait until a quarter of 7 to do that.

Mr. Cohen.

Mr. COHEN. Thank you.

Mr. Speaker, for the benefit of the members, could you share with us our status? Are we going to be working through the night? Are we going to recess and come back tomorrow? Do you have any information on that?

The SPEAKER. With all my heart, I would love to give you that answer, but I cannot. I just do not have the answer. I have talked to Mr. Perzel several times. He has been in constant communication with the Senate, and their schedule is flexible, and we just do not know what to do based on their scheduling.

Mr. COHEN. Thank you, Mr. Speaker.

RECESS

The SPEAKER. The Chair is about to declare a recess until quarter till 7 with the distinct possibility of an early callback.

AFTER RECESS

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair announces that the committees of conference on HB 4, HB 1848 will meet at 7 p.m. this evening in the Senate Rules Committee room.

On the committee of conference on HB 2044, Representative Argall is the chairman.

RECESS

The SPEAKER. Any further business by the majority or minority leaders?

It is the understanding of the Chair that the majority leader intends to go back into session at 7:30. So based on that information, I am going to continue the recess till 7:30, unless extended or called back sooner by the Chair.

AFTER RECESS

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

order.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. A committee of conference will be held at 7:15 this evening on HB 2044 in the Senate Rules Committee meeting room. Those members who have been appointed conferees on this bill, please report immediately to the Senate Rules Committee room.

RECESS

The SPEAKER. Any further business?

Hearing none, the House will stand in recess to the call of the Chair.

AFTER RECESS

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

RULES COMMITTEE MEETING

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 590, PN 4134**

By Rep. PERZEL

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for the commissioner's salary and meeting times; providing for delegation of authority to the director; further providing for residency and for recordkeeping requirements; eliminating the certification of payrolls; requiring the commissioners to submit an annual report; revising the records retention period; deleting citizenship and oath requirements; further providing for the filling of vacancies; requiring citizenship to be the deciding factor in a case of equal qualifications; eliminating certain requirements for promotion without examination; further providing for the distribution of public notice of examinations and requirements for maintaining eligibility lists and for the procedure for certain eligibles who waive consideration for a promotion, for procedures for filling a position, for the requirements of the probationary period; providing for the expansion of the authority of the director to approve temporary assignments; eliminating certain performance standards; requiring probationary performance evaluations and evaluation forms; further providing for a period of removal from eligibility lists; authorizing the commissioner to impose penalties; and providing copies and notices to the director.

RULES.

SB 766, PN 2072

By Rep. PERZEL

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for certain reimbursement.

RULES.

REPORTS OF COMMITTEES OF CONFERENCE PRESENTED

Mr. PERZEL presented the report of the committee of conference on **HB 1848, PN 4197**.

Mr. S. SMITH presented the report of the committee of conference on **HB 4, PN 4196**.

Mr. ARGALL presented the report of the committee of conference on **HB 2044, PN 4198**.

Mr. PERZEL presented the report of the committee of conference on **SB 1366, PN 2173**.

Mr. PERZEL presented the report of the committee of conference on **SB 5, PN 2172**.

SUPPLEMENTAL CALENDAR F

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 590, PN 4134**, entitled:

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for the commissioner's salary and meeting times; providing for delegation of authority to the director; further providing for residency and for recordkeeping requirements; eliminating the certification of payrolls; requiring the commissioners to submit an annual report; revising the records retention period; deleting citizenship and oath requirements; further providing for the filling of vacancies; requiring citizenship to be the deciding factor in a case of equal qualifications; eliminating certain requirements for promotion without examination; further providing for the distribution of public notice of examinations and requirements for maintaining eligibility lists and for the procedure for certain eligibles who waive consideration for a promotion, for procedures for filling a position, for the requirements of the probationary period; providing for the expansion of the authority of the director to approve temporary assignments; eliminating certain performance standards; requiring probationary performance evaluations and evaluation forms; further providing for a period of removal from eligibility lists; authorizing the commissioner to impose penalties; and providing copies and notices to the director.

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

The SPEAKER. This bill is found on your machines. Hard copies have not been completed yet.

Without objection, we will continue based on the matter being on the machines on your desk.

On the question of concurrence, Mr. Clymer, do you desire recognition? Will the gentleman yield.

This could be a very long evening. I would hope that it is not necessary to remind the members too regularly to cut a break to those who are debating these bills.

Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, HB 590 is legislation that passed this session to modernize the Civil Service Act. In fact, it passed the House unanimously last June.

The Senate made three changes to the bill. Number one, as amended and passed by the House, compensation of the commission members would have been set pursuant to the Public Official Compensation Law. The Senate amended the bill to allow the Executive Board of the Commonwealth to set the Civil Service Commissioners' salaries. The bill that I had originally introduced allowed the Executive Board to do just that.

The second Senate amendment amended the bill's citizenship preference language. As approved by the House, the bill required the Civil Service Commission to give preference in hiring among equally qualified applicants to an applicant who is a U.S. citizen. As amended by the Senate, the bill requires the commission to give such a preference in hiring to a U.S. citizen only to the extent permitted by law.

And then finally, the Senate also changed the recordkeeping provisions in HB 590. As amended, the bill requires the commission to publish any changes to its records retention that are scheduled in the Pennsylvania Bulletin.

The Senate passed the bill 50 to 0. I ask the members to concur in Senate amendments.

The SPEAKER. I just received a telephone call from one of our old members. He asked me to remember to all of you Bob Butera. So he is on the screen watching. There you go.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, when Bob Butera was the Republican leader of the House and when all other people were Republican and Democratic leaders and right up until the present time, we, the members of the General Assembly, had the power to determine what the salary of the Civil Service Commission was. I know during the 29 years I have served in the State legislature, the State Civil Service Commission has been very responsive to inquiries I have made over the years about people in my district who were seeking State jobs, and I am sure I am not the only person in this General Assembly to whom the State Civil Service Commission has been responsive.

Now, one reason that may contribute to that responsiveness is that we are the ones who determine what their salaries are, and determining what somebody's salary is is a major source of power. If this bill passes, we will have absolutely nothing to do with the salaries of the people who determine directly and indirectly who fills almost 100 percent of the State jobs. The group that will determine their salaries is the Executive Board. Now, I am sure I could go down the list and interrogate people to name the members of the Executive Board, and I doubt very many people would be able to do that, but the rules say that if you know the answer to the question, you should not be asking others to have to show they do not know, so I will not do it.

Now, I did not know who the members were. Nobody I knew knew who the members were, but we finally looked it up, and we appreciate the help of the Governor's staff who spent a lot of time looking up this information because none of the people we contacted on the Governor's staff quickly knew who the Executive Board was either, but they finally did the research and they gave us the information, and so there are six people on the Executive Board who are going to determine the salaries of the Civil Service Commission. The six people on the Executive Board are Sam McCullough of the Department of Community and Economic Development, Feather Houstoun of the Department of

Public Welfare, Brad Mallory of the Department of Transportation, Mr. Zimmerman of the Health Department, Charles Zogby of the Education Department, and Diane Koken of the Insurance Department. Now, all of these people are gubernatorial appointees, and when the new Governor gets appointed, there will be a new Executive Board of gubernatorial appointees, and we will not have any influence in determining what the salaries of the Civil Service Commission are, and because we have no influence over their salaries, I would suspect we will have a lot less influence when we try to contact them on behalf of constituents.

So for these reasons, I think this is not a trivial amendment. I think the other two amendments that the Senate made are nonobjectionable, but this amendment is a significant reduction in the powers of the General Assembly, and therefore, I would strongly urge that we vote “no,” send it back to the Senate, have them delete the language so we can pass the rest of this rather worthwhile bill tonight.

The SPEAKER. Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate Mr. Clymer, I guess?

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

Mr. LAWLESS. Thank you, Mr. Speaker.

Could you please tell the members of the House— This is sort of a followup to what Mr. Cohen was just speaking about. I have equal concerns about page 4, lines 22 through 25, of the bill that deals with “THE COMPENSATION OF THE MEMBERS OF THE COMMISSION SHALL BE SET BY THE EXECUTIVE BOARD.” Do you have any reasoning as to why this is so important that the Senate needed to amend this legislation?

Mr. CLYMER. Yes, Mr. Speaker. What it is, the three members that are to occupy the Civil Service are— Currently you only have two people who are currently employed with the Civil Service Commission. The third person they are having difficulty hiring, because with the salary at \$40,000, they cannot find a third person.

As Representative Cohen alluded to, it is the Public Official Compensation Law, but we have not been acting in a very dutiful response in increasing those salaries. By allowing the Executive Board of the Commonwealth to do that, we know that the salaries are going to be increased to a fairer level. The Executive Board presently sets the salaries for the Labor Relations Board, the Probation and Parole Board members, Unemployment Compensation Board members, Workers’ Compensation, Small Business Advocate, and so forth and so on. So by allowing them – that is, the Executive Board of the Commonwealth – to set the salaries, we feel we can get the third person in there, and we can have salaries that are more in tune to the 21st century.

Mr. LAWLESS. Mr. Speaker, we are in for a long night here, and I do not want to belabor the point. So real quickly, you indicated that we were not responsive in increasing the salaries. Do you know the last time that this was before the House that we rejected this salary increase as legislators?

Mr. CLYMER. I do not. I know the present salary for Civil Service Commissioners is \$40,000.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, very quickly on the bill.

The SPEAKER. The gentleman is in order.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, once again we are faced with a decision where the legislature has control; we in the House of Representatives have control of what these salaries are. I think we are making a big

mistake in giving up part of our responsibility by making this a political idea and giving it to a politically elected Governor to appoint members of the board.

I ask for a “no” vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—87

Adolph	Fairchild	Major	Schroder
Allen	Feese	Marsico	Schuler
Argall	Fleagle	McGill	Semmel
Baker, J.	Flick	McIlhinney	Smith, B.
Baker, M.	Gannon	McNaughton	Smith, S. H.
Bard	Godshall	Micozzie	Stairs
Barrar	Gordner	Miller, R.	Steil
Bastian	Habay	Miller, S.	Stern
Benninghoff	Harhart	Nailor	Stevenson, T.
Birmelin	Harper	Nickol	Strittmatter
Brooks	Hennessey	O’Brien	Taylor, E. Z.
Browne	Herman	Perzel	Taylor, J.
Civera	Hershey	Phillips	Tulli
Clark	Hess	Pickett	Turzai
Clymer	Jadlowiec	Pippy	Watson
Cohen, L. I.	Kaiser	Raymond	Wilt
Coleman	Kenney	Reinard	Wright, M.
Cornell	Lewis	Ross	Zimmerman
Dailey	Lynch	Rublely	Zug
Dally	Mackereth	Sather	
DiGirolamo	Maher	Saylor	Ryan,
Egolf	Maitland	Scavello	Speaker
Evans, J.			

NAYS—112

Armstrong	Eachus	Manderino	Scrimenti
Bebko-Jones	Evans, D.	Mann	Shaner
Belardi	Fichter	Markosek	Solobay
Belfanti	Forcier	McCall	Staback
Bishop	Frankel	McGeehan	Steelman
Blaum	Freeman	McIlhattan	Stetler
Boyes	Gabig	Melio	Stevenson, R.
Bunt	Geist	Metcalfe	Sturla
Butkovitz	George	Michlovic	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Myers	Thomas
Cappelli	Haluska	Oliver	Tigue
Casorio	Hanna	Pallone	Travaglio
Cawley	Harhai	Petrarca	Trello
Cohen, M.	Hasay	Petrone	Trich
Colafella	Horsey	Pistella	Vance
Corrigan	Hutchinson	Preston	Veon
Costa	James	Readshaw	Vitali
Coy	Josephs	Rieger	Walko
Creighton	Kirkland	Roberts	Wansacz
Cruz	Krebs	Robinson	Washington
Curry	Laughlin	Roebuck	Waters
Daley	Lawless	Rohrer	Williams, J.
DeLuca	Lederer	Rooney	Wojnaroski
Dermody	Leh	Ruffing	Wright, G.
DeWeese	Lescovitz	Sainato	Yewcic
Diven	Levdansky	Samuelson	Youngblood
Donatucci	Lucyk	Santoni	Yudichak

NOT VOTING—2

Keller Mayernik

EXCUSED—1

LaGrotta

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House tonight, as the guests of Representative Stanley Saylor, the York County treasurer, Barbara Bair, and her husband, who happens to be a Lower Windsor Township supervisor, Bob Bair. Would these folks please rise to be acknowledged. They are in the balcony.

There will be a slight delay awaiting the computer picking up the language for HB 1848.

The House will be at ease.

The House will come to order.

VOTE CORRECTION

The SPEAKER. Mr. Roebuck, do you seek recognition?

Mr. ROEBUCK. Yes, Mr. Speaker.

I wanted to correct the record, if I might.

The SPEAKER. You are in order.

Mr. ROEBUCK. Thank you, Mr. Speaker.

On HB 1501 my switch malfunctioned, and I wish to be recorded in the negative on that particular bill.

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

HB 590 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Clymer, who moves that the vote by which HB 590, PN 4134, was defeated on the 28th day of June be reconsidered.

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

The following roll call was recorded:

YEAS—185

Adolph	Evans, J.	Manderino	Scavello
Allen	Fairchild	Mann	Schroder
Argall	Feese	Markosek	Schuler
Baker, J.	Fichter	Marsico	Scrimenti
Baker, M.	Fleagle	Mayernik	Semmel
Bard	Flick	McCall	Smith, B.

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

NAYS—16

Armstrong	Donatucci	Levdansky	Travaglio
Buxton	Haluska	Roberts	Waters
Casorio	Harhai	Rooney	Wojnaroski
Curry	Laughlin	Shaner	Yewcic

NOT VOTING—0

EXCUSED—1

LaGrotta

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

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

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Please, Sergeants at Arms, keep the area in the rear of the House clear.

Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, let me point out that the three sitting members – there are only two right now – would not benefit from the changes that we would make. This would only go into effect for those who would be appointed after this legislation became law. And again, we are talking three members that we feel that are on the Civil Service Commission that deserve better.

As I pointed out previously, Mr. Speaker, there are other agencies and boards in which the Executive Board of the Commonwealth makes their salaries, influences their salaries. This is just another board that we would add to them simply to increase their salaries to the point that are not going to be outrageous, but simply to the point where we can hire a third person who will say it is worth their effort to sit on that board, to be appointed to the Civil Service Commission.

Mr. Speaker, I am talking about the amendments put in by the Senate into HB 590, which I mentioned earlier is a comprehensive civil service legislation of some of the changes we have not made in many years, and I think it is very important to government that we move this bill, HB 590.

I mentioned the three amendments, and again I ask the members to thoughtfully reconsider the issue; think about it. We are only talking about three members, and I ask that the members vote in the affirmative on the amendments that were made by the Senate to HB 590.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the issue is not what the salary of the Civil Service Commission is. If the Senate wanted to come up with an increase for the Civil Service Commission, I, for one, would not object to increasing the salary of the Civil Service Commission. The issue is, who makes the decision as to what the salary is? It does not seem to me at all impossible to find a person in this Commonwealth who is qualified who would be willing to serve on the Civil Service Commission for \$40,000 a year. It is not an outrageously low salary. I certainly would be glad to provide many recommendations. I am sure the members of the House could come up cumulatively with hundreds or thousands of recommendations to Governor Schweiker if he does not know anybody who is willing to serve at \$40,000 a year.

But the issue is not what the salary is. The issue is, who has the power to decide what the salary is? And year after year, long after this very minor temporary personnel problem has been solved and a new Civil Service Commissioner has been appointed, the question is, what power does the General Assembly have over the people who set the rules and administer the exams by which the overwhelming majority of State employees are hired? Should they listen to us? Do we have any power over them? We are taking away a major power we have over the people who determine directly and indirectly who is hired to fill the vast majority of vacancies in State government. Our constituents are all concerned; all of us have constituents who are concerned about getting State jobs. All of us have constituents with inquiries about the fairness of procedures, or the time in which tests are administered, or they want to get their scores quickly; they want to know what kind of chances they have of getting a job if they have a good score. So all our offices are in constant contact with the Civil Service Commission on behalf of constituents.

If we defeat this bill, we continue to have power over the

Civil Service Commission. If we pass this bill, our power over the Civil Service Commission is considerably less than it otherwise would be. Tonight is a long night. There are many, many other things to think about. My guess, Mr. Speaker, is the Senate was not thinking very clearly when they passed this unanimously. I think we, the second House to face this bill, ought to think very clearly and think about the long-range interests of our constituents, the long-range interests of the people of Pennsylvania, and vote against this bill.

The SPEAKER. The gentleman, Mr. Lawless.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, this is very difficult, because the gentleman from Bucks County, I do not think in the 12 years I have been here I have ever wanted to stand and speak against something he is for, but I think we really need to look at this, because the Republican Caucus, as well as the Democrats, need to know that when this bill was in committee – okay? – when this bill was in committee, in the gentleman from Bucks County's committee, as chairman, they voted this language out; they crossed it out. It went over to the Senate. Once it passed the House, they put it back in. So the fact of the matter is, not this side of the aisle or this side of the aisle wants this language. It went through the committee. The original bill was changed to get rid of the language.

Now, if you turn to page 10, another problem I have – and, again, I am trying not to take this debate on too long because we do have a long night – but page 10, line 3, we are deleting “citizens of the United States....” In other words, if people apply for positions or promotions, they will not even have to be citizens of the United States anymore. Does anybody remember 9/11? I mean, if you go to page 10, line 23, “A noncitizen appointed pursuant to the provisions of this section shall not be eligible for continued employment unless he files an application for citizenship as soon as he is eligible therefor,....” that is taken out. They do not even have to say they want to be a citizen of the United States. Remember, all this language was taken out, and the members of the House of Representatives did this in committee, we did it on the floor, and the gentleman from Bucks County agreed to all this as chairman of that committee.

Now, I understand the importance of tonight and we want to push this through, but let us fix it; let us fix it. Take this one sentence out. We do not have to do this tonight. We can do this in September. The gentleman already stated that this will not affect any of the current members. So let us just fix the language, bring it back in September, and vote this good legislation.

Thank you, Mr. Speaker.

The SPEAKER. Mr. DeWeese, do you desire recognition on this?

Mr. DeWEESE. Yes, sir, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. DeWEESE. To boil this down to the nub, either bureaucrats are going to make these decisions or men and women who are elected to public office are going to make these decisions. I think that the political class has been besmirched and sullied over the years. It is time for us to, as Mr. Cohen has alluded, to take the reins back into our own hands.

I would ask that we counter the gentleman from Bucks and that political people still have some involvement in this process.

The SPEAKER. Mr. Clymer, for the second time.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, when bills, as any chairman of a committee will tell you, when any bills leave your committee and the changes are

made, it is not that you totally agree with those changes, but you are willing to move the process forward, not that we did not recognize, as the gentleman from Montgomery County had mentioned, about the problem dealing with the U.S. citizenship and being an equally qualified applicant. We knew that there was a problem with that constitutionally. The courts had ruled on that, as did the Attorney General. So we had an inkling there was going to be a problem here, but much work had gone into this civil service legislation, and we felt we had to move it forward.

Mr. Speaker, to put competent people in charge to me makes a lot of sense. It is going to improve the system; it is going to make the system better. The people who work in civil service, nonpolitical, are going to be the beneficiaries of it. So I come to the members of this General Assembly and ask them to support the amendments put into HB 590 and to concur with these amendments.

Mr. Speaker, thank you, and I ask for, again, an affirmative vote.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—82

Argall	Flick	Markosek	Semmel
Baker, M.	Forcier	Marsico	Smith, B.
Barrar	Gabig	Mayernik	Smith, S. H.
Birmelin	Gannon	McIlhinney	Stairs
Brooks	Geist	McNaughton	Steil
Bunt	Godshall	Micozzie	Stevenson, R.
Butkovitz	Gordner	Miller, R.	Stevenson, T.
Civera	Harhart	Nailor	Strittmatter
Clark	Hasay	Nickol	Taylor, E. Z.
Clymer	Hennessey	O'Brien	Taylor, J.
Cohen, L. I.	Hershey	Perzel	Tulli
Coleman	Hess	Phillips	Turzai
Cornell	Horsey	Pickett	Vance
Creighton	Jadlowiec	Pippy	Watson
Dally	Kaiser	Raymond	Wilt
DiGirolamo	Keller	Reinard	Wright, M.
Diven	Lewis	Ross	Zimmerman
Evans, J.	Mackereth	Saylor	Zug
Fairchild	Maher	Scavello	
Feese	Maitland	Schroder	Ryan,
Fleagle	Major	Schuler	Speaker

NAYS—119

Adolph	DeWeese	Lynch	Santoni
Allen	Donatucci	Manderino	Sather
Armstrong	Eachus	Mann	Scrimenti
Baker, J.	Egolf	McCall	Shaner
Bard	Evans, D.	McGeehan	Solobay
Bastian	Fichter	McGill	Staback
Bebko-Jones	Frankel	McIlhattan	Steelman
Belardi	Freeman	Melio	Stern
Belfanti	George	Metcalfe	Stetler
Benninghoff	Grucela	Michlovic	Sturla
Bishop	Gruitza	Miller, S.	Surra
Blaum	Habay	Mundy	Tangretti
Boyes	Haluska	Myers	Thomas
Browne	Hanna	Oliver	Tigue
Buxton	Harhai	Pallone	Travaglio
Caltagirone	Harper	Petrarca	Trello

Cappelli	Herman	Petrone	Trich
Casorio	Hutchinson	Pistella	Veon
Cawley	James	Preston	Vitali
Cohen, M.	Josephs	Readshaw	Walko
Colafella	Kenney	Rieger	Wansacz
Corrigan	Kirkland	Roberts	Washington
Costa	Krebs	Robinson	Waters
Coy	Laughlin	Roebuck	Williams, J.
Cruz	Lawless	Rohrer	Wojnaroski
Curry	Lederer	Rooney	Wright, G.
Dailey	Leh	Rubley	Yewcic
Daley	Lescovitz	Ruffing	Youngblood
DeLuca	Levdansky	Sainato	Yudichak
Dermodity	Lucyk	Samuelson	

NOT VOTING—0

EXCUSED—1

LaGrotta

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the amendments were not concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR L

REPORT OF COMMITTEE OF CONFERENCE

Mr. PERZEL called up for consideration the following report of the committee of conference on **HB 1848, PN 4197**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals.

On the question,

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

The SPEAKER. The Chair reminds the members that under our rules on budgetary matters, there is a 5-minute limit on debate.

On the question of the adoption of the conference committee report, the gentleman, Mr. DeWeese.

Mr. DeWEESE. Would the Chair please explain to the membership what this measure is, because it is of vital importance.

The SPEAKER. The Chair is not subject to interrogation.

I would be happy to invite anyone else that you might pick.

Mr. DeWEESE. Would the chair of the Appropriations Committee in the majority please offer a 1-minute commentary as to what is in this proposal? Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Argall, are you prepared to respond?

Mr. ARGALL. Briefly, looking for my sheet, and of course, in a night in which there are so many papers coming and going, I cannot find it. So I will do it off the top of my head.

