

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, DECEMBER 16, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 105

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL)

PRESIDING

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Holy God, in this precious moment we pause.

Some would wish we did not have to take this time from our busy schedules for such trivial lip service; some relish the time to close their eyes for just a moment and hear the sound of their own heartbeat and catch up with their thoughts; some are actually praying frantically, my voice an opening for them to come to You themselves, not sure You will hear them, but however we come, before You, we pause. We break from our work responsibilities and from our play fantasies. We move from our fears that overwhelm and from our ambitions that are too strong.

Free us in these moments from every distraction, that we may focus to listen, that we may hear, and that we may change.

We pray for this day for ourselves, fresh vision; for our friends, fresh courage; for the world, freedom and peace. And as we seek to hear Your voice, bend Your ears close to our lips so that You would hear our innermost thoughts. Guide us to answer Your call, and may we be haunted by Your large purposes for our lives.

Revive our flagging spirits, O God. Restore us to the joy and assurance of Your presence. Reinstat us in Your plan, and help us to avoid the snares and pitfalls along the way. It is only then that we will be set free to live in joy and our hands to perform the tasks You have set before us.

We ask now only that Your faithfulness permeate every troubled place we are able to name, that Your mercy move against the hurts to make new, that Your steadfastness hold firmly what is too fragile on its own. And so we begin the day in joy, in hope, and in deep gladness. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, December 15, 2003, will be postponed until printed.

HOUSE BILLS

INTRODUCED AND REFERRED

No. 2260 By Representatives HABAY, ARMSTRONG, BARD, CAUSER, CORRIGAN, DeLUCA, GOOD, LAUGHLIN, LEACH, PAYNE, PRESTON, SCAVELLO, E. Z. TAYLOR, TIGUE, TURZAI and YOUNGBLOOD

An Act amending the act of May 23, 1945 (P.L.926, No.369), referred to as the Public Eating and Drinking Place Law, providing for frequency of inspection by the Department of Health of public eating or drinking and public eating and drinking places.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 16, 2003.

No. 2261 By Representatives HALUSKA, CORRIGAN, GERGELY, HORSEY, KELLER, LEDERER, S. MILLER, STABACK, THOMAS, TIGUE, WANSACZ, WASHINGTON and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the registration of dirt bikes operated on certain lands of the Department of Conservation and Natural Resources.

Referred to Committee on TRANSPORTATION, December 16, 2003.

No. 2262 By Representatives EGOLF, ARMSTRONG, BALDWIN, BARRAR, BASTIAN, BEBKO-JONES, BENNINGHOFF, BIRMELIN, BOYD, BROWNE, CLYMER, COLEMAN, CRAHALLA, CREIGHTON, DALLY, DeLUCA, DENLINGER, FLICK, FORCIER, GEIST, GEORGE, GOOD, GOODMAN, HARHAI, HARRIS, HENNESSEY, HERMAN, HERSHEY, HESS, HICKERNELL, HORSEY, HUTCHINSON, KELLER, KENNEY, KIRKLAND, KOTIK, LAUGHLIN, LEDERER, LYNCH, MAITLAND, MARSICO, MELIO, METCALFE, MICOZZIE, PAYNE, PICKETT, REICHLEY, ROHRER, SATHER, SCAVELLO, SCHRODER, STERN, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WATSON, WILT, YOUNGBLOOD and CORRIGAN

An Act providing for protection of children from obscene material, child pornography and other unsuitable material on the Internet in public schools and public libraries; providing for the duties of the Secretary of Education; and establishing a remedy.

Referred to Committee on JUDICIARY, December 16, 2003.

No. 2263 By Representatives COSTA, FRANKEL, GRUCELA, MANN, CORRIGAN, CRAHALLA, DALEY, DeWEESE, EGOLF, HARRIS, HORSEY, KELLER, LAUGHLIN, PISTELLA, SCRIMENTI, TANGRETTI, TIGUE, YOUNGBLOOD, KOTIK, PALLONE, READSHAW, SOLOBAY, THOMAS and WASHINGTON

An Act amending Titles 23 (Domestic Relations) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for consideration of criminal information in child custody and visitation; and making an appropriation.

Referred to Committee on JUDICIARY, December 16, 2003.

No. 2264 By Representatives COSTA, FRANKEL, GRUCELA, MANN, CORRIGAN, CRAHALLA, DALEY, DeWEESE, EGOLF, HARRIS, HORSEY, KELLER, LAUGHLIN, PISTELLA, SCRIMENTI, TANGRETTI, TIGUE, YOUNGBLOOD, KOTIK, PALLONE, READSHAW, SOLOBAY, THOMAS and WASHINGTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for an exception to the dissemination of criminal history record information.

Referred to Committee on JUDICIARY, December 16, 2003.

No. 2265 By Representatives COSTA, FRANKEL, GRUCELA, MANN, CORRIGAN, CRAHALLA, DALEY, DeWEESE, EGOLF, HARRIS, HORSEY, KELLER, LAUGHLIN, PISTELLA, SCRIMENTI, TANGRETTI, TIGUE, YOUNGBLOOD, KOTIK, PALLONE, READSHAW, SOLOBAY, THOMAS and WASHINGTON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for custody and visitation.

Referred to Committee on JUDICIARY, December 16, 2003.

No. 2266 By Representatives SANTONI, DeWEESE, MANN, DENLINGER, HARRIS, SCAVELLO, KOTIK, TIGUE, SOLOBAY, PISTELLA, PRESTON, KIRKLAND, GRUCELA, YOUNGBLOOD, PALLONE, SCRIMENTI, SAINATO and GOODMAN

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 eligibility and incompatible offices for school directors.

Referred to Committee on EDUCATION, December 16, 2003.

No. 2267 By Representatives LEWIS, ARMSTRONG, BARD, BARRAR, BENNINGHOFF, BOYD, BUNT, CAPPELLI, COLEMAN, CRAHALLA, DENLINGER, EGOLF, J. EVANS, FABRIZIO, FEESE, FORCIER, GABIG,

GILLESPIE, GOOD, GOODMAN, GRUCELA, HARPER, HARRIS, HENNESSEY, HERSHEY, HESS, HICKERNELL, HORSEY, KELLER, McILHATTAN, S. MILLER, MUNDY, MUSTIO, O'NEILL, PAYNE, PISTELLA, REICHLEY, SCAVELLO, R. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, TRUE, WATSON, WEBER, YOUNGBLOOD and ZUG

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for definitions, for notification and for immunity for good faith conduct relative to sexual offender registration.

Referred to Committee on JUDICIARY, December 16, 2003.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 518 By Representatives McCALL and GEIST

A Resolution requesting that the President of the United States order a stay of certain "hours-of-service" rules.

Referred to Committee on TRANSPORTATION, December 16, 2003.

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 88, PN 3082

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the schedule of compensation; and further defining "employee."

HB 521, PN 3062

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity and Expansion Zone Act, further providing for short title, for definitions, for keystone opportunity zones, for keystone opportunity expansion zones, for keystone opportunity improvement zones, for application, for review, for criteria, for authorization of keystone opportunity zone, for residency, for qualified businesses and for corporate net income tax.

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

CALENDAR

RESOLUTION

Mr. S. SMITH called up **HR 356, PN 2400**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study certain issues related to health care facilities.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following resolution be placed on the table: HR 356.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following resolution be taken off the table: HR 356.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table:

HB 496;
HB 667;
HB 668; and
HB 1215.

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. S. SMITH. Mr. Speaker, I move that the following bills be placed upon the table:

HB 496;
HB 667;
HB 668; and
HB 1215.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED**HB 2216, PN 3013**

By Rep. HESS

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for use of the Tobacco Settlement Fund.

AGING AND OLDER ADULT SERVICES.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table:

HB 279;
HB 1911;
HB 2042;
HB 2082;
HB 2235;
HB 2236;
SB 508;
SB 877; and
SB 924.

