

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, SEPTEMBER 23, 2002

SESSION OF 2002

186TH OF THE GENERAL ASSEMBLY

No. 59

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MATTHEW J. RYAN)

PRESIDING

PRAYER

REV. GLEN BAYLY, Chaplain of the House of Representatives, offered the following prayer:

Shall we join our hearts in prayer:

Our gracious Heavenly Father, You who are the creator of all that exists, You are the almighty one whose power and authority is greater than any other power and authority in this world.

We come before You humbly today to seek Your wisdom and Your presence and Your blessing upon the deliberations of this legislative body. We thank You for Your many blessings. We are thankful today as we gather here that we are citizens of this great country. We have so many things to be thankful for – for our freedoms. As we come before You in prayer, we thank You for the freedom to worship, the freedom of religion, for the freedom of speech, the freedom of the press, the freedom of assembly. We are so blessed in these things. We thank You that we can come before You and not fear persecution from government for our faith. We also thank You for our many material blessings today, because we are a rich people. We thank You for the food and shelter that we have and so many other material things that bless our lives.

We pray today for our President as we think of our nation and its situation of peril. We pray for the war on terrorism. We ask that You would give wisdom, divine wisdom, from above to President Bush today. Help him in his great position of responsibility. We pray for safety for our troops and that each one might call upon You and know Your protection today. We pray for their success as they seek to stop terrorists from killing innocent people. Those who consider life cheap, may they be stopped, and we pray in the process of this war on terror that not many innocent lives would be taken of any nation, because all are created in Your image.

We pray now for the deliberations today, that You would guide and direct and grant wisdom from above that each thing that is said and done here in this body might be pleasing in Your sight today, that we might be in the center of Your will, and then for each individual who is a member of this body, we ask Your blessing upon them at this time. We pray for them and their families that You might enrich their lives, that You might meet those who have physical concerns with Your healing touch, with wisdom for their doctors and perseverance through these trials.

We pray for those who have lost loved ones that You might comfort them, because You are the God of all comfort.

We pray for those with family concerns and financial needs, and we ask that You will meet all of these needs and that we would remember to give You thanks.

And so we thank You for these blessings and many more as we commit this time to You, and we seek Your presence by Your Holy Spirit today. And so we pray all this now in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Tuesday, July 30, 2002, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The Journals for Wednesday, April 17; Thursday, April 18; Monday, April 22; Tuesday, April 23; Wednesday, April 24; Monday, April 29; Tuesday, April 30; Wednesday, May 1; Monday, May 6; and Tuesday, May 7, 2002, are in print and, without objection, stand approved. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2752 By Representatives HERSHEY, BARD, TULLI, GODSHALL, TIGUE, CAPPELLI, CREIGHTON, DALEY, HENNESSEY, HORSEY, LEVDANSKY, MANN, MUNDY, RUBLEY, E. Z. TAYLOR, THOMAS, M. WRIGHT and YOUNGBLOOD

An Act exempting the sale of certain items from sales and use tax.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, August 20, 2002.

No. 2753 By Representatives BARD, LEVDANSKY, HERSHEY, TULLI, TIGUE, CAPPELLI, CREIGHTON, DALEY, HORSEY, MANN, MUNDY, E. Z. TAYLOR, THOMAS, M. WRIGHT and YOUNGBLOOD

An Act authorizing and directing the Department of Environmental Protection to implement a zero-emission vehicle program.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, September 12, 2002.

No. 2754 By Representatives GODSHALL, HERSHEY, BARD, TULLI, RUBLEY, CAPPELLI, CREIGHTON, FAIRCHILD, HORSEY, MANN, MUNDY, E. Z. TAYLOR, THOMAS, TIGUE, M. WRIGHT and YOUNGBLOOD

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for recovery of costs related to distribution system improvement projects designed to enhance natural gas access and availability.

Referred to Committee on CONSUMER AFFAIRS, September 12, 2002.

No. 2755 By Representatives TULLI, BARD, E. Z. TAYLOR, MANN, SATHER, CAPPELLI, CREIGHTON, DALEY, FAIRCHILD, GODSHALL, HENNESSEY, HERSHEY, HORSEY, LEVDANSKY, R. MILLER, MUNDY, RUBLEY, STEELMAN, THOMAS, TIGUE, M. WRIGHT and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for definitions, for purchases of alternative fuel vehicles and for minimum school building design standards; and making editorial changes.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, August 20, 2002.

No. 2756 By Representatives RUBLEY, BARD, TULLI, FREEMAN, HENNESSEY, CAPPELLI, CREIGHTON, DALEY, GODSHALL, HERSHEY, HORSEY, LEVDANSKY, MANN, MUNDY, E. Z. TAYLOR, THOMAS, TIGUE and M. WRIGHT

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for minimum design standards of new State-funded buildings; requiring all administrative agencies operating vehicles purchased by the Department of General Services to provide to it certain information on a monthly basis; providing for alternative fuel vehicles, for a State vehicle composition, utilization, maintenance and replacement report; and making editorial changes.

Referred to Committee on STATE GOVERNMENT, September 12, 2002.

No. 2757 By Representatives E. Z. TAYLOR, HERSHEY, BARD, LEVDANSKY, TULLI, CAPPELLI, CREIGHTON, DALEY, FAIRCHILD, GODSHALL, HORSEY, MANN, R. MILLER, MUNDY, RUBLEY, SATHER, STEELMAN, THOMAS, TIGUE, M. WRIGHT and YOUNGBLOOD

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for the purchase of certain energy-efficient products and supplies; and further providing for guaranteed energy service contracts.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, August 20, 2002.

No. 2760 By Representatives BARD, HERSHEY, ALLEN, FRANKEL, B. SMITH, BROOKS, CAPPELLI, DALEY, HENNESSEY, McCALL, MELIO, RUBLEY, STEELMAN, TIGUE, M. WRIGHT and G. WRIGHT

An Act requiring the Department of General Services to establish energy profiles for certain State buildings.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, August 20, 2002.

No. 2811 By Representatives McCALL, M. BAKER, BEBKO-JONES, CAPPELLI, CORRIGAN, COY, CREIGHTON, CRUZ, DALEY, GEIST, GEORGE, HARHAI, HORSEY, KENNEY, LEDERER, MANN, MARKOSEK, MELIO, PRESTON, SAYLOR, SHANER, SOLOBAY, TANGRETTI, THOMAS, TRELLO, WALKO, WANSACZ, YOUNGBLOOD and YUDICHAK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for issuance and content of drivers' licenses.

Referred to Committee on TRANSPORTATION, August 6, 2002.

No. 2812 By Representatives McCALL, CAPPELLI, CORRIGAN, CRUZ, DALEY, FRANKEL, GEIST, GEORGE, HARHAI, HORSEY, KIRKLAND, MELIO, PRESTON, SCAVELLO, SHANER, SOLOBAY, TANGRETTI, TRELLO and WALKO

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for commercial driver's license qualification standards.

Referred to Committee on TRANSPORTATION, August 6, 2002.

No. 2813 By Representatives McCALL, CAPPELLI, CORRIGAN, COY, CREIGHTON, DALEY, DeWEESE, GEORGE, GRUCELA, HARHAI, HORSEY, JOSEPHS, KIRKLAND, LAUGHLIN, MELIO, SHANER, STABACK, STEELMAN, THOMAS, J. WILLIAMS, M. WRIGHT and YOUNGBLOOD

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, providing for redemption of realty sold at tax sale.

Referred to Committee on FINANCE, August 6, 2002.

No. 2814 By Representatives HANNA, BENNINGHOFF, CAPPELLI, GRUCELA, HARHAI, HERMAN, HESS, TIGUE and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, defining "cost of the retailer" for purposes of cigarette sales and licensing.

Referred to Committee on FINANCE, August 6, 2002.

No. 2815 By Representatives HANNA, BELFANTI, BEBKO-JONES, CAPPELLI, COSTA, FEESE, HARHAI, JAMES, LAUGHLIN, McNAUGHTON, MELIO, PETRARCA, READSHAW, SHANER, SOLOBAY, STABACK, TANGRETTI, TIGUE, YOUNGBLOOD and DeLUCA

An Act prohibiting certain unfunded mandates; and establishing the Council on Local Mandates.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, August 6, 2002.

No. 2816 By Representative T. ARMSTRONG

An Act amending the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, adding Colebrook Road, East Donegal Township, Lancaster County to the State highway system.

Referred to Committee on TRANSPORTATION, August 15, 2002.

No. 2817 By Representatives SCRIMENTI, GEORGE, J. EVANS, G. WRIGHT, BEBKO-JONES, J. TAYLOR, HARHAI, BELFANTI, JOSEPHS, DALEY, THOMAS, YOUNGBLOOD, LAUGHLIN, SHANER, MELIO, HORSEY and WALKO

An Act establishing a program within the Department of Environmental Protection to provide for low-interest loans to address coastal erosion.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, August 15, 2002.

No. 2818 By Representatives BROWNE, ALLEN, CAPPELLI, CAWLEY, CREIGHTON, DALLY, FRANKEL, HARHART, HENNESSEY, HORSEY, MANN, PIPPY, SAINATO, SAMUELSON, SCHRODER, STEELMAN, STETLER, THOMAS, TIGUE, TRELLO and WILT

An Act amending the act of July 11, 1990 (P.L.465, No.113), known as the Tax Increment Financing Act, further providing for the definition of "tax increment" and "tax increment base."

Referred to Committee on FINANCE, August 19, 2002.

No. 2819 By Representatives GANNON, BLAUM, BISHOP, CASORIO, CAWLEY, CORRIGAN, DeLUCA, DIVEN, FRANKEL, HARHAI, HENNESSEY, HERMAN, HERSHEY, HORSEY, JOSEPHS, LESCOVITZ, MACKERETH, McNAUGHTON, MELIO, NAILOR, PETRARCA, SANTONI, SATHER, SHANER, B. SMITH, STABACK, E. Z. TAYLOR, TIGUE, TRELLO, WALKO, YOUNGBLOOD and YUDICHAK

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting pharmaceutical price gouging and profiteering; and imposing a penalty.

Referred to Committee on JUDICIARY, August 20, 2002.

No. 2820 By Representative DALLY

An Act authorizing and directing the Department of Conservation and Natural Resources, to convey a right-of-way to Elwood Kocher and Beatrice Kocher, his wife, over certain Project 70 Land Acquisition and Borrowing Act lands in Bushkill Township, Northampton County, Pennsylvania.

Referred to Committee on STATE GOVERNMENT, August 20, 2002.

No. 2821 By Representatives BROOKS, M. BAKER, ARGALL, BARD, CAPPELLI, L. I. COHEN, CRUZ, J. EVANS, FICHTER, FRANKEL, GEIST, GEORGE, HARPER, HENNESSEY, HERSHEY, JAMES, KELLER, LEH, McILHATTAN, McNAUGHTON, S. MILLER, PERZEL, PETRARCA, RUBLEY, SAYLOR, SCHRODER, SCHULER, B. SMITH, STEELMAN, T. STEVENSON, E. Z. TAYLOR, TRELLO, WATSON, WILT, M. WRIGHT, G. WRIGHT and YOUNGBLOOD

An Act amending the act of May 21, 1992 (P.L.241, No.36), referred to as the Credit Card Information Act, prohibiting certain credit card information on receipts.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, August 21, 2002.

No. 2822 By Representatives BLAUM, DALLY, STABACK, TRICH, TIGUE, COY, TANGRETTI, PALLONE, SATHER, KREBS, FRANKEL, SHANER, E. Z. TAYLOR, CAPPELLI, WANSACZ, MUNDY, YOUNGBLOOD, FEESE, TRELLO, McCALL, STEELMAN, KIRKLAND, HORSEY, JAMES, WASHINGTON and O'BRIEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, extensively revising provisions on adoption.

Referred to Committee on JUDICIARY, August 21, 2002.

No. 2823 By Representatives RUBLEY, BARD, BASTIAN, BEBKO-JONES, BROWNE, BUNT, L. I. COHEN, CORRIGAN, CREIGHTON, CRUZ, CURRY, DeLUCA, DERMODY, J. EVANS, FLICK, FRANKEL, GEIST, GEORGE, HARHAI, HARPER, HENNESSEY, HORSEY, JOSEPHS, KENNEY, MANN, MELIO, MICOZZIE, PISTELLA, STABACK, STEELMAN, STURLA, TANGRETTI, E. Z. TAYLOR, THOMAS, TURZAI, WASHINGTON, WATSON, G. WRIGHT and YOUNGBLOOD

An Act prohibiting the use of unsafe children's products and child-care facilities from using or having on facility premises unsafe children's products; prescribing powers and duties of the Department of Health; providing for the enforcement of this act and for the promulgation of rules to carry out the provisions of this act; and prescribing penalties for violations of the provisions of this act.

Referred to Committee on CHILDREN AND YOUTH, August 26, 2002.

No. 2824 By Representatives ROBERTS, BENNINGHOFF, CREIGHTON, HORSEY, SHANER and SOLOBAY

An Act amending the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," further providing for limitation on local ordinances.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, September 3, 2002.

No. 2825 By Representatives ROBERTS, BELFANTI, BISHOP, BROWNE, BUNT, CREIGHTON, CRUZ, DALEY, GEORGE, HORSEY, JAMES, MELIO, PISTELLA, READSHAW, SHANER, B. SMITH, STABACK, E. Z. TAYLOR, TIGUE, WALKO, YOUNGBLOOD and YUDICHAK

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for declaration of policy and for partial custody or visitation rights for grandparent.

Referred to Committee on JUDICIARY, September 3, 2002.

No. 2826 By Representatives ROBERTS, CASORIO and KELLER

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

Referred to Committee on JUDICIARY, September 3, 2002.

No. 2827 By Representatives ROBERTS and HORSEY

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, providing for penalty on county commissioners for failure to perform duty.

Referred to Committee on LOCAL GOVERNMENT, September 3, 2002.

No. 2828 By Representatives MAYERNIK, READSHAW, KAISER, MARSICO, BISHOP, CLYMER, DALEY, HENNESSEY, HERSHEY, KELLER, LAUGHLIN, LEVDANSKY, WATSON, SCAVELLO and M. COHEN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, restricting use of mobile phones.

Referred to Committee on TRANSPORTATION, September 10, 2002.