Briefly, Mr. Speaker, this bill contains a large number of changes in the existing Tax Code, basically to allow us to comply with the constitutional requirement for a balanced budget, and so all of those many changes that you have been hearing about in caucus, from the cigarette tax, to the decoupling from the Federal tax legislation, to increase the tax forgiveness for working families, the capital stock and franchise tax phaseout, the net operating loss carry-forward extension, on and on and on through the variety of tax changes; also includes the referendum for \$100 million for our volunteer fire and volunteer emergency services to be located on the ballot this November. That is a pretty quick review, Mr. Speaker.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Just one additional question I can think of at the present time. Would you please give the amount of the tax increase that the majority party, the Republican Party, is going to advance tonight, the amount of dollars that we are going to increase taxes in Pennsylvania?

Mr. ARGALL. The fiscal impact of HB 1848 comes in at \$1.203 billion.

The SPEAKER. Mr. Trello, do you desire recognition?

Mr. TRELLO. Mr. Speaker, let me get some clarification. Is this the budget that is on the board right now?

The SPEAKER. I am going to give you a brief answer. This is the cigarette tax and all of these other things mentioned by Mr. Argall.

Mr. TRELLO. Okay. Thank you, Mr. Speaker.

Thank you, Mr. Speaker.

I want to speak on the final passage of the budget, but since this is the cigarette tax, I would like to talk about that.

I am a smoker myself, and I can afford to buy a pack of cigarettes. Since the Governor made his announcement on increasing the cigarette tax by 69 cents, I must have gotten at least two, maybe three dozen calls from my senior citizens that live in senior citizen highrises because they cannot afford to live in their homes anymore because of the high utility rates, not only the high utility rates but the high taxes, the high increases in their utilities, the high increases on their rubbish collection, the high increases on everything going every day. Now, the only enjoyment they have anymore is smoking. They know it is bad. They are 89 and 90 years old, and nobody is going to tell them it is going to harm their health because they have been smoking all their lives and they enjoy it.

I think it is very unfair to balance the budget on the backs of people that smoke. We talk about how terrible it is, the cigarettes and nicotine. If it is that terrible, Mr. Speaker, then why do we not declare it an illegal drug and not sell it altogether? I will tell you one reason why we will not do that; I will tell you one reason why we do not do that. Lancaster County is the fifth largest tobacco-producing county in the United States. Can you imagine how many jobs would be lost in Lancaster County if we made

tobacco illegal?

Mr. Speaker, I think this is very unfair. If we have a deficit in our budget, I think it is only fair that it be put on the backs of all Pennsylvanians and be fair about it, but to pick this out and say it is going to stop minors from smoking is a fallacy, Mr. Speaker.

The last time we raised the cigarette tax we enjoyed an increase the very next year of about 56 percent. One year later, just 1 year later that went down to 20 percent, and I will tell you why. There are people out there that are in, we call it the black market. I know people back in my district can buy a carton of cigarettes for \$19, no taxes. You can go to the grocery store and buy them for \$30, \$31, or \$32 a carton. There is going to be a new industry in Pennsylvania. It is going to be called the black market, because people are not going to stand for us balancing the budget on the backs of the people that enjoy a cigarette every now and then.

I think that is wrong, and I am going to vote "no." I encourage you, in fairness, let us balance our budget and be fair with every Pennsylvanian, not only the people that just smoke a cigarette every now and then. I am asking you for a "no" vote.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I would not want to take issue with what the gentleman speaker said, but this is just not a cigarette tax. This is a tax on most of the working men and women. This is a 1.5-percent tax on your electricity.

There are several items that had been pulled out and put into this taxing measure. The truth of the matter is, when we are done with the Rainy Day Fund and we are done with the new taxes that we continue to put on the working men and women in our society, you know, there is an old saying back home. We say that we always put the traces on the horse that does the pulling.

Over the last 7 years we gave \$5 billion to those big corporate giants, and some of them used their money to buy U-Hauls and leave the State of Pennsylvania, and now we are taxing some of the things that people have very little choice about. You cannot stop your electricity from coming into your home, and they know it.

The truth of the matter is, when we first passed the gross receipts tax 3 years ago, we allowed a certain amount to be able to keep this revenue neutral. It is no longer revenue neutral. We are using moneys from different phases; we are using moneys from different programs, and then next year, if you want to be here and you are going to be here, you will find that what you started today you are not going to be able to stop the steamroll tomorrow.

I believe we ought to vote "no."

The SPEAKER. The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the chairman of the Appropriations Committee stand for interrogation on this bill?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. VITALI. I would like to focus in on the realty transfer tax. I am very concerned about the reduction in transfers to the Recreation Fund, and it is my understanding that right now that Recreation Fund gets 15 percent of the realty transfer tax, and that is going to go down to 10 in the current year and then 7 1/2 in the 2002-2003 fiscal year. I am wondering if you could boil that down into millions of dollars as to how big of a hit the Keystone Recreation, Park and Conservation Fund is going to take in fiscal year 2001-2002 and fiscal year 2002-2003.

Mr. ARGALL. It is in the vicinity of \$30 million.
 Mr. VITALI. \$30 million combined for those 2 years?
 Mr. ARGALL. Yes, I believe.
 Mr. VITALI. Okay. Thank you.
 That concludes my interrogation.

Just to speak briefly on the bill, I am going to vote “no” on this bill. I am very concerned about the hit that the environment is taking in this budget, not only from this bill but from the bill we will be voting on with regard to the tipping fee. I think those who are concerned about the environment are seeing a promise broken of \$100 million a year towards Growing Greener in addition to this program, and I think that in an issue as important as the environment, it should not be compromised. So I would urge a “no” vote. Thank you.

The SPEAKER. On the question of the adoption of the conference committee report, the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this HB 1848, and I do so, Mr. Speaker, because as I look here, I see we are raising \$590 million on a cigarette tax yet we cannot get \$35 million as a dedicated tax to our volunteer fire departments out there, who are putting their lives on the line every, every single moment in this Commonwealth, every single moment.

We keep talking about how dedicated we are to our volunteer fire services out there, yet we could not take 3.4 cents out of the 69 cents and plug it into this budget. Amazingly, we are going to put it on a referendum – another referendum; we continue to do referendums for bond issues – and we are going to throw them a bone. We do not know how it will go; we will throw them a bone.

But it is ironic, Mr. Speaker, when I look at this budget and I look at all the increases, the \$2.2, \$2.5 billion it is going to cost the taxpayers out there and the \$1.2 billion in increased taxes, and then I was going through some papers here the other day and I find on February 5 we had a speech in this chamber; it says “Facing Challenges, Making Choices.” One of the things it says – just give me a moment, and I want you to think about it – you know, we had 10 recessions since 1945, and until now Pennsylvania has raised taxes in every one of them. The recession in 1953, we got the sales tax. The recession in 1969, we got the income tax. And guess what, Mr. Speaker? 1991, the biggest tax increase that this side has said we gave them. Well, what are we doing tonight? Tonight, in 2003, we are going to give another big tax increase, and we are going to put this cigarette tax in there in 2003.

More importantly, Mr. Speaker, is the fact that the Governor remarked that we were not going to be raising taxes; we are going to cut taxes the eighth straight year. And he says, we all know if you cut taxes, it is our best job creator. Yet we lost another 6,000 to 7,000 manufacturing jobs. I think altogether it is 60,000 manufacturing jobs or 600,000 manufacturing jobs in Pennsylvania. We have not created that many new jobs, but we have cut taxes, Mr. Speaker. We have cut taxes for the last 5 years, and now we find ourselves in this position of having a \$1.2-billion deficit.

Let us not kid ourselves; it is going to come back to haunt us next year, because we will probably be looking – and I make a prediction – we will be looking at a 2-point-some-billion-dollar tax increase next year that we will have to come up with, unless we are going to cut all these programs out.

Mr. Speaker, this is a bad budget, this is a bad way to do the taxes, and I ask for a “no” vote on this HB 1848.

Thank you, Madam Speaker.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Montgomery County, Mrs. Cohen.
 Mrs. COHEN. Thank you, Madam Speaker.

Madam Speaker, it seems to me that we are given a very simple and easy charge by our voters. Our constituents send us out here primarily to save their lives, to better the quality of their lives, and one of the ways we can do that is to assist them in not killing themselves and hurting themselves, and that is help them, particularly our senior citizens and especially our children, help them to stop smoking, help our children not to start smoking.

My father died of lung cancer. He smoked cigarettes for 40 years. Unless you have seen the way someone with lung cancer dies, you have not really seen a horror. It was a gruesome, gory death. He was sick for many years, but he was terminally ill for 6 months, and almost on a daily basis we got a call from the hospital and the doctors asking if we should insert a feeding tube, if we should put in a no-code, and it was painful not just for my father but for the entire family, and on his deathbed he said he was sorry that he smoked because that is what done him in, and it was awful.

If we can stop our children from smoking, we will have done the job that our voters sent us here to do. And the statistics are appalling. The number of our children under 18 who become new daily smokers each year is more than 33,000. That is, more than 33,000 of our children under 18 start to smoke every year. The number of children exposed to secondhand smoke at home is 858,000. We are killing our own children, and the number of packs of cigarettes bought or smoked by children just in Pennsylvania each year is 42.2 million packs of cigarettes. And deaths in Pennsylvania from smoking, the number of people who die each year in Pennsylvania from smoking: 23,000 people. That is not the way we want to stop overpopulation. The number of Pennsylvania

children under 18 who will die from smoking if the current trend exists: 221,000 children.

But let us talk about what it is costing all of our taxpayers on an annual basis, because people are sick from smoking, and the annual health-care expenditures in Pennsylvania directly related to tobacco use is \$4 billion – that is billion with a “b” – and the Pennsylvania government Medicaid payments directly related to tobacco use is \$605 million.

Madam Speaker, I have heard people say it will only cause our citizens to go across our borders to buy their cigarettes. That is not true. Today, just today, the New Jersey legislature increased the State cigarette tax by 70 cents a pack – 70 cents. It went from 80 cents to \$1.50. So all the people in the southeast and in the eastern part of Pennsylvania are not going to go to New Jersey, because their tax is \$1.50. And New York City’s cigarette tax will increase on Monday, this coming Monday, by \$1.42 a pack, from 8 cents to \$1.50 a pack. And our other neighboring States – Delaware, Maryland – Maryland is 13th in the country with a tax. New Jersey I mentioned; New York I mentioned. So all of our neighboring States have heavier cigarette taxes than we have now in Pennsylvania and that we propose to have. So our citizens are not going to get in the car when gasoline costs \$1.49 a gallon to go to neighboring States to buy cigarettes. There will not be citizens

that leave Pennsylvania to go to our neighboring States, nor will people from neighboring States come in with cigarettes, because those packs and those cartons cost more than Philadelphia.

Madam Speaker, we have to save our children. We have to save our citizens. We must vote for this tax. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Madam Speaker.

I would like to ask the majority Appropriations chairman to stand for a one-question or two-question interrogation.

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

Mr. BELFANTI. Could the gentleman inform me as to whether or not our earlier understanding this week, earlier this week, and as has been reported in the press over the past few weeks that the tobacco tax was going to be not only on cigarettes but would also be a tax on smokeless tobacco products and cigars and pipe tobacco, is that still part of this fee increase on the tobacco portion of the revenue bill?

Mr. ARGALL. Madam Speaker, this bill will only apply to cigarettes, not the other products that you had listed.

Mr. BELFANTI. Originally were the other forms of tobacco included in the measure prior to the conference committee meeting?

Mr. ARGALL. It was I do not believe ever a formal part of the legislation, but it certainly was brought up during the budget negotiations.

Mr. BELFANTI. Thank you, Madam Speaker.

I would like to comment on the conference report on HB 1848.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. BELFANTI. Thank you, Madam Speaker.

Just a few points on this initiative that we are about to vote on today.

I would like to remind the members in the hall that this year we received \$650 million in tobacco settlement money, and a lot of people here would like to believe that money came from the tobacco industry, but in reality that money came from smokers who pay for cigarettes. That \$650 million has also been used in large part to plug the hole that we have in this budget.

The CHIP program (Children's Health Insurance Program) in this State, the program that pays for underprivileged children's health and welfare, is also funded by smokers in this Commonwealth. And listening to the Pennsylvania Radio Network, it was stated that a Pennsylvania smoker earning \$27,000 a year, if this new cigarette tax raising it to \$1 per pack would be imposed, would pay the same tax to the State of Pennsylvania, both in PIT (personal income tax) and this new cigarette tax, as a counterpart, a Pennsylvanian earning \$36,000 a year. So we see a pattern here in this revenue bill that low-income and low-middle-income folks have been targeted. Most of these taxes and fee increases directly impact low-income Pennsylvanians – new taxes on power usage, new taxes on trash removal, new taxes on cigarettes, new taxes on many other items – and we may like to couch the word “tax” by using the words “fee increase,” but it is the same thing.

We have a \$1.2-billion revenue bill, and add to that \$650 million of tobacco settlement money. We are really spending an additional almost \$2 billion.

But what really strikes me, Madam Speaker, is that people that smoke cigars by and large are higher income earners or

upper-middle-income earners. They were taken out of the bill. I enjoy a cigar once in a while myself. Smokeless tobacco users and pipe smokers were taken out of the bill. Does not the nicotine and the tar in those products affect people in the same negative way as the previous speaker alluded to? But special interests have their fingerprints all over this bill to make sure the low-income, low-middle-income people are targeted for 90 percent of these new taxes.

I urge a “no” vote.

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

Mr. SURRA. Thank you, Madam Speaker.

Would the majority Appropriations chairman stand for one question, please?

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

Mr. SURRA. Madam Speaker, I see in the proposed tax changes to the Tax Reform Code there is a \$350-million increase in the corporate net income tax. Could you explain to me where that came from?

Mr. ARGALL. The Federal Congress made a number of changes in tax laws that, if we were to do nothing, would have resulted in an approximate loss of \$350 million to our State Treasury. Given the unique fiscal circumstances in which we now find ourselves, that simply was not an option for us, and so we needed to change our law to decouple it from the Federal tax statute.

Mr. SURRA. Thank you, Madam Speaker.

On the bill?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SURRA. Madam Speaker, I find it very interesting that the Pennsylvania Republican Party is repealing the George Bush tax cut as it affected Pennsylvania. I find that very interesting, Madam Speaker. The Pennsylvania Republican Party is repealing the George Bush tax cut, the economic stimulus package as it was sold to us.

Madam Speaker, this administration has given back approximately \$7.5 billion, and we are still 48th in job creation. It is a failed tax policy, Madam Speaker, and now here we are tonight raising taxes to fill those revenue shortfalls. Would it not be nice to go back and have that \$450 million that was squandered in the Philadelphia Kvaerner shipyard deal tonight? Or the \$150 million that was blown on the Envirotec fiasco?

Madam Speaker, the \$900-million tax revenue that we will gain from smokers by raising cigarette taxes to \$1 a pack, for you smokers out there, if you smoke a pack a day, that will cost you \$365 a year in taxes that you will pay for smoking because of our failed tax policy. In fact, in a very short time, smokers in Pennsylvania will be paying more in taxes, because of this tax vote, smokers in Pennsylvania will be paying more in taxes than the capital stock and franchise taxes paid by all the businesses in Pennsylvania.

It is a tax shift, and what has been occurring in Pennsylvania has been a tax shift in raises and fees and taxes and property taxes. We are shifting taxes to middle-income people, to average-income people, to property taxes.

Madam Speaker, I am going to vote “no” on this tax increase, and I encourage the other members of the General Assembly to do so also.

The SPEAKER pro tempore. The Chair thanks the gentleman

and recognizes the gentleman from Allegheny County, Mr. Trello, for the second time.

Strike that. Under this rule, Mr. Trello, you can only speak one time. I apologize.

The Chair recognizes the gentleman from Berks County, Mr. Rohrer.

Mr. ROHRER. Thank you, Madam Speaker.

Madam Speaker, I find myself in a kind of interesting position tonight. I am agreeing with much of what I am hearing on the other side because I also am not going to be in favor of this tax vote this evening. This is a most important vote for what we are doing. I do find myself, though, at odds with much of what is being said. Many of the taxes that we have in place were given to us by the other side, and we are finding ourselves tonight still trying to dig out of these tax increases that were given to us back about 10 years ago.

It has been a tough effort to reduce taxes in this State. The economic conditions that have been brought on by that which occurred 10 years ago, we are seeing the effect from it now. So frankly, we are dealing with issues that were created a long time ago, and we should have been dealing in cutting taxes, frankly, more than we have over these past years. However, with that being said, the best option for correcting problems now is further spending cuts, and I am not so sure we would have gotten a tremendous amount of support from the other side for further spending cuts. However, with that being said also, I am not going to be voting for this because of a couple of reasons.

Number one, the cigarette tax is not a good tax, not just for the reasons that have been shared, but frankly, if it works and people reduce their smoking, less revenue is generated than anticipated. Therefore, it is not good revenue over time. Secondly, frankly, it probably will do very little to stop teenagers from smoking. So as a policy from behavioral change, probably not real effective that way. Even I think we know enough about that.

I am also concerned about what we are doing in the area of economic development. The capital stock and franchise tax, which, frankly, the reduction which we put in place last year to reduce this tax a percent, is not going down as anticipated. Now, the promise is there and I think it in fact will take place; it will go down as anticipated next year. However, businesses of this State need that help now, and unfortunately, because we had promised it to occur, businesses across this State have in fact been planning for it to happen as promised. Therefore, for them it is an increase. That is unfortunate. We should have eliminated it, the entire thing, 3 years ago when we frankly could have.

Now, the decoupling issue is down here as an increase, \$350 million. The reality of it is, it is not really an increase in tax, because it frankly has not yet happened, and I as a business supporter understand that, and I know I have talked to people on the outside, but for them it is a hoax. It should have happened. I am concerned, frankly, with what our neighbors to our north and south and east and west may do. If they do not decouple, then the differences between us and them become greater. If they do decouple, then the differences do not exist. Would have this helped the businesses of this Commonwealth? Absolutely, it would have. Are they anticipating it? Yes, they were anticipating it. It should have occurred and it should occur.

We all know the difficulties that we are in. That is frankly where we are tonight, but I do believe that this is a critical vote because it dictates a lot of what we do. For those reasons and since I am going to vote "no," I thought it was necessary for me to stand

and give at least a few of those reasons of why my vote was going to be "no" on this particular portion of the budget plan tonight.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Mr. Lawless.

Mr. LAWLESS. Thank you, Madam Speaker.

Madam Speaker, I rise and I will be brief.

To respond to my colleague, the lady from Montgomery County on the Republican side of the aisle, you know, cancer is a very difficult issue. Lung cancer is extremely difficult to see someone go through that. However, let us call this what it is, a tax. This is a tax increase that the Republican side of the aisle is going to put on the people of Pennsylvania.

Madam Speaker, if it is not a tax and we really, really are concerned and the lady from Montgomery County is that concerned about lung cancer, she has been in this House for longer than 8 years. The Republicans have controlled the House, the Senate, and the Governor for 8 years. If she was that concerned about lung cancer, she would have sponsored this bill and put this tax on 8 years ago.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, this is a debate between a lot of people who are right. Mrs. Cohen is right that there are health benefits to raising cigarette taxes. Mr. Trello is right that there are many potential problems with cigarette tax smuggling, a problem especially with West Virginia, as a result of this bill. Mr. Belfanti is right that cigarette taxes are disproportionately paid by lower income people. Mr. Surra is right that we have a failed tax policy which makes these taxes necessary.

Madam Speaker, I believe this bill will raise a lot less in cigarette taxes than is projected. The higher the cigarette tax is raised, the less dollars that each penny produces. After this bill passes tonight, we need to carefully study the relationship between taxes, smoking, cigarette tax evasion, and the actions of other States and work out reasonable policies that will both improve public health and raise the necessary revenue to provide services to our constituents.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Huntingdon County, Mr. Sather.

Mr. SATHER. Thank you, Madam Speaker.

I want to talk briefly about a vanishing group, a vanishing breed, if you will, the volunteer fire and emergency services personnel. This bill has a provision for a referendum, a statewide referendum, this fall for \$100 million in assistance to these volunteer fire and emergency personnel people, and I think it is noteworthy the fact that when I said they are a vanishing breed, the mere fact that the dollars that they need to have current and up-to-date equipment so they can stay safe out there and provide us protection for property and our homes and our families, it is absolutely necessary that we provide provisions to them or opportunities for them to have revenue sources.

I see so many of them today after they go through the training processes, if you will, on an everyday occurrence take time away from their families to provide you and me safety in our homes. Then the next thing they find themselves doing is having to go out

and work a hoagie sale or a spaghetti dinner or whatever the case may be, but again, time away from their families.

This bill provides an opportunity this fall that I think the Commonwealth of Pennsylvania and the citizens of this Commonwealth will step in and provide them through a referendum \$100 million that we can assist the volunteer fire and emergency services personnel. We have got to help them. If we here in the Commonwealth of Pennsylvania, the municipal governments or the State government, had to step in each and every year to provide these services on a paid system, I can assure you \$1 million would not go very far. And then the mere fact that a piece of equipment today, a piece of equipment can cost a quarter of a million dollars to a half a million dollars just for one piece of equipment. We owe this to these dedicated people who are out there providing services to you and me, and I would hope that you would support this cause this evening.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Walko.

Mr. WALKO. Thank you, Madam Speaker.

I rise in opposition to the conference report, but I respectfully would like to interview the gentleman from Coraopolis, if I may, interrogate the gentleman from Coraopolis, Representative Trello.

The SPEAKER pro tempore. Does the gentleman agree?

Mr. WALKO. Thank you, Madam Speaker.

Madam Speaker, earlier this evening you mentioned that you were a smoker. Could I ask you when you began smoking? How old were you?

Mr. TRELLO. I was in basic training down at Lackland Air Force Base in Texas, and an old sergeant offered me a cigarette; I had never smoked before. I thought it was just right that somebody in the military should be smoking, so I took the cigarette and started smoking when I was in the service.

Mr. WALKO. And how old, Madam Speaker, were you at that time?

Mr. TRELLO. I was 19 years old.

Mr. WALKO. And you smoked all of these years since. You are about what, 45 now?

Mr. TRELLO. Yeah; that is close enough.

Mr. WALKO. Madam Speaker, I respectfully would like your opinion, as a smoker, as one who started at a young age, do you believe that this huge tax increase on cigarettes will deter young people from smoking?

Mr. TRELLO. Madam Speaker, if anybody believes that this tax increase will deter young children from smoking, then they believe the tooth fairy really left the money under their pillow. In no way, in no way will this affect the children. If they want to smoke, they are going to get to smoke.

This is not to protect the children; this is a tax increase, Madam Speaker, and we all know from past experience this will not interfere with any children that want to smoke. It is nothing but a tax increase, it is a fallacy, and I think it is wrong, because you are balancing the budget on the backs of people that smoke, and that is not fair – everybody should pay their fair share – and the answer to your question is no.

Mr. WALKO. That concludes my interrogation, Madam Speaker. Thank you. I have no further comments.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Madam Speaker.