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

BILLS ON SECOND CONSIDERATION

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

HB 279, PN 3065; HB 1911, PN 2498; HB 2042, PN 2692; HB 2082, PN 2744; HB 2235, PN 3056; HB 2236, PN 3091; SB 508, PN 1313; SB 877, PN 1307; and SB 924, PN 1244.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

HB 279;
HB 1911;
HB 2042;
HB 2082;
HB 2235;
HB 2236;
SB 508;
SB 877; and
SB 924.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Northumberland, Mr. PHILLIPS. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. JAMES. Without objection, that leave will be granted.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

(Members proceeded to vote.)

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who asks for a leave of absence for the gentleman, Mr. METCALFE, and the gentleman, Mr. EGOLF. Without objection, those leaves will be granted.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—198

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Bianucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Miller, R.	Sturla
Butkovitz	Goodman	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causer	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Weber
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Killion	Rieger	Wojnaroski
DeLuca	Kirkland	Roberts	Wright
Denlinger	Kotik	Roebuck	Yewcic
Dermody	LaGrotta	Rohrer	Youngblood
DeWeese	Laughlin	Rooney	Yudichak
DiGirolamo	Leach	Ross	Zug
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz	Sainato	Speaker

ADDITIONS—0**NOT VOTING—0****EXCUSED—4**

Egolf James Metcalfe Phillips

LEAVES ADDED—5

Bard Kenney Stairs Weber
Harper

LEAVES CANCELED—2

Metcalfe Stairs

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Cara Diorio. She is a student at Lehigh University. She is the guest of Representatives Rich Grucela and Robert Freeman, both of Northampton County. That guest is in the balcony. Cara, would you please rise to be recognized by the House.

The Chair welcomes Chris Kimple, the district aide for Representative Steve Maitland. That guest is to the left of the Speaker. Would Chris please rise.

The Chair welcomes to the hall of the House Leah Leinbach, Tiffany Coleman, and Meredith Gallen. They are seniors at Antietam High School in Berks County. Meredith is the granddaughter of our former House member and good friend, Jim Gallen. They are here today as guests of Representative Dante Santoni. They are to the left of the Speaker. Would they please rise and be recognized.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

HB 818, PN 3109 (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.

SB 970, PN 1308 By Rep. HERMAN

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for revival of an expired authority.

LOCAL GOVERNMENT.

**BILL REPORTED AND REREFERRED
TO COMMITTEE ON URBAN AFFAIRS**

HB 2151, PN 2898

By Rep. HERMAN

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for eminent domain.

LOCAL GOVERNMENT.

**EASTERN LEBANON COUNTY
HIGH SCHOOL SOCCER TEAM
PRESENTED**

The SPEAKER. The Chair recognizes the gentleman from Lebanon, Mr. Zug, for the purpose of a citation.

Mr. ZUG. Thank you, Mr. Speaker.

With me today it is my privilege to welcome to the House of Representatives the Eastern Lebanon County, ELCO, State soccer champions. Behind me is Coach Seigfried; and captains, Casey Clauser, John Mentzer, and Jimmy Thomas. The rest of the team is in the back and the coaches in the back. If the team would rise, would the House please give a warm welcome to this fine athletic program.

I would also like to welcome Doug Bohannon, who is the athletic director at ELCO.

The ELCO soccer team this year beat Thomas Jefferson 5-3 in the State finals. Ironically, last year they lost to that same team.

Since we are in the House and we have a great tradition here of beauty and past history in Pennsylvania, I want to talk a little bit about the soccer program for a second. They have been, since 1977, in the State finals seven times. They have won five. So 26 percent of the State soccer finals this team has been represented in.

Several of their coaches, Paul Kline and Coach Keppley, were our previous winners on State soccer championships. The father of one of the players, Dylan Keener, was on the '77 team, and an uncle, Danny Keller, was on another team. So they have a fine tradition of soccer at ELCO. They have won five titles in '77, '81, '86, '98, and this year. They are ranked, obviously, number one in Pennsylvania, and they are the 16th ranked team in the United States.

I would like, again, to congratulate this fine team and their coaching staff for a job well done, and hopefully we will have them back again in the not too distant future.

RULES SUSPENDED

The SPEAKER. The Chair turns to page 2 of today's House calendar and recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move for a suspension of the rules for SB 157, PN 1318.

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

The following roll call was recorded:

YEAS-197

Adolph	Evans, J.	Lewis	Santoni
Allen	Fabrizio	Lynch	Sather
Argall	Fairchild	Mackereth	Saylor
Armstrong	Feese	Maher	Scavello
Baker	Fichter	Maitland	Schroder
Baldwin	Fleagle	Major	Scrimenti
Bard	Flick	Manderino	Semmel
Barrar	Forcier	Mann	Shaner
Bastian	Frankel	Markosek	Smith, B.
Bebko-Jones	Freeman	Marsico	Smith, S. H.
Belardi	Gabig	McCall	Solobay
Belfanti	Gannon	McGeehan	Staback
Bianucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Miller, R.	Sturla
Butkovitz	Goodman	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causar	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Weber
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Killion	Rieger	Wojnaroski
DeLuca	Kirkland	Robert s	Wright
Denlinger	Kotik	Roebuck	Yewcic
Dermody	LaGrotta	Rohrer	Youngblood
DeWeese	Laughlin	Rooney	Yudichak
DiGirolamo	Leach	Ross	Zug
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Evans, D.	Levdansky	Samuelson	Speaker

NA YS-1

Benninghoff

NOT VOTING-0

EXCUSED-4

Egolf James Metcalfe Phillips

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

The SPEAKER. Would the gentleman, Mr. Haluska, please come to the rostrum. Would the gentleman, Mr. Leach, please come to the rostrum.

(Conference held at Speaker's podium.)

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 157, PN 1318, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for regulation of credit card marketing on a college or university campus.

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

Mr. HALUSKA offered the following amendment No. A4756:

Amend Title, page 1, line 5, by inserting after "for" firefighter and emergency service training as creditable high school courses and for

Amend Sec. 1, page 1, lines 10 and 11, by striking out "an article" and inserting a section

Amend Sec. 1, page 1, by inserting between lines 11 and 12

Section 1550. Firefighter and Emergency Service Training.-(a) Firefighter and emergency service training may be added to high school curricula as credit-earning courses.

(b) The courses may be made available only to students sixteen (16) years of age or older and may include:

(1) Training as a firefighter I from the National Board of Professional Qualifications.

(2) Training as an emergency medical technician by the Department of Health under the act of July 3, 1985 (P.L.164, No.45), known as the "Emergency Medical Services Act."

(c) Any person who provides training under this section and who has direct contact with students receiving training shall be subject to the provisions of section 111.

(d) If the school district adds firefighter and emergency service training as credit-earning courses, the school district shall provide transportation and supervision for firefighter and emergency service training that takes place off school grounds. Supervision of training shall be conducted as a cooperative education program in accordance with the provisions of 22 Pa. Code § 11.28 (relating to out-of-school programs) or any regulation promulgated subsequently to replace that section.