No. 2829 By Representatives McNAUGHTON, SAYLOR, FEESE, T. ARMSTRONG, BARD, BROOKS, BUXTON, CAPPELLI, CREIGHTON, CURRY, FRANKEL, GEORGE, HARHAI, HENNESSEY, JAMES, JOSEPHS, LESCOVITZ, LEVDANSKY, MAITLAND, MANDERINO, McGEEHAN, R. MILLER, NICKOL, PHILLIPS, PICKETT, SATHER, SCHRODER, SCRIMENTI, SHANER, SOLOBAY, T. STEVENSON, STURLA, TANGRETTI, E. Z. TAYLOR, TIGUE, TRELLO, TULLI, VEON, WATSON, YOUNGBLOOD, CLARK and STEELMAN

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for community spouse resource allowance.

Referred to Committee on HEALTH AND HUMAN SERVICES, September 10, 2002.

No. 2830 By Representatives McNAUGHTON, CASORIO, SAYLOR, CLARK, GODSHALL, HORSEY, R. MILLER, STEELMAN, STETLER, VANCE and YOUNGBLOOD

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for purposes and powers of municipal authorities.

Referred to Committee on URBAN AFFAIRS, September 10, 2002.

No. 2831 By Representatives WOJNAROSKI, GEORGE, SOLOBAY, DALEY, CAWLEY, BUNT, DeWEESE, JAMES, BELARDI, SHANER, CASORIO, LAUGHLIN, B. SMITH, JOSEPHS, TIGUE, TANGRETTI, HARHAI, CORRIGAN, WANSACZ, TURZAI, HORSEY, TRELLO, WALKO, BROWNE, COSTA, ROONEY, GABIG, HUTCHINSON, KELLER, STEELMAN, PETRARCA, MANN, LUCYK, MELIO, HASAY, WATERS, FICHTER, CRUZ, YOUNGBLOOD, PISTELLA, CREIGHTON, GRUCELA and G. WRIGHT

An Act amending the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, further providing for findings and declaration of policy, for right to freedom from discrimination in employment, housing and public accommodation, for definitions, for unlawful discriminatory practices, for prohibition of certain real estate practices, for powers and duties of the commission, for educational program and for construction and exclusiveness of remedy.

Referred to Committee on STATE GOVERNMENT, September 10, 2002.

No. 2832 By Representatives LYNCH, BARRAR, CALTAGIRONE, CAPPELLI, FLICK, GEIST, HALUSKA, NAILOR, PISTELLA, RAYMOND, HARHAI, JAMES, READSHAW, J. TAYLOR, TIGUE, WASHINGTON, WATERS, G. WRIGHT, SOLOBAY, WALKO, LUCYK, WILT, MELIO, YOUNGBLOOD, ROBERTS, THOMAS, WOJNAROSKI and M. COHEN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the duties of the director of veterans affairs.

Referred to Committee on LOCAL GOVERNMENT, September 10, 2002.

No. 2833 By Representatives PISTELLA, CREIGHTON, DALEY, HARHAI, HERSHEY, JOSEPHS, KELLER, RUBLEY, SATHER, SCRIMENTI, STEELMAN, TIGUE, YOUNGBLOOD and M. COHEN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidate and political committees and other persons.

Referred to Committee on STATE GOVERNMENT, September 18, 2002.

No. 2834 By Representatives SCAVELLO, LEWIS, DALLY, TIGUE, RUBLEY, FAIRCHILD, LAUGHLIN, M. WRIGHT, MAITLAND, McCALL, ARGALL, BROOKS, SAYLOR, CAPPELLI, WATSON, TRELLO, HALUSKA, PICKETT, TURZAI, YOUNGBLOOD, McNAUGHTON, E. Z. TAYLOR, ROSS, SHANER, EGOLF, DeLUCA, HUTCHINSON, HENNESSEY, SCRIMENTI, STABACK, HERSHEY, MUNDY, YUDICHAK, STURLA, MAHER, WANSACZ, STEELMAN, THOMAS and M. COHEN

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for collection of realty transfer tax and for the administration of local real estate transfer tax.

Referred to Committee on FINANCE, September 18, 2002.

No. 2835 By Representatives HARHART, ALLEN, M. BAKER, BELARDI, BELFANTI, BENNINGHOFF, BROWNE, M. COHEN, COLEMAN, DALLY, DeLUCA, DeWEESE, FAIRCHILD, GEORGE, GORDNER, GRUCELA, HARHAI, HENNESSEY, HESS, HORSEY, HUTCHINSON, LEH, MARKOSEK, McCALL, McILHATTAN, MUNDY, PETRARCA, PICKETT, RUBLEY, SANTONI, SATHER, SAYLOR, SCHRODER, SCHULER, SEMMEL, SOLOBAY, STABACK, STEELMAN, STERN, T. STEVENSON, THOMAS, TIGUE, YOUNGBLOOD and ZUG

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, adding definitions; further providing for actuarial cost method, for the Public School Employees' Retirement Fund, for the State accumulation account and for the annuity reserve account; and establishing the supplemental annuity reserve account.

Referred to Committee on EDUCATION, September 23, 2002.

No. 2836 By Representatives HABAY and HENNESSEY

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for governing body of municipal authorities.

Referred to Committee on URBAN AFFAIRS, September 23, 2002.

No. 2837 By Representatives YUDICHAK, TIGUE, KELLER, GRUCELA, BELFANTI, CAPPELLI, M. COHEN, CORRIGAN, COY, CREIGHTON, FRANKEL, GEORGE, HANNA, JOSEPHS, MANN, McCALL, MELIO, RUBLEY, SANTONI, SOLOBAY, STETLER, SURRA, THOMAS, WASHINGTON, YOUNGBLOOD, HENNESSEY and BROWNE

An Act establishing the Regional Efficiency Development Incentive Program; providing for powers and duties of the Department of Community and Economic Development; and creating the Regional Efficiency Development Incentive Fund.

Referred to Committee on LOCAL GOVERNMENT, September 23, 2002.

No. 2838 By Representatives YUDICHAK, TIGUE, KELLER, GRUCELA, BELFANTI, CALTAGIRONE, CAPPELLI, M. COHEN, CORRIGAN, COY, CREIGHTON, FRANKEL, GEORGE, HANNA, HENNESSEY, JOSEPHS, MANN, McCALL, MELIO, RUBLEY, SAINATO, SOLOBAY, STETLER, SURRA, THOMAS, WASHINGTON, YOUNGBLOOD, BROWNE and PISTELLA

An Act establishing the Regional Efficiency Aid Program; providing for powers and duties of the Department of Community and Economic Development and the Department of Revenue; and creating the Regional Efficiency Aid Program Fund.

Referred to Committee on LOCAL GOVERNMENT, September 23, 2002.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 630 By Representatives HERSHEY, BARD, E. Z. TAYLOR, RUBLEY, R. MILLER, CAPPELLI, CREIGHTON, GODSHALL, HORSEY, MUNDY, THOMAS, TIGUE, TULLI, M. WRIGHT and YOUNGBLOOD

A Resolution encouraging development of the Trenton-Black River natural gas seam.

Referred to Committee on RULES, September 12, 2002.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move HB 208 and HB 1750 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 HBs 208 and 1750 back upon the table.

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

REPORT OF COMMITTEE ON COMMITTEES

The SPEAKER. The clerk will read the following supplemental report on the Committee on Committees.

The following report was read:

September 4, 2002

SUPPLEMENTAL REPORT OF
COMMITTEE ON COMMITTEES

ENVIRONMENTAL RESOURCES & ENERGY

Representative Eugene McGill resigns from the House Standing Committee on Environmental Resources & Energy.

Representative Gibson Armstrong is appointed to fill the vacancy on the House Standing Committee on Environmental Resources & Energy.

GAME & FISHERIES

Representative Kerry Benninghoff resigns from the House Standing Committee on Game & Fisheries.

Representative Gibson Armstrong is appointed to fill the vacancy on the House Standing Committee on Game & Fisheries.

HEALTH & HUMAN SERVICES

Representative Jane Baker resigns from the House Standing Committee on Health & Human Services.

Representative Gibson Armstrong is appointed to fill the vacancy on the House Standing Committee on Health & Human Services.

VETERANS AFFAIRS & EMERGENCY PREPAREDNESS

Representative Kenneth Jadowiec resigns from the House Standing Committee on Veterans Affairs & Emergency Preparedness.

Representative Gibson Armstrong is appointed to fill the vacancy on the House Standing Committee on Veterans Affairs & Emergency Preparedness.

These changes take effect immediately.

Respectfully submitted,
George C. Hasay, Chairman
Committee on Committees

On the question,
Will the House adopt the resolution?
Resolution was adopted.

**SSHE PROPERTY REQUEST NO. 1
SUBMITTED**

The SPEAKER. Pursuant to Act 188 of 1982, the Speaker directs the following request from the Pennsylvania State System of Higher Education to sell property to be placed on tomorrow's calendar as State System of Higher Education property request No. 1 of 2002.

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

**COMMUNICATION FROM PENNSYLVANIA
INTERBRANCH COMMISSION ON VENUE**

The SPEAKER. The Chair acknowledges receipt of the report of the Interbranch Commission on Venue.

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

**COMMUNICATION FROM
AUDITOR GENERAL**

The SPEAKER. The Chair acknowledges receipt of the Auditor General's certificate pursuant to Article VIII, section 7(a)(4), of the Constitution of Pennsylvania and section 304 of the Capital Facilities Debt Enabling Act.

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

**COMMUNICATION FROM
DEPARTMENT OF EDUCATION**

The SPEAKER. The Chair acknowledges receipt of the fourth annual report to the General Assembly on the Adult Basic and Literacy Education Interagency Coordinating Council submitted by the Department of Education.

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

**COMMUNICATION FROM PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

The SPEAKER. The Chair acknowledges receipt of the 2001-2006 Electric Power Outlook For Pennsylvania submitted by the Pennsylvania Public Utility Commission pursuant to Title 66, Pennsylvania Consolidated Statutes, section 524.

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

**COMMUNICATION FROM DEPARTMENT
OF ENVIRONMENTAL PROTECTION**

The SPEAKER. The Chair acknowledges receipt of the 1999 and 2000 Annual Low-Level Radioactive Waste Report submitted by the Department of Environmental Protection.

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

**COMMUNICATION FROM
PENNSYLVANIA ONE CALL SYSTEM, INC.**

The SPEAKER. The Chair acknowledges receipt of the 2001 Annual Report of the Pennsylvania One Call System, Inc.

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

REPORT SUBMITTED

The SPEAKER. The Chair acknowledges receipt of the report of the select committee on public education funding submitted pursuant to HR 42 of 2001.

(Copy of report is on file with the Chief Clerk.)

PETITION REFERRED

The SPEAKER. Pursuant to Article VI, section 4, of the Constitution, the Speaker is hereby referring the attached petition for impeachment to the Judiciary Committee.

REPORT SUBMITTED

The SPEAKER. The Chair acknowledges receipt of the report on protecting critical infrastructure, keeping Pennsylvania safe, submitted pursuant to HR 361.

(Copy of report is on file with the Chief Clerk.)

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence for today.

The majority whip indicates he has no request for leaves.

The minority whip, Mr. Veon, is recognized. He requests a leave for the gentleman, Mr. BUTKOVITZ, for today; the gentleman, Mr. PALLONE, for today's session; and the gentleman, Mr. MYERS, from Philadelphia County for the week.

GUESTS INTRODUCED

The SPEAKER. The House will please come to attention.

The Chair is pleased to welcome to the hall of the House today on an Eisenhower Fellowship Dr. Laode Ida and his wife, Fatimah, of Jakarta, Indonesia. They are here today as the guests of Representative Dave Argall. The doctor and his wife are visiting the State Capitol for meetings and discussions as the doctor begins his 2-month Eisenhower Fellowship here in the United States. Would the gentleman and his wife please rise.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1298, PN 4291 (Amended) By Rep. HERMAN

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the appointment of a single collector of taxes; and making a repeal.

LOCAL GOVERNMENT.

HB 1477, PN 4292 (Amended) By Rep. HERMAN

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for impact of plat; and further providing for application for tentative approval of planned residential development.

LOCAL GOVERNMENT.

HB 1682, PN 4290 (Amended) By Rep. FLICK

An Act amending the act of May 18, 1937 (P.L.665, No.176), known as the Industrial Homework Law, further providing for legislative purpose, for definitions, for prohibited homework, for power to prohibit, for employers' permit, for injunction against continued violations, for fees, for homemaker's certificate, for records, for conditions of manufacture, for labels, for duty to inspect and report and for violations and penalties.

LABOR RELATIONS.

HB 1910, PN 2475 By Rep. HERMAN

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," adding provisions relating to mitigation of flood hazards.

LOCAL GOVERNMENT.

HB 1911, PN 2476 By Rep. HERMAN

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$150,000,000 to provide additional funding for the preservation of land for open space uses, including the mitigation of flood hazards.

LOCAL GOVERNMENT.

HB 2444, PN 3545 By Rep. FLICK

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the definition of "employee" to include local coordinators of emergency management as employees of municipalities.

LABOR RELATIONS.

HB 2535, PN 3613 By Rep. FLICK

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, requiring the Department of Labor and Industry to mail information concerning the adult basic coverage health insurance program to all those who apply for unemployment compensation benefits.

LABOR RELATIONS.

HB 2768, PN 4148 By Rep. HERMAN

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for removal permits, transfer of ownership certificates and tax lien certificates; and imposing a penalty.

LOCAL GOVERNMENT.

HB 2769, PN 4149 By Rep. HERMAN

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for removal and transfer of ownership certificates and for removal permits; providing for lien certificate; and imposing a penalty.

LOCAL GOVERNMENT.

GUESTS INTRODUCED

The SPEAKER. The Chair recognizes the gentleman, Mr. Scavello, for the purpose of introducing certain guests. Will the gentleman yield for a moment.

May I have the attention of the House, please.

Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

It is my pleasure to welcome to the floor of the House residents from A Pocono Country Place. Nestled atop a mountain in the very popular Pocono Mountains in the small, sleepy town of Tobyhanna, Pennsylvania, lies the beauty of a private recreational community that boasts a tranquil, neighborly, and culturally diversified lifestyle. Its name is A Pocono Country Place, and the residents in this community evoke a sense of dedication and caring to their homes and their

neighbors that can only be found in a place one can truly call home.