Madam Speaker, I rise in opposition to this piece of legislation.

For the last 7 or 8 years we have seen surpluses that were created under a Federal administration that had the economy booming right along. We saw those surpluses squandered as Republican policies here at the State level went to cut taxes and do things that seemed worthwhile but had no sort of point to them. We were simply about the business of lowering corporate taxes with no purpose in mind. Now as the result of some of those tax increases, as was pointed out earlier, we have this massive tax increase before us, and this is not a massive tax increase that will solve our school funding problems. This is not a massive tax increase that will solve our health-care problems or provide prescription drugs for our seniors. This is not a massive tax increase that will allow students to go to college here at a reasonable cost. This is not a massive tax increase that will move us from 48th in economic development to somewhere in reasonable status within the rest of the United States. Instead, this tax increase will go to pay for the fact that things were mismanaged in the past. We will get nothing new for \$1.2 billion in tax increases and another \$600 or \$700 million that will get piled on top of that out of the Rainy Day Fund. What we will get is what we had last year. It will just cost another billion-2. And because we are taking money from the Rainy Day Fund, next year there will be a deficit. So we are increasing taxes and looking to another deficit to do the same failed policies that we have had going on for the last several years here in Pennsylvania.

Madam Speaker, I would encourage members to vote “no” on this. This does not do anything to advance the interests of Pennsylvania or those people that live here. It simply pays for past failed management.

Thank you, Madam Speaker.

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

Mr. THOMAS. Thank you, Madam Speaker.

Madam Speaker, yes, this is a tax increase. However, Madam Speaker, as we view this as what it is, it is important to look at outcome. Now, Madam Speaker, we are \$1.2 billion in the hole. Madam Speaker, we have thousands of Pennsylvanians who are without health insurance, and, Madam Speaker, we need to look at the end result of smoking on people.

We have hospitals throughout the Commonwealth of Pennsylvania who are facing major financial crises as a result of having to provide health-care services to those who are without health-care services. Madam Speaker, it was not too long ago that this General Assembly put in place a law which denied those 18 to 64 years of age without medical coverage.

Madam Speaker, outcomes, outcomes, outcomes should be the consideration which ultimately drives what we do on HB 1848, and if the \$30 million-plus that will be put into the Children’s Health Insurance Program, if the money that will go into the health-care practitioners loan repayment program, if the money that is targeted to go into the agricultural fund, Madam Speaker, if that happens and if we are able to get this \$1.2-billion debt under control, then, Madam Speaker, we will have advanced the interests of the masses of Pennsylvanians in this State.

And so, Madam Speaker, I am not happy about the tax increase and I would not have stood up here and advanced a tax increase, but, Madam Speaker, when I look at where this money will be going, because if we do not get it from an increase in cigarette taxes or some other tax, then, Madam Speaker, we are going to

have to look at a major reduction in basic services that many Pennsylvanians are depending upon, and I do not want to go that route. I would rather accept this so long as those programs that have been targeted for this increase and the debt that has been targeted for this increase, so long as that happens, Madam Speaker, then I can live with it.

And last but not least, Madam Speaker, I come from a county where we have a mayor that is doing all that he can do to try and make Philadelphia, make Philadelphia a first-class city and county, and to that end, Madam Speaker, he has asked for the decoupling tax proposal that is in HB 1848. He needs this decoupling in order to get a handle on some nagging taxes in Philadelphia County. And so, Madam Speaker, because of the programs that will be targeted with this revenue and because of the request of the mayor of the city of Philadelphia who is trying to get a handle on things, Madam Speaker, I rise in support of HB 1848.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Madam Speaker.

I think there are a lot of things that we need to look at this bill about. All I hear tonight is talking about tax increases. Nobody here has talked about several of the great features of this bill as well.

You know, we continue tax cuts to help job creation in Pennsylvania in this bill. We help cut taxes on individuals in this Commonwealth, of working families in this bill as well. And some of the most important things that I have heard almost every member of this chamber talk about over the last many months has been, how can we help our firefighters and emergency service personnel? We need to find more money for them, you know? And everybody in this chamber has come up with many different ideas.

Well, in this bill there are several good things that help our firefighters and our emergency service personnel.

First of all, this bill will require from PEMA (Pennsylvania Emergency Management Agency) a study of our firefighters and emergency service personnel and sources of funding in the future. Those are positive things about this bill. Our firefighters and our emergency service personnel, these are far better than what this Commonwealth has given them. I can remember 8 years ago when this administration, the Ridge-Schweiker administration, came in. Firefighters in this Commonwealth were desperate for help, and it was not until this General Assembly got elected in 1998 that those people found help. Now we are asking all of the members of this House and the Senate along with the Governor's Office to let us go further than what we have ever gone. Let us do some checking on what we can do about funding for those people.

Not only that, in here, in this piece of legislation, is an opportunity for us to give the voters and the taxpayers of this Commonwealth an opportunity to express their opinion about the support of our firefighters and emergency service personnel who so much have been undervalued until September 11 of last year. The people of this Commonwealth have finally realized the value of the men and the women of this Commonwealth who have dedicated their lives to saving lives. We owe those people more than what we have given them.

This bill is a good bill. It gives the voters of the Commonwealth of Pennsylvania an opportunity to reward those firefighters, as Representative Sather talked about earlier in his comments, who day in and day out are running sub sales, turkey suppers, ham and

cheese sales, you name it, to try and fund a \$500,000, \$800,000 firetruck and at the same time put their lives on the line.

I ask for passage and a "yes" vote on HB 1848. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lackawanna County, Mr. Wansacz.

Mr. WANSACZ. Thank you, Madam Speaker.

I am a huge supporter of our volunteer firefighters. In fact, if the Commonwealth were to have to staff each of our volunteer firefighters at a very bare minimum, it would cost our taxpayers a little over \$6 billion.

Now, all I have been hearing about from the Republican Party is studies. We need to study property tax reform; we need to study prescription drugs; we need to study volunteer firefighters. Well, to quote a line from Jerry Maguire, "Show me the money." We have studied these long enough and we hear about the promises. Now, if a referendum is such a great idea for our volunteer firefighters, why do we not put this bill on the ballot for November and let the taxpayers decide if they want to vote for a \$1.2-billion tax increase?

I urge a "no" vote. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Warren County, Mr. Lynch.

Mr. LYNCH. Thank you, Madam Speaker.

I was not going to comment on this bill at all, but I got sick and tired of hearing about a dozen times so far how this tax increase, if you will, is not fair to the people who smoke. Well, I am going to tell you what is not fair. We all know that if we increase the price of cigarettes, that the amount of smoking is going to go down. Well, that is all well and good, and it is going to go down at about a 40-percent ratio, because we know that for every

10 percent that we increase the price of the cigarette, that 3 to 5 percent of the people are going to quit smoking.

Last year on an average, Pennsylvania taxpayers paid \$2.1 billion – billion dollars – to take care of tobacco-related health costs. Now, I am going to focus in on one little part of it, and it is called cancer. Now, we know where this money is going to go for this increase; it is going to go to education. Okay? Now, what some of that money should do when we give it to education is to tell the kids in the school the story I am going to tell you right now.

About 2 years ago the Appropriations Committee had a couple of hearings, one of which was in Pittsburgh at the University of Pittsburgh to determine what the tobacco settlement money was going to be used for. One of the people who testified, I forget his name, but the head doctor at the Pittsburgh Cancer Institute, arguably one of the best cancer institutes for research in the entire world, I asked him the question and I prefaced it by saying, I do not know if this is a fair question or not, but can you tell me what percent of all cancers is tobacco related? He never hesitated. He said 50 percent. Fifty percent of all cancers is tobacco related. Then he goes on and says, primary and secondary smoke. So thank you, smokers, for all those who may have caused cancer with your secondary smoke. Fifty percent of all cancers is tobacco related. He then goes on to say that if you smoke for 5 years and you quit cold turkey, that you have the ability to get that cancer for the next 10 to 15 years as if you had continued to smoke. Well, thank you again for costing us \$2.1 billion a year. We appreciate that.

You do not think this is fair? I am going to tell you what is not fair, is for people to incur health costs that we all have to pay for.

Vote “yes” on this.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Civera.

Mr. CIVERA. Thank you, Madam Speaker.

Madam Speaker, could I have order in the hall, please?

The SPEAKER pro tempore. The gentleman is correct. Could we please have quiet in the hall of the House. Would members please take their seats. This is going to be a very long night unless we get some quiet.

Mr. CIVERA. Madam Speaker, I rise tonight to talk in reference to HB 1848, the conference report. First of all, I rise on the floor to support this measure or this conference report, but I think we need to go back in some years and come into a reality check of what really is going on. Number one, we are going to touch the emergency services.

I can remember back in 1990, 1991 the money that this General Assembly floated for bond issues so those fire companies and emergency services could go out and buy equipment, and the present administration could not advance those loans because the money was not there. And all we are asking for here tonight is for the emergency services, after all the years that we have gone to the different fire banquets, to the different paramedic banquets, and supported and said that we believe that what you do in this Commonwealth is essential and what you do that you should be prided for, and then 9/11 comes along and we really come to a reality check that these people deserve everything that the government, whether it is State or local government, can give them is what they really deserve.

Now, we were in a situation, and that is why we established the fire caucus in Pennsylvania, because the money was not coming through the way it was supposed to be, and then the Ridge administration came along and we gave them a grant, which was greatly appreciated by the members of this House, by the local fire companies, by the paramedics, the EMS; they appreciated what we did and they liked what we did, and they want to continue that revenue source. So by putting a referendum, by putting a referendum on the ballot and acknowledging them, how could anybody criticize that?

But let me say something to the other side of the aisle, and I do not mean to be critical, because I work along with the other side of the aisle very diligently, very sincerely, and they are good people. I was here in 1991. I gave you a vote for your large tax increase. Come on. We are to get together here and make government work, not to oppose it. We realize that it is an election year. We understand that that would be a great idea to put on the brochures that this was a large tax increase. It was nothing like 1991, and I was part of you. I voted with you.

Let us get this measure on. Let us help the fire service. Let us move on like government should, and I support HB 1848. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you, Madam Speaker.

Madam Speaker, I rise to support HB 1848.

I have been listening to the speeches tonight from my colleagues that I have an awful lot of respect for. However, for the last 6 months we knew that we were short of revenues, and I have been waiting for an alternative – an alternative. How are we going to fix the budget? How are we going to fill the hole? I have not received an idea, I have not received a plan, to fill the budget

deficit. We were very fortunate over the last 7, 8 years to have surpluses, and we were very fortunate to put money into a savings account called the Rainy Day Fund. That Rainy Day Fund rose to \$1.2 billion. Seven, eight years ago that Rainy Day Fund was \$66 million. We would have real big problems if we did not put that money aside. Our neighboring States – New Jersey, New York, Delaware, West Virginia— California, their deficit is as much as our budget because they did not put money aside.

I want to hear an idea: How do we make up those revenues? Should we increase the PIT? Should we increase the sales tax? Should we increase the corporate net income tax? Give us an idea. This HB 1848 is the best that we can do, is the best that we can do.

We cannot micromanage our economy. You cannot blame this budget deficit on a political party. This is happening all over the United States. This is part of a national economy. And September 11, our economy has dropped unbelievably. Our sales tax dropped in the months of October and November and December of 2001 to over 20 percent. This had nothing to do with a political party; this had to do with the disasters that took place in Pennsylvania, in Manhattan, and Washington, DC.

Please, let us put politics aside and pass HB 1848. I would appreciate the affirmative vote. Thank you.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. Mr. Colafella.

Mr. COLAFELLA. Thank you, Mr. Speaker.

You know, Mr. Speaker, since 1991 we heard the majority leader time and time again criticize the Democrats for making that vote in 1991, and every time he made that speech, he called us tax-and-spend Democrats, and it hurt us. It hurt us a lot, because, you know, in 1991 we were in a recession, and there was a President by the name of George Bush who was the President. Forty-seven States increased their taxes in 1991, and every time he criticized us, I used to say to myself, we were responsible when we passed that budget in 1991. And let me tell you, when we passed that budget in 1991, there was enough money in that budget to give colleges and universities about a 6- or 7-percent increase. We increased school districts by about 5 or 6 percent. And I will tell you, because we passed such a big tax increase in 1991, we had a heck of a cushion when Bill Clinton became President. For the last 8 years we had great surpluses in this State, and we had great surpluses because of the fact that we had a great economy. It hurt us a great deal to hear that time and time again.

And I understand the situation you are in. We understand it. But again, who is the President of the United States? George Bush. Is that not ironic that both times when taxes had to be increased, they were increased when George Bush was President. But I understand that we are in a recession; I know that we have problems, but it hurt us to get banged time and time again that we were irresponsible when we passed the budget. And you people only gave us 11 votes in 1991. We begged and cajoled and we were here until August. And look at us on our side; we are here helping you out, and you did not give us any help in 1991. There were 11 brave soldiers on that side who were responsible and understood that we were in a recession. We got a lot more brave soldiers on this side who are helping you people.

But I did not want to get up tonight and say anything, but let me tell you, it hurt us to be accused of being tax-and-spenders when we were responsible in 1991, because there was a recession.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I really did not plan on talking about this, but with the conversations this evening, I figured we each need to add a little bit more to it.

I could not tell you how many studies I have seen or heard about in the past 25 years of my years in emergency services about how and what we need in Pennsylvania to help provide and supply assistance to our providers. Referendums are just a way of delaying the inevitable. There is nothing in this legislation that says it is going to be a binding referendum or how it is even going to be funded. You want to get votes to make this thing happen; there would have been a whole lot of votes if they would have tied in those few cents necessary to make the grant program worthy. We are sent down here to make some decisions, not referendums to send back home to let the people decide what we are supposed to be doing down here.

I am against the referendum.

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

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

When Governor Ridge was summoned to the Federal Capitol, Mark Schweiker, Governor of the Commonwealth to be, within 1 hour of that famous night in Washington, called me on the telephone and said, Bill, we are not Democrats or Republicans tonight; we are Pennsylvanians. The inextinguishable imprint of Tom Ridge's personality on this process was surprisingly effaced, and the young, debonair Governor decided that he would interact with Democrats because he knew that what loomed upon the horizon, Mr. Speaker, was a devastating disparity on the amount of revenue that would be coming into the State Treasury and the amount of money that it would cost to run Pennsylvania. But the self-confident ecumenicalism of our young Governor and that conciliatory and urbane dialectic that took place that night in the fall deliquesced into the ether when it came time for his budget speech, because in February when he came into this illustrious chamber, the thick and sinewy umbilical cord that he had told me and Mike Veon about extending to the Democrats was sundered. The Governor decided that he did not need any Democratic help. There would be no unhampered pursuit of the truth. It would be more mulishness in the appropriations process. They would try to hive off malcontents in our midst and stroll through the South Office Building or the East Wing and make quasi-commercial, mercantile, political arrangements, and the intolerant, brutish, destructive, institutional buccaneering would continue. And Mark Schweiker, Governor of the Commonwealth, did nothing, did nothing to assuage those flames and fires of greed.

Tonight, the Republican Senate remains contumacious, and the stench of this proposal is enough to asphyxiate the entire State. There has been a breach of faith between this administration and her people. And as I said, the irenic and ecumenical vision of Governor Schweiker is only a series of declarations. These modern-day avatars of the party of Lincoln are unwilling to share.

And now, Mr. Speaker, we hear, we hear that whispered monosyllable – tax, tax. We do not have too many alternatives tonight, sir. We are on the precipice of a constitutional deadline. When the iron tongue of midnight doth toll 12 on June 30, Pennsylvanians across this State, from the Lehigh to the Monongahela, will have to make certain that we can pay our State troopers and our prison guards. We are going to have to

make sure that the State continues to operate, and this unhappy Republican tax proposal of almost \$2 1/2 billion is going to percolate across this State tomorrow, and the harsh reality will come home to the GOP.

Mr. Speaker, we do not have any choice other than to pass this proposal tonight or Pennsylvania shuts down on June 30 midnight. So the Republican wave will lead the charge. They will put up the lion's share of the votes to take this proposal to the Governor's desk. A small handful of Democrats will be involved in this process. It is a lamentable moment. You know that, Mr. Speaker, because you shared a similar challenge 11 years ago this month – the 1991 budget challenge that we had.

It was also so nice, Mr. Speaker, to hear the gentleman from Delaware County a few moments ago say it is not the responsibility of one political party or the other. My good friend and golfing partner had given me a different mantra for 11 years. He had, with unabated enthusiasm, proffered that it was a Democratic fiasco in 1991, and now he is trying to absolve himself from any culpability.

Now, there were not only Democrats that were excluded from this process, but there was a group, a corporal's guard, of young, idealistic, true-blue conservatives, and the accumulated imperfections of this document caused them great angst. The exact certitudes of the majority leader were not embraced by the brainy budgeteer from Berks and his cohorts. He reacted like Martin Luther pounding those 95 Theses to the door at Wittenberg Castle, and he held his ground. We do have some true-blue conservatives, these models of piety and orthodoxy. It is amazing how all you Republicans who have caterwauled and bemoaned the 1991 tax increase are now about to hurl your votes up onto the big board and ask for the largest tax increase in well over a decade, notwithstanding your conservative ethos, notwithstanding your conservative principles.

It has to be remembered that many of us realize that there is a problem in this State, and the way to solve that problem was like the gentleman from Canonsburg, Washington County, said a few moments ago, and when he said we should have tacked on a few pennies for volunteer firemen, why did not the GOP, why did not the Republican Party, say once and for all, if we are going to raise several hundred million dollars in cigarette taxes, what our next Governor, Edward G. Rendell, has said, that X amount of those dollars be specifically targeted to education – education in the form of lower classroom sizes, education in the form of full-time kindergarten, education in the form of lower property taxes.

We were swimming in surpluses in the 1990s, swimming – \$3, \$4, \$5, \$6, \$7, \$8, at one time \$937 million in surpluses, and what happened? The Republican Party decided to give \$7 billion back to big business in Pennsylvania. That is why we are here tonight, Mr. Speaker; we are here tonight because \$7 billion was remitted to our major corporate coffers.

This morning all I could hear was Comcast and Enron and Xerox; all I could hear was the deprivations of big business in this State and in this nation. And yet we are going to raise taxes tonight because of the absolute giveaway of the last administration.

Mark Schweiker and Tom Ridge and their Republican cohorts in the House and the Senate have been cavalier if not promiscuous in their governance as far as tax responsibility is concerned. If we were going to do anything, Mr. Speaker, on taxes, in those years of big surpluses we should have given our corporate community one-half of that money and we should have reduced, we should have reduced property taxes in this State.

The reason most Democrats will vote against this measure tonight, sir, is because we have done nothing in the form of education reform, nothing in the form of prescription drug reduction for those families of modest means; we have done nothing for the fire service; we have done nothing on tax reform itself.

There must be a moral imperative that underpins capitalism, Mr. Speaker, and the Republican Party has been bereft of that moral imperative through its tax policies in Pennsylvania for the last 8 years. We needed to make sure that every dime we raised tonight was targeted, targeted. You folks in the Governor's Office and you folks on the Republican side of the aisle have squandered it, and now it is time to raise taxes. The Republican tax raise this year will be the largest tax raise in well over a decade, and that should not go unremembered.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the gentleman, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I have to admit, I obviously made an error. I was originally born and raised in a rowhome in Germantown, then up in Northeast Philadelphia, and I did not know that it was against the rules to go through the South Office Building or through the East Wing and talk to Democrats about what we all thought might be good for the Commonwealth of Pennsylvania.

I have in front of me, Mr. Speaker, a number of the key pieces of legislation that have been passed over the years, a number of them business tax cuts – Act 21 of 1995, which accelerates the CNI (corporate net income) tax reduction, double wage, the CNI sales factor. There were 80 Democrat “yes” votes for that particular piece of legislation, Mr. Speaker. And then we have the 10-year NOL (net operating loss) carry-forward deduction. There were no Democrat “no” votes on that one, Mr. Speaker. Then in the year 2000, Act 23, this legislation was adopted unanimously, which was the elimination of the \$200 minimum capital stock and franchise tax. So I would not say that we were up here doing things all by ourselves. I think that there were a number of us working here together.

Mr. Speaker, this is the unofficial record of the House of Representatives, but I think it brings out something that is true: We know that with teenagers and children, although it seems counterintuitive, we know from all the data that we have seen, when you raise the price of tobacco products, fewer children smoke; they smoke less.

Now, that was from one of the gentledames from the city of Philadelphia, which is also my home, and I believe that what she said was true, Mr. Speaker.

You know, we can cut the political spin and the political rhetoric for a moment; let us just talk reality. We took in less this year than we took in last year. That is a phenomena that has not happened in all of the years that all of us have been here. Now, possibly before Matt and Ben Franklin, there were times when we took in less than the year before, but we actually took in less money. We found ourselves \$1 billion in the hole last year after 9/11 and \$1.4 billion in the hole for next year. That was a hole of \$2.4 billion that we are trying to fill this evening, Mr. Speaker. That is what we are trying to fill.

We have, as we said, a \$2.4-billion gap, and what have we done with the priorities that we are looking at in this budget?

Right now a working family of four can make up to \$31,000 in the Commonwealth of Pennsylvania and they will pay no personal

income tax, Mr. Speaker.

We took a look at education, and we said we needed to make it a priority. We put 250 million additional dollars for our children in this budget, although a lean budget, to make sure that education remained a priority for both sides of the aisle in this Commonwealth of Pennsylvania, Mr. Speaker.

We took a portion of this cigarette tax – as a matter of fact, we doubled the portion of the cigarette tax committed to the CHIP program, the children's health initiative program, to help guarantee a dedicated source of funding for 133,000 children in the Commonwealth of Pennsylvania, Mr. Speaker. We did that, and that is part of this budget, Mr. Speaker.

We made sure that we kept seniors a priority by making sure that every program that the State sponsors continues the services to our senior citizens, Mr. Speaker.

We also put money into emergency response, due to what happened in Pennsylvania or happened in New York on 9/11 to make sure that there is \$200 million more to keep our people in the Commonwealth of Pennsylvania safer, Mr. Speaker. We did do that.

Something we did not do, Mr. Speaker – and I am not going to belabor the point, but I could read a list – we did not take the personal income tax up 33 1/3 percent; we did not raise the tax on telephones, cable television, drycleaning, lawn-care services, pizza, double the sales – not double it, Mr. Speaker, but impose a new car tax; we did not impose a dollar tax on tires, \$2 on every

day for a car rental, increase the corporate net income tax from 8 to 12 percent. It goes on and on.

When we found ourselves in a deficit of \$2.4 billion, we asked for a cigarette tax to fill that hole. We did not ask for taxes accumulating to fill a budget deficit of \$1.7 of a total of \$3.7 billion. We tried to keep it within the bounds of reality of making sure that we do not overburden the people of Pennsylvania. A cigarette tax.

My son last night, my stepson, David, said to me, “You know, I wish you could make this tax \$2 or \$3, because that might help me stop smoking.” That is what he said last night, Mr. Speaker.