Section 2. The act is amended by adding an article to read:

Amend Sec. 2, page 3, line 26, by striking out "2" and inserting 3

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

This is the emergency services language that allows high schools to offer basic firefighting and basic EMT (emergency medical technician) training as a for-credit course, and I would appreciate a favorable vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-198

Table listing names of members who voted 'YEAS-198' in four columns: Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolo, Diven, Donatucci, Eachus, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, Josephs, Keller, Kenney, Killion, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Micozzie, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

Table listing names of members who were 'EXCUSED-4': Egolf, James, Metcalfe, Phillips

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Lynch	Santoni
Allen	Fabrizio	Mackereth	Sather
Argall	Fairchild	Maher	Saylor
Armstrong	Feese	Maitland	Scavello
Baker	Fichter	Major	Schroder
Baldwin	Fleagle	Manderino	Scrimenti
Bard	Flick	Mann	Semmel
Barrar	Forcier	Markosek	Shaner
Bastian	Frankel	Marsico	Smith, B.
Bebko-Jones	Freeman	McCall	Smith, S. H.
Belardi	Gabig	McGeehan	Solobay
Belfanti	Gannon	McGill	Staback
Biancucci	Geist	McIlhattan	Stairs
Birmelin	George	McIlhinney	Steil
Bishop	Gergely	McNaughton	Stern
Blaum	Gillespie	Melio	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Godshall	Miller, R.	Stevenson, T.
Bunt	Good	Miller, S.	Sturla
Butkovitz	Goodman	Mundy	Surra
Buxton	Grucela	Mustio	Tangretti
Caltagirone	Gruitza	Myers	Taylor, E. Z.
Cappelli	Habay	Nailor	Taylor, J.
Casorio	Haluska	Nickol	Thomas
Causar	Hanna	O'Brien	Tigue
Cawley	Harhai	Oliver	Travaglio
Civera	Harhart	O'Neill	True
Clymer	Harper	Pallone	Turzai
Cohen	Harris	Payne	Vance
Coleman	Hasay	Petrarca	Veon
Cornell	Hennessey	Petri	Vitali
Corrigan	Herman	Petrone	Walko
Costa	Hershey	Pickett	Wansacz
Coy	Hess	Pistella	Washington
Crahalla	Hickernell	Preston	Waters
Creighton	Horsey	Raymond	Watson
Cruz	Josephs	Readshaw	Weber
Curry	Keller	Reed	Wheatley
Dailey	Kenney	Reichley	Williams
Daley	Killion	Rieger	Wilt
Dally	Kirkland	Roberts	Wojnaroski
DeLuca	Kotik	Roebuck	Wright
Denlinger	LaGrotta	Rohrer	Yewcic
Dermody	Laughlin	Rooney	Youngblood
DeWeese	Leach	Ross	Yudichak
DiGirolamo	Lederer	Rubley	Zug
Diven	Leh	Ruffing	
Donatucci	Lescovitz	Sainato	
Eachus	Levdansky	Samuelson	Perzel,
Evans, D.	Lewis		Speaker

NAYS—2

Benninghoff Hutchinson

NOT VOTING—0

EXCUSED—4

Egolf James Metcalfe Phillips

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 **HB 1996, PN 2948**, entitled:

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for guaranteed energy savings and contracts.

On the question,

Will the House agree to the bill on third consideration?

Mr. **LEACH** offered the following amendment No. **A4709**:

Amend Title, page 1, line 2, by inserting after "Statutes," providing for the procurement of hybrid electric vehicles; and

Amend Sec. 1, page 1, line 6, by inserting after "Sections" 3732, 3734,

Amend Sec. 1, page 1, by inserting between lines 7 and 8 § 3732. Definitions.

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

"Hybrid electric vehicles." Motor vehicles in which at least one of the energy sources or converters can deliver electric energy to propel the vehicle.

"Motor vehicle." A passenger car or a truck as those terms are defined under 75 Pa.C.S. § 102 (relating to definitions).

"Procure." To acquire by purchase, lease or rent. The term does not include any rentals or leases where the term thereof is less than one month.

§ 3734. Contract provisions.

(a) Motor vehicles to be manufactured in North America.—All government agencies shall procure only motor vehicles which are manufactured in North America. A motor vehicle is manufactured in North America if a substantial majority of the principal components are assembled into the final product in an assembly plant in North America. Contract documents for the procurement of motor vehicles shall contain a provision that the vehicles procured by the government agency shall be manufactured in North America.

(a.1) Hybrid electric vehicles.—Beginning on January 1, 2007, at least 10% of all vehicles procured by Commonwealth agencies each year shall be hybrid electric vehicles.

(b) Exception.—This section shall not apply where the head of the government agency states in writing that it is inconsistent with the public interest or that the cost is unreasonable.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker.

As you know, the State has a fleet of leased vehicles and vehicles that they give to various State employees. When I say "give," I mean loan to various State employees. This bill would

require by the year 2007 that 10 percent of all State vehicles would be hybrid vehicles. There is a provision in the law that says any State-leased vehicle has to be an American car, an American-made vehicle. That would remain, but American companies are now making the hybrid vehicles.

As you know, hybrid vehicles are vehicles that use conventional gasoline engines in conjunction with another form of energy, whether it is solar or electric or ethanol, and so this would make us a leader among – there are other States that have done this – but this would make us one of the leaders in the country in environmental protection and economic efficiency.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HORSEY. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Horsey, is recognized and may proceed.

Mr. LEACH. Yes.

Mr. HORSEY. Mr. Speaker, the amendment addresses hybrid electric. Mr. Speaker, is that cheaper than ethanol?

Mr. LEACH. I do not actually know the comparison between electric and ethanol. I know that we grow corn in Pennsylvania. I have no objection to encouraging ethanol in the future. The cars, the hybrid cars that are currently being marketed are hybrid electric cars. I am just reluctant to predict in the future exactly what sort the hybrids will be. I am sure there will be a lot of technology coming out, and, you know, I am certainly open, as I know many other people who agree with me on this issue are, to having other forms of hybrids encouraged, and to the extent that we can help farmers and others in Pennsylvania, I am all for that, but the electric ones are the ones. It is a good beginning, and they are the ones that are being marketed currently.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, on the bill?

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, the number one industry in the State is farming. We are a farm State. So to encourage electricity without encouraging ethanol sounds like a brief or small contradiction to me. You specifically have in the amendment hybrid electric power, and I am not opposed to electrical power. I just think that when we do these types of things, we should consider and think about Pennsylvania, and since Pennsylvania primarily is a farm State, you would want to encourage the use of ethanol in the production of hybrid cars, and I would encourage the Governor when this bill comes in front of him and when this bill goes to the Senate, that we consider ethanol as a source of alternative for hybrid cars.

I am supporting the amendment because I believe the amendment is in the right direction and that we should consider hybrid cars, but ethanol should be what we should be considering, because corn is what farmers grow and corn is what makes ethanol, and with that, Mr. Speaker, I would support the Leach amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

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

Mr. LEACH. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. ADOLPH. Thank you.

Mr. Speaker, what factors led you to select January 1, 2007, as the date to implement this requirement?

Mr. LEACH. When I initially considered introducing this legislation, I was told that there were no American companies then making hybrid vehicles. That would contradict not only the law that requires that but it would contradict my intent in promoting American products.

However, I have since been told that by 2007 there will be full production of American vehicles that are hybrid vehicles. So it was a question of the earliest date where there was availability.

Mr. ADOLPH. Also, have you discussed this with the Department of General Services here in the Commonwealth?

Mr. LEACH. I have had informal discussions with them, and they have not raised an objection. The only potential objection that I see is the cost, but as I understand it, the hybrid cars will be competitive with regular cars by 2007. As you know, they were a little more expensive at first, as all new products are and all new technologies are, but as they developed— And that is why I picked 10 percent. So it would be a reasonable starting point. My hope is that as time goes on and technology improves, we will be able to increase that even more.

Mr. ADOLPH. I understand that you have a House bill in the – what is it? – State Government, HB 1946, that is identical to this amendment.

Mr. LEACH. Correct.

Mr. ADOLPH. Have there been any public hearings on that House bill or anything?

Mr. LEACH. No. I have requested public hearings, and no one is willing to hold them. As you know, it is sometimes difficult to get public hearings on these. I even wrote a letter to, I believe, you, Mr. Speaker, as head of the Environmental Committee, and I certainly contacted Mr. George, as the Democratic chairman, and requested public hearings. I understand people are busy. I am not in any way casting aspersions. It is just that this is something we need to move forward on if we are going to be ready to meet the constraints of this legislation. I think it is very modest, and we have certainly considered more weighty things than this as part of an amendment.

Mr. ADOLPH. Okay. All right.

On the amendment, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. ADOLPH. Mr. Speaker, this bill is not in the Environmental Committee. However, I think it is a good amendment. I would like to discuss this further with the Department of General Services. However, I am going to support the amendment, and I urge my colleagues to do the same. Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. McGill.