From its birth in the early 1970s, this community has endured and successfully overcome the economic ups and downs that a fledgling community experiences in its adolescence. With a population of approximately 10,000 residents and nearly 4,000 homes in this community, it covers 49 miles of roadway offering luscious forested properties that abound with nature's bounty.

And it is my pleasure also to announce that there are some veterans among that group that have served either in World War II, the Korean war, Vietnam, and Desert Storm, and as I call their names, I would appreciate if they can stand: Bob Heisinger, Anthony Puccio, Sherry Brainard, Kenneth Booth, Dominick Suppa, Ed O'Shaughnessy, Bernard Mendez, Anthony Stillwagon, Werner Frank, and Walter McMahon. How about a hand for these folks.

Thank you so much, Mr. Speaker.

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 582, PN 4169 By Rep. PERZEL

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

RULES.

HB 767, PN 4160 By Rep. PERZEL

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for definitions and for resale of returned motor vehicle.

RULES.

HB 927, PN 4199 By Rep. PERZEL

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

RULES.

HB 928, PN 4200 By Rep. PERZEL

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

RULES.

HB 1952, PN 4048 By Rep. PERZEL

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for provisions of the redevelopment contract and for blighted property removal; and providing for a statute of limitations.

RULES.

HB 2164, PN 4204 By Rep. PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege; imposing penalties on department employees or agents who issue fraudulent driver's licenses and on persons exhibiting such licenses; further providing for motorcycle fees; and providing for removal from the record of certain suspensions.

RULES.

HB 2322, PN 4289 (Amended) By Rep. PERZEL

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Judicial Computer System Augmentation Account; and establishing the Access to Justice Account to provide for civil legal services to indigent persons and for imposition of fees.

RULES.

HB 2398, PN 3983 By Rep. PERZEL

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for small business definitions and loan eligibility and terms.

RULES.

SB 238, PN 2176 By Rep. PERZEL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for suspension of operating privileges, for driving with suspended or revoked licenses, for chemical testing to determine alcohol or controlled substance amounts, for occupational limited license, for probationary licenses, for alcohol restrictions for certain drivers and for insurance benefits; providing for automated red light enforcement systems in first class cities; further providing for meeting or overtaking school buses and for parking regulations; adding a penalty for violating provisions relating to blind pedestrians; further providing for violations by pedestrians and for driving under the influence of alcohol or a controlled substance; providing for operation of motor homes on certain highways; and further providing for length of vehicles, for moving wooden structures, for limitations on record disclosure, for vehicle impoundment, for vehicle immobilization, towing and storage, for disposition of impounded vehicles and loads and for recidivism.

RULES.

SB 483, PN 2179 By Rep. PERZEL

An Act amending the act of May 20, 1937 (P.L.728, No.193), referred to as the Board of Claims Act, further providing for compensation for members of the Board of Claims and its hearing panels, for the jurisdiction of the hearing panels and for authority to resolve protests of solicitations or awards; and making a repeal.

RULES.

SB 1035, PN 2178

By Rep. PERZEL

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kitchichtinny Historical Society, Inc., certain lands situate in Antrim Township, Franklin County; 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; and authorizing 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.

RULES.

SB 1045, PN 2170

By Rep. PERZEL

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions and for eligibility.

RULES.

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

- | | | |
|-----------|-------|---------|
| Butkovitz | Myers | Pallone |
|-----------|-------|---------|

LEAVES ADDED—1

Cruz

LEAVES CANCELED—1

Pallone

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2594, PN 3943**, entitled:

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

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 2594 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **SB 413, PN 2177**, entitled:

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.

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Butkovitz Myers Pallone

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

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

* * *

The House proceeded to third consideration of **SB 206, PN 2065**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for the State Board of Certified Real Estate Appraisers and for requirements relating to appraising real estate; prohibiting certain acts; providing for violations and for remedies; and making editorial changes.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that SB 206 be recommitted to the Committee on Rules.

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

RESOLUTIONS PURSUANT TO RULE 35

Ms. STEELMAN called up **HR 642, PN 4216**, entitled:

A Resolution designating the week of November 17 through 23, 2002, as "Harry Chapin/Hunger Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Butkovitz Myers Pallone

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

* * *

Mr. HABAY called up **HR 643, PN 4235**, entitled:

A Resolution supporting the Pledge of Allegiance.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong, G.	Feese	Mann	Semmel
Armstrong, T.	Fichter	Markosek	Shaner
Baker, J.	Fleagle	Marsico	Smith, B.
Baker, M.	Flick	Mayernik	Smith, S. H.
Bar	Forcier	McCall	Solobay

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Butkovitz Myers Pallone

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today John Redos, the director of public safety of the Delaware River Joint Toll Bridge Commission, and Al Diomedo, district 2 commander. They are here today as the guests of Representatives Dally and Grucela. They are located to the left of the Speaker. Would they kindly rise to be acknowledged.

SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. SAYLOR called up HR 651, PN 4273, entitled:

A Resolution designating October 10, 2002, as "Put the Brakes on Fatalities Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table listing names of members who voted 'YEAS' for HR 651, including Adolph, Allen, Argall, Armstrong, G., etc.

NAYS—0

NOT VOTING—0

EXCUSED—3

Butkovitz Myers Pallone

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

Mr. CREIGHTON called up HR 652, PN 4274, entitled:

A Resolution commending the 409th Bomb Group Association, Inc., for the outstanding service its members contributed to the combat operations in Europe during World War II and for their continuing contributions to peace and freedom; recognizing the supreme sacrifice of the 111 officers and airmen who lost their lives during those operations; honoring the memory of member Mark Berkley; and recognizing the association's reunion, September 22 through 24, 2002, in Lancaster, Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table listing names of members who voted 'YEAS' for HR 652, including Adolph, Allen, Argall, Armstrong, G., etc.

DeLuca	Leh	Ruffing	Youngblood
Dermody	Lescovitz	Sainato	Yudichak
DeWeese	Levdansky	Samuelson	Zimmerman
DiGirolamo	Lewis	Santoni	Zug
Diven	Lucyk	Sather	
Donatucci	Lynch	Saylor	
Eachus	Mackereth	Scavello	Ryan, Speaker
Egolf	Maher		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

* * *

Mr. WRIGHT called up **HR 654, PN 4280**, entitled:

A Resolution recognizing the week of September 23 through 29, 2002, as "Equal Parents' Week."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

* * *

Mrs. WATSON called up **HR 655, PN 4281**, entitled:

A Resolution designating September 15 through 21, 2002, as "Yellow Ribbon Youth Suicide Prevention Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. May I have the attention of the House, please; may I have your attention.

This has been a busy summer for at least one of our members. Mike Turzai over the summer months became the father of a baby boy, Matthew Robert, born on September 11; weighs 7 pounds 14 ounces; his third child.

Mr. Turzai, do you need recognition for this?

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

Mom and baby boy are doing well. The two other boys are starting to just grapple with the issues.

GUESTS INTRODUCED

The SPEAKER. We have a group with us from the Pennsylvania State Association of Boroughs including Ann Simonetti of Marysville, Nancy Sherlock of Morrisville, Mayor Charles – I am going to have trouble with this; “Moyer” I think it says, but I am not sure of the writing – from Ebensburg, and Ron Evanko from Blairsville. These folks are all here as the guests of Representative Allan Egolf. They are to the left of the Speaker. Would they please rise.

My problem, Mayor Moyer, was that whoever filled this out dotted part of the “y,” and that threw me off. If you would like to see who did this, I will be happy to give this to you.

SUPPLEMENTAL CALENDAR B

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 238, PN 2176**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for definitions, for suspension of operating privileges, for driving with suspended or revoked licenses, for chemical testing to determine alcohol or controlled substance amounts, for occupational limited license, for probationary licenses, for alcohol restrictions for certain drivers and for insurance benefits; providing for automated red light enforcement systems in first class cities; further providing for meeting or overtaking school buses and for parking regulations; adding a penalty for violating provisions relating to blind pedestrians; further providing for violations by pedestrians and for driving under the influence of alcohol or a controlled substance; providing for operation of motor homes on certain highways; and further providing for length of vehicles, for moving wooden structures, for limitations on record disclosure, for vehicle impoundment, for vehicle immobilization, towing and storage, for disposition of impounded vehicles and loads and for recidivism.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On that question – the House will please come to order – the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to bring to the attention of the members that this is the bill that has the language in it with regard to authorizing the city of Philadelphia to have red light cameras. We had an extensive discussion about that last time, and I just want to remind the members who were in fact opposed to that, that to prevent that would require a nonconcurrence vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—151

Adolph	Diven	Lucyk	Ruffing
Allen	Donatucci	Mackereth	Santoni
Argall	Evans, D.	Maher	Sather
Armstrong, G.	Evans, J.	Maitland	Saylor
Armstrong, T.	Feese	Major	Scavello
Baker, J.	Fichter	Manderino	Schroder
Baker, M.	Fleagle	Mann	Semmel
Bard	Flick	Markosek	Shaner
Barrar	Forcier	Marsico	Smith, B.
Bastian	Frankel	Mayernik	Smith, S. H.
Bebko-Jones	Gabig	McCall	Steil
Benninghoff	Gannon	McGeehan	Stern
Birmelin	Geist	McGill	Stetler
Bishop	Godshall	McNaughton	Stevenson, R.

Boyes	Grucela	Melio	Stevenson, T.
Brooks	Gruitza	Michlovic	Strittmatter
Browne	Habay	Micozzie	Sturla
Bunt	Hanna	Miller, R.	Taylor, E. Z.
Buxton	Harhai	Miller, S.	Taylor, J.
Caltagirone	Harhart	Mundy	Thomas
Cappelli	Harper	Nailor	Travaglio
Civera	Hasay	Nickol	Trello
Clark	Hennessey	O'Brien	Trich
Clymer	Herman	Oliver	Tulli
Cohen, L. I.	Hershey	Perzel	Turzai
Colafella	Hess	Petrarca	Vance
Coleman	Horsey	Petrone	Veon
Cornell	James	Phillips	Walko
Corrigan	Kaiser	Pickett	Washington
Costa	Keller	Pippy	Waters
Creighton	Kenney	Pistella	Watson
Dailey	Kirkland	Preston	Williams, J.
Daley	Krebs	Raymond	Wilt
Dally	LaGrotta	Readshaw	Wojnaroski
DeLuca	Laughlin	Rieger	Wright, G.
Dermody	Lederer	Robinson	Wright, M.
DeWeese	Lescovitz	Ross	Zimmerman
DiGiolamo	Lewis	Rubley	

NAYS-49

Belardi	George	Reinard	Surra
Belfanti	Gordner	Roberts	Tangretti
Blaum	Haluska	Roebuck	Tigue
Casorio	Hutchinson	Rohrer	Vitali
Cawley	Jadlowiec	Rooney	Wansacz
Cohen, M.	Josephs	Sainato	Yewcic
Coy	Lawless	Samuelson	Youngblood
Cruz	Leh	Schuler	Yudichak
Curry	Levdansky	Scrimenti	Zug
Eachus	Lynch	Solobay	
Egolf	McIlhattan	Staback	Ryan,
Fairchild	McIlhinney	Stairs	Speaker
Freeman	Metcalfe	Steelman	

NOT VOTING-0

EXCUSED-3

Butkovitz	Myers	Pallone
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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 to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 582, PN 4169**, entitled:

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Butkovitz	Myers	Pallone
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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.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 767, PN 4160**, entitled:

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for definitions and for resale of returned motor vehicle.

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

The SPEAKER. On the question of concurrence, Mr. Scrimenti, are you—

Mr. SCRIMENTI. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. SCRIMENTI. Mr. Speaker, if at all possible, I think myself and the other members would appreciate a brief description of what the bill does and what the amendments were to this bill.

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

Mr. J. EVANS. Mr. Speaker, HB 767 makes three significant amendments to the Automobile Lemon Law of 1984.

First, HB 767 enhances consumer disclosure requirements before a lemon vehicle can be resold, leased, or transferred in the Commonwealth. Under this provision automobile dealers must disclose the manufacturer's written notification that the vehicle was repurchased under the Lemon Law and obtain a signed receipt from the next purchaser acknowledging the notification was received prior to the sale, lease, or transfer of the vehicle.

Secondly, this requires PENNDOT to brand the titles of repurchased vehicles deemed as lemons and prohibits the sale, lease, or transfer of a repurchased vehicle unless the manufacturer, dealer, lessor, or transferor applies for and receives the branded title from PENNDOT.

And third, this bill establishes a \$2,000 penalty per violation for failing to adhere to the aforementioned requirements.

Originally, HB 767 contained language that would expand the scope of the consumer protection provisions to leased vehicles. The Senate amended HB 767 by removing that provision because it duplicated the language contained in SB 286, which was enacted as Act 94 of 2001.

That is a brief summary of what this bill is, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. George.

Mr. GEORGE. A parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. GEORGE. Would this legislator be in conflict if I were to vote on this bill?

The SPEAKER. No.

Mr. GEORGE. Thank you.

The SPEAKER. It would only be if the bill was addressed to you in particular, not as a class, and you are part of a class because you have an automobile dealership.

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—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Butkovitz	Myers	Pallone
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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.

SUPPLEMENTAL CALENDAR C

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

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2322, PN 4289**, as further amended by the House Rules Committee:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Judicial Computer System Augmentation Account; and establishing the Access to Justice Account to provide for civil legal services to indigent persons and for imposition of fees.

On the question,

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

The SPEAKER. Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

This bill as well, I would like to have a brief description provided about the bill itself and the amendments that the Senate placed on the bill, if I could, please.

The SPEAKER. Will the gentleman yield, please.

Mr. Scrimenti, would you repeat that.

Mr. SCRIMENTI. Mr. Speaker, I would like to request again a brief explanation of the amendments to this bill.

The SPEAKER. Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, the Senate amended the access-to-justice bill to expand the number of legal documents to which a filing fee would be attached. A portion of the funds attributable to those filing fees would then be distributed to the Supreme Court's computerization fund, and the remaining portion of those funds would be distributed to legal services.

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

Mr. WILT. Thank you, Mr. Speaker.

Would the sponsor of HB 2322 stand for brief interrogation?