This is a modest tax increase. It is really on smokers in the Commonwealth of Pennsylvania. I would ask the members to please cast a “yes” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, the gentleman's mesmeric fascination with history is welcome because I share it, but the history of the moment should be explicated because we all did participate or at least most of us did participate in the business tax reductions of the 1990s. The caveat that I had inserted into my initial remarks was, we had hoped that when we had \$937 million, that half of that money would have been remitted to our corporate families and our corporate communities and the other half would have been through property tax reduction.

Since the Republican Party would not give us a chance for 8 years to reduce property taxes, in spite of swimmingly big surpluses, we went along with what we had. It was a lose-lose almost, but we thought, better than no tax reduction at all, we will go along with that program. But it is not as if we did not make strenuous efforts.

Now, I am also riveted by the recollection of February the 5th, when my worthy and honorable colleague went to that microphone

– and as the brainy, battling budgeteer from Berks will surely remember, that was Ronald Reagan’s birthday, February the 5th – and the honorable majority leader said, we will not raise taxes; let me repeat myself, we will not raise taxes; we will cut spending. And when some of his young acolytes charged into his office within the last several months and said, you said it, we will not want to raise taxes; do not let us raise taxes; let us cut spending, what do we do? Raise \$2.5 billion in taxes tonight.

The wild triumphalism that the gentleman evinces about this tax proposal is disconcerting.

The SPEAKER. On the question of concurrence, Mr. Perzel.

Mr. PERZEL. I will be brief, Mr. Speaker.

I would just like to add, Mr. Speaker, budgetmaking is a harried and hectored and fragmented process intrinsically. There is no way that 12 million people send 253 ambassadors to Harrisburg and there is a collective conclusion devoid of tumult, suspicion, hurly-burly, wheeling and dealing, doubt, hope, and a lot of politics, just that this is just inherent in our process.

I would ask the members to please concur.

On the question recurring,

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

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

The following roll call was recorded:

YEAS–110

Adolph	DeWeese	Lynch	Schroder
Allen	DiGirolamo	Mackereth	Schuler
Argall	Diven	Maitland	Smith, B.
Armstrong	Evans, D.	Major	Smith, S. H.
Baker, J.	Evans, J.	Markosek	Stairs
Baker, M.	Fairchild	Mayernik	Steil
Bard	Feese	McGill	Stern
Barrar	Fichter	McIlhattan	Stevenson, R.
Bastian	Fleagle	McNaughton	Strittmatter
Birmelin	Flick	Micozzie	Taylor, E. Z.
Bishop	Gabig	Miller, R.	Taylor, J.
Boyes	Gannon	Miller, S.	Thomas
Brooks	Geist	Myers	Tigue
Bunt	Godshall	Nickol	Tulli
Butkovitz	Gordner	O’Brien	Vance
Cappelli	Harper	Oliver	Veon
Civera	Hasay	Perzel	Washington
Clark	Hennessey	Phillips	Watson
Clymer	Herman	Pickett	Williams, J.
Cohen, L. I.	Hershey	Raymond	Wilt
Cornell	Hess	Readshaw	Wright, M.
Corrigan	Horsey	Reinard	Youngblood
Costa	Jadlowiec	Rieger	Yudichak
Creighton	James	Roebuck	Zimmerman
Cruz	Kaiser	Ross	Zug
Dailey	Keller	Rubleby	
Daley	Kenney	Sather	Ryan,
Dally	Lederer	Saylor	Speaker

NAYS–87

Bebko-Jones	Freeman	McCall	Scavello
Belardi	George	McGeehan	Scrimenti
Belfanti	Grucela	McIlhinney	Shaner
Benninghoff	Gruitza	Melio	Solobay
Blaum	Habay	Metcalfe	Staback
Browne	Haluska	Michlovic	Steelman
Buxton	Hanna	Mundy	Stetler

Caltagirone	Harhai	Nailor	Stevenson, T.
Casorio	Harhart	Pallone	Sturla
Cawley	Hutchinson	Petrarca	Surra
Cohen, M.	Kirkland	Petrone	Tangretti
Colafella	Krebs	Pippy	Travaglio
Coleman	Laughlin	Pistella	Trello
Coy	Lawless	Preston	Trich
Curry	Leh	Roberts	Turzai
DeLuca	Lescovitz	Robinson	Vitali
Dermody	Levdansky	Rohrer	Walko
Donatucci	Lewis	Rooney	Wansacz
Eachus	Lucyk	Ruffing	Wojnaroski
Egolf	Maher	Sainato	Wright, G.
Forcier	Mann	Samuelson	Yewcic
Frankel	Marsico	Santoni	

NOT VOTING–4

Josephs	Manderino	Semmel	Waters
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EXCUSED–1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

REPORT OF COMMITTEE OF CONFERENCE

ADOPTED BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the committee of conference on the subject of the differences existing between the two Houses on **SB 1366, PN 2173**.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended so that the conference committee report on SB 1366 may be immediately considered.

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

The following roll call was recorded:

YEAS–173

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

Birmelin	Geist	Michlovic	Stevenson, R.
Bishop	George	Micozzie	Stevenson, T.
Boyes	Godshall	Miller, R.	Strittmatter
Brooks	Gordner	Miller, S.	Sturla
Browne	Grucela	Myers	Surra
Bunt	Gruitza	Nailor	Tangretti
Butkovitz	Habay	Nickol	Taylor, E. Z.
Cappelli	Harhart	O'Brien	Taylor, J.
Cawley	Harper	Oliver	Thomas
Civera	Hasay	Perzel	Trello
Clark	Hennessey	Petrarca	Trich
Clymer	Herman	Petrone	Tulli
Cohen, L. I.	Hershey	Phillips	Turzai
Cohen, M.	Hess	Pickett	Vance
Colafella	Horsey	Pippy	Veon
Coleman	Hutchinson	Pistella	Walko
Cornell	Jadlowiec	Preston	Wansacz
Corrigan	James	Raymond	Washington
Costa	Josephs	Readshaw	Waters
Coy	Kaiser	Reinard	Watson
Creighton	Keller	Rieger	Williams, J.
Cruz	Kenney	Roberts	Wilt
Curry	Kirkland	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright, M.
Daley	Lederer	Rohrer	Youngblood
Dally	Leh	Ross	Zimmerman
DeLuca	Lescovitz	Rubley	Zug
Dermody	Lewis	Ruffing	
DeWeese	Lynch	Sainato	
DiGirolo	Mackereth	Sather	Ryan,
Diven	Maher	Saylor	Speaker

NAYS—28

Blaum	Hanna	Melio	Staback
Buxton	Harhai	Mundy	Tigue
Caltagirone	Krebs	Pallone	Travaglio
Casorio	Lawless	Rooney	Vitali
Eachus	Levdansky	Samuelson	Wright, G.
Freeman	Lucyk	Santoni	Yewcic
Haluska	McCall	Scrimenti	Yudichak

NOT VOTING—0

EXCUSED—1

LaGrotta

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

SUPPLEMENTAL CALENDAR K

REPORT OF COMMITTEE OF CONFERENCE

Mr. PERZEL called up for consideration the following report of the committee of conference on **SB 1366, PN 2173**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in cigarette sales and licensing, for intent, for definitions, for licensing and for the Cigarette Licensing, Marketing and Control Board; providing for tax collection by the Pennsylvania Liquor Control Board; further regulating abandoned property; providing for the Budget Stabilization Reserve Fund, for a transfer from the Underground Storage Tank Indemnification Fund to the General Fund and for the Tobacco Settlement Fund; and making a repeal.

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

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

The following roll call was recorded:

YEAS—124

Adolph	Evans, J.	Major	Saylor
Allen	Fairchild	Mann	Scavello
Argall	Feese	Markosek	Schroder
Armstrong	Fichter	Marsico	Schuler
Baker, J.	Fleagle	Mayernik	Semmel
Baker, M.	Flick	McGill	Smith, B.
Bard	Gabig	McIlhattan	Smith, S. H.
Barrar	Gannon	McIlhinney	Stairs
Bastian	Geist	McNaughton	Steil
Benninghoff	Godshall	Metcalfe	Stern
Birmelin	Gordner	Micozzie	Stevenson, R.
Bishop	Habay	Miller, R.	Stevenson, T.
Boyes	Harhart	Miller, S.	Strittmatter
Brooks	Harper	Myers	Taylor, E. Z.
Bunt	Hasay	Nailor	Taylor, J.
Cappelli	Hennessey	Nickol	Thomas
Civera	Herman	O'Brien	Tulli
Clark	Hershey	Oliver	Turzai
Clymer	Hess	Perzel	Vance
Cohen, L. I.	Horsey	Phillips	Veon
Coleman	Hutchinson	Pickett	Washington
Cornell	Jadlowiec	Pippy	Waters
Corrigan	James	Raymond	Watson
Creighton	Kaiser	Readshaw	Williams, J.
Dailey	Kenney	Reinard	Wilt
Daley	Lederer	Rieger	Wright, M.
Dally	Leh	Roebuck	Zimmerman
DeWeese	Lewis	Rohrer	Zug
DiGirolo	Lynch	Ross	
Diven	Mackereth	Rubley	
Egolf	Maher	Sather	Ryan,
Evans, D.	Maitland		Speaker

NAYS—74

Bebko-Jones	Eachus	McGeehan	Staback
Belardi	Forcier	Melio	Steelman
Belfanti	Frankel	Michlovic	Stetler
Blaum	Freeman	Mundy	Sturla
Browne	George	Pallone	Surra
Butkovitz	Grucela	Petrarca	Tangretti
Buxton	Gruitza	Petrone	Tigue
Caltagirone	Haluska	Pistella	Travaglio
Casorio	Hanna	Preston	Trello
Cawley	Harhai	Robinson	Trich
Cohen, M.	Keller	Rooney	Vitali
Colafella	Kirkland	Ruffing	Walko
Costa	Krebs	Sainato	Wansacz
Coy	Laughlin	Samuelson	Wojnaroski
Cruz	Lawless	Santoni	Wright, G.
Curry	Lescovitz	Scrimenti	Yewcic
DeLuca	Levdansky	Shaner	Youngblood
Dermody	Lucyk	Solobay	Yudichak
Donatucci	McCall		

NOT VOTING—3

Josephs	Manderino	Roberts
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EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House this evening Mary Kay Williams from Minneapolis, Minnesota, here as the guest of the gentleman, Mr. Veon. I understand the guest is seated in the balcony. Would she please rise.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of the conference committee report on HB 2044.

On the question,

Will the House agree to the motion?

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. May I interrogate the honorable gentleman, the Appropriations chairman of the majority?

The SPEAKER. You may indeed. On the question of—

Mr. ARGALL. Suspension of the rules?

Mr. DeWEESE. I apologize. That was premature. No; I apologize.

The SPEAKER. All right.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—172

- | | | | |
|-------------|-----------|------------|---------------|
| Adolph | Evans, D. | Major | Scavello |
| Allen | Evans, J. | Manderino | Schroder |
| Argall | Fairchild | Mann | Schuler |
| Armstrong | Feese | Markosek | Semmel |
| Baker, J. | Fichter | Marsico | Shaner |
| Baker, M. | Fleagle | Mayernik | Smith, B. |
| Bard | Flick | McCall | Smith, S. H. |
| Barrar | Forcier | McGeehan | Solobay |
| Bastian | Frankel | McGill | Stairs |
| Bebko-Jones | Freeman | McIlhattan | Steelman |
| Belfanti | Gabig | McIlhinney | Steil |
| Benninghoff | Gannon | McNaughton | Stern |
| Birmelin | Geist | Metcalfe | Stetler |
| Bishop | George | Michlovic | Stevenson, R. |
| Boyes | Godshall | Micozzie | Stevenson, T. |
| Brooks | Gordner | Miller, R. | Strittmatter |
| Browne | Grucela | Miller, S. | Sturla |
| Bunt | Gruitza | Myers | Surra |
| Butkovitz | Habay | Nailor | Tangretti |
| Cappelli | Harhart | Nickol | Taylor, E. Z. |
| Civera | Harper | O'Brien | Taylor, J. |
| Clark | Hasay | Oliver | Thomas |

- | | | | |
|--------------|------------|----------|--------------|
| Clymer | Hennessey | Perzel | Trello |
| Cohen, L. I. | Herman | Petrarca | Trich |
| Cohen, M. | Hershey | Phillips | Tulli |
| Colafella | Hess | Pickett | Turzai |
| Coleman | Horsley | Pippy | Vance |
| Cornell | Hutchinson | Pistella | Veon |
| Corrigan | Jadlowiec | Preston | Wansacz |
| Costa | James | Raymond | Washington |
| Coy | Josephs | Readshaw | Waters |
| Creighton | Kaiser | Reinard | Watson |
| Cruz | Keller | Rieger | Williams, J. |
| Curry | Kenney | Roberts | Wilt |
| Dailey | Kirkland | Robinson | Wojnaroski |
| Daley | Laughlin | Roebuck | Wright, G. |
| Dally | Lederer | Rohrer | Wright, M. |
| DeLuca | Leh | Ross | Youngblood |
| Dermody | Lescovitz | Rubley | Zimmerman |
| DeWeese | Lewis | Ruffing | Zug |
| DiGirolamo | Lynch | Sainato | |
| Diven | Mackereth | Sather | |
| Donatucci | Maher | Saylor | Ryan, |
| Egolf | Maitland | | Speaker |

NAYS—28

- | | | | |
|-------------|-----------|-----------|-----------|
| Belardi | Haluska | Melio | Scrimenti |
| Blaum | Hanna | Mundy | Staback |
| Buxton | Harhai | Pallone | Tigue |
| Caltagirone | Krebs | Petrone | Travaglio |
| Casorio | Lawless | Rooney | Vitali |
| Cawley | Levdansky | Samuelson | Yewcic |
| Eachus | Lucyk | Santoni | Yudichak |

NOT VOTING—1

Walko

EXCUSED—1

LaGrotta

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

SUPPLEMENTAL CALENDAR I

REPORT OF COMMITTEE OF CONFERENCE

Mr. PERZEL called up for consideration the following report of the committee of conference on **HB 2044, PN 4198**, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, consolidating the Environmental Laboratory Accreditation Act; providing for whistleblower protection; establishing a waste transportation safety program, the Waste Transportation Safety Account and a disposal fee for municipal waste landfills; providing for deposit of the disposal fee, for surcharge and for allocation from Environmental Stewardship Fund; imposing penalties; and making repeals.

On the question,

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

The SPEAKER. Anticipating Mr. DeWeese's request, the gentleman, Mr. Argall, will you stand for interrogation by the

minority leader?

Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I was only going to ask the Appropriations chairman in the majority for a 1-minute overview before the debate commences, especially the cost implications.

Mr. ARGALL. Basically, Mr. Speaker, this bill is designed to allow the Growing Greener program, which would statutorily expire, to continue both into the coming year and in the following 9 succeeding years.

The number for this year, should this bill pass, would be – let us see – it looks like \$127 million in fiscal year 2002 and 2003. That would include both transfer to the General Fund as well as allowing the Environmental Stewardship Fund, which we know as Growing Greener, to continue.

The SPEAKER. Mr. DeWeese, have you concluded your interrogation?

Mr. DeWEESE. Thank you, Mr. Speaker.

I have concluded my interrogation.

The SPEAKER. Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I think we have here a good compromise.

At first blush, it is not as much as some of us would have liked, but we realize what we have to do; we have to plug a hole in the budget. We still will have \$50 million to go into the Growing Greener program. Next year it will move up to \$92 million. The new fee will be scheduled to go for 10 years. Growing Greener will go from 5 years, the original plan, to 13 years. The original Growing Greener program, targeted at \$645 million, will now go to \$1.3 billion.

But as we look through the past program, some of the moneys are not spent yet, so we are on a good course. We are learning; we are doing some good things. We have got some good watershed groups formed; there were some formed.

But I think it is a great compromise, and I encourage support. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to go into a little more detail about this bill, if I could, for the benefit of the members.

This bill actually has three parts. The first part is this codification of the environmental laboratory certification bill into Title 27, where it more appropriately belongs, and also clears up the date when laboratories must register. The members of the House have unanimously supported this important provision in the past, and I ask that you all support it again.

The second part of this bill will finally give the State an opportunity to get a grip on dangerous trash haulers, some of whom are coming in from out of State and who may be driving trucks that are poorly maintained with bad brakes or possibly hauling hazardous waste illegally. This portion of the bill will register those trucks and use those registration fees to pay for police and PENNDOT inspectors to protect us from these dangerous trucks. We will be able to track compliance for the first time so that repeat offenders are kept off our roads and away from our landfills. This is an important safety regulation. We passed this program and these provisions unanimously in the past. This is our chance to make these important provisions law at last.

Finally, there are some important changes to the Growing Greener legislation. I worked hard with many others here

in the House, and it was one of my most satisfying moments here when we got this bill passed and put into law 3 years ago, but I realize there are several important problems that came to light in this legislation.

First, we promised small, poorly financed municipal sewer and water systems help to repair their systems. This was important not only to provide clean water but also to end serious pollution problems throughout the State. These are in small rural towns and cities often. We made the spending of these funds a “may” provision, and unfortunately, those funds have not been driven out by the administration. This bill would change that and make it into a “shall” provision so that we can ensure 10 percent of the Growing Greener funds will go to support these small municipal systems. It is a critical provision.

The other problem with Growing Greener was that it was simply too small and it was over too quickly. We know that acid mine drainage has developed in this Commonwealth over 150 years of mining and suburban sprawl, and also, the problems that the small municipal systems have had have developed over decades. The original Growing Greener provisions only lasted for 5 years, and they also were limited to \$645 million.

The SPEAKER. Will the gentleman yield.

Conferences in the vicinity of the gentleman, Mr. Ross, please break up. The conference in the middle aisle, please.

Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

As I was saying, the Growing Greener funds were too small and they were over too quickly. Five years and \$645 million was not enough to seriously tackle these problems, and now we have an opportunity to fix that problem and make this fund last longer, adding 8 more years on to it and also increasing that funding level up to \$1.3 billion. This is a critical improvement, and it is a necessary improvement.

And I would like to finally clarify one more point that although we have \$50 million coming in this year from the tipping fees, we also have an additional \$35 million that were previously committed through the transfer of other funds that are still in the program. So it is a total of \$85 million available to us still for this year, which is very important for us.

So I ask you, on all three of those points, to please support this legislation so that we have safer roads and control trash trucks that are driving dangerously on our roads and threatening our landfills; so that we once and for all codify the laboratory certification properly and that we extend and expand Growing Greener, a very necessary program.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

First, let me apologize in that I have some things to say, and it is not in rebuttal to what I have heard, but I have been given a note, and I am not going to use the note, because I am going to use the memory, and I am going to try to remind those wonderful people who work together once in a while that it was only a few years ago when we met down in the rotunda, Republicans and Democrats alike, and we were going to pass a Growing Greener bill and it was going to have dedicated funding. There were 11 Republican members, and we stood there and we were happy because we were working for the benefit of the Commonwealth.

Well, the Governor said, you know, Bud George is not going to make us dedicate funding and buy bonds; I do not want my

grandchildren paying off those bonds. Well, you know, when the Casey administration was done, there was more than \$500 million of a surplus, and you also have to remember, if you will – some people like to forget the true things – the fact still remains that we want the bonds. There is going to be in this budget PIDA (Pennsylvania Industrial Development Authority) bonding, but for Growing Greener, we could not have bonding.

And I remember the Sierra Club coming to me and giving me a note and saying, boy, we have got 16 Republicans that are going to vote with you for dedicated funding, and guess what? They all must have gone on vacation on that given vote, because we did not get any, and we wound up taking 339 moneys out, and the people in Pennsylvania will see an increase in their sewage rates next year. And we took the recycling money out. We took the bond money out. We took a lot of money out, and in this bill, we are going to take \$100 million out of the budget. We are going to take the

Key '93 money down. We are going to raid again the Recycling Fund, and we are going to raid the Hazardous Waste Fund like we did back in '98, and we are going to raid the Underground Storage Tank Cleanup Fund, because there is a lot of money in there, but that means we are not going to do as much cleanup.

Now, I know that Growing Greener is a good program; I am proud of it. And I also know that I would not stand here and say it was not. But the truth of the matter is, let us talk honestly about this thing. The majority leader, who I have a great deal of respect for, made a statement here a while ago that we are the big spenders. Yes, we are, but when we spend it, everybody gets a little. When you people spend it, it is only the select few that get a lot.

And I am going to tell you what. For those people to write in the paper that we are going to put trash up 5 more dollars a ton and it is only going to cost \$10 to that old lady or that old man that puts out a bag a week and that is going to transcend into 20 cents a week, who are we kidding that that trash company is only going to raise on your mom or your grandmom 20 cents a week? You know what is going to happen. They are going to raise it a dollar a week. And you know, I want all of you who are well educated to know that a lady comes out with a bag of 30 pounds, and if she puts 52 weeks in there of that 30 pounds, that is only 1,560 pounds, and yet she will be paying \$50 while the trash company will only be paying \$5.

So I know it is a good program, but it could have been funded to start with bonds. You know, we do not raise bonds in Pennsylvania anymore, because this administration put up our gas tax so we do not have to raise bonds. The truth of the matter is, talk is cheap and it takes money to buy whiskey and it takes money to fund the State, and you could have funded the State if you would not have given it all to the big and the powerful.

Yes, indeed, we spend. There is no bill to take care of our pharmaceuticals. There is no bill to take care of our firemen. There is no bill to take care of those— Incidentally, for those of you that have a neighbor and you find that the neighbor has a child with autism, ask that neighbor what he thinks about this administration; ask him what he thinks about an administration that brags about taking care of everybody. No, you do not take care of everybody; you take care of the select few.

I am not going to vote for this. I am not going to vote for a bill, in order to get you to vote, they say we are going to control trash. Yeah, we are going to control trash.

When the Governor became the Governor – I am talking about Governor Ridge – he came out of Congress and said— I thank you for your flexibility.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, Growing Greener will be taking a \$50-million hit for each of the next 2 years if this proposal becomes law. Full funding of the Growing Greener program was, in the words of Governor Ridge, quote, “a shared commitment of the Governor and of the General Assembly,” unquote. Governor Schweiker has walked away from Governor Ridge’s part of that shared commitment. The question tonight is whether we in the General Assembly will walk away from our commitment to the people of Pennsylvania and to our environment as well.

While this administration commends itself for providing dedicated funding, the irony is that this \$50-million cut embodied in this conference committee report shows precisely why dedicated funding should have been put in place when Growing Greener was enacted in 1999. For the second time in 3 years, Pennsylvania’s wildlife management agencies and sportsmen have been left out of the mix. Both the Game and Fish Commissions have tens of millions of dollars in unmet infrastructure needs. These agencies are largely funded through license revenue, but they provide benefits to all Pennsylvanians and to all wildlife and to all threatened and endangered species. We should have included funding for our wildlife management agencies in this conference committee report as well, but it is not there.

And for the second time in 3 years, we have also left Pennsylvania’s small towns, our downtowns, our boroughs, and our urban areas out of the mix. To fully address the root causes of urban sprawl and to make our cities and towns more livable and to make our Commonwealth a more attractive place to live, we need to make these necessary investments in downtowns, boroughs, and cities.