Mr. MCGILL. Thank you, Mr. Speaker.

Mr. Speaker, is there a fiscal note on this amendment?

The SPEAKER. The Parliamentarian does not seem to have one. Has one been requested, Mr. Leach?

Mr. LEACH. Mr. Speaker, there was a fiscal note, I am told, and there was no impact on the treasury of the Commonwealth. I am just getting a copy of that.

AMENDMENT WITHDRAWN

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

Mr. LEACH. Thank you, Mr. Speaker.

I have been told that a fiscal note has been filed. I do not have a copy of it. Rather than hold up the whole House while we do this, I will temporarily withdraw the amendment and re-present it very shortly at a propitious time.

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

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Miller, R.	Sturla
Butkovitz	Goodman	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causer	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance

Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Weber
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Killion	Rieger	Wojnaroski
DeLuca	Kirkland	Roberts	Wright
Denlinger	Kotik	Roebuck	Yewcic
Dermody	LaGrotta	Rohrer	Youngblood
DeWeese	Laughlin	Rooney	Yudichak
DiGirolamo	Leach	Ross	Zug
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House the following guests, who are here as the guests of Representative Saylor. They are foreign exchange students — Ricarda Hammer and Madeleine Mueller. Ricarda is from Sall Felden, Austria, and is sponsored by the Rotary organization. Madeleine is from Kierspe, Germany, and is sponsored by the Center for Cultural Interchange. Ricarda and Madeleine are attending Red Lion Area High School. Ricarda's host parents are Lynne and Regan Fisher. Mr. and Mrs. Fisher are seated in the balcony. Madeleine's host parents are John and Vicki Hoff. Would those guests please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1801, PN 2341**, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, further providing for powers and duties and for audits.

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—197

Adolph	Evans, D.	Levdansky	Santoni
Allen	Evans, J.	Lewis	Sather
Argall	Fabrizio	Lynch	Saylor
Armstrong	Fairchild	Mackereth	Scavello
Baker	Feese	Maher	Schroder
Baldwin	Fichter	Maitland	Scrimenti
Bard	Fleagle	Major	Semmel
Barrar	Flick	Manderino	Shaner
Bastian	Forcier	Mann	Smith, B.
Bebko-Jones	Frankel	Markosek	Smith, S. H.
Belardi	Freeman	Marsico	Solobay
Belfanti	Gabig	McCall	Staback
Benninghoff	Gannon	McGeehan	Stairs
Biancucci	Geist	McGill	Steil
Birmelin	George	McIlhattan	Stern
Bishop	Gergely	McIlhinney	Stetler
Blaum	Gillespie	McNaughton	Stevenson, R.
Boyd	Gingrich	Melio	Stevenson, T.
Browne	Godshall	Micozzie	Sturla
Bunt	Good	Miller, R.	Surra
Butkovitz	Goodman	Mundy	Tangretti
Buxton	Grucela	Mustio	Taylor, E. Z.
Caltagirone	Gruitza	Myers	Taylor, J.
Cappelli	Habay	Nailor	Thomas
Casorio	Haluska	Nickol	Tigue
Causler	Hanna	O'Brien	Travaglio
Cawley	Harhai	Oliver	True
Civera	Harhart	O'Neill	Turzai
Clymer	Harper	Pallone	Vance
Cohen	Harris	Payne	Veon
Coleman	Hasay	Petrarca	Vitali
Cornell	Hennessey	Petri	Walko
Corrigan	Herman	Petrone	Wansacz
Costa	Hershey	Pickett	Washington
Coy	Hess	Pistella	Waters
Crahalla	Hickernell	Preston	Watson
Creighton	Horsey	Raymond	Weber
Cruz	Hutchinson	Readshaw	Wheatley
Curry	Josephs	Reed	Williams
Dailey	Keller	Reichley	Wilt
Daley	Kenney	Rieger	Wojnaroski
Dally	Killion	Roberts	Wright
DeLuca	Kirkland	Roebuck	Yewcic
Denlinger	Kotik	Rohrer	Youngblood
Dermody	LaGrotta	Rooney	Yudichak
DeWeese	Laughlin	Ross	Zug
DiGirolamo	Leach	Rubley	
Diven	Lederer	Ruffing	
Donatucci	Leh	Sainato	Perzel,
Eachus	Lescovitz	Samuelson	Speaker

NAYS—1

Miller, S.

NOT VOTING—0

EXCUSED—4

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

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

The House proceeded to third consideration of **HB 752, PN 2917**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

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

Mr. **VITALI** offered the following amendment No. **A4621**:

Amend Sec. 1 (Sec. 9712), page 2, lines 11 through 15, by striking out “or” in line 11 and all of lines 12 through 15 and inserting is in physical possession or control of a firearm, whether visible, concealed about the person or within the person’s reach, or the person knows that the person’s accomplice is in physical possession or control of a firearm, shall

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. **VITALI**. Thank you, Mr. Speaker.

By way of background, what the bill itself would do would be to impose a 5-year mandatory minimum sentence in the case of a drug sale using a firearm, and that would apply both, where in an accomplice situation, to the accomplice also. So in other words, what the bill would do, if you have an accomplice who was involved in a drug sale and either the accomplice or the primary seller had a gun, both parties would get the 5 years.

Now, what my amendment would do would be to slightly change that, I think in the interest of fairness. What my amendment would say is that in order for the accomplice to get the 5 years, the accomplice would have to know there is a gun involved. In other words, I am trying to avoid a situation where someone is getting a mandatory 5-year sentence because a gun was involved in a drug transaction and he did not know there was a gun. I think that is fundamentally unfair.

You know, I think you might have a scenario like this: Let us say you are dealing with a situation where two people want to sell a small quantity of marijuana. Maybe a neighbor, maybe a neighbor’s kid, or someone you know wants to sell a small quantity of marijuana. He goes along with his friend for a small-quantity-of-marijuana sale. He says to his friend, “I’ll go along with you, but you don’t have a gun, right? I’m not getting involved in anything with a gun.” His friend says right, right, right; no gun involved. The deal goes bad; they are caught. The friend in fact did have a gun, unbeknownst to him. Under that scenario, this person, without any prior offenses, not knowing there was a gun involved, small quantity of marijuana, having specifically asked for it, would have to get a minimum of 5 years in jail. That is fundamentally unfair.

So what my amendment would say is, if you are an accomplice, one thing the Commonwealth has to prove is you knew there was a gun involved, and I understand, I understand that the prime sponsor is not going to support this and I understand there are very good policy reasons for wanting strong drug laws, because you have to keep drugs off the street, and I understand that and I know that there are problems that the

prosecution has, but within the context of this good policy, I think we have to remember, our system has to do justice to the individual. That is very important, and sometimes we forget about it. The system has to do justice to the individual accused. If not, we are no better than Third World countries who will cut your hand off for stealing. We need to do individual justice, and what this amendment does is simply try to accomplish that justice, so I would ask for an affirmative vote.

Thank you.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The majority leader requests a leave of absence for the gentleman, Mr. STAIRS. Without objection, the leave will be granted.

CONSIDERATION OF HB 752 CONTINUED

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

The Chair recognizes the gentelady from Montgomery, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

I would rise in opposition to this amendment.

This underlying legislation is designed to break the link between guns and drugs once and for all. Anyone drug trafficking should know that there are serious penalties if they bring a gun to the scene of the crime, and that is the whole point of this legislation. This amendment basically subverts the entire purpose of the legislation, because no longer will a drug trafficker know that if they participate in such activity, that if there is a gun present, they will be assured of doing time for 5 years. That is the whole purpose. We are stopping the revolving door. We are stopping the situation where people who are victimized by this crime in their own neighborhoods are terrified to testify against the drug traffickers, because they know they will be right back on the street again, beating up their children, threatening the families with violence. The whole purpose of this legislation to provide a mandatory sentence is to take guns out of drug trafficking and stop gun violence.