The SPEAKER. Mr. Feese?

Yes; you may proceed.

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

Earlier today I received a fax from my county recorder saying that there is really no precedent for the county recorder who deals with real estate transactions being used as a funding mechanism for our county court system. They are not part of the unified judiciary, and therefore, they do not feel like they should be collecting fees that would then in turn be used to fund the judiciary. Could you help me with that, and the question is, you know, what do I say to our county recorder who is concerned about this setting a dangerous precedent?

Mr. FEESE. Mr. Speaker, in response to the gentleman's question, the register and recorder's office is part of our civil justice system. There are filings for orphan's court proceedings as well as filings of other legal documents, all of which is part of our civil justice system, which the court is the administrator of, although not with direct control over the day-to-day activities of the register and recorder.

Mr. WILT. Great.

Thank you very much, Mr. Speaker. That concludes my interrogation.

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

Mr. COLEMAN. Mr. Speaker, it is my understanding that amendment A4346 that was drafted to the prior printer's number is no longer in order. Is that correct?

The SPEAKER. That is correct.

Mr. COLEMAN. Thank you, Mr. Speaker.

On the question recurring,

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—119

Adolph	Evans, J.	Manderino	Semmel
Allen	Feese	Mann	Smith, B.
Argall	Fichter	Markosek	Smith, S. H.
Armstrong, T.	Freeman	Mayernik	Solobay
Baker, M.	Gannon	McGeehan	Staback
Bard	George	McGill	Stairs
Bebko-Jones	Godshall	McIlhinney	Steil
Belardi	Gordner	McNaughton	Stetler
Belfanti	Grucela	Michlovic	Stevenson, T.
Bishop	Gruitza	Micozzie	Sturla
Blaum	Habay	Miller, S.	Surra
Brooks	Hanna	O'Brien	Taylor, J.
Browne	Harhart	Oliver	Thomas
Bunt	Harper	Perzel	Trich
Buxton	Hennessey	Petrone	Tulli
Caltagirone	Herman	Phillips	Turzai
Cappelli	Horsey	Pickett	Veon
Clymer	James	Pippy	Vitali
Cohen, L. I.	Josephs	Pistella	Walko
Cohen, M.	Kaiser	Preston	Washington
Coleman	Keller	Raymond	Waters
Cornell	Kenney	Reinard	Watson
Cruz	Kirkland	Rieger	Williams, J.
Dailey	Krebs	Robinson	Wright, G.
Daley	Lederer	Roebuck	Wright, M.
Dally	Leh	Ruffing	Youngblood
Dermody	Lescovitz	Samuelson	Zimmerman
DeWeese	Lewis	Santoni	
DiGirolamo	Lucyk	Scavello	Ryan,
Donatucci	Maher	Schuler	Speaker
Evans, D.			

NAYS—81

Armstrong, G.	Fairchild	Maitland	Saylor
Baker, J.	Fleagle	Major	Schroder
Barrar	Flick	Marsico	Scrimenti
Bastian	Forcier	McCall	Shaner
Benninghoff	Frankel	McIlhattan	Steelman
Birmelin	Gabig	Melio	Stern
Boyes	Geist	Metcalfe	Stevenson, R.
Casorio	Haluska	Miller, R.	Strittmatter
Cawley	Harhai	Mundy	Tangretti
Civera	Hasay	Nailor	Taylor, E. Z.
Clark	Hershey	Nickol	Tigue
Colafella	Hess	Petrarca	Travaglio
Corrigan	Hutchinson	Readshaw	Trello
Costa	Jadlowiec	Roberts	Vance
Coy	LaGrotta	Rohrer	Wansacz
Creighton	Laughlin	Rooney	Wilt
Curry	Lawless	Ross	Wojnaroski
DeLuca	Levdansky	Rubley	Yewcic
Diven	Lynch	Sainato	Yudichak

Eachus Mackereth Sather Zug
Egolf

NOT VOTING—0

EXCUSED—3

Butkovitz Myers Pallone

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 B
CONTINUED**

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1952, PN 4048**, entitled:

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for provisions of the redevelopment contract and for blighted property removal; and providing for a statute of limitations.

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

The SPEAKER. Mr. Geist, I suspect you are about to be asked what the amendments were.

Mr. Scrimenti.
Mr. SCRIMENTI. Yes, Mr. Speaker.
The SPEAKER. Oh, pardon me. This would be Mr. Habay.
Mr. SCRIMENTI. I would like to request a brief explanation of the bill and the amendments before a vote is taken, please.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman, Mr. Pallone, on the floor of the House and would ask that he be added to the master roll call.

CONSIDERATION OF HB 1952 CONTINUED

The SPEAKER. The gentleman, Mr. Smith, will respond to your interrogation. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, could he repeat the question? I did not hear it.

The SPEAKER. Essentially the question is to explain what took place with HB 1952 in the Senate with their amendments.

Mr. S. SMITH. Thank you, Mr. Speaker.
Mr. Speaker, HB 1952 expands the powers of urban redevelopment authorities, and it streamlines their operations.

The SPEAKER. On the question, Mr. Scrimenti.

Mr. SCRIMENTI. Mr. Speaker, I do not believe I heard an explanation from the speaker regarding the amendments on this bill. If we could have that, please.

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

Mr. Speaker, it is my understanding that the amendments in the Senate basically corrected a drafting error and clarified those basic provisions that I mentioned in terms of expanding the power of the urban redevelopment authorities streamlining their operations. It dealt with that same subject, clarifying it, and as I said, it corrected a drafting error.

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.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong, G.	Feese	Mann	Semmel
Armstrong, T.	Fichter	Markosek	Shaner
Baker, J.	Fleagle	Marsico	Smith, B.
Baker, M.	Flick	Mayernik	Smith, S. H.
Bard	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Brooks	Habay	Miller, S.	Surra
Browne	Haluska	Mundy	Tangretti
Bunt	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.	Horsely	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	LaGrotta	Roebuck	Wojnaroski
Dailey	Laughlin	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Yewwic
DeLuca	Leh	Rublely	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Butkovitz Myers

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 2164, PN 4204**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege; imposing penalties on department employees or agents who issue fraudulent driver's licenses and on persons exhibiting such licenses; further providing for motorcycle fees; and providing for removal from the record of certain suspensions.

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—201

Adolph	Evans, D.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong, G.	Feese	Mann	Semmel
Armstrong, T.	Fichter	Markosek	Shaner
Baker, J.	Fleagle	Marsico	Smith, B.
Baker, M.	Flick	Mayernik	Smith, S. H.
Bard	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Brooks	Habay	Miller, S.	Surra
Browne	Haluska	Mundy	Tangretti
Bunt	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	LaGrotta	Roebuck	Wojnaroski
Dailey	Laughlin	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Butkovitz Myers

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 2398, PN 3983**, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for small business definitions and loan eligibility and terms.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. On the question, Mr. Scrimenti. For what purpose do you rise?

Mr. SCRIMENTI. Mr. Speaker, the same request that I have raised with other bills on concurrence. I believe the membership in total, including myself, deserves a brief explanation of the bill and the amendment changes.

The SPEAKER. Well, I could not agree with you more. I am a little surprised, frankly. Does our computer show these changes? I am told that your PC shows the changes on its print. Now, if I am wrong, I would like to be told that.

Mr. PERZEL. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Perzel, agrees to respond to the gentleman.

Mr. PERZEL. Mr. Speaker, during the course of the summer we asked the committee chairmen for both respective caucuses—

The SPEAKER. The gentleman will yield.

Please.

Mr. Perzel.

Mr. PERZEL. We asked the caucus chairmen of both caucuses to make sure that they had a caucus to explain what was in each and every one of the bills that are coming before the members of the General Assembly. We asked that be done

in July, we asked it be done twice in August, and we asked to have it done in September. So each caucus had a caucus meeting this morning to explain the contents of the bills that are before the members of the General Assembly.

This General Assembly has been out of session, Mr. Speaker, almost 10 weeks, and I would have expected every member of the General Assembly that was interested in the issues that are on the computer, that are now before us in the General Assembly, would have read the changes in those laws. If they had not done that, I would have expected that they would have gone to caucus. If they had not done that, I would have expected that they read the information that was provided to each and every one.

So you had a chance to get it on the computer, you had a chance to go to your caucus, and you could have read it, Mr. Speaker. So there is nothing new here, Mr. Speaker. So to stop the proceedings and act like we are going to read "The Cat in the Hat" I think is a little ridiculous, Mr. Speaker — disingenuous.

The SPEAKER. Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise to speak to this issue and respond.

First of all, the rules require exactly what Mr. Scrimenti is asking. So simply requiring that the rules be adhered to is nothing that should be admonished.

Second, I attended caucus and I have read the bills. The technical problem is, when the numbers appear on the board and the bill is announced, sometimes it just takes longer to connect what you have learned in caucus with that actual number than time allows. So the end result is blind voting.

So the reality is, reading a brief explanation just slows it down enough so that we are not blind-voting. It has nothing to do with being unprepared; it just has everything to do with just following the rules.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

Another issue that I believe needs to be raised—

The SPEAKER. Now—

Mr. SCRIMENTI. —regarding this matter is the fact that we in the General Assembly have agreed to televise our proceedings, and I believe since we are trying to inform the public, it would serve the public good to share information about the legislation that we are voting on.

The SPEAKER. Thank you.

Mr. SCRIMENTI. You are welcome.

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.	Maitland	Schroder
Allen	Evans, J.	Major	Schuler
Argall	Fairchild	Manderino	Scrimenti
Armstrong, G.	Feese	Mann	Semmel
Armstrong, T.	Fichter	Markosek	Shaner
Baker, J.	Fleagle	Marsico	Smith, B.
Baker, M.	Flick	Mayermik	Smith, S. H.

Bard	Forcier	McCall	Solobay
Barrar	Frankel	McGeehan	Staback
Bastian	Freeman	McGill	Stairs
Bebko-Jones	Gabig	McIlhattan	Steelman
Belardi	Gannon	McIlhinney	Steil
Belfanti	Geist	McNaughton	Stern
Benninghoff	George	Melio	Stetler
Birmelin	Godshall	Metcalfe	Stevenson, R.
Bishop	Gordner	Michlovic	Stevenson, T.
Blaum	Grucela	Micozzie	Strittmatter
Boyes	Gruitza	Miller, R.	Sturla
Brooks	Habay	Miller, S.	Surra
Browne	Haluska	Mundy	Tangretti
Bunt	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	LaGrotta	Roebuck	Wojnaroski
Dailey	Laughlin	Rohrer	Wright, G.
Daley	Lawless	Rooney	Wright, M.
Dally	Lederer	Ross	Yewcic
DeLuca	Leh	Rubley	Youngblood
Dermody	Lescovitz	Ruffing	Yudichak
DeWeese	Levdansky	Sainato	Zimmerman
DiGirolamo	Lewis	Samuelson	Zug
Diven	Lucyk	Santoni	
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	Ryan,
Egolf	Maher	Scavello	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Butkovitz Myers

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.

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. Staff personnel will be seated.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, The Honorable Vincent F. Scarcelli, a former member of the House of Representatives of Pennsylvania and a former Chief Clerk of the House, passed away on September 10, 2002, at the age of eighty-eight; and

WHEREAS, Born in the City of Philadelphia to Frank and Rose Dodara Scarcelli on June 16, 1914, Mr. Scarcelli attended Epiphany Parochial School, Secretarial School of Philadelphia and Mastbaum Area Vocational-Technical School, all in Philadelphia. Prior to his State service, he owned and managed a confectionery business, operated a butter and egg route, was Supervisor of Edward Tailoring Company's Receiving and Shipping Departments for fourteen years and worked in public relations for the Neuweiler and Schmidt Breweries. In 1954, he was elected to be a member of the House of Representatives by the citizens of the 7th Legislative District and served in that capacity from 1955 to 1966. During that time, he was selected to be a member of the Law and Order Committee; the Military and Veterans Affairs Committee; the Recreation and Tourism Committee; and the Liquor Control Committee, of which he was Vice Chairman. Additionally, Mr. Scarcelli was Chief Clerk of the House from 1969 to 1972 and from 1975 to 1978, and he served as Minority Administrator from 1967 to 1968 and from 1973 to 1974. With unsurpassed loyalty to the Democratic party and to labor organizations, he was a member of the 48th Ward Democratic Executive Committee for twenty-seven years and a leader for eight of those years. He also served the Democratic State Executive Committee as a member and as Chairman of its Credentials Committee, and he was a delegate to the Democratic National Convention in 1972 and to the Democratic National Mini Convention in 1974. Mr. Scarcelli was a shop steward with the International Brotherhood of Teamsters, Local 830, AFL-CIO, and with the Amalgamated Clothing Workers Union; a member of the Bartenders and Hotel Workers Union, AFL-CIO; active in the Knights of Columbus; and a member of St. Jerome Catholic Church. He was preceded in death by his wife of sixty years, the late Nancy Sue Russo Scarcelli; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of the Honorable Vincent F. Scarcelli; and extend heartfelt condolences to his son, Vincent J.; his daughters, Patricia and Phyllis; and his three grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by Representatives Matthew Ryan, John M. Perzel and H. William DeWeese, be transmitted to the family of the Honorable Vincent F. Scarcelli.

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 Vincent F. Scarcelli.)

The SPEAKER. The resolution has been unanimously adopted.

The Sergeants at Arms will open the doors of the House.

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese, who desires recognition for the purpose of making a few remarks about our deceased former member, Vince Scarcelli.

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman will yield.

Anybody in conference right now is invited to go outside of the chamber.

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

I met the former Representative Scarcelli on the first day I was sworn in to this chamber. Vince Scarcelli was the epitome of the old-fashioned, rough-and-tumble, hurly-burly Philadelphia politician. At his core was a central ethos focused on organized labor, focused on little people, focused on Democrats. He was rough-hewn. He was colorful. His vocabulary was full of monosyllabics. Vince Scarcelli's type will probably not march through this building very often in the future.

I am sure that the Speaker and Frank Pistella, Frank Oliver, a lot of the older members remember him, one of the most individualistic characters of the 1970s, and I think that from time to time those of us that do remember the men and women that we served with should reflect just for a couple seconds upon those special folks from way back when. The archetypal Philadelphia politician of the 1950s, '60s, and '70s has been gathered to the bosom of Abraham, but those of us that were here in the 1970s will never forget the inimitable Vince Scarcelli.