Madam Speaker, all Pennsylvanians are going to pay higher trash bills because of this, yet under this proposal, little to no funding will be provided to the cities, boroughs, and towns across Pennsylvania, because whether we like it or not, Growing Greener largely, largely, spends money in rural and suburban communities. That is not bad, Madam – Mr. Speaker, but we are missing out on an opportunity to make investments in the areas where people are going to be paying higher trash bills, higher trash bills. Madam – Mr. Speaker—

The SPEAKER. Now, I am not going to let you keep getting away with this, or people are going to talk about us.

Mr. LEVDANSKY. Mr. Speaker, there is a bipartisan alternative. HB 2500, which I have worked with with Representative Bruce Smith, does in fact, does in fact provide comprehensive, dedicated support for our urban, suburban, and rural areas. That proposal has been hijacked by this conference committee. It would be better to reject this bill and to do it right next January with a new Governor who shares our commitment to investments in Pennsylvania’s broad-based environment than to pass this hijacked, paltry proposal here tonight.

I urge a negative vote on the conference committee report.

PARLIAMENTARY INQUIRY

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

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, may I ask a parliamentary question, please?

The SPEAKER. Will the gentleman state it.

Mr. CAWLEY. I have two amendments. One would allocate \$18,750,000 to volunteer fire companies and \$6,250,000 or—

The SPEAKER. Mr. Cawley, under the rules, we cannot even suspend the rules to permit the amendment of a conference committee report.

Mr. CAWLEY. Here is the question I have. Thank you, Mr. Speaker.

The question I have, Mr. Speaker, is, I think someone pulled a 1062 on me – that is a fast one – because I had these two amendments drafted to another bill. Could I suspend the rules and still offer the amendments?

The SPEAKER. No.

Mr. CAWLEY. Thank you, Mr. Speaker.

I would like to comment on the bill.

The SPEAKER. The gentleman is in order.

Mr. CAWLEY. Just for my county of Lackawanna, I wanted them to know that I was going to try to put an amendment in for a dollar and a quarter a ton also for general operating expenses for the county.

Getting back to the bill, Mr. Speaker, I found out tonight in caucus – and I would like to please interrogate the sponsor of this bill – I found out in caucus, Mr. Speaker—

The SPEAKER. Will the gentleman yield.

Mr. CAWLEY. I am sorry.

The SPEAKER. The gentleman, Mr. Ross, agrees to stand for interrogation. You may interrogate him.

Mr. CAWLEY. Thank you.

Mr. Speaker, could you give me an idea of who offered the amendment in this bill that would give the right of landfill operators to renegotiate contracts on existing agreements that were made and they would be able to renegotiate those contracts? That is something I just discovered tonight was put in the bill since its original drafting.

Mr. ROSS. I think this language is similar to the language that originally was included in Act 101, and it merely provides an opportunity for the haulers to be able to pass on the charge to the ultimate customer.

Mr. CAWLEY. In Act 101 there is always that right to negotiate a new contract or new fees at any time, under Act 101, but what this does is this allows that despite the fact that there are agreements across this Commonwealth, those agreements can become null and void so that the operators of those landfills could pass this increased fee. Is that correct?

Mr. ROSS. No; Mr. Speaker, I would say that would be incorrect.

What this provision is, is similar to one that was in the original Act 101 when it was first introduced to allow a transition for those that were currently under contract to pass the increase or the new fee on. So it is not a new provision. It was one that was in the original Act 101 for that transitional period.

Mr. CAWLEY. Mr. Speaker, just to put it in plain language, can the operator of a landfill right now pass this increased fee per ton on to the municipality that is paying for the present landfill fees at the lower rate?

Mr. ROSS. Yes.

Mr. CAWLEY. This new— I do not know if it is a new section; it was new to me today. I think that we ought to be

lobbying to see that the fees that the people we represent are not increased because of this. The landfill operators, at least in Lackawanna County, are making much, much more than the people that are paying for these tipping fees, and I think it is wrong that we would allow for those increases to be passed on and be able to— I believe that once a contract is over with, then they can negotiate, but I disagree that they should be able to pass this tipping fee on when there is an agreement already made at stated rates.

I have 7 seconds.

In the city of Scranton, they have a 30-year contract. This is going to be null and void now, and their rates are going to increase.

THE SPEAKER PRO TEMPORE (BRETT FEESE) PRESIDING

The SPEAKER pro tempore. The gentleman, Mr. Cawley, your time has expired. The Chair thanks the gentleman.

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the conference report of HB 2044. I almost feel like saying I told you so.

Back in 1999 many of us and all of us on the Democratic side really strove to have a dedicated funding source for Growing Greener, because we knew that when it came to very difficult budgetary times, the priorities of this administration would go elsewhere and these important environmental programs would be cut. And here we are, Mr. Speaker.

This legislation, with its increase in the tipping fees, represents a \$50-million cut in the level of funding for Growing Greener. In addition, this budget agreement that we are working on tonight has a devastating 50-percent cut in the Keystone Fund, which is dedicated by law to environmental and park programs. It is a matter of priorities, Mr. Speaker.

Now, we were told in 1999, and I would like to read from the Journal of December 8 in 1999, from the gentleman, the majority Appropriations chairman's comments. He said that night:

"The second point that I keep hearing is, where is the guarantee, where is the commitment, where is the earmark..." for this fund?

"So I believe that the language in the legislation has already been read into the record as to what that guarantee is, but I also received a letter from the Governor 2 days ago, a copy of which I would like to enter into the record today,..." and he goes on to say that "...just one paragraph.... It says – and this is, once again, from the Governor – 'I am committed to including this amount in each budget for the remainder of my term as Governor of Pennsylvania. In addition, my staff has worked with Senator Loeper's office to develop language that statutorily mandates the inclusion of the appropriate amount of funding in the next four budgets, covering the duration of the "Growing Greener" proposal. This language will make "Growing Greener" a shared commitment of the Governor and the General Assembly....'"

So what happened? Exactly what we said was going to happen. When we get into a difficult time, the priorities from this administration and the Republican majority certainly are not on environmental cleanup, Mr. Speaker.

Now, there was a plan put forward by Representative Levinsky and many others to tax tipping fees. Now, this

administration, when it came into office, I think 4 1/2 million tons of waste from out of State a year came into Pennsylvania, and today over 15 million tons come into this State, always saying they were doing everything they could to stop it.

I will tell you what, if we pass this legislation, we can never go back; we can never try to stop out-of-State waste, Mr. Speaker, because we will be on the garbage IV.

So how are we balancing the budget? The \$4 tipping fee that we are putting on Pennsylvania, it does not all go to Growing Greener; it does not go to the Keystone Fund; half of it goes to balancing the budget. So I guess we like the garbage from New York.

So we are going to tax every household, every municipality, and here we go again, Mr. Speaker; it is another tax shift. We are shifting taxes to average people, working people, and households to meet our revenue needs.

I think this is a tragedy, Mr. Speaker. The Growing Greener program was an excellent program that we said from the beginning needed a dedicated funding source, and it is sad that this administration did not honor its commitments. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Blair County, Mr. Geist.

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

For the edification of the House, Chairman McCall and I took our committees out to do some investigative work. We had the opportunity to visit Waste Management's facility at Pine Grove, and we had the opportunity to see the biometrics card that they use and the unbelievable control that they have in the trucking industry in regards to hauling waste from out of State to their facilities. At that time I became very convinced that we had to put into place the right mechanics to make this work.

We also visited a facility in Bethlehem, Pennsylvania, to see how municipal waste can be handled and be handled well and accountability can be had for those who truck to those facilities. I want to commend those who worked on this legislation, especially Representative Ross and others, Representative Saylor, Representative McCall and his staff, our staff, and all the people who did the tough grunt work that came to putting the language in this bill.

We really have to control, after all the rhetoric and after all the years, the tremendous amount of trucks who bring waste into this State and what we really need to do to make it work and work right and make those who cheat the system truly responsible, and I believe this legislation goes a long way to accomplishing that goal.

I want to commend everybody who worked on it and urge a "yes" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

This piece of legislation goes a long way to protecting the citizens of this Commonwealth. I have had over the several years that I have been here two landfills in my district, and throughout the time that I served here, I fought to get waste truck legislation that would finally hold accountable those companies who haul waste into this State, who hire truckers who are unaware of the safety hazards of trucks they are driving – drivers who do not understand the speed limits, the leakage of garbage and liquids

onto our highways – and the fact is, this legislation goes a long way into finally protecting the citizens of this Commonwealth and the citizens of this Commonwealth who drive the highways.

It also provides in this legislation some needed money to help improve our Growing Greener program throughout this Commonwealth. You know, throughout this legislature this past year, we continued to hear about Growing Greener programs and how we need to do more about that. Well, it is great to want to do something about it, but you have got to put your button, a "yes" button, where your mouth is. It is easy to sit around and say we want to do something about it, but if you are not willing to put the money there to help preserve farmland, if you are not willing to preserve farmland and find money, the way to do it, where do you come up with the money to do it? This Commonwealth needs to continue to grow greener. We cannot allocate money that we do not have.

This bill provides safety for our citizens of this Commonwealth. Most of the money raised by this bill comes from out-of-State waste, and the trucks of this Commonwealth that travel to this Commonwealth are going to provide the safety that we needed, and more importantly, we are not going to see litter and garbage and all kinds of leakage out of these trucks onto our highways when this legislation becomes law.

This legislation is needed to protect our Commonwealth from out-of-State waste. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the lady from Montgomery County, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

May I have a little order, Mr. Speaker?

The SPEAKER pro tempore. The lady is correct.

The lady is recognized.

Ms. HARPER. Thank you, Mr. Speaker.

The hour is late in this chamber, but it is much later for Growing Greener. If we do not take action tonight affirmatively on this bill, Growing Greener suffers a cut that will be irrevocable.

First, I want to thank my colleagues on the other side of the aisle who have worked with me to recognize the importance of the environment in this year's tough budget. Representative Levdansky, Representative Sara Steelman, and Representatives Hershey, Ross, and Rubley on my own side of the aisle have all kept advocating for enough money in Pennsylvania's budget to take care of the environment.

All of us, on both sides of the aisle, clearly recognized a constitutional imperative to act as the stewards of our State's natural resources. This is the best we could do, and it is a very good job. It will provide no less than \$85 million a year and perhaps as much as \$100 million a year in dedicated funds for our Growing Greener programs. This is a very good effort and one that we should be proud of and support.

I would like to address the issue that it does not benefit cities. That is crazy. One of the biggest recipients of funding under the Growing Greener program is the city of Pittsburgh, because Growing Greener takes care of our rivers, and Pittsburgh has three of them. Another huge beneficiary of this type of funding is the city of Philadelphia.

In addition, Pennsylvania leads the nation in farmland preservation because of Growing Greener. My county, Montgomery County, leads the State because of Growing Greener. This is a bill that we need.

In addition, our voters have told us that paying up to \$12 a year

is not an unreasonable price to pay for clean air, clean water, and preserving our farmland. This is a good bill.

Now, with respect to out-of-State waste, the United States Supreme Court has stated that we do not have the power to bar out-of-State waste from coming into Pennsylvania. That being the reality that we are faced with, Mr. Speaker, let us make the trash pay. Let us impose this fee on the landfills so that fully half of the funds come from out-of-State waste that is using our State as a dumping ground.

You all know that our two top industries are agriculture and tourism. I assure you, people do not visit Pennsylvania because we import more trash than any other State in the nation, but people do visit Pennsylvania because of our magnificent rivers, our beautiful forests, our warm and peaceful farmland, and the other natural amenities that the Growing Greener program will protect.

I ask you all to put aside whatever disappointment you might feel that the money is not greater and recognize that \$85 million a year in dedicated funding for Growing Greener is a very good deal for Pennsylvania.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, there is one reason and one reason only why we are here looking at legislation like this tonight, and it is a direct result of a broken promise of the administration that they would fund the Growing Greener program. The fact of the matter is, that promise was broken, and now there is an attempt to look for funding elsewhere.

There was a proposal floating around this hall a week or so ago that would have funded Growing Greener; it would have funded the firefighters that I heard people say they were so interested in funding but did not provide any money for; and it would have funded downtown programs throughout the State of Pennsylvania. And there were even amendments – I had one and I believe the majority leader actually adopted part of that at one point in time – that would have found ways to do that without costing Pennsylvanians any money. It could have been paid for entirely with out-of-State trash dollars and still met the interstate commerce laws that would get us dollars for trash. There were those of us that feared that that proposal would be gutted if we did not get agreements to ensure that those programs would be funded, and just as we feared, it got gutted. Now we are faced with a proposal that does partial funding of the Growing Greener program; it does nothing for volunteer firefighters; it does nothing for downtown programs.

We heard earlier tonight that if we just raised cigarette taxes high enough, we could curb usage by youth, but when it comes to trash, do we hear, let us just raise trash fees high enough on out-of-State importers so that we can curb out-of-State trash? No. Let us make sure this is only modest. We would not want those out-of-State haulers to stop hauling that trash in.

Mr. Speaker, this proposal is the sum of all our fears. It was gutted. It does not stop out-of-State trash; it does not deter it from coming in, and it does not fund programs. The only hope we are left with is that this same administration and these same people that are going to vote for this will not be in charge next year so they can break the promise again, because if history repeats itself, what we will see next year is these same people saying, oh, we are short again; how about if we, instead of taking that money that

we had dedicated from these trash dollars and using it for Growing Greener, we will take it and use it to balance the budget again next year.

Mr. Speaker, I urge a “no” vote, and I would hope that my colleagues would join me. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Ms. STEELMAN. Thank you, Mr. Speaker.

Unfortunately, after all of the work and all of the effort that has been put forward by so many people both in this House and outside this House to try to preserve and improve the Growing Greener program, the promise has not been kept, and the way in which it has not been kept is an unfortunate tribute to the lack of commitment by the leadership of the House to the preservation of our environment, to the preservation of our towns and cities, and to the preservation of our wildlands for hunters and fishermen.

What we have before us tonight is a bill that does indeed propose to raise the tipping fee, as was first suggested by the Representative from Montgomery County, but instead of devoting that money to Growing Greener programs, devotes only half of it to a truncated version of Growing Greener. That bill, originally introduced by Representative Harper, would, I thought, have been improved by the addition of a bill that I had introduced earlier to make Growing Greener whole by funding it using, as was originally proposed, a bond issue. That proposal, although agreeable to some of the people who have worked hardest on the project, was not acceptable to the Republican leadership. They intend to use a bond fund to help fill some of the holes in the budget but not to make Growing Greener whole. So we end up with a bill that has good intentions but not very much followthrough, and in which, after the process by which we have seen this conference report come to us, we can have little, if any, confidence that this dedicated funding will in fact remain dedicated should there be another crisis next year, a crisis that it is not too hard to predict.

So I have to say that despite my support for Growing Greener, I cannot vote for this bill. I cannot recommend that other members of the House vote for this bill. I can recommend that we refuse to accept this conference report and that we insist that members of the House who are truly committed to Growing Greener and to its improvement and expansion be allowed to work together on a conference committee report that does, in fact, strengthen, expand, and properly fund Growing Greener.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

I am disappointed, but I cannot say that I am very surprised. There was never a commitment to Growing Greener when it was passed in the first place. That is only being proven by the proposal that is before us. You have a problem keeping your promises? Ask local governments to help you out. Is that not exactly what we have done with funding for school districts? We do not want to fund school districts because we want to cut taxes, so we ask local property-tax payers to pick up our slack, and that is exactly what we are doing with this proposal.

I will tell you that my communities would not be nearly so disappointed in having to pay higher tipping fees through local

property taxes, which is exactly what will happen, if all the money were going to be dedicated to the environment. So break your promise, ask local governments to bear a cost shift once again, and do not keep your promise to funding Growing Greener at the level that the Governor promised. None of that is surprising to any of us on this side of the aisle, especially those of us who voted against this proposal in the first place, Growing Greener, because of the funding stream that was in it.

One of the wonderful things about this proposal is supposed to be that it stops out-of-State trash, because after all, there is nothing we can do about out-of-State trash. Yes, there is. Put a moratorium on new landfills, cap the amount of trash that is taken in our existing landfills, and it would soon become evident that out-of-State waste is becoming less of a problem than it is today.

There are alternatives to asking local governments to pick up our slack. Why do you folks not dedicate some of your time and energy to finding those alternatives instead of constantly going back to local property-tax payers so that you do not have to make a real commitment to the environment, to schools and education, or anything else?

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman from Washington County, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Will one of the conferees, either the Appropriations chairman or the other conferee, stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Argall, indicates that he will stand for interrogation.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, a little bit earlier the gentleman from York stood up and stated that everyone has a responsibility to help pay for this, and a majority of people should have to pay for the Growing Greener, everyone should pay their fair share, and then the gentelady from Montgomery County stood up and basically said the same thing. But it is my understanding, Mr. Speaker, that in York County over two-thirds of the citizens will not have to pay for this fee and over one-third of the citizens in Montgomery County will not have to pay for this extra tax. Could you please tell me if that is correct?

Mr. ARGALL. We did not believe that the residents of those counties that have some kind of a process, a waste energy facility, should have to pay twice, and so the ash going into the landfill will pay the tipping fee, but the materials going into the facility will not have to pay. So they will pay at the end, but not in the beginning and the end.

Mr. LESCOVITZ. So, Mr. Speaker, I was told by our staff that 53 counties will have to pay for the majority of this tipping fee and that counties like York, Montgomery, Delaware, Bucks, and Philadelphia will not have to pay for this extra tipping fee or either a majority or a large portion will not have to pay for this extra tax. Could you tell me if that is correct?

Mr. ARGALL. I believe my previous answer handled that question.

Mr. LESCOVITZ. Well, Mr. Speaker, you mentioned that they will pay it sometime, but my understanding, after reading the legislation, is that in 53 counties and in counties like York, Delaware, Montgomery, Bucks, that a majority of those people will not be paying this tax up front, but in 53 other counties they will be paying this tax up front. Is that correct?

Mr. ARGALL. It is a landfill tax. When the ash or the trash goes to the landfill, they will pay the tipping fee.

Mr. LESCOVITZ. Mr. Speaker, in those counties they have incinerators. In York County it is my understanding two-thirds, two-thirds of the trash is incinerated. So I am not sure how, if they are exempt from the tax, how they would be paying this tax.

Mr. ARGALL. Because in a perfect world, it would be wonderful if a waste-to-energy facility produced no byproducts, but there are byproducts. The ash will have a tipping fee.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, briefly. Mr. Speaker, I know we have a short period of time here.

I just want to make sure the members of this legislature, according to the figures that I have, in 53 counties your citizens will be paying this tax. In counties like York, over two-thirds of their citizens will not have to pay the tax; in Lancaster I believe it is 40-some percent; Delaware County, 40-some percent will not have to pay it; Bucks County, 39 to 40 will not have to pay it; Dauphin and Philadelphia, over one-third of their citizens will not have to pay this tax. So in those particular counties, the citizens will not be paying the tax but yet they will receive the money, and in the rest of the counties in which we all live, over 53, our citizens are going to be paying the tax with this particular piece of legislation.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

I just want to tell my colleagues that the only industry I have left in my district, Rohm and Haas, had to shut down part of their facility, one of the high-technology laboratories in the region, and move that operation somewhere else, and they are trying to work with the township to bring in another industry, another park.

I got this letter from the Croydon plant manager, and he says: "Knowing of your interest and support for our efforts to improve the competitive position of our Bristol site, I want to alert you to pending legislation that will increase our costs considerably. HB 2044" – it was 2345 – "would amend the Environmental Stewardship and Watershed Protection Act (Growing Greener) to establish a new \$5 per ton waste disposal fee, the proceeds of which are to be deposited into the Environmental Stewardship Fund (Growing Greener). I understand this bill could come before the House in the next several weeks.

"Our calculations indicate that this proposed fee would result in new annual costs to Bristol of \$102,000 at \$5/ton (based on year 2001 disposal amounts). At \$2/ton, costs would be approximately \$41,000 per year. Most of this burden would be borne by the Croydon plant which employs 175, and our Wastewater Treatment Plant. Unfortunately, none of the waste materials at issue is recyclable at this time; you may be interested to know that in 2001, we recycled nearly 800 tons. We always are looking at better ways to manage these solids and produce fewer in the first place, but this is a long process."

LETTER SUBMITTED FOR THE RECORD

Mr. MELIO. I will submit the letter for the record.

But it is just something that would be a very big hardship on the plant and the employees that work there, and I am going to vote "no."

The SPEAKER pro tempore. The Chair thanks the gentleman. The gentleman will submit his letter to the clerk.

Mr. MELIO submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin County, Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, let me start by saying without hesitation that the Growing Greener program is a very wonderful, successful program in the Commonwealth. It has done a lot of good. The grants that have been started by it have done wonderful things and will continue to do wonderful things. The trouble is that some of the nice rhetoric tonight about how great this new tax is going to be has not been completely explained.

Number one, what was stated before about the counties that do incinerate trash is absolutely true – big discounts, big discounts from paying this fee. A lot of customers in those big counties that incinerate trash will not have to pay for them. But you know what? They still get Growing Greener grants; they still get Growing Greener grants without being penalized for the difference.

And on the ash, somebody said something about, yes, there is a discount, undoubtedly, and they only pay the ash, but if it has been officially reused, they do not have to pay at all. So there is another break that those counties get.

I got letters from my local government officials, from supervisors and borough councilmen, and they have this figured out. They know that this tax is going to get passed on, and when your consumers, as the Representative from Philadelphia said the other night, everybody out there in TV land ought to understand, when you get your next trash bill after you vote for this and after it is passed, it is going to say, thank the members of the General Assembly who passed this tax on to you, because that is what is going to happen. It is going to get passed on. Your people are going to pay it; your people are going to pay it regardless, regardless of whether trash is incinerated or not, and Growing Greener grants will not be adjusted because one county pays 100 percent of it and another county does not pay any of it. If it is such a great— Somebody said about a referendum here a minute ago for the fire companies. That is a whole nother subject, I know. If a referendum is such a great idea, why do we not put this on a referendum and see how people feel about this? I think we all know what the answer we will get on it is. They have it figured out.

I do not want to hear too much about 1991 either, because I voted for that and I have listened to it for the last 10 years. The truth of the matter is that this is another tax included tonight, passed on to, in many cases, the poorest people in society who cannot afford to pay it. If you want to vote for it, you vote for it. I am not.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, my colleague, Representative Smith, has a slightly different groundhog tradition in his district than I have in mine. In my district, many of our ancestors originally came from Germany. They have what is called a grunsow fest once or twice a year, and they speak in the dialect of their ancestors, and I go to these. In the

6 years that I studied the German language in high school and college, I usually do not understand, but I picked up one word, and with my apologies to the stenographer, I will use it. It is “behoodled.” Now, do not ask me to spell it. Tonight I am entirely behoodled.

Many of the same people we are hearing from tonight, that small minority that opposed us in 1999 on December 8, those 28, told us that Growing Greener was not going to work; we should do this; we should do this; we should send it back to committee; we should spend more money; we should dedicate the funding, and I am hearing from them again.