Mr. Speaker, this legislation has already been passed by the House on numerous occasions. Last session it passed by a vote of 177 to 22. Prior to this this year, the amendment was offered and passed with only one negative vote. So I would respectfully ask my colleagues to oppose the amendment.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman from Westmoreland, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect to my very good friend from Delaware County, here we go sending a very strong message again that not only those of us on this side of the aisle but those of us in this chamber are going to be soft on crime, especially soft on drug crime. Drugs are rampant throughout this Commonwealth and this country, Mr. Speaker, and they know no socioeconomic boundaries. They are not in just urban centers; they are in wealthy districts and wealthy centers as well.

Mr. Speaker, we need more mandatory minimum sentences when it comes to drugs and drug use, and we need more

mandatory minimum sentences when it comes to drug-use felonies with firearms. The scenario that my colleague from Delaware gave that maybe you wanted to buy some marijuana just from a neighbor kid or maybe you wanted to go across the street and just buy some marijuana off somebody you know, that is absolutely harmful and absolutely counter to the message that we want to send in this legislature. I do not care if you are buying it off your neighbor or your neighbor's brother. If you are buying marijuana, Mr. Speaker, with a gun or without a gun, it is a crime, it is an absolute crime, and if you are using a firearm in that commission of that crime and you are with somebody that uses a firearm in that commission of the crime, even though they did not tell you they had a firearm, we want you locked up for the mandatory minimum sentence. Well, I did not tell you I had a gun or I had a knife; oh, I did not tell you I had a gun. You are going along on the commission of a crime, Mr. Speaker, and to send a message and to strip the language of the gentelady's intent from this bill with this amendment sends a terrible, horrible message. I know it is one that my brothers and sisters in the Fraternal Order of Police disagree with, and I would respectfully request that the gentleman withdraw this amendment, Mr. Speaker. If not, I ask for a negative vote on the floor, and send a message to the Commonwealth and the people of this Commonwealth that we are going to take a very strong, serious stand on drugs, whether it is marijuana or meth or heroin or cocaine or amphetamines or anything else that is illegal, Mr. Speaker, and if you commit that crime and you commit that crime with a firearm, we are going to lock you up for 5 years and we are going to do it with a mandatory minimum.

I ask for a "no" vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise opposing the Vitali amendment.

I certainly agree with my colleague over here that we need to do more on enforcing the laws instead of weakening them. As you know, we have a mandatory 5-year sentence that the judiciary has taken on themselves by instead of running them consecutively, they have run them concurrently, skirting the law that we intended to make it mandatory these 5-year sentences if you commit a crime with a firearm. What we would do with the Vitali amendment would certainly send the wrong signal out there to the law enforcement community, to the D.A.s, and to the judges. We need to be more strong in this type of legislation that we pass, regardless if it is marijuana or whatever it is. When you are using a gun and if your friend, I am sure he is not going to come and say, "Listen, I have a gun, but don't tell anybody about that; you know, we are going to sell this narcotics and that there," but I am sure he is going to tell his buddy that he has a gun.

This is the wrong way to go. This certainly would strip the bill, and I would ask my colleagues on this side of the aisle and the other side to oppose the Vitali amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment.

As we all know, we have mandatory sentences for the commission of a felony, using a weapon in the commission of a felony. What we are trying to do here is, in the most serious drug offenses, to have that punishment apply to those who are involved in that particular offense – serious drug deals. What has happened in many cases is where the actual perpetrator, mastermind of the offense, knowing that there is a 5-year minimum sentence if he commits that crime holding this weapon, will hand that weapon many times to a juvenile, thereby escaping the 5-year mandatory sentence, and of course, the juvenile will not get it either. This bill tries to close a very important loophole which criminals have used to escape this most serious penalty our law allows.

This amendment is not a good idea. This amendment will allow that loophole to exist, and I would ask all the members to vote against the amendment and let us adopt the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentleman, the maker of the amendment, please rise for interrogation?

The SPEAKER. The gentleman indicates that he will. Mr. Reichley may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentleman be able to explain within his amendment the definition of the word “knows”?

Mr. VITALI. I think it is simply the definition that is in the Webster’s Dictionary – “being aware of” – as with most terms which are not defined specifically in statute, and as a prosecutor you are very well aware of this. If a term is not specifically defined by statute, as many are not, the term is simply given its common definition and becomes a subject of a matter of interpretation for the courts.

Mr. REICHLEY. Well, Mr. Speaker, that gets back to what would be my concern about the amendment, that is the gentleman aware that within the criminal code there are three levels of mental state for which one can be found guilty of a crime – an intentional act, a knowing act, or a reckless act – and that within that definition, when you knowingly commit a crime, you are doing it with knowledge or with reasonable belief that your action will lead to a certain offense. Is it your intention to encompass that definition of a “knowingly committed act” within your amendment?

Mr. VITALI. The intention here is to require actual knowledge in order for the 5-year mandatory minimum to be imposed.

Mr. REICHLEY. So your amendment then creates sort of a wink-wink-nod-nod situation where you do not ask me if I have a gun and I do not tell you if I have a gun, and thereby we have a working agreement or knowledge that we are not going to talk about whether I have this gun?

Mr. VITALI. What it requires, and being in the prosecution field you are well aware of this, it requires the prosecution to prove that particular burden of a case, and you have many tools at your disposal. For example, in the situation Representative Blaum pointed out, where you have a juvenile and the juvenile is given a gun, well, you know, having prosecuted many cases, you simply can rely on testimony from a juvenile in exchange

for some sort of plea arrangement. You could have a situation where statements may have been made to third parties about the absence of a gun. You could have other eyewitnesses. You could actually have third-party witnesses see the gun. I mean, the prosecution has many tools at its disposal to prove knowledge of a gun – testimony of codefendants, other witnesses, certain statements of other witnesses. This is part of the Commonwealth’s burden, and I do not say it is not an easy burden, but the reality is, it should not be easy. If you are going to sentence a person to 5 years in jail, you should be very, very sure that person actually is guilty, that person actually did the dastardly act of having the gun. So what we are saying is, you need to prove, the Commonwealth needs to prove, actual knowledge of the gun to have the 5-year sentence imposed.

Mr. REICHLEY. Well, would the gentleman agree that what he is proposing is that we not prosecute people for their actions any longer or for their possession of any certain item but for what their knowledge may be regarding another individual’s situation?

Mr. VITALI. I think that when I was a law student and we studied criminal law, was it the mens rea, the guilty mind? And I think that is really where the punishment should come, and I do not think a person’s mind is really guilty and deserving of that very difficult 5-year sentence, that life-altering, life-destroying 5-year sentence. That should not be imposed lightly, and I think you need the guilty mind and I think that has to be proven by the possession of the gun.

If you have two scenarios – let me explain this – two scenarios. Scenario one—

Mr. COY. Mr. Speaker?

Mr. VITALI. —a person goes with someone to buy a small quantity of marijuana—

The SPEAKER. Will the gentleman suspend.

Mr. VITALI. —after his —

The SPEAKER. The gentleman suspend.

PARLIAMENTARY INQUIRY

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

Mr. COY. Mr. Speaker, with the indulgence of both members, just a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. COY. I wonder if the Speaker would clarify to both members the purpose of interrogation is to determine an answer to a question that you really do not know the answer to, not to further debate the subjects before us, and I would respectfully ask the Speaker to enforce the rule.

The SPEAKER. The gentleman, Mr. Coy, is correct. No need for me to restate what he said, because he is 100 percent correct. I hope the gentlemen listened to what he had to say, and please keep yourselves to the subject at hand and the amendment that is up on the board.

Mr. VITALI. Okay. I will wait for another question at this point.

Mr. REICHLEY. Well, Mr. Speaker, in light of the concern that this is belaboring the topic, I will conclude any further questions and just urge the members to recognize that the gentleman from Delaware County, the impact of his amendment would create a don’t-ask-don’t-tell situation for gun possession

within drug crimes and make it too convenient for individuals to escape potential punishment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, some of my colleagues have referred to me as a liberal and have said that Thomas is soft on crime. Well, I am standing here today to say to you that liberalism is taking a walk.