Thank you, Mr. Speaker.

VOTE CORRECTION

The SPEAKER. Mr. Leh.

Mr. LEH. Mr. Speaker, could I rise to correct the record, please?

The SPEAKER. The gentleman is in order.

Mr. LEH. On HB 2322, I believe I was recorded in the affirmative, and I wish to be recorded in the negative. Thank you.

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

Incidentally, Mr. DeWeese, I approve wholeheartedly of different members standing up on occasions such as this, particularly those who have personal knowledge of the individuals that we are thinking about at that time.

I go back with Mr. Scarcelli to when I first joined the House in 1962, and he was a member then, and he was later Chief Clerk. And the one thing we neglected to say, he marched to the tune of his leader, then Herb Fineman, and I can remember one day – and I always think of things in a humorous vein, if I can; it was not humorous at the time – I wanted to get some labels. They were fax labels then that you peeled off and you could send mail out to people. So I sent my secretary down to get a box of labels, and, “No, you can't have them.” I said, “Why can't I have them?” “You have to get the Speaker's permission.” I thought, I will test this a bit further. I said, “I'd like a box of pencils.” Scarcelli sent back the word, you need the Speaker's permission; get a note from him. So I then

went down and saw Mr. Scarcelli and I said, "I want a box of pencils and I want a box of labels, and if I don't have them before I get to the floor, I'm going to embarrass you and the Speaker with a request and a demand for an explanation." I got two boxes of labels and two boxes of pencils, and he was my friend from there on, and he was a great guy. He was from the old school, as you point out, and he will be missed. I can remember him always, always talking about his wife; he was a dedicated family man. He was just a nice person. Wrong party, but nice person.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Veon, who asks that Mr. CRUZ be placed on leave for the balance of the day. Without objection, leave is granted.

BILLS ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 483, PN 2179, entitled:

An Act amending the act of May 20, 1937 (P.L.728, No.193), referred to as the Board of Claims Act, further providing for compensation for members of the Board of Claims and its hearing panels, for the jurisdiction of the hearing panels and for authority to resolve protests of solicitations or awards; and making a repeal.

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

Table listing names of members who voted 'YEAS' (189 total). Includes names like Adolph, Allen, Argall, etc.

Table listing names of members who voted 'NAYS' (11 total). Includes names like Civera, Clark, Clymer, etc.

NAYS-11

Table listing names of members who voted 'NAYS' (11 total). Includes names like Casorio, Curry, Freeman, etc.

NOT VOTING-0

EXCUSED-3

Table listing names of members who were 'EXCUSED' (3 total). Includes names like Butkovitz, Cruz, Myers.

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.

The House proceeded to consideration of concurrence in Senate amendments to House amendments to SB 1045, PN 2170, 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 and for eligibility.

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

The SPEAKER. Mr. Scrimenti has taken the floor, I assume to ask the same question as before?

Mr. SCRIMENTI. Mr. Speaker, I would just like to have the House rules followed and have a brief explanation of the bill and the amendments.

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Mr. Speaker, the bill was amended in the Senate to take out an appropriation of \$2 million for a Small Business First loan program, I believe.

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—200

Adolph	Evans, J.	Major	Schroder
Allen	Fairchild	Manderino	Schuler
Argall	Feese	Mann	Scrimenti
Armstrong, G.	Fichter	Markosek	Semmel
Armstrong, T.	Fleagle	Marsico	Shaner
Baker, J.	Flick	Mayernik	Smith, B.
Baker, M.	Forcier	McCall	Smith, S. H.
Bard	Frankel	McGeehan	Solobay
Barrar	Freeman	McGill	Staback
Bastian	Gabig	McIlhattan	Stairs
Bebko-Jones	Gannon	McIlhinney	Steelman
Belardi	Geist	McNaughton	Steil
Belfanti	George	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson, R.
Bishop	Grucela	Micozzie	Stevenson, T.
Blaum	Gruitza	Miller, R.	Strittmatter
Boyes	Habay	Miller, S.	Sturla
Brooks	Haluska	Mundy	Surra
Browne	Hanna	Nailor	Tangretti
Bunt	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
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.
Curry	LaGrotta	Roebuck	Wilt
Dailey	Laughlin	Rohrer	Wojnaroski
Daley	Lawless	Rooney	Wright, G.
Dally	Lederer	Ross	Wright, M.
DeLuca	Leh	Rubley	Yewcic
Dermody	Lescovitz	Ruffing	Youngblood
DeWeese	Levdansky	Sainato	Yudichak
DiGirolamo	Lewis	Samuelson	Zimmerman
Diven	Lucyk	Santoni	Zug
Donatucci	Lynch	Sather	
Eachus	Mackereth	Saylor	
Egolf	Maher	Scavello	Ryan,
Evans, D.	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Butkovitz	Cruz	Myers
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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 to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 927, PN 4199**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

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

The SPEAKER. On the question, Mr. Phillips for a brief explanation.

Mr. Maitland, a brief explanation.

Mr. MAITLAND. Mr. Speaker, I am rising for the purpose of making a motion.

The SPEAKER. Mr. Phillips, would you describe briefly for the gentleman, Mr. Scrimenti, and others what the Senate did to this bill?

Mr. PHILLIPS. Thank you, Mr. Speaker.

The Senate amended HB 927. The Senate took out the amusement tax that is charged to two racetracks, which would be Pocono and Nazareth. Right now they pay 100 percent of the tax, and it would reduce it to 40 percent. Then it would take 6 ski areas out of 31 which charge amusement tax now and remove that tax completely. That is what the amendment does.

MOTION TO SUSPEND RULES

The SPEAKER. Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I rise for the purpose of making a motion to suspend the rules for the purposes of reverting to prior PN 2777.

The SPEAKER. Would the gentleman explain what that printer's number is?

Mr. MAITLAND. Yes, Mr. Speaker. That printer's number would remove the Senate amendments just described by the gentleman, Mr. Phillips, and it would leave intact the amusement tax on the ski resorts and the racetracks.

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

The SPEAKER. On the question of suspension of the rules, this is debatable only by the floor leaders. Now, Mr. Perzel, you have a problem on your hands, because both Mr. Phillips and Mr. Maitland would like to debate this, I am sure. Maybe Mr. DeWeese will yield.

Mr. Perzel.

Mr. PERZEL. Mr. Speaker, in the basic tenet of fairness, the minority leader is going to appoint someone that is against Representative Maitland, so I am going to allow Mr. Maitland to be my representative so at least both caucuses can hear his side of the story.

The SPEAKER. Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I make this motion because I am personally affected in my district by a repeal of the amusement tax, particularly that on the ski resort. I have a ski resort in Fairfield, the borough of Carroll Valley, called Ski Liberty, and Ski Liberty pays approximately \$55,000 in amusement tax to the Fairfield Area School District and over \$111,000 in amusement tax to the little borough of Carroll Valley.

Now, one of the prime tenets that we should undertake to adhere to in the General Assembly is to do no harm. Passage of this legislation under its current printer's number will harm my constituents, because the school district and the borough will lose that amusement tax revenue, and it has nowhere else to go but onto the property tax. Secondly, it does not make a lot of sense for us to do something that is affecting local taxation and local property taxes when we are in a special session to address that very issue.

So I think we should revert to the prior printer's number, take away the repeal of the amusement tax, and address this issue—

The SPEAKER. Mr. Maitland, that is not before us now. The only thing before us at this time is suspension.

Mr. MAITLAND. Okay. What is necessary then is suspension of the rules in order to revert to the prior printer's number, and I would ask for your support on that motion.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Along with many, not all, but many senior Republicans, I would oppose the suspension of the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—89

Armstrong, G.	Fleagle	Lederer	Rubley
Baker, J.	Flick	Levdansky	Ruffing
Bard	Forcier	Mackereth	Samuelson
Barrar	Freeman	Maitland	Santoni
Bebko-Jones	Gabig	Markosek	Sather
Benninghoff	George	Mayermik	Schuler
Birmelin	Gordner	McCall	Scrimenti
Boyes	Grucela	McGeehan	Smith, B.
Brooks	Gruitza	McIlhattan	Steelman
Bunt	Haluska	McNaughton	Steil
Caltagirone	Hanna	Melio	Stern
Cawley	Harhart	Michlovic	Tigue
Civera	Harper	Miller, R.	Vance
Clymer	Hennessey	Nickol	Vitali
Costa	Hershey	Petrone	Washington
Curry	Horsey	Pistella	Watson
Daley	Jadlowiec	Preston	Williams, J.
Dermody	James	Readshaw	Wilt
DiGirolamo	Kaiser	Rieger	Wojnaroski
Diven	Keller	Robinson	Wright, G.
Donatucci	Kenney	Roebuck	Wright, M.
Evans, J.	Kirkland	Rohrer	Youngblood
Fichter			

NAYS—111

Adolph	Evans, D.	McGill	Staback
Allen	Fairchild	McIlhinney	Stairs
Argall	Feese	Metcalfe	Stetler

Armstrong, T.	Frankel	Micozzie	Stevenson, R.
Baker, M.	Gannon	Miller, S.	Stevenson, T.
Bastian	Geist	Mundy	Strittmatter
Belardi	Godshall	Nailor	Sturla
Belfanti	Habay	O'Brien	Surra
Bishop	Harhai	Oliver	Tangretti
Blaum	Hasay	Pallone	Taylor, E. Z.
Browne	Herman	Perzel	Taylor, J.
Buxton	Hess	Petrarca	Thomas
Cappelli	Hutchinson	Phillips	Travaglio
Casorio	Josephs	Pickett	Trello
Clark	Krebs	Pippy	Trich
Cohen, L. I.	LaGrotta	Raymond	Tulli
Cohen, M.	Laughlin	Reinard	Turzai
Colafella	Lawless	Roberts	Veon
Coleman	Leh	Rooney	Walko
Cornell	Lescovitz	Ross	Wansacz
Corrigan	Lewis	Sainato	Waters
Coy	Lucyk	Saylor	Yewcic
Creighton	Lynch	Scavello	Yudichak
Dailey	Maher	Schroder	Zimmerman
Dally	Major	Semmel	Zug
DeLuca	Manderino	Shaner	
DeWeese	Mann	Smith, S. H.	Ryan,
Eachus	Marsico	Solobay	Speaker
Egolf			

NOT VOTING—0

EXCUSED—3

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

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. On that question, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I rise to urge a "no" vote on concurrence.

The Senate inserted amendments that repeal the amusement tax on ski resorts and racetracks. The repeal of the amusement tax on ski resorts will directly and negatively impact about 15,000 residents in my legislative district. It will cost the borough of Carroll Valley about \$111,000 in amusement tax revenue and the Fairfield Area School District about \$55,000 in amusement tax revenue. That revenue will have to be shifted directly onto the property taxes of my constituents, and I do not think that is right.

Others will argue that the repeal of these amusement taxes is fair because of competition across the State, but I have some information on the total taxes of other States on their amusements, those State and local amusement taxes. For example, Maryland has 13 percent total tax on their amusements — it could be greater depending on their local share; New Jersey, 21 percent; New York, 22.2 percent; Ohio, 15 percent; and what we are currently levying on ski resorts is 10 percent of 40 percent of the cost of their lift ticket, so it is a 4-percent tax.

So I ask you, oppose concurrence; the Senate amendments are harmful, and I would appreciate your defeating the concurrence vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 927.

We are very fortunate in the Commonwealth of Pennsylvania to have a Winston Cup championship NASCAR race, where our residents have an easy access to the track. This, for our constituents, makes it unfair for the ticket sales, to keep the ticket sales competitive with tracks like Dover, Delaware, and Watkins Glen. So, Mr. Speaker, to keep competitive pricing of the tickets and to keep it fair for our constituents and all who come to see a NASCAR race, 175,000 people, to keep those ticket prices competitive, we need to support HB 927.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

I rise to support the Senate amendments to HB 927.

So we have it perfectly clear, what we are talking about here is six skiing facilities would be affected. There are approximately 31 in the State, and only 6 charge the amusement tax. And the only other things affected are the two racetracks, at Pocono and at Nazareth. And it is like was mentioned, we own tourism in this State. We want to keep these racetracks competitive; we want to keep the ski areas competitive. We have got to remember that we do have some publicly owned ski areas, and one of the largest ones is in around Scranton. Well, it certainly is not fair at competing ski areas if we have one of the largest in the State not paying any amusement tax and the rest of them are.

I believe that, you know, we do have the racetrack in Dover, Delaware. Well, we have no amusement tax there. We have a racetrack at Watkins Glen. Of course, they do charge a sales tax, but we have got to remember, if we use the figure of \$100 per ticket, the sales tax goes on top of the \$100 and the ticket costs \$107. If we use an amusement tax, the 7 percent is taken off, so the racetracks only realize 97 percent.

You take in these ski areas, they get a lot of money from tourism coming into that area. We have a lot of areas where there are second homes, where they are paying property tax and not sending their children to school. So I would say that there is a lot of income coming into those areas with the sales tax that is paid at hotels, restaurants, and all the supplies that they sell and all the supplies that they buy. So they do have a tremendous impact on money coming into those areas. And I think the one thing with ski areas that we have got to remember is that they are paying tax on the gross, and when you pay tax on the gross, you can be losing a lot of money that year — you had a bad year for snow — and yet you are required to pay that tax, and I believe that it is important that we try to keep these ski areas and give them a break and make it possible for them to stay here and to do business here.

Thank you very much.

The SPEAKER. The gentleman, Mr. Tigie.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, this is about the sixth time we have addressed this issue. This is as far as it has gotten, and they keep pounding the door, pounding the door, pounding the door.

I agree with just about everything Mr. Maitland said earlier except one statement, and that was the statement that the ski resort pays \$55,000. The ski resorts and the racetracks do

not pay 1 penny; they do not pay 1 penny. All they do is collect a use tax. The people who buy the tickets are the ones who pay.

It is ironic that today we will continue a special session on tax reform. Make no mistake about it; make no mistake about this vote: This will cause municipalities to raise the property tax. Let me say that one more time so everybody pays attention. If this bill passes and is signed into law, there are municipalities in this Commonwealth that you will force to raise the property tax. Whether it is the township and borough that has the ski resort or the township where the racetracks are located, they rely on that. Pocono International Speedway, as Representative Hasay said earlier, they may get \$150,000, \$175,000. It is a great facility. It brings in a lot of people. Winston Cup is one of the fastest growing spectator sports in the United States. That is all wonderful. There is no reason why Tunkhannock Township should not be able to have a 3-percent amusement tax.