Since we passed Growing Greener, we have cleaned up 188 miles of streams, 4,200 acres of wetlands; we have restored 2,000 acres of abandoned mines reclaimed and 770 abandoned oil and gas wells plugged in the districts of those members who voted “yes” as well as the districts of those members who voted “no,” Republicans and Democrats. So do not stand up here tonight and tell us Growing Greener did not work.

And then we hear, what happened? What happened is that we entered into one of the worst economic declines that we have seen in some time, and as if that was not enough, September 11 happened. Certainly no one predicted that, and we are still counting the toll to our State Treasury as well as to our families.

Tonight we have the opportunity to make Growing Greener better. The original plan was a 5-year plan. Tonight we have the opportunity to do something about 2005, 2006, 2007, to take us 10 years into the future. I have seen a major transformation in some of my communities because of Growing Greener. There are hills around Tamaqua that are beginning to grow green for the first time in anyone’s memory, and I am very hopeful that when my 11-year-old daughter turns 21 in 10 years, that all of those hills will become green. It has been a long time.

This program has helped a lot of districts. Would I like to do it more? Absolutely. But I have to tell you, we are extending Growing Greener from a \$645-million program to \$1.3 billion. So do not tell me it is not enough money. In the little towns that I represent along the Schuylkill River, \$1.3 billion is a lot of money.

And then I hear it has got to be dedicated; it has got to be dedicated; it has got to be dedicated. With the tipping fee dollars, we have tried to do just that.

I would hope that in future years we can grow Growing Greener even more. When the economy continues its recovery, when the State Treasury begins to stabilize – we already are seeing those early days – I would hope that we can do more, but there is no doubt in my mind, Mr. Speaker, that this bill really, in a year like this, represents a remarkable achievement that when we are facing over \$2.4 billion in deficits, that we are able to come up with hundreds of millions of dollars this year, taking us to 10 years, to continue the amazing progress that we have seen in your districts and in mine.

Thank you. I ask for a “yes” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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—122

Adolph	Evans, J.	Manderino	Schuler
Allen	Fairchild	Markosek	Semmel
Argall	Feese	Marsico	Smith, B.
Armstrong	Fichter	Mayernik	Smith, S. H.
Baker, J.	Fleagle	McGill	Stairs
Baker, M.	Flick	McIlhattan	Steil
Bard	Gabig	McIlhinney	Stern
Barrar	Gannon	McNaughton	Stevenson, R.
Bastian	Geist	Michlovic	Stevenson, T.
Bishop	Godshall	Micozzie	Strittmatter
Boyes	Gordner	Miller, R.	Taylor, E. Z.
Brooks	Harhart	Miller, S.	Taylor, J.
Bunt	Harper	Myers	Tigue
Butkovitz	Hasay	Nailor	Trich
Cappelli	Hennessey	Nickol	Tulli
Civera	Herman	O'Brien	Turzai
Clark	Hershey	Oliver	Vance
Clymer	Hess	Perzel	Veon
Cohen, L. I.	Horsey	Phillips	Washington
Cornell	James	Pickett	Waters
Corrigan	Josephs	Pippy	Watson
Costa	Kaiser	Raymond	Williams, J.
Creighton	Keller	Readshaw	Wilt
Cruz	Kenney	Reinard	Wright, M.
Dailey	Lederer	Rieger	Youngblood
Daley	Leh	Roebuck	Yudichak
Dally	Lynch	Ross	Zimmerman
DeWeese	Mackereth	Rubley	Zug
DiGirolamo	Maher	Sather	
Diven	Maitland	Saylor	Ryan,
Evans, D.	Major	Schroder	Speaker

NAYS—76

Belardi	Egolf	Lewis	Samuelson
Belfanti	Forcier	Lucyk	Santoni
Benninghoff	Frankel	Mann	Scavello
Birmelin	Freeman	McCall	Scrimenti
Blaum	George	McGeehan	Shaner
Browne	Grucela	Melio	Solobay
Buxton	Gruitza	Metcalfe	Staback
Caltagirone	Habay	Mundy	Steelman
Casorio	Haluska	Pallone	Stetler
Cawley	Hanna	Petrarca	Sturla
Cohen, M.	Harhai	Petrone	Surra
Colafella	Hutchinson	Pistella	Tangretti
Coleman	Jadlowiec	Preston	Travaglio
Coy	Kirkland	Roberts	Trello
Curry	Krebs	Robinson	Vitali
DeLuca	Laughlin	Rohrer	Walko
Dermody	Lawless	Rooney	Wansacz
Donatucci	Lescovitz	Ruffing	Wojnaroski
Eachus	Levdansky	Sainato	Yewcic

NOT VOTING—3

Bebko-Jones	Thomas	Wright, G.
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EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. McIlhattan.

Mr. McILHATTAN. Mr. Speaker, I move that the rules of the House be suspended for the immediate consideration of the conference report on HB 4.

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

The following roll call was recorded:

YEAS—167

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

NAYS—34

Bebko-Jones	Eachus	Lucyk	Staback
Belardi	Freeman	Melio	Tigue
Belfanti	Gruitza	Mundy	Travaglio
Blaum	Haluska	Pallone	Trello

Buxton	Hanna	Rooney	Vitali
Caltagirone	Harhai	Samuelson	Walko
Casorio	Krebs	Santoni	Wright, G.
Cawley	Lawless	Scrimenti	Yewcic
Coy	Levdansky		

NOT VOTING—0

EXCUSED—1

LaGrotta

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

SUPPLEMENTAL CALENDAR H

**REPORT OF
COMMITTEE OF CONFERENCE**

Mr. McILHATTAN called up for consideration the following report of the committee of conference on **HB 4, PN 4196**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further defining the “Pennsylvania System of School Assessment test” or “PSSA test”; providing for report of graduate rates for certain colleges and universities; further providing for establishment of independent schools, for school athletics, publications and organizations, for retention of records and for annual budgets; providing for membership of the School Reform Commission and responsibilities relating to financial matters of first class school districts in distress; further providing for intermediate unit board of directors; providing for conditional employment; further providing for age limits and temporary residence and for educational support services definitions and providers, for high school certificates, for charter school definitions, for funding for charter schools and for provisions applicable to charter schools; adding provisions for cyber charter schools; further providing for regulations and provisions applicable to charter schools, for education empowerment districts, for waivers, for alternative education and for trustee councils in institutions of the State System of Higher Education; providing for placement of adjudicated delinquents in first class school districts; further providing for Commonwealth reimbursement definitions, for small district assistance and for temporary special aid to certain school districts; providing for basic education funding for 2001-2002 school year; further providing for payments to intermediate units, for payments on account of transportation of nonpublic school pupils, for special education payments and for certain payments; providing for Commonwealth reimbursement for charter schools and cyber charter schools; further providing for school performance incentives; authorizing the Multipurpose Service Center Grant Program; further providing for powers and duties of the State Board of Education; and making an appropriation.

On the question,

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

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—135

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Semmel
Armstrong	Feese	Markosek	Smith, B.
Baker, J.	Fichter	Marsico	Smith, S. H.
Baker, M.	Fleagle	Mayernik	Stairs
Bard	Flick	McGeehan	Steil
Barrar	Gabig	McGill	Stern
Bastian	Gannon	McIlhattan	Stetler
Benninghoff	Geist	McIlhinney	Stevenson, R.
Birmelin	Godshall	McNaughton	Stevenson, T.
Bishop	Gordner	Michlovic	Strittmatter
Boyes	Habay	Micozzie	Taylor, E. Z.
Brooks	Harhart	Miller, R.	Taylor, J.
Bunt	Harper	Miller, S.	Thomas
Butkovitz	Hasay	Myers	Tigue
Cappelli	Hennessey	Nailor	Trich
Civera	Herman	Nickol	Tulli
Clark	Hershey	O’Brien	Turzai
Clymer	Hess	Oliver	Vance
Cohen, L. I.	Horsey	Perzel	Veon
Coleman	Hutchinson	Phillips	Washington
Cornell	Jadlowiec	Pickett	Waters
Corrigan	James	Pippy	Watson
Costa	Josephs	Preston	Williams, J.
Creighton	Kaiser	Raymond	Wilt
Cruz	Keller	Readshaw	Wright, M.
Dailey	Kenney	Reinard	Youngblood
Daley	Kirkland	Rieger	Yudichak
Dally	Lederer	Roebuck	Zimmerman
DeWeese	Leh	Ross	Zug
DiGirolamo	Lynch	Rubley	
Diven	Mackereth	Sather	Ryan, Speaker
Donatucci	Maher	Saylor	
Egolf			

NAYS—66

Bebko-Jones	Frankel	Melio	Scrimenti
Belardi	Freeman	Metcalfe	Shaner
Belfanti	George	Mundy	Solobay
Blaum	Grucela	Pallone	Staback
Browne	Gruitza	Petrarca	Steelman
Buxton	Haluska	Petrone	Sturla
Caltagirone	Hanna	Pistella	Surra
Casorio	Harhai	Roberts	Tangretti
Cawley	Krebs	Robinson	Travaglio
Cohen, M.	Laughlin	Rohrer	Trello
Colafella	Lawless	Rooney	Vitali
Coy	Lescovitz	Ruffing	Walko
Curry	Levdansky	Sainato	Wansacz
DeLuca	Lewis	Samuelson	Wojnaroski
Dermody	Lucyk	Santoni	Wright, G.
Eachus	Mann	Scavello	Yewcic
Forcier	McCall		

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. For what purpose does the lady,

Mrs. Taylor, rise?

Mrs. TAYLOR. Mr. Speaker, having participated in I think this is my 26th budget process, I did have some very important remarks on HB 4, but rather than prolong what is already a very long session, I would like to submit my remarks for the record.

The SPEAKER pro tempore. The Chair thanks the lady.
The lady will submit her remarks to the clerk.

Mrs. TAYLOR submitted the following remarks for the Legislative Journal:

As a former educator and a member that has participated in 26 budget debates, I would like to take a moment to recall for some of you and share with relatively new members a history lesson.

In 1992 when the current minority leader was the majority leader and his party controlled the Commonwealth, we were in extremely tight times financially, and the 1992 budget was a difficult one like this year's.

The previous fiscal year, 1991, when times were better, the Democratic majority had not only allocated new money to school districts for 1991 but had actually put language in that year's School Code budget bill, Act 25 of 1991, guaranteeing districts an increase of approximately \$125 million for the next 1992-1993 fiscal year.

When the time came in June of 1992 to adopt the budget, not only did districts not get their anticipated \$125 million but school funding was entirely frozen, with no increases at all. This was a double hit for districts who had adopted their 1992 budgets based on the assurance in law that a \$125-million funding increase would be available. This left districts to cope with not only no \$125 million but no new funds at all.

Under a Republican House, Republican Senate, and Republican Governor, today I am proud as a Republican to vote for a School Code budget bill which, in an historically tragic year and facing an even worse State economic picture, contains over \$126 million in new basic education funding dollars for our schools, provides a \$100-per-pupil increase in nonpublic transportation payments, and for the first time provides State funds to reimburse schools for expenses related to their students who are enrolled in charter schools. This increased funding sends a clear signal that public education has been, and continues to be, a Republican priority even when times are tough, with the leadership of a Republican House, Republican Senate, and Republican Governor.

SENATE MESSAGE

**REPORT OF COMMITTEE OF CONFERENCE
ADOPTED BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has adopted the report of the committee of conference on the subject of the differences existing between the two Houses on **SB 5, PN 2172**.

RULES SUSPENDED

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

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended for the immediate consideration of the conference report on SB 5.

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

The following roll call was recorded:

YEAS—162

Adolph	Evans, D.	Major	Scavello
Allen	Evans, J.	Manderino	Schroder
Argall	Fairchild	Mann	Schuler
Armstrong	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McGeehan	Smith, S. H.
Barrar	Forcier	McGill	Solobay
Bastian	Frankel	McIlhattan	Stairs
Benninghoff	Gabig	McIlhinney	Steelman
Birmelin	Gannon	McNaughton	Steil
Bishop	Geist	Metcalfe	Stern
Boyes	Godshall	Michlovic	Stetler
Brooks	Gordner	Micozzie	Stevenson, R.
Browne	Grucela	Miller, R.	Stevenson, T.
Bunt	Habay	Miller, S.	Strittmatter
Butkovitz	Harhart	Myers	Sturla
Cappelli	Harper	Nailor	Surra
Civera	Hasay	Nickol	Tangretti
Clark	Hennessey	O'Brien	Taylor, E. Z.
Clymer	Herman	Oliver	Taylor, J.
Cohen, L. I.	Hershey	Perzel	Thomas
Cohen, M.	Hess	Petrarca	Trich
Colafella	Horsey	Petrone	Tulli
Coleman	Hutchinson	Phillips	Turzai
Cornell	Jadlowiec	Pickett	Vance
Corrigan	James	Pippy	Veon
Costa	Josephs	Preston	Wansacz
Creighton	Kaiser	Raymond	Washington
Cruz	Keller	Readshaw	Waters
Curry	Kenney	Reinard	Watson
Dailey	Kirkland	Rieger	Williams, J.
Daley	Laughlin	Roberts	Wilt
Dally	Lederer	Robinson	Wright, M.
DeLuca	Leh	Roebuck	Youngblood
Dermody	Lescovitz	Rohrer	Yudichak
DeWeese	Lewis	Ross	Zimmerman
DiGirolamo	Lynch	Rublely	Zug
Diven	Mackereth	Sainato	
Donatucci	Maher	Sather	Ryan,
Egolf	Maitland	Saylor	Speaker

NAYS—39

Bebko-Jones	Freeman	McCall	Staback
Belardi	George	Melio	Tigue
Belfanti	Gruitza	Mundy	Travaglio
Blaum	Haluska	Pallone	Trello
Buxton	Hanna	Pistella	Vitali
Caltagirone	Harhai	Rooney	Walko
Casorio	Krebs	Ruffing	Wojnaroski
Cawley	Lawless	Samuelson	Wright, G.
Coy	Levdansky	Santoni	Yewcic
Eachus	Lucyk	Scrimenti	

NOT VOTING—0

EXCUSED—1

LaGrotta

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

SUPPLEMENTAL CALENDAR J

REPORT OF

COMMITTEE OF CONFERENCE

Mr. PERZEL called up for consideration the following report of the committee of conference on **SB 5, PN 2172**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2002, to June 30, 2003, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2002, to June 30, 2003; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2002, to June 30, 2003, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2002; and to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

On the question,

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Gabig.

Mr. GABIG. Mr. Speaker, is this the budget?

The SPEAKER pro tempore. Yes, it is, Mr. Gabig.

Mr. GABIG. Could I interrogate the chairman of Appropriations?

The SPEAKER pro tempore. The gentleman, Mr. Argall, indicates that he will stand for interrogation.

Mr. GABIG. Mr. Speaker, the budget, as I understand it—I just want to make sure that I am correct—is this a zero-growth budget this year?

Mr. ARGALL. Yes.

Mr. GABIG. How much is the total spending?

Mr. ARGALL. \$20.7 billion, General Fund.

Mr. GABIG. And, Mr. Speaker, how much was the overall spending in the General Fund last year?

Mr. ARGALL. \$20.782068.

Mr. GABIG. So, Mr. Speaker, if I am correct, that is actually a reduction in spending from last year to this year's budget. Is that correct?

Mr. ARGALL. That is correct, in General Fund appropriations.

Mr. GABIG. So the revenues to support that, is that more or less than last year's revenue that we voted to raise for this budget?

Mr. ARGALL. Because we are filling the deficit for this current fiscal year that will end on Sunday, the revenues will show a slight increase.

Mr. GABIG. But for the budget for next year, for this coming

fiscal year, is it actually more or less than for the previous fiscal year?

Mr. ARGALL. The projected revenues for the coming fiscal year are \$21.812. The current fiscal year is \$21.328.

Mr. GABIG. Thank you, Mr. Speaker.

If I could speak on concurrence; Mr. Speaker, if I could speak on concurrence, please.

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

Mr. GABIG. I would like to thank the chairman of the Appropriations Committee for those enlightening remarks.

The difference between this year and 1991 is 1991 was an increase in government spending, and that is why you had to have an increase in taxes. This year we are having a zero growth, actually a reduction in spending, so the revenues are actually less. This is actually a tax reduction overall on the citizens and businesses of Pennsylvania.

I want to commend the gentleman from Delaware County, I believe it was Mr. Adolph, who said in effect, you should either put up or shut up. For all those who say no taxes, no taxes, these new no-tax people, where are you going to either raise taxes or increase spending? I want to hear it tonight. What programs are you going to cut or whose taxes are you going to raise to balance this budget as required, constitutionally that we are required to do?

That is why I put up the votes that I did tonight. I think it was the responsible thing to do, the fiscally conservative thing to do. I am proud of the people that we helped.

I am very disappointed in anybody from Philadelphia that did not vote. It is a 12-percent increase for your schools; it is only a 2 1/2-percent increase for my schools. How can you not vote for this budget which is taking care of the kids in Philadelphia where they most are in need?

So I would again thank the chairman and the leadership for this bold plan for Pennsylvania.

For those that are sudden tax cutters, whose taxes would you increase? What program would you cut?

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The noise level in the House is a little too high. Can we please take our seats. Conferences in the aisles, please break up.

The Chair recognizes the gentleman from Allegheny County, Mr. Trello.

Mr. TRELLO. Thank you, Mr. Speaker.

Mr. Speaker, this is my 28th budget and my last, thank God. I will have to say that there are several bad budgets that we have passed in my tenure here, but this is absolutely the worst.

The gentleman talked about, what cuts are you going to make and what taxes are you going to raise? Well, you already raised the taxes. You might call them fees, but in my opinion, they are taxes. And what this budget is going to do for the men and women that have children in college, their tuition is going to go up. Our school property taxes have already gone up because of the lack of funding from this great State of ours. They are going to pay more for their rubbish, and, yes, they are going to pay more for busfares, too, because we cut money for our port authorities all over the State. So transportation is going to cost an awful lot more money.

What did we cut? We did not cut anything for corporations; we did not cut anything for those major big spenders, but what we did cut was the line item for senior citizen centers. Those poor people will not have any place to go to play cards anymore because we

cut that money.

We also cut money for rewarding, you know, improvement for schools at 32.2 percent.

Link to Learn. We talk about our kids having the best education possible, but we cut Link to Learn by 80.9 percent.

The teacher professional development program, we cut that by 36.3 percent.

Read to Succeed. Boy, how we bragged about that in the past. That is being cut 40 percent.

And vocational education equipment grants, where kids cannot afford to go to college but they try to learn a trade, that has been cut 100 percent. So there is nothing left for them.

What about the programs that benefit people with Alzheimer's disease? Completely cut. Money for nursing homes, we are using the tobacco money now for that instead of the budget money.

You know, there are 575 line items in this budget; 270 line items have cuts in them.

Mr. Speaker, I do not know about your district, but let me tell you about my district. My district is sick and tired about lack of funding from the State for programs that we are responsible for. We talk about funding firefighters, our passionate speeches that we make about those people after 9/11 and all the responsibilities that they have to fight, we talk a good sermon, but we come up with nothing. We come up with a program on the ballot for this next general election. Why do we not take 4 cents of the cigarette tax? It will bring in about \$40 million, and that will help our firefighters.

Mr. Speaker, like I said, this is my 28th budget, and I can honestly say from the bottom of my heart, this is the worst. I am going to vote "no," and I think you should, too. Thank you.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this particular budget today. However, having said that, there is one area that I certainly feel that the budget has shortchanged the last several years, and that is mass transit. You may recall a couple of years ago we had a situation with the PURTA (Public Utility Realty Tax Act) tax, and that was promised to be fixed, and it still has not been fixed. The line item for mass transit has remained the same the last 3 years. Mass transit is one of those things that we need for economic development, and certainly back in my area of the State, where we have some major construction programs, particularly with the Fort Pitt Bridge, the Fort Pitt Tunnel situation, mass transit is being asked to carry a larger part of the burden of carrying some of that traffic around some of those construction zones. Unfortunately, this budget hampers that effort, hampers mass transit efforts all over the State, not only in the west but certainly in our major urban areas. This is something that helps people of lower incomes, and I think we need to spend more money on mass transit.

I gave this exact same speech last year because the situation was the same. Unfortunately, it has not changed. In the future, hopefully next year where I am not talking to deaf ears, we can turn the mass transit situation around. Perhaps with a new Governor, whoever he may be, the message that I would like to leave for him tonight is, we cannot forget mass transit. We have got to do more to help mass transit, and certainly this budget, unfortunately, does not do that.

I am going to support the budget for many of the other things that are involved with it. However, I thought it was wise to get up

and kind of shoot a warning shot over the deck to my colleagues and certainly the new Governor, that would you please take a look next year at the mass transit line item and certainly enhance that situation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna County, Mr. Wansacz. The gentleman waives off.

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

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I was asked to say a few words in behalf of the budget, and I rise to support this, obviously. These are very, very difficult times and they require some very difficult decisions, and this budget is a difficult one for all of us, but we have had to endure some very difficult times – recessionary period, the 9/11 issue – and because of that our revenues are off on almost every facet, all but one, sales tax.

Mr. Speaker, we really need to pass this budget because it is the best we can do at this time. It is not everything that we want. Could we do better? Yes. Could it be worse? Of course. But we have got California with a \$23-billion budget deficit; we have New York State tapping their Rainy Day Fund by over \$6 billion; we have cigarette taxes going up \$1.50 a pack in New York, New York City, and New Jersey. These are very, very difficult times. Forty different States are in a deficit mode, and we are no different than they are. These are very, very difficult times economically. We have suffered an economic sucker punch, if you will. It has stung us, and we are still feeling the sting from that sucker punch, but it has not knocked us down. In fact, we are already seeing some recovery. We are getting our legs back. We are becoming more resilient economically, and the economic factors are looking better for us. So, Mr. Speaker, I think we are going to improve, and this is the best that we can do at this point.

I rise to strongly support this and hope that the colleagues on both sides of the aisle will support it as well. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene County, Mr. DeWeese.

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

This budget will sustain a \$2.5-billion Republican tax increase. You have depleted the State savings account for all intents and purposes. You have raised taxes tonight through the roof, not only on cigarettes, but you raised corporate taxes through the capital stock and franchise maneuvering, and you have raised the corporate net income tax when you allowed us to be decoupled from the Federal tax exercise that the Bush administration in Washington had projected. So you have raised taxes on our corporations tonight; you have raised taxes on middle-class Pennsylvanians who enjoy tobacco; you have made a series of one-time fee arrangements and accounting gimmickry not tied to any program. So after you have raised \$2 1/2 billion of taxes – and this is a poignant area of focus – not one single child will have Head Start next year because of all of your Republican tax increases; not one more senior citizen will have the chance to enjoy PACE (Pharmaceutical Assistance Contract for the Elderly), a reduced prescription opportunity; not one single dwelling, not one family, will be the beneficiary of a reduced property tax in Pennsylvania. We are raising \$2.5 billion in additional revenue, Mr. Speaker, and not one Pennsylvanian will realize any property tax reduction.