The Vitali amendment must be voted down. I am not interested in your mens rea at the time of your conduct; I am interested in your mens rea pre and post. Your mens rea before the commission of the crime would allow you not to commit the crime, but if you are out there selling drugs and if you are in possession of a weapon, you deserve not only 5 years but you deserve 10 years and maybe even life.

In the city of Philadelphia, in the city of Philadelphia this year alone, we have lost more children – children – as a result of two factors: one, drugs while in possession of a gun; two, punk drug dealer using a child to commit a crime by putting that weapon in the hand of the child so that he or she can avoid the stiff punishment of the law.

Mr. Speaker, let us shut this debate down. Vote “no” on the Vitali amendment and get on with HB 752.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-10

Bishop	Freeman	Myers	Washington
Cohen	Kirkland	Vitali	Williams
Curry	Manderino		

NAYS-187

Adolph	Evans, J.	Levdansky	Sainato
Allen	Fabrizio	Lewis	Samuelson
Argall	Fairchild	Lynch	Santoni
Armstrong	Feese	Mackereth	Sather
Baker	Fichter	Maher	Saylor
Baldwin	Fleagle	Maitland	Scavello
Bard	Flick	Major	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Gabig	Marsico	Shaner
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.
Benninghoff	George	McGill	Solobay
Biancucci	Gergely	McIlhattan	Staback
Birmelin	Gillespie	McIlhinney	Steil
Blaum	Gingrich	McNaughton	Stern
Boyd	Godshall	Melio	Stetler
Browne	Good	Micozzie	Stevenson, R.
Bunt	Goodman	Miller, R.	Stevenson, T.
Butkovitz	Grucela	Miller, S.	Sturla
Buxton	Gruitza	Mundy	Surra
Caltagirone	Habay	Mustio	Tangretti
Cappelli	Haluska	Nailor	Taylor, E. Z.
Casorio	Hanna	Nickol	Taylor, J.
Causar	Harhai	O'Brien	Thomas
Cawley	Harhart	Oliver	Tigue
Civera	Harper	O'Neill	Travaglio
Clymer	Harris	Pallone	True

Coleman	Hasay	Payne	Turzai
Cornell	Hennessey	Petrarca	Vance
Corrigan	Herman	Petri	Veon
Costa	Hershey	Petrone	Walko
Coy	Hess	Pickett	Wansacz
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Demody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Evans, D.			

NOT VOTING-0

EXCUSED-5

Egolf	Metcalfe	Phillips	Stairs
James			

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

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. DeLUCA offered the following amendment No. A4696:

Amend Title, page 1, line 2, by inserting after “for” exemptions from jury duty and for

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 4503(a) of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 4503. Exemptions from jury duty.

(a) General rule.—No person shall be exempt or excused from jury duty except the following:

(5) Persons 75 years of age or older who opt not to

serve.

Section 2. Section 9712(a) of Title 42 is amended and the section is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 27, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does pertains to jury duty, and I am sure everyone in this House gets constituents who have problems when they reach a certain age being able to serve on jury duty.

I have a lot of elderly senior citizens who come in; they have no way to get down to the courthouse to go down and do their

civic duty in serving on juries. What we are attempting to do here today is, any individual 75 years or older, to give them the opportunity to either say yes or say no without having an excuse, being excused for health reasons. This is a “may” bill. It only gives the individual the opportunity to refuse without getting a doctor’s certificate or being let go by the jury commissioner or the judge’s office.

I would appreciate a “yes” vote on this amendment, Mr. Speaker. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Montgomery, Ms. Bard.

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

While this legislation may have merit, I would like to keep the underlying legislation clean so that the intent is absolutely clear – to break the link between guns and drugs and to protect our society that is victimized by gun crossfire and drug violence.

So I would respectfully request that the amendment be withdrawn and perhaps filed as freestanding legislation. If not, I would ask for a “no” vote.

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

Mr. DeLUCA. Mr. Speaker, I understand the young lady’s concern, but I have been in this House for 21 years, and it seems to me that every time somebody has an amendment or a good amendment, that we ask them to withdraw it because we want to keep the legislation clean. I think it is getting to a point, no matter which side you sit on of this aisle, that it is getting to be overdone anymore about keeping these bills clean. All I hear anymore is about keeping the bill clean, or the Senate will not consider it, or we are not going to do this legislation, we want to send it to the Governor. Listen, this is a good amendment regardless. I do not see any downturn about putting this on there.

I think it is about time that we as members who get elected every 2 years have a say-so on somebody’s legislation instead of worrying about keeping the bill clean so we can send it over there. We might as well not even be here if we are going to worry about keeping these bills clean or what the Senate thinks.

I would ask for an affirmative vote on both sides of the aisle, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentelady from Montgomery, Ms. Weber.

Ms. WEBER. Thank you, Mr. Speaker.

I would just ask if the maker of the amendment would stand for brief interrogation.

The SPEAKER. Will the gentleman, Mr. DeLuca, stand for interrogation? The gentleman indicates that he will. The gentelady may proceed.

Ms. WEBER. My question is one more of procedural, but I will hold on, I see.

The SPEAKER. The House will be at ease for one moment.

AMENDMENT WITHDRAWN

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

Mr. DeLUCA. After consulting with the minority chairman of the Judiciary Committee, I am going to withdraw this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Obviously, this bill is going to pass big time, so I do not want to belabor the point. I just want to, one, note the fact, if I am reading the fiscal note correctly, this is going to cost the Commonwealth, this particular small change to the Crimes Code, we are paying another \$14 million a year every year, year after year, just for this, and I think that is the problem generally with mandatory sentencing, where it costs \$60,000 a year to incarcerate someone and much less to educate them.

I think mandatory sentencing is something that this legislature ought to really reconsider as the fiscal impacts of the Commonwealth really prevent us from doing other things for schoolkids and seniors and others, and just keep this in mind on this bill and other mandatory sentencing bills.

Thank you.

The SPEAKER. The Chair recognizes the gentelady from Montgomery, Ms. Bard.

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

I would just remind my colleagues that the cost to care for orphans is very heavy. When we held a hearing on this legislation in Lancaster City, we heard testimony about a mother who was gunned down in drug crossfire, leaving several children orphaned. The cost to enforce the laws in our society is a cost that society wants to bear for its own safety.

This legislation has passed the House, I would remind the members, on several occasions, most recently with only one negative vote. The legislation is supported by the District Attorneys Association, by the Philadelphia district attorney. It has been strongly supported by our former Attorney General, Mike Fisher, and I would ask respectfully that the colleagues vote in favor of this legislation once again.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	Schroder
Barrar	Flick	Manderino	Scrimenti
Bastian	Forcier	Mann	Semmel
Bebko-Jones	Frankel	Markosek	Shaner
Belardi	Freeman	Marsico	Smith, B.

Belfanti	Gabig	McCall	Smith, S. H.
Benninghoff	Gannon	McGeehan	Solobay
Bianucci	Geist	McGill	Staback
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Miller, R.	Sturla
Butkovitz	Goodman	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causar	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Walko
Corrigan	Herman	Petri	Wansacz
Costa	Hershey	Petrone	Washington
Coy	Hess	Pickett	Waters
Crahalla	Hickernell	Pistella	Watson
Creighton	Horsey	Preston	Weber
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Kenney	Reichley	Wojnaroski
Dally	Killion	Rieger	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolamo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz		Speaker

NAYS-1

Vitali

NOT VOTING-0

EXCUSED-5

Egolf	Metcalf	Phillips	Stairs
James			

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

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

PROFESSIONAL LICENSURE COMMITTEE MEETING

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

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, upon the declaration of the recess, there will be a meeting of the House Professional Licensure Committee in room 39 of the East Wing.

The SPEAKER. The Professional Licensure Committee will meet in room 39 of the East Wing at the recess.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House Frank Davis, professor of political science at Lehigh University, and John Lazarus, a graduate student at Lehigh. They are the guests today of Representative Robert Freeman of Northampton County. They are seated in the balcony. Would those guests please rise to be recognized by the House.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. O'Brien.