Think about what we are doing. Just think about what we are doing: two tracks, two racetracks, the largest racetracks, not the smallest racetracks, the tracks that bring in people from outside the areas where they are located and from in fact outside the Commonwealth. When we were last here in June, we talked about a tipping fee to charge, to increase, to make sure that people bringing garbage in from out of State would do this.

There is another exemption to this. How many of you on both sides of the aisle complain about the Philadelphia school funding and property taxes and that? Well, Philadelphia and Allegheny Counties are exempt. They can continue to charge the amusement tax, et cetera. And by the way, read the amendment. The amendment does not say anything about racing, it does not say anything about skiing; it says you cannot charge the activities at the facility. So if you are having a concert or something else at one of these facilities, you cannot do that.

All of the polling, all of the surveys, all of the information I have seen, I have heard, I have read, say that people despise the property tax; probably more people would support an increase in a sales tax of some sort more than anything else. That is what this is. If I buy a ticket or if you buy a ticket, whether it is a concert or Pocono 500 or a ski resort and there is an amusement tax, how many have been dissuaded from going to use that facility? I will bet no one in this room.

So now we get into this argument about fairness. We keep saying we are going to help local municipalities and school districts. In fact what we are doing is we are limiting what they can do. We have already done something, which I did not support, and we prohibited people from adopting an amusement tax. God forbid that somebody opens up a ski resort or a racetrack in another rural area where they cannot collect the money but they are going to have to provide the services. That is wrong.

I have not heard anyone come to me and say, please, please, please eliminate the amusement tax because I cannot afford to go to a function. The people who come to me are asking for relief from property taxes, not the amusement tax. This is special legislation. The Pocono International Speedway is in my district. The people who own it are wonderful people; they have done a lot for the community, but this tax is a fair tax. They do not pay the tax; the people who buy the tickets pay the tax. And when you talk about competitiveness, no one has grown faster or more than Pocono International Speedway when they have NASCAR racing. At one time you could buy all the tickets you

wanted; now people have problems. This shows that the amusement tax has not stopped them from being competitive. In fact, the opposite has occurred.

So I would ask you on behalf of those municipalities and those people who live in those municipalities not to concur in this legislation, because it is a step entirely in the wrong direction. We are talking about lowering property taxes for local taxing jurisdictions, and here is a case where we are going to make them increase the property tax because they have no other way to go.

Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Mr. Wright.

Mr. WRIGHT. Thank you, Madam Speaker.

Let me make this clear. I was not going to speak upon this, but throughout the day and in some of the backroom meetings some of the problems that have been discussed, I am very much concerned, very much concerned for the property tax payer. We have been debating property tax, school tax issues, for decades, for years. We have a special session on real estate taxes. There is a commitment by both parties and the Governor, a commitment by candidates running for office: They will try to find a fair way to resolve some of the school funding issues. Then we have this bill that basically says to shift many of the taxation from amusements and shift it to real estate taxes, and the people that are supporting it the most are the people who have been frowning upon real estate taxes in the first place. Make no mistake that essentially, this is a death knell to those school districts, those municipalities, who are trying to find relief from already overburdened real estate taxes, that this vote will absolutely be clear that it is a desire of the general legislature to increase real estate taxes upon those communities that have already identified a way to reduce them, and it is quite clear that we are now setting policy that real estate taxes are the way to go, and it is quite clear that the legislature does not want to find a way to get away from that, after we just opened up a special session in earnest, in unity, to try to find ways to find solutions, not to heap more on.

Now, I think it is very clear – I will give you a historical background – in the forties, amusement-type issues were sales taxable, Pennsylvania sales tax. In the forties our local governments said that we had to deal with increased police protection and traffic control, rescue squads, et cetera, and they wanted the ability to recover some of their money back. The legislature agreed that we would take away the sales taxation of amusement taxes, of amusements. Amusements do not pay State sales tax. They used to pay State sales tax. They had always paid State sales tax. The legislature said, no, instead of the State collecting that tax, we will allow the local municipalities who are incurring some expenses. It was only fair, only fair that those communities that were spending money on these amusements, it was only fair that they got the benefit of the taxation. We agreed that we would stop sales taxation.

Now, all of us that received those charts in the mail from municipal government entities talking about what taxes are on amusements in the communities around us, the States around us,

it is true you hear that a lot of States do not have an amusement tax. But you know what? They have an admissions tax. Our admissions tax is zero – zero. We are by far better than they are; our tax is zero, but their admissions tax is various different degrees. A lot of the States around us, it is a State and a local county sales tax, a sales tax, from a few percent to as much as 9 percent. What is Pennsylvania's sales tax on amusements? Zero.

What you will hear is only talk about the amusement tax. In reality, there are three types of taxes that are all exactly the same – amusement, admission, and sales tax. It is all exactly the same. It is on the gross. You will also hear it is not fair to charge a tax on the gross, but that is what sales tax is, that is what the admissions tax is; it is a tax on the gross. We all have these charts; it talks about, we heard New York State, protect the ski companies from New York State ski resorts. Do you know, now, I do not know county by county, but in New York State skiing is subject to 7 percent State sales tax; zero in Pennsylvania. Do you know that there is a 4-percent admissions tax on ski resorts statewide? So right off the bat, ski resorts in New York State are subject to 11 percent automatically at the State level, 11 percent; zero in our State, zero. So right off the bat they are at 11, we are at zero. And local counties are allowed to levy up to 4.2 percent local sales tax in New York. So just in New York alone, depending on the county, it is at least 11 percent on every ticket sale, at least, minimum – Pennsylvania minimum is zero – with a maximum of 15.2 percent. So it is anywhere between 11 and 15.2 percent for anybody who skis in New York State. But yet we heard, we heard that in Pennsylvania, you hear that 10-percent amusement tax, but, you know, do not kid ourselves, Mr. Speaker, it is only on 40 percent of the sales. So the amusement tax in Pennsylvania is 4 percent at the maximum – at the maximum, 4 percent – and we are hearing, oh, it hurts us; we are so out of line; 4 percent, it is killing us. New York State charges 15.2 percent. All of our customers are going to the State that charges 15.2 percent and they are leaving our State that only charges, at the maximum, 4 percent. I do not see where that comes from, but I guess if that is true, I guess if they want to ski where the taxes are higher, let it be.

We will take New Jersey. New Jersey has a local admissions tax of 9 percent, and they have a State sales tax of 6 percent. So in New Jersey it could be as low as 6 – ours is 4 at the maximum – or it could be up as high as 15 percent. So we are hearing that our skiers are fleeing Pennsylvania to go to New Jersey, because they may have to pay from zero to 4 percent tax here, to go to New Jersey that may be paying up to 15 percent, and because of that we are losing our skiers. I do not know where the sense of that comes from, but that is what they are saying. So if you go by that, we should increase our tax, probably.

Maryland. You hear from some of the southern Pennsylvania ski areas, Maryland – let us talk about Maryland's taxes – Maryland has the local amusement tax up to 10 percent – remember, ours is a maximum of 4 – and they have a State sales tax of 5 percent. And— Well, adding the two together they have a maximum of 15 percent, where the maximum in the State of Pennsylvania is 4. So there again we are hearing that they are fleeing the slopes in Pennsylvania to go to another State that is obviously at a higher tax rate. I do not understand the logic there. I do not understand, when you say the tax rates

are higher everywhere else and we are losing the customers to those other States, I do not understand how that works. I think it has more to do with the natural snow conditions in the mountains, myself.

You talk about auto racing. I have heard that we are threatened, we may lose some of the major Winston Cup races. I do not know if that is true or not; I have heard that, and they are saying the 4 percent that they are paying, that they are asking the customers to pay, where other States in our area such as New York State, New York State, the Watkins Glen race that is being referred to, customers pay 15 percent at Watkins Glen. Customers only pay 4 percent here. But if we do not get rid of that 4 percent, we are going to lose it; they are all going to go to New York State so they can pay 15 percent. I do not understand that. I do not understand the logic that they are going to flee to States that charge sales tax, which we do not, charge admissions tax, which we do not, and most of our bordering States charge to the same degree an amusement tax just like ours. I do not know where that comes from.

Now, I always talked around before that, you know, when people say the locals are not really expending any money, they do not deserve that tax, okay, maybe that is true; I do not know, but if that is true, then the original decision of the legislature that used to be sales taxable, if that is true, then maybe we should just bring it back. Maybe we should bring it back into the way it was, take that special exemption, take the special exemption away from amusement facilities, ski resorts and racetracks, let us take that back, that special exemption that we gave them. Remember, all kinds of other entities pay that sales tax, but we gave them that exemption that says, you do not have to. Maybe we should just take that back, do away with the amusement tax, but put it back under the 6-percent sales tax. Holy cow, what an outcry that is. They are only paying 4 percent now. Put them under the State sales tax, that would be 6. That would help some revenue for the State. Then it could go a little bit towards that property tax reduction plan that we all have been discussing.

Unfortunately, I am not 100 percent opposed to this issue. I have, in good fairness, been trying to resolve some of these issues, and the one thing that bothers me is, I thought we were moving ahead a little bit in discussing it, especially in the terms of property tax reduction, and trying to come up with some plans that would have the nuisance taxes involved, come up with a big solution, and then lo and behold, just when I think we are getting there, lo and behold, this amendment comes, and it just shows me that there is not really dedication here to solve the problem.

Most everybody in this room is not directly affected by this, but you are abandoning the bigger issue – real estate and school funding problems.

MOTION TO RECOMMIT

Mr. WRIGHT. At this point, Madam Speaker, I would like to make a motion.

The SPEAKER pro tempore. Please state your motion.

Mr. WRIGHT. I would like to recommit this back to the original committee it came from, Local Government.

The SPEAKER pro tempore. The gentleman, Mr. Wright, moves that the bill be recommitted to the Local Government Committee.

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

Mr. WRIGHT. May I speak on it?

The SPEAKER pro tempore. You may proceed.

Mr. WRIGHT. The reason why I will make this motion is because everybody in this room stood here a couple weeks ago, and face it, everybody has been running around the State, talking about real solutions to real estate taxes. This flies in the face of what everybody said.

I am in favor of trying to resolve this issue, but come on; let us get our act together. I want this to go back to Local Government. Work it in with the proposals that both parties here have recommended; put it together; make it part of the package – the long-term solution to our school funding and our real estate taxation issue.

Come on; do not just Mickey Mouse this; do not just put little patches on. If you are serious at all of trying to find some resolution, some long-term solutions, to real estate taxes, put this issue in it, and if it is part of a package, then I think many of us that are opposed to this right now can support it in the long run. Thank you.

The SPEAKER pro tempore. On the motion to recommit, the Chair recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. Thank you, Madam Speaker.

I rise to oppose recommitment.

The bill is before us. Let us either vote it up or down. This issue has been before us for a number of years, and I believe now is the time to take a vote on it. And remember, we are only talking about six ski areas and two racetracks; we are not talking about any other amusement parks. It only affects several areas, and it is something I believe that we should be doing for tourism and keep these two racetracks and six skiing areas so they can operate and so they do not leave our State and put them in fair competition.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the motion to recommit to the Local Government Committee, those voting to recommit will vote “aye”—

Mr. COY. Madam Speaker?

The SPEAKER pro tempore. Sorry. Strike that, please.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin County, Mr. Coy.

Mr. COY. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COY. Are we given to understand that this bill has been amended by the Senate?

The SPEAKER pro tempore. Yes; that is correct.

Mr. COY. And can a standing committee of the House amend on recommitment a bill recommitted by the House as amended by the Senate?

The SPEAKER pro tempore. No.

Mr. COY. So my question is, therefore, is this motion proper?

The SPEAKER pro tempore. It can be recommitted for study but not for the purpose of amendment.

Mr. COY. Oh, so I guess what we are saying is, we need more study rather than we are going to do anything with it.

The real question then— On the bill? On the motion?

The SPEAKER pro tempore. Yes; you may speak on the motion to recommit.

Mr. COY. Thank you, Madam Speaker.

The real question is then, Madam Speaker, whether or not recommitting the bill to a committee is going to further the legislative process or just allow for more study. So I suspect, to be very candid with everyone, we should make a determination, if you want more study – in other words, if you want the bill not to be considered, because that is effectively what you are doing if you vote to recommit; you are voting to make sure that the bill is not considered by the House. This is a bill which has been amended by the Senate. The question is before us. It is pretty obvious one way or the other. But if you vote to recommit, you are not allowing to make any changes, because the committee cannot make any changes in the legislation.

So a motion to recommit is in essence a motion to kill the legislation.

I simply wanted to make that point, Madam Speaker. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-92

Adolph	Freeman	McIlhinney	Stairs
Armstrong, T.	Gabig	Melio	Steelman
Baker, J.	Grucela	Michlovic	Steil
Bard	Gruitza	Micozzie	Stern
Barrar	Haluska	Nickol	Stetler
Bastian	Harper	Oliver	Sturla
Benninghoff	Hennessey	Pallone	Tangretti
Bishop	Hershey	Pistella	Tigue
Boyes	Horsey	Preston	Trich
Brooks	Jadlowiec	Rieger	Tulli
Bunt	James	Rohrer	Vance
Casorio	Keller	Rooney	Vitali
Cawley	Kenney	Rubley	Washington
Civera	Kirkland	Ruffing	Waters
Clymer	Krebs	Samuelson	Watson
Colafella	Lawless	Santoni	Wojnaroski
Corrigan	Lederer	Sather	Wright, M.
Curry	Levdansky	Scavello	Yeweic
Dailey	Mackereth	Schuler	Youngblood
DiGirolamo	Maitland	Scrimenti	Yudichak
Donatucci	Manderino	Semmel	
Fichter	McCall	Smith, B.	
Fleagle	McGeehan	Solobay	Ryan,
Flick	McIlhattan		Speaker

NAYS-106

Allen	Eachus	Lewis	Robinson
Argall	Egolf	Lucyk	Roebuck
Armstrong, G.	Evans, D.	Lynch	Ross
Baker, M.	Evans, J.	Maher	Sainato
Bebko-Jones	Fairchild	Major	Saylor
Belardi	Feese	Mann	Schroder
Belfanti	Forcier	Markosek	Shaner
Birmelin	Frankel	Marsico	Smith, S. H.
Blaum	Gannon	Mayermik	Staback
Browne	Geist	McNaughton	Stevenson, R.