I said many times from this podium that during the 1990s when corporate taxes were going down, down, down and property taxes were going up, up, up, one would have thought tonight in 2002 when the Republican Party in the legislature, in the Senate and in the House, and in the executive offices is raising \$2 1/2 billion of new revenue, at least we could have done something on property tax reduction, something on prescription drug reform, something on smaller class sizes. No education reform; nothing for our firefighters. These remarks were made appropriately when we were debating the tax bill a few hours ago, but they are just as commensurately appropriate as we debate the budget document.

In 2002 the Republican Party of Pennsylvania is getting ready to hand to Governor Edward G. Rendell a shipwreck, a train wreck, a truck wreck, a big wreck. We are going to be here 1 year from tonight, mark my words, and I want to see how many Republicans – I hope we play back all of your words, and I think I am going to admonish my worthy staff to collect some of these vibrant speeches – you wanted to raise taxes tonight; you wanted to vote on a budget that is a melancholy proposal, but next year our challenges are even going to be more severe.

Democrats were excluded from this process by Mark Schweiker. We only got involved in the leadership team within the last 72 hours. This is a sorry proposal, and it rests at the feet of the Republican Party of Pennsylvania.

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

Mr. ARGALL. Thank you, Mr. Speaker.

The majority leader before wondered allowed how long it had been since our tax revenues went down from one year to the next. With the help of the Appropriations staff, I did the research, and I only wish that Matt were still with us at the podium tonight. It was 1962 and 1963 when our Speaker of the House was a freshman. So it has been 40 years since what we have gone through this year has been seen in Pennsylvania.

I would like to thank the Democrats for working with us. Despite the minority leader's previous comments, we have cobbled together tonight a bipartisan majority to balance our budget as constitutionally required. We have balanced our budget because we have been careful over the past few years while we heard time after time again that we ought not to pour all that money into the Rainy Day Fund. Why did we have to do that? What could possibly happen? Well, we have seen what could possibly happen. We have chosen to act responsibly in the past, and I believe tonight we will choose to act responsibly again.

Many other States have it worse, but we should not discount the difficult times that we are seeing in Pennsylvania. We have made the tough choices that we have had to make, but our work will not be finished tonight.

Ten years ago I served as the minority subcommittee chairman of the Subcommittee on Youth, and I saw what good work could be done in our subcommittees. We began the work looking at what would happen with the outmigration of our young people, and many of the suggestions that we came up with, majority and minority, are today law.

I am asking each of the Appropriations subcommittees, as we try to breathe new life into them, to help us look for cuts so that the cataclysm which was just predicted by the minority leader will not happen at this time next year, with Jim Lynch and his colleagues on the Capital Budget Subcommittee, Lita Cohen and her successor on the Subcommittee on Education, and Matt Baker on the Subcommittee on Health and Human Services to look for

more careful pruning in the weeks and months to come.

Once again, I would like to thank all of the members. It has been very, very interesting. I think this is my 82d day on this job. I would like to thank all of you as we have worked together to cobble together a bipartisan majority in a very historic but difficult year.

Thank you very much.

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

Mr. VITALI. Brief interrogation.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, it is a matter of custom and courtesy that the floor leaders go last.

Mr. VITALI. I understand that.

The SPEAKER pro tempore. Does the gentleman desire to proceed in spite of that custom and courtesy?

Mr. VITALI. Yes.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. Would the Chair grant a 1-minute recess?

The SPEAKER pro tempore. The House will stand at ease.

Mr. DeWEESE. Thank you, Mr. Speaker.

Mr. VITALI. I do apologize because it certainly was not my intention to do this. Just 2 minutes ago someone brought something to my attention, which I just want to make sure members are aware of when voting, because it is an important issue to people.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. VITALI. Okay.

Perhaps by way of interrogation, an explanation. There is some language on page 127 which deals with moneys for family planning and the restrictions with regard to abortions and so forth. If someone could just explain that language to me so we can just – members are aware of that language in voting on the budget.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

For the gentleman's edification, the budget amendment that we had passed earlier this year in April had an amendment that I had included that dealt with this particular subject. In the course of the discussion that we had with the Senate and other interested parties, we have amended that somewhat, and I would like to just, if you could indulge me, read to you what I have prepared as sort of a summary of what this amendment does.

The first thing it does is that abortion providers and those that advocate for abortion will need to demonstrate a separate physical and financial arrangement in order to receive State moneys, and this applies as well to the staff who work for them.

The physical and financial separation requirement is intended to implement the Title X restrictions on separate facilities, separate staff, and separate accounting records that were upheld by the U.S. Supreme Court in the *Rust v. Sullivan* case in 1991, which was subsequently rescinded by President Clinton.

And those agencies that do not perform or advocate for abortion and only comply with the Title X Federal mandates of nondirective or options counseling and referrals are exempt from the separation requirements. That is probably the major change from the amendment that we passed back a couple of months ago. So one of

the concerns that people had was that Title X recipients were not going to be able to access the Federal funds if my amendment went in, and so when we amended my amendment, so to speak, those people that are not directly involved in providing for or referring for or advocating for abortions are no longer going to have to face that problem of, do they take State or Federal moneys. They will be able to take both.

Mr. VITALI. If I could just stop you. I mean, those of you who are much more in tune with this issue than I am might want to look at page 127. So they might want to just be clear on this as we proceed here.

But I am sorry; were you done with the explanation?

Mr. BIRMELIN. No. I have two more points, if you would like to hear them.

Point No. 4 is that the compliance of any of the agencies who receive these State moneys, including the Title X recipients, must be verified by an independent audit, and that independent audit will vary as to its depth of the extent to which it has to be offered by the Department of Public Welfare, and they will have to figure out what they will require from these providers in order to meet that requirement.

It also allows for the reporting on March 30 of next year to several of the committees of the House and the Senate; that is, DPW will have to report on the extent of which the audits have been performed and whether or not they have been successfully meeting the needs for the requirements of this amendment.

Mr. VITALI. Okay. Let me – again, this is not my issue – but I see an appropriation here for, is it \$4.3 million that we are dealing with here?

Mr. BIRMELIN. Yes; that is correct.

Mr. VITALI. And have in the past groups like Planned Parenthood received some of this money?

Mr. BIRMELIN. Yes, not all of it, but in some cases they have.

Mr. VITALI. And would this language which you inserted prevent them right now from getting that in next budget?

Mr. BIRMELIN. No, because they could meet the separation requirements and still get the money.

Mr. VITALI. Are they meeting those requirements right now?

Mr. BIRMELIN. Well, they are not required to do that now.

Mr. VITALI. No, but please answer my question. Are they meeting— I mean, could they get the money given their current state of facilities?

Mr. BIRMELIN. Well, you would have to go by facility by facility by facility. My guess is probably not in most cases.

Mr. VITALI. So you do not think in their current configuration most of their facilities would qualify for this money, money they have received in the past?

Mr. BIRMELIN. I am just giving you my own personal guess. I do not know for a fact.

Mr. VITALI. Okay.

Mr. BIRMELIN. I really cannot answer that question because I do not know that well.

Mr. VITALI. Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

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

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—131

Adolph	Egolf	Maher	Schroder
Allen	Evans, D.	Maitland	Schuler
Argall	Evans, J.	Major	Semmel
Armstrong	Fairchild	Markosek	Smith, B.
Baker, J.	Feese	Marsico	Smith, S. H.
Baker, M.	Fichter	Mayernik	Stairs
Bard	Fleagle	McGeehan	Steil
Barrar	Flick	McGill	Stern
Bastian	Gabig	McIlhattan	Stevenson, R.
Benninghoff	Gannon	McNaughton	Stevenson, T.
Birmelin	Geist	Micozzie	Strittmatter
Bishop	Godshall	Miller, R.	Taylor, E. Z.
Boyes	Gordner	Miller, S.	Taylor, J.
Brooks	Habay	Myers	Thomas
Bunt	Harhart	Nailor	Tigue
Butkovitz	Harper	Nickol	Trich
Cappelli	Hasay	O'Brien	Tulli
Civera	Hennessey	Oliver	Turzai
Clark	Herman	Perzel	Vance
Clymer	Hershey	Phillips	Veon
Cohen, L. I.	Hess	Pickett	Washington
Coleman	Horsey	Pippy	Waters
Cornell	Hutchinson	Raymond	Watson
Corrigan	Jadlowiec	Readshaw	Williams, J.
Costa	James	Reinard	Wilt
Creighton	Kaiser	Rieger	Wright, M.
Cruz	Keller	Roebuck	Youngblood
Dailey	Kenney	Rohrer	Yudichak
Daley	Lederer	Ross	Zimmerman
Dally	Leh	Rubley	Zug
DeWeese	Lewis	Sather	
DiGirolo	Lynch	Saylor	Ryan,
Diven	Mackereth	Scavello	Speaker
Donatucci			

NAYS—70

Bebko-Jones	Freeman	McIlhinney	Scrimenti
Belardi	George	Melio	Shaner
Belfanti	Grucela	Metcalfe	Solobay
Blaum	Gruitza	Michlovic	Staback
Browne	Haluska	Mundy	Steelman
Buxton	Hanna	Pallone	Stetler
Caltagirone	Harhai	Petrarca	Sturla
Casorio	Josephs	Petrone	Surra
Cawley	Kirkland	Pistella	Tangretti
Cohen, M.	Krebs	Preston	Travaglio
Colafella	Laughlin	Roberts	Trello
Coy	Lawless	Robinson	Vitali
Curry	Lescovitz	Rooney	Walko
DeLuca	Levdansky	Ruffing	Wansacz
Dermody	Lucyk	Sainato	Wojnaroski
Eachus	Manderino	Samuelson	Wright, G.
Forcier	Mann	Santoni	Yewcic
Frankel	McCall		

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

REPORTS OF COMMITTEES OF CONFERENCE ADOPTED BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has adopted the reports of the committees of conference on the subject of the differences existing between the two Houses on **HB 4, PN 4196; HB 1848, PN 4197; and HB 2044, PN 4198.**

SENATE MESSAGE

HOUSE BILLS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2490, PN 4011; HB 2494, PN 3573; HB 2501, PN 3579; HB 2503, PN 3581; HB 2504, PN 3582; HB 2505, PN 3583; HB 2506, PN 3584; HB 2507, PN 3585; HB 2508, PN 3586; HB 2509, PN 3587; HB 2510, PN 3588; HB 2511, PN 3589; HB 2513, PN 3591; HB 2514, PN 3592; HB 2515, PN 3593; HB 2516, PN 3594; HB 2517, PN 3595; HB 2518, PN 3596; HB 2519, PN 3597; HB 2520, PN 3598; HB 2521, PN 3599; and HB 2522, PN 3600**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2491, PN 4185; HB 2492, PN 4186; HB 2493, PN 4187; HB 2495, PN 4188; HB 2496, PN 4189; HB 2497, PN 4190; HB 2498, PN 4191; HB 2499, PN 4192; HB 2502, PN 4193; and HB 2512, PN 4194**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 2491, PN 4185 By Rep. PERZEL

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts

of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

HB 2492, PN 4186 By Rep. PERZEL

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

HB 2493, PN 4187 By Rep. PERZEL

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

RULES.

HB 2495, PN 4188 By Rep. PERZEL

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

RULES.

HB 2496, PN 4189 By Rep. PERZEL

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

RULES.

HB 2497, PN 4190 By Rep. PERZEL

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

RULES.

HB 2498, PN 4191 By Rep. PERZEL

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

RULES.

HB 2499, PN 4192 By Rep. PERZEL

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

RULES.

HB 2502, PN 4193

By Rep. PERZEL

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

RULES.

HB 2512, PN 4194

By Rep. PERZEL

An Act making an appropriation to The Children’s Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

RULES.

SUPPLEMENTAL CALENDAR M

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2495, PN 4188**, entitled:

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

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Fleagle, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman from Northampton County, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I just wanted to clarify. The series of bills that are coming up to vote on now, are these the nonpreferred appropriations for which this House had extensive debate a few weeks ago? If I could just interrogate the Appropriations chair.

The SPEAKER pro tempore. The gentleman is correct. They are the nonpreferred appropriations.

Mr. SAMUELSON. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—186

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Semmel
Armstrong	Feese	Mann	Shaner
Baker, J.	Fichter	Markosek	Smith, B.
Baker, M.	Fleagle	Marsico	Smith, S. H.
Bard	Flick	Mayernik	Solobay
Barrar	Forcier	McCall	Staback
Bastian	Frankel	McGeehan	Stairs
Bebko-Jones	Freeman	McGill	Steelman

Belardi	Gabig	McIlhattan	Steil
Belfanti	Gannon	McIlhinney	Stern
Benninghoff	Geist	McNaughton	Stetler
Birmelin	George	Melio	Stevenson, R.
Bishop	Godshall	Michlovic	Stevenson, T.
Boyes	Gordner	Micozzie	Strittmatter
Brooks	Grucela	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Bunt	Hanna	Mundy	Tangretti
Butkovitz	Harhai	Myers	Taylor, E. Z.
Buxton	Harhart	Nailor	Taylor, J.
Cappelli	Harper	Nickol	Thomas
Cawley	Hasay	O’Brien	Tigue
Civera	Hennessey	Oliver	Travaglio
Clark	Herman	Pallone	Trello
Clymer	Hershey	Perzel	Trich
Cohen, L. I.	Hess	Petrarca	Tulli
Cohen, M.	Horsey	Petrone	Turzai
Colafella	Hutchinson	Phillips	Vance
Coleman	Jadlowiec	Pickett	Veon
Cornell	James	Pippy	Vitali
Corrigan	Josephs	Pistella	Walko
Costa	Kaiser	Preston	Wansacz
Coy	Keller	Raymond	Washington
Creighton	Kenney	Readshaw	Waters
Cruz	Kirkland	Reinard	Watson
Curry	Krebs	Rieger	Williams, J.
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wright, G.
Dally	Lederer	Rohrer	Wright, M.
DeLuca	Leh	Ross	Youngblood
Dermody	Lescovitz	Rubley	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolo	Lucyk	Santoni	Zug
Diven	Lynch	Sather	
Donatucci	Mackereth	Saylor	Ryan,
Egolf	Maher	Scavello	Speaker

NAYS—15

Blaum	Gruitza	Roberts	Scrimenti
Caltagirone	Haluska	Rooney	Wojnaroski
Casorio	Lewis	Ruffing	Yewcic
Eachus	Metcalfe	Samuelson	

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

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

The House proceeded to consideration of concurrence in Senate amendments to **HB 2496, PN 4189**, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—183

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

NAYS—18

Table listing names of members who voted 'NAYS' for the bill, including Benninghoff, Blaum, Caltagirone, Casorio, Egolf, Gruitz, Haluska, Krebs, Leh, Lewis, Metcalfe, Petrarca, Roberts, Samuelson, Scrimenti, Wilt, Wojnaroski, and Yewcic.

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to HB 2497, PN 4190, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—184

Table listing names of members who voted 'YEAS' for the second bill, including Adolph, Allen, Argall, Armstrong, Baker, J., Baker, M., Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Birmelin, Bishop, Boyes, Brooks, Browne, Bunt, Butkovitz, Buxton, Cappelli, Cawley, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Coleman, Cornell, Corrigan, Costa, Coy, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Evans, D., Evans, J., Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Godshall, Gordner, Grucela, Habay, Harhai, Harhart, Harper, Hasay, Hennessey, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Josephs, Kaiser, Keller, Kenney, Kirkland, Laughlin, Lawless, Lederer, Lescovitz, Levdansky, Dermody, Lynch, Mackereth, Markosek, Marsico, Mayernik, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Michlovic, Micozzie, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, Pallone, Perzel, Petrarca, Petrone, Phillips, Pickett, Pippy, Pistella, Preston, Raymond, Readshaw, Walko, Wansacz, Washington, Waters, Watson, Williams, J., Wright, G., Wright, M., Youngblood, Yudichak, Zimmerman, Schuler, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigie, Travaglio, Trello, Trich, Tulli, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Williams, J., Wright, G., Wright, M., Youngblood, Yudichak, and Zimmerman.

DiGirolamo	Maher	Sather	Zug
Diven	Maitland	Saylor	
Donatucci	Major	Scavello	
Eachus	Manderino	Schroder	Ryan,
Evans, D.	Mann		Speaker

NAYS—17

Benninghoff	Gruitza	Leh	Samuelson
Blaum	Haluska	Lewis	Scrimenti
Caltagirone	Hanna	Metcalfe	Wojnaroski
Casorio	Krebs	Roberts	Yewcic
Egolf			

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2498, PN 4191**, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—185

Adolph	Evans, J.	Mann	Schuler
Allen	Fairchild	Markosek	Semmel
Argall	Feese	Marsico	Shaner
Armstrong	Fichter	Mayernik	Smith, B.
Baker, J.	Fleagle	McCall	Smith, S. H.
Baker, M.	Flick	McGeehan	Solobay
Bard	Forcier	McGill	Staback
Barrar	Frankel	McIlhattan	Stairs
Bastian	Freeman	McIlhinney	Steelman
Bebko-Jones	Gabig	McNaughton	Steil
Belardi	Gannon	Melio	Stern
Belfanti	Geist	Michlovic	Stetler
Birmelin	George	Micozzie	Stevenson, R.
Bishop	Godshall	Miller, R.	Stevenson, T.
Boyes	Gordner	Miller, S.	Strittmatter
Brooks	Grucela	Mundy	Sturla
Browne	Gruitza	Myers	Surra
Bunt	Habay	Nailor	Tangretti
Butkovitz	Harhai	Nickol	Taylor, E. Z.
Buxton	Harhart	O'Brien	Taylor, J.
Cappelli	Harper	Oliver	Thomas
Cawley	Hasay	Pallone	Tigue
Civera	Hennessey	Perzel	Travaglio
Clark	Herman	Petrarca	Trello
Clymer	Hershey	Petrone	Trich

Cohen, L. I.	Hess	Phillips	Tulli
Cohen, M.	Horsey	Pickett	Turzai
Colafella	Hutchinson	Pippy	Vance
Coleman	Jadlowiec	Pistella	Veon
Cornell	James	Preston	Vitali
Corrigan	Josephs	Raymond	Walko
Costa	Kaiser	Readshaw	Wansacz
Coy	Keller	Reinard	Washington
Creighton	Kenney	Rieger	Waters
Cruz	Kirkland	Robinson	Watson
Curry	Laughlin	Roebuck	Williams, J.
Dailey	Lawless	Rohrer	Wilt
Daley	Lederer	Rooney	Wright, G.
Dally	Lescovitz	Ross	Wright, M.
DeLuca	Levdansky	Rubley	Youngblood
Dermody	Lucyk	Ruffing	Yudichak
DeWeese	Lynch	Sainato	Zimmerman
DiGirolamo	Mackereth	Santoni	Zug
Diven	Maier	Sather	
Donatucci	Maitland	Saylor	
Eachus	Major	Scavello	Ryan,
Evans, D.	Manderino	Schroder	Speaker

NAYS—16

Benninghoff	Egolf	Leh	Samuelson
Blaum	Haluska	Lewis	Scrimenti
Caltagirone	Hanna	Metcalfe	Wojnaroski
Casorio	Krebs	Roberts	Yewcic

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2499, PN 4192**, entitled:

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

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—180

Adolph	Fairchild	Mann	Schuler
Allen	Feese	Markosek	Semmel
Argall	Fichter	Marsico	Shaner
Armstrong	Fleagle	Mayernik	Smith, B.
Baker, M.	Flick	McCall	Smith, S. H.
Bard	Forcier	McGeehan	Solobay
Barrar	Frankel	McGill	Staback
Bastian	Freeman	McIlhattan	Stairs
Bebko-Jones	Gabig	McIlhinney	Steelman
Belardi	Gannon	McNaughton	Steil

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

NAYS—20

Baker, J.	Casorio	Leh	Rohrer
Benninghoff	Egolf	Lewis	Samuelson
Blaum	Haluska	Metcalf	Scrimenti
Boyes	Hanna	Petrarca	Wojnaroski
Caltagirone	Krebs	Roberts	Yewcic

NOT VOTING—1

Tigue

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2512, PN 4194**, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

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

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

The following roll call was recorded:

YEAS—185

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

NAYS—16

Benninghoff	Egolf	Leh	Samuelson
Blaum	Haluska	Lewis	Scrimenti
Caltagirone	Hanna	Metcalf	Wojnaroski
Casorio	Krebs	Rohrer	Yewcic

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2502, PN 4193**, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—176

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

NAYS—25

Baker, J.	Egolf	Krebs	Samuelson
Bastian	Fairchild	Leh	Scrimenti
Benninghoff	Gordner	Lewis	Steelman
Birmelin	Haluska	Metcalfe	Turzai
Blaum	Hanna	Petrarca	Wojnaroski
Caltagirone	Herman	Rohrer	Yewcic
Casorio			

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2493, PN 4187**, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—186

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

Creighton	Keller	Readshaw	Walko
Cruz	Kenney	Reinard	Wansacz
Curry	Kirkland	Rieger	Washington
Dailey	Krebs	Roberts	Waters
Daley	Laughlin	Robinson	Watson
Dally	Lawless	Roebuck	Williams, J.
DeLuca	Lederer	Rooney	Wilt
Dermody	Lescovitz	Ross	Wright, G.
DeWeese	Levdansky	Rubley	Wright, M.
DiGirolamo	Lucyk	Ruffing	Yewcic
Diven	Lynch	Sainato	Youngblood
Donatucci	Mackereth	Samuelson	Yudichak
Eachus	Maher	Santoni	Zimmerman
Evans, D.	Maitland	Sather	Zug
Evans, J.	Major	Saylor	
Fairchild	Manderino	Scavello	Ryan,
Feese	Mann	Schroder	Speaker

NAYS-15

Baker, J.	Blaum	Haluska	Rohrer
Bastian	Caltagirone	Leh	Scrimenti
Benninghoff	Casorio	Lewis	Wojnaroski
Birmelin	Egolf	Metcalfe	

NOT VOTING-0

EXCUSED-1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2492, PN 4186**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-184

Adolph	Fichter	Markosek	Schuler
Allen	Fleagle	Marsico	Semmel
Argall	Flick	Mayernik	Shaner
Armstrong	Forcier	McCall	Smith, B.
Baker, M.	Frankel	McGeehan	Smith, S. H.
Bard	Freeman	McGill	Solobay
Barrar	Gabig	McIlhattan	Staback
Bebko-Jones	Gannon	McIlhinney	Stairs
Belardi	Geist	McNaughton	Steelman
Belfanti	George	Melio	Steil
Bishop	Godshall	Michlovic	Stern

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

NAYS-17

Baker, J.	Caltagirone	Leh	Rohrer
Bastian	Casorio	Lewis	Scrimenti
Benninghoff	Egolf	Metcalfe	Wilt
Birmelin	Haluska	Petrarca	Wojnaroski
Blaum			

NOT VOTING-0

EXCUSED-1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2491, PN 4185**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support

and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh,” making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—188

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

NAYS—13

Birmelin	Egolf	Lewis	Scrimenti
Blaum	Haluska	Metcalfe	Solobay
Caltagirone	Leh	Rohrer	Wojnaroski
Casorio			

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR G

BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 766, PN 2072**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for certain reimbursement.