Mr. O'BRIEN. Thank you, Mr. Speaker.

I would just like to announce there will be a meeting of the House Judiciary Committee at the call of the recess in room 205 of the Ryan Office Building.

The SPEAKER. The Judiciary Committee will meet in room 205 of the Ryan Office Building at the recess.

URBAN AFFAIRS COMMITTEE MEETING

The SPEAKER. The gentleman from Philadelphia, Mr. Taylor.

Mr. TAYLOR. Thank you, Mr. Speaker.

I would like to announce a meeting of the House Urban Affairs Committee, which will take place at 1 o'clock. I understand there is an Appropriations Committee meeting at the immediate call of the Chair, so members who need to go to that can do that and maybe grab lunch. But 1 o'clock in room 302 of the Irvis Office Building.

Thank you.

The SPEAKER. The Urban Affairs Committee will meet at 1 o'clock in room 302 of the Irvis Building.

For the information of the members, we are not breaking.

FINANCE COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

I thought that we might be breaking, so I was going to announce that at the break there will be an immediate meeting of the Finance Committee in the rear of the House for the purposes of considering three bills – HB 2166, HB 1321, and SB 778.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Finance Committee will meet at the break in the rear of the House.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2021, PN 2663**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for unlawful acts relative to liquor, malt and brewed beverages and licensees.

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

Mr. **RAYMOND** offered the following amendment No. **A4527**:

Amend Title, page 1, line 18, by removing the period after "licensees" and inserting
and for the definition of "wine."

Amend Bill, page 1, lines 21 through 23, by striking out all of said lines and inserting

Section 1. Section 102 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14), is amended by adding a definition to read:

Section 102. Definitions.—The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

"Wine" shall mean liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. The term "wine" shall not include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.

* * *

Section 2. Section 215(d)(2) of the act, amended December 9, 2002 (P.L.1653, No.212), is amended to read:

Section 215. Wine Marketing.—* * *

(d)

[(2) The term "wine," as used in this section, shall mean liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. The term "wine" shall not include malt or brewed beverages, nor shall wine include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.]

* * *

Section 3. Section 488(i) of the act, added February 21, 2002 (P.L.103, No.10), is amended to read:

Section 488. Shipment of Wine into Commonwealth.—* * *

[(i) The term "wine" as used in this section shall mean liquor which is fermented from grapes and other fruits, having alcoholic content of twenty-four per centum or less. The term "wine" shall not include malt or brewed beverages nor shall wine include any products containing alcohol derived from malt, grain, cereal, molasses or cactus.]

Section 4. Section 493 of the act is amended by adding a clause to read:

Amend Sec. 1 (Sec. 493), page 2, line 11, by inserting after "pyrotechnics"

within a building

Amend Sec. 2, page 2, line 16, by striking out "2" and inserting
5

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Raymond.

Mr. **RAYMOND**. Thank you, Mr. Speaker.

Mr. Speaker, my amendment makes technical changes to clarify that pyrotechnics cannot be used or stored inside a building on a licensed premises and also moves the definition of "wine" to the definition section of the code and deletes it from other locations.

The **SPEAKER**. The Chair recognizes the gentleman from Lawrence, Mr. Sainato.

Mr. **SAINATO**. Thank you, Mr. Speaker.

Could I interrogate the maker of the amendment?

The **SPEAKER**. The gentleman indicates that he will stand for interrogation. The gentleman is in order and may proceed.

Mr. **SAINATO**. Thank you, Mr. Speaker.

Mr. Speaker, I just have a question. Does this amendment, you are dealing with fireworks and licensed liquor establishments. Am I correct in that assumption?

Mr. **RAYMOND**. That is correct.

Mr. **SAINATO**. Okay. I have received a lot of phone calls on this bill as a total bill because I have two fireworks distributors in my district, and they do much of the State and the nation with what they do. Their concern and my concern would be, does— Well, let me back up. Does this amendment clarify the bill concerning fireworks displays at church bazaars, at sports stadiums, things like that?

Mr. **RAYMOND**. Yes. What this does is clarifies it to the extent that it allows for outdoor displays of fireworks.

Mr. **SAINATO**. So if it is a church bazaar, if it is PNC Park or Eagles' stadium, even though they have a liquor license, they would still be allowed to shoot fireworks?

Mr. **RAYMOND**. That is correct.

Mr. **SAINATO**. Okay. So you are pretty much, this amendment is what fixes the bill as far as the pyrotechnics.

Mr. **RAYMOND**. What this amendment does, it clarifies the question a lot of people had regarding limiting the pyrotechnics to indoor facilities only, and that is what the bill deals with now with this amendment.

Mr. **SAINATO**. Okay. Thank you, Mr. Speaker. You have answered my questions.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Steil
Birmelin	George	McIlhattan	Stern
Bishop	Gergely	McIlhinney	Stetler
Blaum	Gillespie	McNaughton	Stevenson, R.
Boyd	Gingrich	Melio	Stevenson, T.
Browne	Godshall	Micozzie	Sturla
Bunt	Good	Miller, R.	Surra
Butkovitz	Goodman	Miller, S.	Tangretti
Buxton	Grucela	Mundy	Taylor, E. Z.
Caltagirone	Gruitza	Mustio	Taylor, J.
Cappelli	Habay	Myers	Thomas
Casorio	Haluska	Nailor	Tigue
Causser	Hanna	Nickol	Travaglio
Cawley	Harhai	O'Brien	True
Civera	Harhart	Oliver	Turzai
Clymer	Harper	O'Neill	Vance
Cohen	Harris	Pallone	Veon
Coleman	Hasay	Payne	Vitali

Cornell	Hennessey	Petrarca	Walko
Corrigan	Herman	Petri	Wansacz
Costa	Hershey	Petrone	Washington
Coy	Hess	Pickett	Waters
Crahalla	Hickernell	Pistella	Watson
Creighton	Horse	Preston	Weber
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Kenney	Reichley	Wojnaroski
Dally	Killion	Rieger	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Egolf	Metcalf	Phillips	Stairs
James			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Steil
Birmelin	George	McIlhattan	Stern
Bishop	Gergely	McIlhinney	Stetler
Blaum	Gillespie	McNaughton	Stevenson, R.
Boyd	Gingrich	Melio	Stevenson, T.
Browne	Godshall	Micozzie	Sturla
Bunt	Good	Miller, R.	Surra
Butkovitz	Goodman	Miller, S.	Tangretti

Buxton	Grucela	Mundy	Taylor, E. Z.
Caltagirone	Gruitza	Mustio	Taylor, J.
Cappelli	Habay	Myers	Thomas
Casorio	Haluska	Nailor	Tigue
Causer	Hanna	Nickol	Travaglio
Cawley	Harhai	O'Brien	True
Civera	Harhart	Oliver	Turzai
Clymer	Harper	O'Neill	Vance
Cohen	Harris	Pallone	Veon
Coleman	Hasay	Payne	Vitali
Cornell	Hennessey	Petrarca	Walko
Corrigan	Herman	Petri	Wansacz
Costa	Hershey	Petrone	Washington
Coy	Hess	Pickett	Waters
Crahalla	Hickernell	Pistella	Watson
Creighton	Horse	Preston	Weber
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Kenney	Reichley	Wojnaroski
Dally	Killion	Rieger	Wright
DeLuca	Kirkland	Roberts	Yewcic
Denlinger	Kotik	Roebuck	Youngblood
Dermody	LaGrotta	Rohrer	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Egolf	Metcalf	Phillips	Stairs
James			

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

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority Appropriations chairman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

At 1:45, Mr. Speaker, the House Appropriations Committee will meet in room 245. That is at 1:45.

The SPEAKER. The Chair thanks the gentleman.