Buxton	George	Metcalfe	Stevenson, T.
Caltagirone	Godshall	Miller, R.	Strittmatter
Cappelli	Gordner	Miller, S.	Surra
Clark	Habay	Mundy	Taylor, E. Z.
Cohen, L. I.	Hanna	Nailor	Taylor, J.
Cohen, M.	Harhai	O'Brien	Travaglio
Coleman	Harhart	Perzel	Trello
Cornell	Hasay	Petrarca	Turzai
Costa	Herman	Petrone	Veon
Coy	Hess	Phillips	Walko
Creighton	Hutchinson	Pickett	Wansacz
Daley	Josephs	Pippy	Williams, J.
Dally	Kaiser	Raymond	Wilt
DeLuca	LaGrotta	Readshaw	Wright, G.
Dermody	Laughlin	Reinard	Zimmerman
DeWeese	Leh	Roberts	Zug
Diven	Lescovitz		

NOT VOTING-2

McGill	Thomas
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EXCUSED-3

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

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Carbon County, Mr. McCall.

Mr. McCALL. Thank you, Madam Speaker.

Madam Speaker, I am going to take a different route. I am going to appeal to each and every one of the members who are not affected by this, that do not have ski areas or racetracks in their areas, to do the right thing, and the right thing to do on this is to vote to nonconcur.

Representative Maitland, Representative Tigue, and I have ski areas that impose the amusement tax. If you repeal the amusement tax, you are telling the people in my district that you are going to increase their property taxes, and I think it is blatantly unfair that members who will be completely unaffected by this are going to vote on something that is going to affect me and my district in a very negative way, and I do not think it is right.

I think the right vote here is to vote to nonconcur on this bill, because this is not a gross receipts tax like it is being alluded to by speakers in support of this. This is a use tax; this is a point-of-sales use tax. I cannot help it if the ski area or the racetrack collects or does not collect this as a use tax. This is not a gross receipts tax; this is a use tax. And if you repeal this tax, you are going to increase the taxes on all of my constituents in the northern tier of Carbon County.

So I am appealing to each and every one of you as members, personally, to say I am not going to allow those property taxes to be increased. Let us address the tax reform issue in special session. Let us try to fix this problem in a way that everybody can be comfortable with it. But to vote to concur on this legislation is a vote to increase property taxes in a number of districts throughout the Commonwealth of Pennsylvania, and

I am appealing to your better judgment to not do that and to vote to nonconcur.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Susquehanna County, Miss Major.

Miss MAJOR. Thank you, Madam Speaker.

I rise today to ask my colleagues to concur with HB 927, and the reason is, I do realize that Pennsylvania is facing a serious property tax issue, but while that is still the case in my legislative district, HB 927 is not about more nuisance taxes; it is about saving jobs.

Elk Mountain ski center is located in Susquehanna County, and at one time Elk Mountain was the only ski center located in northeastern Pennsylvania. That is no longer the case. It now is competing with a ski center just to its south that is county-run and maintained by county tax dollars. If ski centers are not exempted from this amusement tax, Elk Mountain will no longer be able to compete and we will lose many jobs in Susquehanna County.

So I rise today to ask for concurrence with HB 927. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Luzerne County, Mr. Lucyk.

Mr. LUCYK. Thank you, Madam Speaker. Schuylkill County.

Madam Speaker, I ask you to concur in the amendments injected by the Senate.

What we are talking about today – and I have listened to the previous speakers – is a matter of fairness, a matter of tax increases, tax decreases. Actually, the amusement tax, the purpose of the amusement tax, is to reimburse school districts and the local communities for services provided to the amusement facility, and if that is the case, that is fair. We talk about fairness. But in many cases, the amusement tax takes the place, takes the place of the property taxes and greatly exceeds the services rendered by the local community to the amusement.

Basically, if we want to be fair, we should eliminate the amusement tax completely and have the local communities and local school districts negotiate with the business entity to come to something that is fair, and I think this is what is really needed.

I know for a fact of a case where the local community was getting more in amusement taxes than they were in real estate taxes. Now, I do not think that is fair. I think if the amusement tax had been eliminated in that community and the community had come to the amusement enterprise and said, look, we render you so many services; we do this for you, we do that for you – police protection, fire protection, crowd control, et cetera – the business entity would be happy to say, yes, indeed, we will do our part; we will reimburse you for those expenses. But by slapping a 5-percent or a 10-percent tax on a business entity, you are really putting that entity at a disadvantage when it comes to other competitive rivals.

So if we are going to talk about fairness, let us eliminate these taxes; let us get back to ground zero, a level playing field, and have local communities, local school districts, negotiate with the business entities in coming up with a fair solution.

I ask us to concur in the amendments. Thank you very much.

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

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, I know firsthand of how a ski facility can draw seasonal residents to it. Up in the northeast, we have several such facilities. One such resort not too far from my home has seen a growth of about 150 homes spring up adjacent to its facility and another some 700 homes that were built right around it. Now, these are mostly seasonal dwellings owned by people who simply enjoy skiing. In fact, the reason most of these homes were constructed and bought was simply because of the location of the lodge. The residents who live in them already pay a full gamut, a full scale, of local taxes, all associated with homeownership. The removal of the amusement tax exception for ski facilities, in my view, will add to that tax burden of these seasonal residents by simply taxing the very reason they are seasonal residents, and I think that to be grossly unfair.

For that reason, Madam Speaker, I am in full support of HB 927 as amended. Thank you.

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

Mr. MAITLAND. Thank you, Madam Speaker.

I really appreciate the support shown by the gentlemen, Mr. Wright, Mr. Tigue, Mr. Rooney, and the others.

I have one last point I want the members to consider before voting on this, and that is that the school districts that are going to be affected should this pass have already enacted their budgets. They are about 3 months into their budget year. This amusement tax repeal would take effect on the 1st of December, and I daresay that there will be no ski amusement tax revenue collected by the 1st of December. So this is not only going to cause future tax increases; it is going to blow up the budgets of the affected school districts this fiscal year. In the Fairfield School District, that is \$55,000. That is a mill of tax. That is one and a half professional teaching positions that we are going to cost the district if we pass this concurrence vote.

So please join with me, vote “no” on concurrence, and let us address our tax structure in a comprehensive way in the special session.

Thank you, Madam Speaker.

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

Mr. GODSHALL. Can I have order, Madam Speaker?

The SPEAKER pro tempore. The gentleman deserves to be heard. Could we please have order in the hall.

The gentleman may proceed.

Mr. GODSHALL. Thank you, Madam Speaker.

This issue, in one form or another, has been before this House for 6 years. On two previous occasions, this House has voted to do away with the amusement tax entirely.

That is not what is before you today. What is before you today is the elimination of this tax from 6 – that is 6 – ski slopes out of 31 in the State. Twenty-five ski slopes in the State enjoy no tax, no amusement tax; 6 have to pay an amusement tax, whether they make money or not. There is a matter of fairness, and there is a matter of competitiveness.

As far as the racetracks go, there are only so many racing dates available in the calendar. We have States across the country that are building new modern tracks that are vying for the races we presently enjoy in Pennsylvania. There is a new track going up in New Jersey, new tracks going up all over. If our facilities, if our facilities here in Pennsylvania – and these are nationally televised events – if we lose those races, we are not going to get them back. The only way they can compete is keep their facilities in topnotch shape.

And to correct a few things that were said earlier, it was mentioned what we pay in New York or what somebody would pay for a ticket. New York does not have an amusement tax, in spite of what was said on this floor; New York does not have an amusement tax, where Watkins Glen is found.

Also, we have heard today that these taxes are going to fall on the residents of the municipality. That could or could not be true. There is also a reason that we could maybe cut back a little bit on the taxes, but at the same time, is there any justice in the fact when you have one track, one organization, like at Pocono, who is paying 48 percent of the whole tax burden of a municipality; he is paying, one individual. When I went to school, taxes were charged in relation to the services that the individual or residents received. When one person is paying 50 percent of the total burden, something is out of whack, and it is not that this person is not paying also property taxes, mercantile taxes, wage taxes.

We also heard here today that at the tracks and so forth, ski slopes, that they have to hire extra people; they have to hire ambulance; they have to hire extra policemen. Well, guess what? That is not covered by the amusement tax. They pay extra. They pay that out of their own pocket. So now we are paying for the extra personnel, we are paying the amusement tax, we are paying the property tax, and we are paying all the other taxes, and it is just plain not fair. It is making our people noncompetitive, and it just plain has to stop.

This is the most important issue before the hospitality and travel industry in our State of Pennsylvania. It is our second leading industry, and we need more of these facilities; we do not need less. And I absolutely, along with the committee that I chair, am asking you for a “yes” vote on this much-needed legislation. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Madam Speaker.

Madam Speaker, all of this stuff about fairness is interesting, and the townships where some of these facilities are located, especially Tunkhannock Township, when you talk about 150,000 people going into one of the most rural areas in Monroe County, is required to provide services to the track, et cetera, but the track should also be a good neighbor, and in most cases, it is.

I am amazed, actually, at some of the people who stood up here today and opposed this or voted against it. Many of these were the same people who argued for a hotel tax, because they said it was good for their county or good for their project, and I agreed with that. When we look at the hotel tax in northeast Pennsylvania and around the State, we have not seen a dropoff. In fact, the two northeast counties, Lackawanna County and Luzerne County, the resultant tax revenue collected has been higher than projected.

We are not talking about taking away anyone’s competitiveness. We are talking about a broad-based system of taxation that local municipalities want. We will not give them other things, so we are starting to draw away from them. How can you say with a straight face and not be considered somewhat hypocritical to say you cannot tax this because we think that this facility should make more money? They are not going to lower the cost of the ticket. I asked them that the last five times we did this, whether it was the ski resorts or the racetracks. You think that the ticket for the Pocono 500 is going to go from \$50, all of a sudden, to \$48? It is not going to happen, nor should it.

The point is, this is a broad-based tax, it is done in other areas, and it is up to the municipality. We stand here saying, we are for this, we are for that, and actually, we end up doing harm to municipalities who have taken the option in the past not to increase the property tax but to use another tax that we have allowed them to have under Act 511, and now we want to take that away. It does not make any sense to me.

Again, the small tracks, whether they are out in Elk County or here in Lebanon County or Dauphin County, the small tracks, it does not apply to. It applies to the two large racetracks, where the people who come to those races are not from the area. They are the ones who pay the taxes, the ticket purchaser. If you go to New York and you buy a ticket for a play or anything else, a baseball game, you pay an amusement tax. If you buy a ticket to the Phillies, you pay a tax. If you buy a ticket to the Penguins, you pay a tax. It is the same thing.

So those of you who want to be fair about this and really look at a broad-based tax and not put it back on the homeowner, please, vote to nonconcur.

Thank you, Madam Speaker.

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

Mr. HASAY. Thank you, Madam Speaker.

Madam Speaker, to let the members know, in order to have and conduct a NASCAR race, you have to own a franchise, and in Pennsylvania we are very fortunate because we have owners that own in fact two franchises for two races. Now, Madam Speaker, anytime, the owners of those two franchises could sell one of those NASCAR franchises to anyone in the United States of America. They have already been in contact with owners of the new track in California and in Texas, and it would be, Madam Speaker, an economic shame to see us lose those two NASCAR races over this amusement tax, so support the bill. Thank you.

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

Mr. GODSHALL. Thank you, Madam Speaker.

I just want to point out, we are not taking away the ability of anybody to tax; all we are doing is cutting back on the tax and making it a little bit more equitable. Presently the township where the Pocono racetrack is confined pays approximately \$300,000 a year to that township; \$300,000 a year for two race events. That is \$150,000 per race to the township. I will take that inconvenience in my township anytime.

And secondly, secondly, what we are doing is, under this bill, that same track would pay to that same municipality \$125,000, so they are paying \$125,000 for two events. Down at

Nazareth there are three events, and at Nazareth, as I said, they paid over \$1 million in the last 15 years in amusement tax. Each race, each race that they have down there, the economic impact to the Nazareth area is \$10 million; \$10 million.

Now, this is what this means to the amusement industry, what it means to the hospitality industry, and what it means to our industry. It is the second most important industry in the State, and we need your help.

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

Mr. PHILLIPS. Thank you, Madam Speaker.

Again I rise to ask for concurrence on this particular bill, and I think one of the more important statements was made by the Representative from Luzerne County, and that has to do with the owning of franchises, and very easily, like he mentioned, these franchises could be sold, and as we know, throughout the country NASCAR is really on the rise, and everywhere we look in different areas, there are going to be new racetracks built, and they are going to make them very attractive to these franchises that are owned here in Pennsylvania, and we can end up losing these racetracks. We are all concerned about the taxes that two racetracks and six skiing areas bring in, and that is what we are talking about. We are not talking about anything else but two racetracks and six skiing areas.

And what would happen if these franchises would be sold and you have no racetracks? Then there is no tax to anybody. Not only is there no tax to anybody; you then have lost the taxes that are generated by people coming in, staying at motels, buying food, buying all kinds of souvenirs, which amounts to thousands and thousands of dollars on that particular weekend or those two weekends at Pocono, and it also amounts to all kinds of employment in the area and taxes that are paid.

We look at the ski areas. If the ski area is not in the area, there are no taxes coming in, and if these ski areas do not get a break on the amusement tax, we can say anything we want; why is it that only 6 of them charge and 25 of them do not? There is a reason for that, and I believe, again, we have to stay competitive, and I ask for support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman, Mr. Lynch, wish to be recognized? The Chair recognizes the gentleman from Warren County, Mr. Lynch.

Mr. LYNCH. Thank you, Madam Speaker.

You know, if removing the tax on this is such a bad thing, then why do we not double or triple or quadruple it? I mean, obviously, that would put us at a noncompetitive advantage. Well, if that would do that, then it makes obvious sense to eliminate the tax.

I am going to vote in support of this. I ask my colleagues to do that, because it puts us in a better competitive spirit.