On the question,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—189

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

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

NAYS-12

Baker, J.	Caltagirone	Levdansky	Scrimenti
Birmelin	Casorio	Metcalfe	Vance
Blaum	Haluska	Petrarca	Wojnaroski

NOT VOTING-0

EXCUSED-1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1370, PN 2080, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job training; and further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; and making a repeal.

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

Mr. DALEY offered the following amendment No. A3928:

Amend Sec. 4 (Sec. 2901), page 10, lines 1 and 2, by striking out all of line 1 and "(6)" in line 2 and inserting

(5)

Amend Sec. 4 (Sec. 2902), page 13, line 1, by striking out "applicants" and inserting

recipients

Amend Sec. 4 (Sec. 2903), page 13, lines 22 through 28, by striking out all of lines 22 through 27 and "(4)" in line 28 and inserting

(3)

Amend Sec. 4 (Sec. 2905), page 16, line 8, by striking out "by or"

Amend Sec. 4 (Sec. 2906), page 16, line 25, by striking out "private company."

Amend Sec. 4 (Sec. 2906), page 16, line 28, by striking out "to or" Amend Sec. 4 (Sec. 2908), page 18, line 14, by striking out "a grant" and inserting

assistance

Amend Sec. 4 (Sec. 2909), page 18, line 22, by striking out "awarded" and inserting

utilized

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

(Members proceeded to vote.) VOTE STRICKEN

The SPEAKER. Strike the vote.

Mr. Samuelson.

Mr. SAMUELSON. I would just like to ask the gentleman, Mr. Daley, for a brief explanation of his amendment.

The SPEAKER. Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

SB 1370 has in it now language that opens up the Customized Job Training Program so that private companies can apply directly for jobs, customized job training. Heretofore, customized job training went through agencies, and what we are saying, in my amendment we are taking out private companies from being able to apply directly for the jobs and trying to keep this at status quo.

The SPEAKER. Mr. Samuelson.

Mr. SAMUELSON. Thank you.

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

The following roll call was recorded:

YEAS-196

Adolph	Evans, D.	Major	Schuler
Allen	Evans, J.	Manderino	Scrimenti
Argall	Fairchild	Mann	Semmel
Armstrong	Feese	Markosek	Shaner
Baker, J.	Fichter	Marsico	Smith, B.
Baker, M.	Fleagle	Mayernik	Smith, S. H.
Bard	Flick	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	Micozzie	Stevenson, R.
Bishop	Gordner	Miller, R.	Stevenson, T.
Blaum	Grucela	Miller, S.	Strittmatter
Boyes	Gruitza	Myers	Sturla
Brooks	Habay	Nailor	Surra
Browne	Haluska	Nickol	Tangretti
Bunt	Hanna	O'Brien	Taylor, E. Z.
Butkovitz	Harhai	Oliver	Taylor, J.
Buxton	Harhart	Pallone	Thomas
Cappelli	Harper	Perzel	Tigue
Casorio	Hasay	Petrarca	Travaglio
Cawley	Hennessey	Petrone	Trello
Civera	Herman	Phillips	Trich
Clark	Hershey	Pickett	Tulli
Clymer	Hess	Pippy	Turzai
Cohen, L. I.	Horshey	Pistella	Vance
Cohen, M.	Hutchinson	Preston	Veon
Colafella	Jadlowiec	Raymond	Vitali

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

NAYS-5

Caltagirone	Metcalf	Michlovic	Mundy
Forcier			

NOT VOTING-0

EXCUSED-1

LaGrotta

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS-201

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

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

NAYS-0

NOT VOTING-0

EXCUSED-1

LaGrotta

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of SB 1187, SB 1364, SB 1368.

The SPEAKER. Without objection, I will take all three at once.
The Chair hears no objection.

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

The following roll call was recorded:

YEAS-199

Adolph	Evans, D.	Major	Schroder
Allen	Evans, J.	Manderino	Schuler
Argall	Fairchild	Mann	Scrimenti

Armstrong	Feese	Markosek	Semmel
Baker, J.	Fichter	Marsico	Shaner
Baker, M.	Fleagle	Mayernik	Smith, B.
Bard	Flick	McCall	Smith, S. H.
Barrar	Forcier	McGeehan	Solobay
Bastian	Frankel	McGill	Staback
Bebko-Jones	Gabig	McIlhattan	Stairs
Belardi	Gannon	McIlhinney	Steelman
Belfanti	Geist	McNaughton	Steil
Benninghoff	George	Melio	Stern
Birmelin	Godshall	Metcalfe	Stetler
Bishop	Gordner	Michlovic	Stevenson, R.
Blaum	Grucela	Micozzie	Stevenson, T.
Boyes	Gruitza	Miller, R.	Strittmatter
Brooks	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	Perzel	Travaglio
Cawley	Herman	Petrarca	Trello
Civera	Hershey	Petrone	Trich
Clark	Hess	Phillips	Tulli
Clymer	Horsey	Pickett	Turzai
Cohen, L. I.	Hutchinson	Pippy	Vance
Cohen, M.	Jadlowiec	Pistella	Veon
Colafella	James	Preston	Vitali
Coleman	Josephs	Raymond	Walko
Cornell	Kaiser	Readshaw	Wansacz
Corrigan	Keller	Reinard	Washington
Costa	Kenney	Rieger	Waters
Coy	Kirkland	Roberts	Watson
Creighton	Krebs	Robinson	Williams, J.
Cruz	Laughlin	Roebuck	Wilt
Curry	Lawless	Rohrer	Wojnaroski
Dailey	Lederer	Rooney	Wright, G.
Daley	Leh	Ross	Wright, M.
Dally	Lescovitz	Rubley	Yewcic
DeLuca	Levdansky	Ruffing	Youngblood
Dermody	Lewis	Sainato	Yudichak
DeWeese	Lucyk	Samuelson	Zimmerman
DiGirolamo	Lynch	Santoni	Zug
Diven	Mackereth	Sather	
Donatucci	Maher	Saylor	Ryan,
Eachus	Maitland	Scavello	Speaker
Egolf			

NAYS—2

Freeman Pallone

NOT VOTING—0

EXCUSED—1

LaGrotta

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 1187, PN 2108, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Tolentine Community

Center and Development Corporation certain lands and building situate in the City of Philadelphia, Philadelphia County.

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 Chair recognizes the gentleman, Mr. Freeman, on final passage of 1187.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, since we had to suspend the rules to consider these three bills that are coming up, I would appreciate it if someone can explain what is contained in each of the bills.

The SPEAKER. These are Senate bills— Mr. Clymer, are you familiar with these bills? I note that the caucuses have caucused on the bills.

Mr. Clymer will answer your questions.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. CLYMER. The gentleman is on the State Government Committee and voted in the affirmative to move these bills out of committee. I am just going to read the context in the bill itself.

This is a bill, the primary sponsor is Senator Fumo, and the bill conveys to the Tolentine Community Center and Development Corporation certain lands and buildings in the city of Philadelphia, Philadelphia County.

I do not know if that explanation is sufficient; we can give you additional information. But this is the issue that we talked about in committee several days ago, and I would ask for an affirmative vote on this legislation.

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—197

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

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

NAYS—3

Caltagirone	Horsey	Santoni
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NOT VOTING—1

Pallone

EXCUSED—1

LaGrotta

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

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

* * *

The House proceeded to third consideration of **SB 1364, PN 2111**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Township of Penn, Westmoreland County.

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?

Mr. Freeman.
Mr. FREEMAN. Again, Mr. Speaker, I hate to delay the House,

but since we did suspend the rules to consider these, I would like the gentleman, Mr. Clymer, to please give a brief explanation of each of the bills.

The SPEAKER. Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this is land that is involved— The property is a parcel of land consisting of 30.64 acres in Penn Township, Westmoreland County. The property is within the 39th Senatorial District and the 56th Legislative District. The grantor is the

Western Pennsylvania Conservancy, and the purpose is a donation of a tract of land in the township of Penn, Westmoreland County.

It has been agreed to, and I ask for an affirmative vote on the land. The Senator is Senator Kukovich, and we support the bill.

The SPEAKER. The gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, could the gentleman please tell me whether this expands the Bushy Run Park?

Mr. CLYMER. Yes, it does.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. CLYMER. It is adjacent to the Pennsylvania Historical and Museum Commission at the site of Bushy Run Battlefield.

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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

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

* * *

The House proceeded to third consideration of **SB 1368, PN 2112**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to acquire by settlement agreement three tracts of land in Foster Township, Luzerne County.

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?

Mr. Clymer, would you briefly describe this bill.
Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, to describe the property and the improvements, the properties involved are three separate parcels of land consisting of 2.9 acres, 6.1 acres, and 2.7 acres, for a total of 11.8 acres within Foster Township, Luzerne County.

The appraisal of the property was performed on this subject property. Fair market value as of January 12, 2001, was determined to be \$36,200 for all three properties. There are no known liens or encumbrances added to the property. The primary sponsors are Senators Musto, Mellow, and Lemmond.
The committee had voted unanimously in support of SB 1368,

and we ask for an affirmative vote.

The SPEAKER. Mr. Freeman, anything further?

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

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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

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

RESOLUTION

Mr. PERZEL called up **SR 149, PN 2032**, entitled:

A Concurrent Resolution directing the Joint State Government Commission to establish a bipartisan task force with an advisory committee to study and make recommendations regarding certain segments of the prison population in Pennsylvania State correctional institutions.

On the question,
Will the House concur in the resolution of the Senate?

Mr. **ARGALL** offered the following amendment No. **A3562**:

Amend Second Resolve Clause, page 3, line 15, by inserting after "ASSOCIATION,"
the Pennsylvania State Corrections Officer's Association,

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

The **SPEAKER**. On the question of the adoption of the Argall amendment, those in— Mr. Argall, would you describe your amendment.

Mr. **ARGALL**. Briefly, Mr. Speaker, my amendment would allow the State Corrections Officers Association to have a member on the advisory committee looking at prison populations.

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

The following roll call was recorded:

YEAS—201

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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 concur in the resolution of the Senate as amended?

The following roll call was recorded:

YEAS—201

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution as amended was concurred in.

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

**INTERGOVERNMENTAL AFFAIRS
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman, Mr. Taylor, who calls for an immediate meeting of the Intergovernmental Affairs Committee at the rear of the hall of the House.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 4, PN 4196

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further defining the "Pennsylvania System of School Assessment test" or "PSSA test"; providing for report of graduate rates for certain colleges and universities; further providing

for establishment of independent schools, for school athletics, publications and organizations, for retention of records and for annual budgets; providing for membership of the School Reform Commission and responsibilities relating to financial matters of first class school districts in distress; further providing for intermediate unit board of directors; providing for conditional employment; further providing for age limits and temporary residence and for educational support services definitions and providers, for high school certificates, for charter school definitions, for funding for charter schools and for provisions applicable to charter schools; adding provisions for cyber charter schools; further providing for regulations and provisions applicable to charter schools, for education empowerment districts, for waivers, for alternative education and for trustee councils in institutions of the State System of Higher Education; providing for placement of adjudicated delinquents in first class school districts; further providing for Commonwealth reimbursement definitions, for small district assistance and for temporary special aid to certain school districts; providing for basic education funding for 2001-2002 school year; further providing for payments to intermediate units, for payments on account of transportation of nonpublic school pupils, for special education payments and for certain payments; providing for Commonwealth reimbursement for charter schools and cyber charter schools; further providing for school performance incentives; authorizing the Multipurpose Service Center Grant Program; further providing for powers and duties of the State Board of Education; and making an appropriation.

HB 1848, PN 4197

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals.

HB 2044, PN 4198

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, consolidating the Environmental Laboratory Accreditation Act; providing for whistleblower protection; establishing a waste transportation safety program, the Waste Transportation Safety Account and a disposal fee for municipal waste landfills; providing for deposit of the disposal fee, for surcharge and for allocation from Environmental Stewardship Fund; imposing penalties; and making repeals.

HB 2490, PN 4011

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

HB 2491, PN 4185

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

HB 2492, PN 4186

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2493, PN 4187

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

HB 2494, PN 3573

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

HB 2495, PN 4188

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

HB 2496, PN 4189

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

HB 2497, PN 4190

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

HB 2498, PN 4191

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

HB 2499, PN 4192

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

HB 2501, PN 3579

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

HB 2502, PN 4193

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses and for payment of debt service.

HB 2503, PN 3581

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

HB 2504, PN 3582

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

HB 2505, PN 3583

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

HB 2506, PN 3584

An Act making appropriations to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for research.

HB 2507, PN 3585

An Act making an appropriation to the Central Penn Oncology Group.

HB 2508, PN 3586

An Act making an appropriation to St. Francis Hospital, Pittsburgh, for cardiovascular studies.

HB 2509, PN 3587

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

HB 2510, PN 3588

An Act making an appropriation to the Pittsburgh Cleft Palate for outpatient-inpatient treatment.

HB 2511, PN 3589

An Act making an appropriation to the Burn Foundation, Philadelphia for outpatient and inpatient treatment.

HB 2512, PN 4194

An Act making an appropriation to The Children's Institute, Pittsburgh for treatment and rehabilitation of certain persons with disabling diseases.

HB 2513, PN 3591

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

HB 2514, PN 3592

An Act making an appropriation to the Beacon Lodge Camp.

HB 2515, PN 3593

An Act making an appropriation to the Arsenal Family and Children's Center.

HB 2516, PN 3594

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

HB 2517, PN 3595

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

HB 2518, PN 3596

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

HB 2519, PN 3597

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

HB 2520, PN 3598

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

HB 2521, PN 3599

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

HB 2522, PN 3600

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

SB 630, PN 2127

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto; and making a repeal.

SB 1485, PN 2137

An Act redesignating the Northeast Veterans Center as the Gino J. Merli Veterans Center.

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes the lady, Ms. Bebkö-Jones, for the purpose of making a correction to the

record.

Ms. BEBKÖ-JONES. Thank you, Mr. Speaker.

Mr. Speaker, on HB 2044 I would like to be recorded as a negative. Thank you, Mr. Speaker.

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

Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

On SB 1366 my vote was not recorded. It was my intention to vote in the affirmative. On HB 1848 my vote was not recorded. It was my intention to vote in the affirmative. Thank you.

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

Mrs. Wright.

Mrs. WRIGHT. Thank you, Mr. Speaker.

On HB 2044 I would like to be recorded as a "no" vote, negative.

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

Ms. Josephs.

Ms. JOSEPHS. To correct the record, Mr. Speaker.

On SB 1366 I was recorded as not voting. I would like to be recorded in the affirmative. On HB 1848 I was recorded as not voting. I would like to be recorded in the affirmative. Thank you, Mr. Speaker.

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

Mr. Waters, do you seek recognition?

Mr. WATERS. Yes. Thank you, Mr. Speaker.

Mr. Speaker, on HB 1848 I was registered as a "no" vote. I would like to be registered in the affirmative.

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

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, on HB 2044 I would like to be recorded in the negative.

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

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 632, PN 4202 (Amended)

By Rep. J. TAYLOR

A Resolution urging the Congress of the United States to include a representation of Sojourner Truth in the Portrait Monument honoring the women's suffrage movement in the Rotunda of the United States Capitol.

INTERGOVERNMENTAL AFFAIRS.

STATEMENT BY MR. BENNINGHOFF

The SPEAKER. The Chair recognizes the gentleman, Mr. Benninghoff. For what purpose does the gentleman rise?

Mr. BENNINGHOFF. As the astute Mr. Whip down there says, a point of personal privilege, if I may.

The SPEAKER. The gentleman is in order.

Mr. BENNINGHOFF. I know from a distance there you may see twins standing out here, but I wanted to bring a friend of mine

tonight, just in the spirit of our “God Bless America” spirit, and for some of you that wanted an encore and for those of you who did not want an encore by me, I wanted to introduce you to my little friend here.

Some say he sings better than I do, but for those of you who do not know, I play the trumpet, and he plays far better than I do.

So in the spirit of wanting to promote “God Bless America,” we thought we would share this in this little interlude. Thank you.

Thank you, Mr. Speaker.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Appropriations Committee in the Appropriations conference room.

For your information, the delay is occasioned by our need to wait on the Senate for some three or four bills. The House will be at ease.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 767, PN 4160**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to **HB 599, PN 4166**.

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

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 462, PN 2156; SB 893, PN 2160; and SB 984, PN 2099**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1045, PN 2170**.

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

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

SB 5, PN 2172

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and for the public schools for the fiscal year July 1, 2002, to June 30, 2003, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2002; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2002, to June 30, 2003; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2002, to June 30, 2003, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the establishment of restricted receipt accounts for the fiscal year July 1, 2002, to June 30, 2003, and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2002; and to provide for the additional appropriation of Federal and State funds from the General Fund, the State Lottery Fund and the Tobacco Settlement Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2001, to June 30, 2002, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2001.

SB 1366, PN 2173

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing, in cigarette sales and licensing, for intent, for definitions, for licensing and for the Cigarette Licensing, Marketing and Control Board; providing for tax collection by the Pennsylvania Liquor Control Board; further regulating abandoned property; providing for the Budget Stabilization Reserve Fund, for a transfer from the Underground Storage Tank Indemnification Fund to the General Fund and for the Tobacco Settlement Fund; and making a repeal.

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

BILL REREPORTED FROM COMMITTEE

SB 413, PN 2177 (Amended)

By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for Substance Abuse Education and Demand Reduction Fund; and imposing assessments.

APPROPRIATIONS.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 599, PN 4166

By Rep. PERZEL

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for requisites for foreign companies to do business; deleting provisions relating to admitted assets; further providing for standard nonforfeiture law for individual deferred annuities and for title insurance agents; further defining "wet marine and transportation insurance"; further providing for placement of surplus lines insurance, for requirements for eligible surplus lines insurers, for surplus lines licensee's duty to notify insured, for declarations, for licensing of surplus lines licensee, for records of surplus lines licensee, for suspension, revocation or nonrenewal of surplus lines licensee's license and for service of process in actions against surplus lines insurer; providing for fraternal benefit societies; and making a repeal.

RULES.

SB 589, PN 2169

By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for postconviction DNA testing.

RULES.

The SPEAKER. The House will be at ease.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Just a point of parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DeWEESE. The chief of staff to the majority indicated that we would be voting two bills and then we would be leaving. That was a few minutes ago, and obviously I do not mean to be importunate, but if that is the case, shall we proceed or is there a change in the plan? Some of our members were told that we would be voting two bills and then leaving, and we just wanted to be—

The SPEAKER. My understanding, Mr. DeWeese, is we are waiting for the supplemental calendar for those two bills.

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER. There are a couple of other matters we can get rid of while we are waiting for it. There is a resolution on House calendar supplemental N.

RULES SUSPENDED

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

Mr. THOMAS. Mr. Speaker, I move that the rules of the House

be suspended to permit the immediate consideration of HR 632.

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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

SUPPLEMENTAL CALENDAR N

RESOLUTION

Mr. THOMAS called up **HR 632, PN 4202**, entitled:

A Resolution urging the Congress of the United States to include a representation of Sojourner Truth in the Portrait Monument honoring the women's suffrage movement in the Rotunda of the United States Capitol.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

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

DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to immediately consider on concurrence HB 599 and SB 589.

The SPEAKER. Without objection, I will take both votes at once. The Chair hears no objection.

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

The following roll call was recorded:

YEAS—201

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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

SUPPLEMENTAL CALENDAR O

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 599, PN 4166**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for requisites for foreign companies to do business; deleting provisions relating to admitted assets; further providing for standard nonforfeiture law for individual deferred annuities and for title insurance agents; further defining “wet marine and transportation insurance”; further providing for placement of surplus lines insurance, for requirements for eligible surplus lines insurers, for surplus lines licensee’s duty to notify insured, for declarations, for licensing of surplus lines licensee, for records of surplus lines licensee, for suspension, revocation or nonrenewal of surplus lines licensee’s license and for service of process in actions against surplus lines insurer; providing for fraternal benefit societies; and making a repeal.

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

The SPEAKER. On the question of concurrence, Mr. Samuelson.

Mr. SAMUELSON. I do not believe we have a summary of this bill. If I could just ask the gentleman, Mr. Micozzie, for a summary of the Senate amendments to this bill, or any member of the Insurance Committee to give me a summary of the Senate amendments to HB 599.

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith. You may proceed.

Mr. S. SMITH. This bill was changed in the Senate, an amendment that had been put in in the House that was sponsored

by the minority leader that dealt with, I believe, mine subsidence insurance, and with the understanding of the gentleman from Greene County, the Senate took that particular language out of this bill. It is an insurance-related bill.

Mr. SAMUELSON. Thank you.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The gentleman’s characterization is accurate. We are under the firm impression that the insurance industry is looking at a variety of measures that can be beneficial to the constituents that I serve as well as Representatives Solobay, Daley, and a number of other members from southwestern Pennsylvania. If that remedy is not forthcoming, we would politely ask our colleagues in the Republican leadership to potentially help us with another measure in the fall.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—201

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

Dally	Leh	Ross	Yewcic
DeLuca	Lescovitz	Rubley	Youngblood
Dermody	Levdansky	Ruffing	Yudichak
DeWeese	Lewis	Sainato	Zimmerman
DiGirolamo	Lucyk	Samuelson	Zug
Diven	Lynch	Santoni	
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan, Speaker
Egolf	Maitland	Scavello	

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 589, PN 2169**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for postconviction DNA testing.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On the question of concurrence in the Senate amendments, Mr. Cohen.

Mr. COHEN. Mr. Speaker, I would like an explanation as to what the Senate did.

The SPEAKER. Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, my original inclination was to rant and rave about the Senate putting another nonsensical amendment into a bill simply because their view is that they do not want to send anything to the Governor, and they always want us to be the last to vote on legislation. However, after further analysis of the amendment, it does make sense. Well, the old Gannon almost—

The SPEAKER. Please, do not encourage him.

Mr. GANNON. However, this is one of those occasions where the amendment made sense. It was really an issue raised by the State Police that they wanted set out in the law that when the DNA testing was done by the State Police, they would have to follow State Police procedures, and that requirement was put into the statute. One of the issues was that the defendant or the person seeking the DNA testing could either use a State Police laboratory or a private laboratory, and because of how they operate internally, the State Police wanted to make sure that it was set out that they would use State Police procedures in the testing, and that was what

they did, and it made sense and was a good amendment.

Mr. COHEN. Mr. Speaker—

The SPEAKER. Mr. Cohen.

Mr. COHEN. —is that the only amendment?

Mr. GANNON. Yes, it is, Mr. Speaker.

Mr. COHEN. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—1

LaGrotta

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

Ordered, That the clerk inform the Senate accordingly.

BILLS 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. Does the majority leader or minority leader have any further business?

The Chair recognizes the gentleman, Mr. Strittmatter.

Mr. STRITTMATTER. Mr. Speaker, I move that this House do now adjourn until Saturday, June 29, 2002, at 2:45 a.m., e.d.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:44 a.m., e.d.t., Saturday, June 29, 2002, the House adjourned.