Thank you, Madam 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—129

Allen	Evans, D.	Markosek	Sainato
Argall	Evans, J.	Marsico	Saylor
Armstrong, G.	Fairchild	Mayernik	Schroeder
Armstrong, T.	Feese	McGill	Semmel
Baker, M.	Forcier	McIlhattan	Shaner
Bastian	Frankel	McIlhinney	Smith, S. H.
Bebko-Jones	Gannon	McNaughton	Solobay
Belardi	Geist	Metcalfe	Staback
Belfanti	George	Michlovic	Stetler
Birmelin	Godshall	Miller, R.	Stevenson, R.
Browne	Gordner	Miller, S.	Stevenson, T.
Buxton	Habay	Mundy	Strittmatter
Caltagirone	Haluska	Nailor	Sturla
Cappelli	Hanna	O'Brien	Surra
Casorio	Harhai	Oliver	Tangretti
Cohen, L. I.	Hasay	Pallone	Taylor, E. Z.
Cohen, M.	Herman	Perzel	Taylor, J.
Colafella	Hess	Petrarca	Thomas
Coleman	Hutchinson	Petrone	Travaglio
Cornell	James	Phillips	Trello
Corrigan	Kaiser	Pickett	Trich
Costa	Kenney	Pippy	Tulli
Coy	Kirkland	Pistella	Turzai
Creighton	LaGrotta	Raymond	Veon
Daley	Leh	Readshaw	Wansacz
Dally	Lescovitz	Reinard	Washington
DeLuca	Lewis	Rieger	Waters
Dermody	Lucyk	Roberts	Wilt
DeWeese	Lynch	Robinson	Wojnaroski
Diven	Maher	Roebuck	Yewcic
Donatucci	Major	Rooney	Zimmerman
Eachus	Mann	Ross	Zug
Egolf			

NAYS—71

Adolph	Flick	Mackereth	Smith, B.
Baker, J.	Freeman	Maitland	Stairs
Bard	Gabig	Manderino	Steelman
Barrar	Grucela	McCall	Steil
Benninghoff	Gruitza	McGeehan	Stern
Bishop	Harhart	Melio	Tigue
Blaum	Harper	Micozzie	Vance
Boyes	Hennessey	Nickol	Vitali
Brooks	Hershey	Preston	Walko
Bunt	Horsely	Rohrer	Watson
Cawley	Jadlowiec	Rublely	Williams, J.
Civera	Josephs	Ruffing	Wright, G.
Clark	Keller	Samuelson	Wright, M.
Clymer	Krebs	Santoni	Youngblood
Curry	Laughlin	Sather	Yudichak
Dailey	Lawless	Scavello	
DiGirolamo	Lederer	Schuler	Ryan,
Fichter	Levdansky	Scrimenti	Speaker
Fleagle			

NOT VOTING—0

EXCUSED—3

Butkovitz	Cruz	Myers
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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.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 928, PN 4200**, entitled:

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Phillips, that the House concur in the amendments inserted by the Senate.

On that question, the Chair recognizes the gentleman from Northumberland, Mr. Phillips.

Mr. PHILLIPS. Thank you, Madam Speaker.

This is identical to HB 927, with the exception that HB 927 had to do with county assessments. HB 927 had to do with county assessments; HB 928 has to do with fourth- to eighth-class counties. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Adams County, Mr. Maitland.

Mr. MAITLAND. Thank you, Madam Speaker.

I would urge my colleagues to nonconcur for all of the reasons that were previously gone on at great length.

Also, I have some remarks to submit for the record.

The SPEAKER pro tempore. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

Mr. MAITLAND submitted remarks for the Legislative Journal.

(For remarks, see Appendix.)

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie County, Mr. Scrimenti.

Mr. SCRIMENTI. Thank you, Madam Speaker.

If I could have a brief explanation once again. I could not hear the gentleman when he gave those remarks.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the gentleman, Mr. Phillips, will give a brief explanation of the Senate amendments.

Mr. PHILLIPS. Thank you, Madam Speaker.

HB 928 is identical to HB 927. There is one exception, because HB 927 had to do with the county assessment, and we needed the two bills. HB 928 has to do with fourth- to eighth-class counties.

But the amendment would be the same that the Senate put in, and that has to do with the elimination of an amusement tax in ski resorts and the elimination of the 100 percent, put down to 40 percent, on the racetracks.

Thank you, Madam Speaker.

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

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

The following roll call was recorded:

YEAS—128

Argall	Fairchild	Markosek	Ross
Armstrong, G.	Feese	Marsico	Sainato
Armstrong, T.	Forcier	Mayernik	Saylor
Baker, M.	Frankel	McGeehan	Schroder
Bastian	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Smith, S. H.
Birmelin	Godshall	McNaughton	Solobay
Browne	Gordner	Metcalfe	Staback
Buxton	Habay	Michlovic	Stetler
Caltagirone	Haluska	Miller, R.	Stevenson, R.
Cappelli	Hanna	Miller, S.	Stevenson, T.
Casorio	Harhai	Mundy	Strittmatter
Cohen, L. I.	Hasay	Nailor	Sturla
Cohen, M.	Herman	O'Brien	Surra
Colafella	Hess	Oliver	Tangretti
Coleman	Horsey	Pallone	Taylor, E. Z.
Cornell	Hutchinson	Perzel	Taylor, J.
Costa	James	Petrarca	Thomas
Coy	Kaiser	Petrone	Travaglio
Creighton	Keller	Phillips	Trello
Daley	Kenney	Pickett	Trich
Dally	LaGrotta	Pippy	Tulli
DeLuca	Lederer	Pistella	Turzai
Dermody	Leh	Raymond	Veon
DeWeese	Lescovitz	Readshaw	Wansacz
Diven	Lewis	Reinard	Waters
Donatucci	Lucyk	Rieger	Wilt
Eachus	Lynch	Roberts	Wojnaroski
Egolf	Maher	Robinson	Yewcic
Evans, D.	Major	Roebuck	Zimmerman
Evans, J.	Mann	Rooney	Zug

NAYS—71

Adolph	Fichter	Mackereth	Stairs
Baker, J.	Fleagle	Maitland	Steelman
Bard	Flick	Manderino	Steil
Barrar	Freeman	McCall	Stern
Bebko-Jones	Gabig	Melio	Tigue
Benninghoff	Grucela	Micozzie	Vance
Bishop	Gruitza	Nickol	Vitali
Blaum	Harhart	Preston	Walko
Boyes	Harper	Rohrer	Washington
Brooks	Hennessey	Rubley	Watson
Bunt	Hershey	Ruffing	Williams, J.
Cawley	Jadlowiec	Samuelson	Wright, G.
Civera	Josephs	Santoni	Wright, M.
Clark	Kirkland	Sather	Youngblood
Clymer	Krebs	Scavello	Yudichak
Corrigan	Laughlin	Schuler	
Curry	Lawless	Scrimenti	Ryan,
Dailey	Levdansky	Smith, B.	Speaker
DiGirolamo			

NOT VOTING—1

Allen

EXCUSED—3

Butkovitz	Cruz	Myers
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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.

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1035, PN 2178**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Kittochtinny Historical Society, Inc., certain lands situate in Antrim Township, Franklin County; 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; 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 concur in Senate amendments to House amendments?

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

MOTION TO SUSPEND RULES

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

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, SB 1035 includes a land transference in Canaan Township in Wayne County. Roughly 400 acres would be transferred to the Pennsylvania Suburban Water Company. Ostensibly, the transfer is for water purposes, and even though Pennsylvania Suburban Water will be paying a little over \$500,000 for the land, there is a concern that I have – and it has been actually voted on in this chamber before we broke for the summer recess – that if that land were to be developed in any way, that Pennsylvania Suburban Water would realize a tremendous windfall in terms of moneys. This is State land; this is State land owned by the people of the Commonwealth—

The SPEAKER pro tempore. Could we just have a brief description of what your amendment does.

Mr. FREEMAN. Thank you, Madam Speaker.

What my amendment proposes is to put in place a reversionary clause. If for any reason Pennsylvania Suburban Water would try and utilize the land for anything other than the purposes of the water company for which it has said it wants the land, that land would then revert to the Commonwealth of Pennsylvania, to the people of Pennsylvania.

There is also a clause within the amendment which stipulates that right-of-ways can be granted by the Department of General Services, which addresses a concern that was raised regarding access to a windmill farm.

I would urge the members to vote “yes” for suspension so that we can consider this good-government measure.

The SPEAKER pro tempore. The gentleman, Mr. Freeman, moves that the rules of the House be suspended in order to offer amendment 4338.

On the question,

Will the House agree to the motion?

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

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, I stand in opposition.

The transfer of the property in question is not in any way, shape, or—

The SPEAKER pro tempore. Would the gentleman cease just one moment; just briefly.

Are you the designee of the minority leader on this for suspension? If you are, please continue.

On the motion to suspend, the Chair recognizes the gentleman, Mr. Staback.

Mr. STABACK. Thank you, Madam Speaker.

Madam Speaker, the transfer of the property in question is not in any way, shape, or form a run-of-the-mill land grant. It is not a grant. The property, Madam Speaker, is being sold by the Commonwealth for a substantial amount of money, and I believe that in cases where outright sales are involved, reverter language is totally inappropriate, and it would be for those reasons, Madam Speaker, that I would ask for a “no” vote on the suspension of the rules.

The SPEAKER pro tempore. The Chair thanks the gentleman.

I believe the gentleman, Mr. Birmelin, is the designee of the majority leader. The Chair recognizes the gentleman, Mr. Birmelin, from Wayne County.

Mr. BIRMELIN. Thank you, Madam Speaker.

I, too, rise to oppose the motion to suspend the rules.

This particular land sale is very important to the construction of a Federal prison in our area, and we think that the amendment that is being proposed is not in the best interest of serving the prison with the water supply that it is going to need. A fair agreement has been made on the purchase price of that property, and we think that you should vote “no,” and I am asking particularly my Republican colleagues to vote “no” on this particular motion. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—95

Baker, J.	Freeman	Michlovic	Steelman
Bard	George	Miller, S.	Steil
Bebko-Jones	Grucela	Mundy	Stetler
Belfanti	Gruitza	Oliver	Sturla
Bishop	Haluska	Pallone	Surra
Blaum	Harhai	Petrarca	Tangretti
Buxton	Horsey	Petrone	Thomas
Caltagirone	James	Pistella	Tigue
Casorio	Josephs	Preston	Travaglio
Cawley	Keller	Readshaw	Trello
Cohen, M.	Kirkland	Rieger	Trich

Costa	LaGrotta	Roberts	Veon
Coy	Laughlin	Robinson	Vitali
Curry	Lawless	Roebuck	Walko
Daley	Lederer	Rooney	Washington
Dally	Levdansky	Rubley	Waters
DeLuca	Lucyk	Ruffing	Williams, J.
Dermody	Maitland	Sainato	Wojnaroski
DeWeese	Manderino	Samuelson	Wright, G.
Diven	Mann	Santoni	Yewcic
Donatucci	Markosek	Schroder	Youngblood
Eachus	Mayermik	Scrimenti	Yudichak
Evans, D.	McGeehan	Shaner	Zug
Frankel	Melio	Solobay	

NAYS-105

Adolph	Egolf	Leh	Sather
Allen	Evans, J.	Lescovitz	Saylor
Argall	Fairchild	Lewis	Scavello
Armstrong, G.	Feese	Lynch	Schuler
Armstrong, T.	Fichter	Mackereth	Semmel
Baker, M.	Fleagle	Maher	Smith, B.
Barrar	Flick	Major	Smith, S. H.
Bastian	Forcier	Marsico	Staback
Belardi	Gabig	McCall	Stairs
Benninghoff	Gannon	McGill	Stern
Birmelin	Geist	McIlhattan	Stevenson, R.
Boyes	Godshall	McIlhinney	Stevenson, T.
Brooks	Gordner	McNaughton	Strittmatter
Browne	Habay	Metcalfe	Taylor, E. Z.
Bunt	Hanna	Micozzie	Taylor, J.
Cappelli	Harhart	Miller, R.	Tulli
Civera	Harper	Nailor	Turzai
Clark	Hasay	Nickol	Vance
Clymer	Hennessey	O'Brien	Wansacz
Cohen, L. I.	Herman	Perzel	Watson
Colafella	Hershey	Phillips	Wilt
Coleman	Hess	Pickett	Wright, M.
Cornell	Hutchinson	Pippy	Zimmerman
Corrigan	Jadlowiec	Raymond	
Creighton	Kaiser	Reinard	
Dailey	Kenney	Rohrer	Ryan,
DiGirolamo	Krebs	Ross	Speaker

NOT VOTING-0

EXCUSED-3

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Madam Speaker.

It has been stated the reason the Senate amendments are in; we just heard that in the debate.

I would ask members on both sides of the aisle to vote affirmative on SB 1035. Thank you.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS-196

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

NAYS-4

Freeman	Melio	Scrimenti	Steelman
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NOT VOTING-0

EXCUSED-3

Butkovitz	Cruz	Myers
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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 to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

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 582, PN 4169

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

HB 767, PN 4160

An Act amending the act of March 28, 1984 (P.L.150, No.28), known as the Automobile Lemon Law, further providing for definitions and for resale of returned motor vehicle.

HB 927, PN 4199

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

HB 928, PN 4200

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for subjects of taxation enumerated; providing for a limitation on certain taxation; and prohibiting the imposition of certain taxes.

HB 1952, PN 4048

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further providing for provisions of the redevelopment contract and for blighted property removal; and providing for a statute of limitations.

HB 2164, PN 4204

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege; imposing penalties on department employees or agents who issue fraudulent driver's licenses and on persons exhibiting such licenses; further providing for motorcycle fees; and providing for removal from the record of certain suspensions.

HB 2398, PN 3983

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for small business definitions and loan eligibility and terms.

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

The SPEAKER. Does the majority leader or minority leader have any further business? Mr. DeWeese.

Mr. DeWEESE. In the regular session?

The SPEAKER. In the regular session.

Mr. DeWEESE. No, sir. Thank you.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Creighton.

Mr. CREIGHTON. Mr. Speaker, I move that this House do now adjourn until Tuesday, September 24, 2002, at 11 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 3:42 p.m., e.d.t., the House adjourned.