Appropriations will meet at 1:45 in room 245.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a Republican majority caucus called at 3:30. This is a very important caucus, and we hope to see you all there.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, we are going to be having a Democratic caucus and informal discussions immediately upon the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. For the information of the members, when we recess, we will recess until 3 in order to accept the committee reports from the committees, but we will not come back to the floor until 4.

This House is in recess.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(PATRICIA H. VANCE) PRESIDING****BILLS REREPORTED FROM COMMITTEE**

HB 1827, PN 2373 By Rep. ARGALL

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for rate and amount of compensation.

APPROPRIATIONS.

HB 2004, PN 2798 By Rep. ARGALL

An Act amending the compact contained in the act of June 5, 1937 (P.L.1664, No.348), entitled "An act to ratify and adopt a compact or agreement negotiated by commissioners designated by the Governor of the Commonwealth of Pennsylvania, and commissioners designated by the Governor of the State of Ohio, relative to the development, use, and control of the Pymatuning Lake and the State owned land surrounding said lake for fishing, hunting, recreational, and park purposes," changing provisions relating to the operation of motor boats.

APPROPRIATIONS.

HB 2006, PN 2804 By Rep. ARGALL

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for financing, for bankruptcy and for sovereign immunity; making an appropriation; and making a repeal.

APPROPRIATIONS.

HB 2007, PN 2805 By Rep. ARGALL

An Act amending the act of March 7, 1901 (P.L.20, No.14), referred to as the Second Class City Law, further providing for duties of the city controller.

APPROPRIATIONS.

HB 2008, PN 2806 By Rep. ARGALL

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for form and adoption of budget in cities of the second class.

APPROPRIATIONS.

HB 2066, PN 2797 By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "collectible motor vehicle"; defining "I-CAR"; further providing for application for certificate of title, for transfer of vehicle ownership and for reconstructed vehicles; providing for titling and inspection of reconstructed, modified and specially constructed vehicles; further providing for required registration and certificate of title; providing for fees for reconstructed, modified and specially constructed vehicle inspection and for certificate of appointment for reconstructed vehicle inspection sites; and further providing for issuance of certificate of inspection and for State replacement vehicle identification number plate.

APPROPRIATIONS.

HB 2109, PN 3111 (Amended) By Rep. ARGALL

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for actuarial cost method, for mandatory and optional membership, for retention and reinstatement of service credits, for classes of service, for election to become a Class C-1 member, for transfer of accumulated deductions, for single life annuities, for multiple service membership and for members' savings account; and further providing for termination of annuities, for contributions by the Commonwealth and other employers and for actuarial cost method.

APPROPRIATIONS.

SB 940, PN 1314 By Rep. ARGALL

An Act providing for intergovernmental cooperation in cities of the second class; establishing an intergovernmental authority; providing for financing, for bankruptcy and for sovereign immunity; and making an appropriation.

APPROPRIATIONS.**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED**

HB 1861, PN 2425 By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for definitions.

JUDICIARY.

HB 2015, PN 2657 By Rep. J. TAYLOR

An Act amending the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, further providing for the right of a municipality to petition the court for an increase in the rate of taxation.

URBAN AFFAIRS.

HB 2166, PN 2937

By Rep. FLICK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "manufacture."

FINANCE.

HB 2254, PN 3085

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for when a prosecution is barred by a former prosecution for a different offense.

JUDICIARY.

SB 152, PN 1324 (Amended)

By Rep. O'BRIEN

An Act amending Titles 12 (Commerce and Trade) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, adding provisions relating to trade secrets; and further providing for the offense of theft of trade secrets.

JUDICIARY.

SB 304, PN 319

By Rep. O'BRIEN

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for classification and order or payment of claims against the estate of a decedent.

JUDICIARY.

SB 778, PN 937

By Rep. FLICK

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, providing for keystone innovation zones.

FINANCE.

ACTUARIAL NOTES

The SPEAKER pro tempore. The Chair announces the receipt of the actuarial notes for the following pieces of legislation:

Amendment 4729 to HB 2109, PN 3020;
Amendment 4714 to HB 2109, PN 3020;
Amendment 4557 to HB 2109, PN 3020;
Amendment 4625 to HB 2006, PN 2804, as amended by
amendment 4388; and
HB 2255, PN 3086.

(Copies of actuarial notes are on file with the Journal clerk.)

SENATE MESSAGE**ADJOURNMENT RESOLUTION
FOR CONCURRENCE**

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

In the Senate
December 15, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Tuesday, January 6, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Tuesday, January 6, 2004, unless sooner recalled by the Speaker of the House of Representatives.

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

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

RECESS

The SPEAKER pro tempore. The House now stands in recess to the call of the Chair.

AFTER RECESS

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

**THE SPEAKER (JOHN M. PERZEL)
PRESIDING****ACTUARIAL NOTE**

The SPEAKER. The Chair is in receipt of an actuarial note on amendment No. 4626 to SB 940, PN 1314, as amended by amendment No. 4597.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 970 be taken off the table.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 970 be
recommitted to the Committee on Appropriations.

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

COMMUNICATIONS FROM GOVERNOR

APPROVAL OF HOUSE BILLS

The Speaker laid before the House communications in
writing from the office of His Excellency, the Governor of the
Commonwealth, advising that the following House bills had
been approved and signed by the Governor:

HB 46, HB 545, and HB 1580.

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and
recognizes the majority leader, who moves for a leave of
absence for the gentlelady from Montgomery, Ms. BARD,
and the gentlelady from Montgomery, Ms. WEBER.
Without objection, those leaves will be granted.

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. PALLONE called up **HR 515, PN 3092**, entitled:

A Resolution recognizing January 5, 2004, as “Armstrong County
Community Awareness Day.”

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Evans, J.	Levdansky	Sainato
Allen	Fabrizio	Lewis	Samuelson
Argall	Fairchild	Lynch	Santoni
Armstrong	Feese	Mackereth	Sather
Baker	Fichter	Maher	Saylor
Baldwin	Fleagle	Maitland	Scavello
Barrar	Flick	Major	Schroder
Bastian	Forcier	Manderino	Scrimenti
Bebko-Jones	Frankel	Mann	Semmel
Belardi	Freeman	Markosek	Shaner
Belfanti	Gabig	Marsico	Smith, B.
Benninghoff	Gannon	McCall	Smith, S. H.
Biancucci	Geist	McGeehan	Solobay
Birmelin	George	McGill	Staback
Bishop	Gergely	McIlhattan	Steil

Blum	Gillespie	McIlhinney	Stern
Boyd	Gingrich	McNaughton	Stetler
Browne	Godshall	Melio	Stevenson, R.
Bunt	Good	Micozzie	Stevenson, T.
Butkovitz	Goodman	Miller, R.	Sturla
Buxton	Grucela	Miller, S.	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappelli	Habay	Mustio	Taylor, E. Z.
Casorio	Haluska	Myers	Taylor, J.
Causler	Hanna	Nailor	Thomas
Cawley	Harhai	Nickol	Tigue
Civera	Harhart	O'Brien	Travaglio
Clymer	Harper	Oliver	True
Cohen	Harris	O'Neill	Turzai
Coleman	Hasay	Pallone	Vance
Cornell	Hennessey	Payne	Veon
Corrigan	Herman	Petrarca	Vitali
Costa	Hershey	Petri	Walko
Coy	Hess	Petron	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	Josephs	Raymond	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—7

Bard	James	Phillips	Weber
Egolf	Metcalfe	Stairs	

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The majority whip requests a leave of absence for the
gentleman from Philadelphia, Mr. KENNEY. Without
objection, the leave will be granted.

RESOLUTION PURSUANT TO RULE 35

Mr. ADOLPH called up **HR 517, PN 3093**, entitled:

A Resolution designating February 6, 2004, as “Give Kids A Smile
Day” in Pennsylvania, congratulating the Pennsylvania Dental
Association for its involvement in this national program, and thanking
dentists for volunteering their time to provide needed dental care.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-194

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Barrar	Fleagle	Major	Schroder
Bastian	Flick	Manderino	Scrimenti
Bebko-Jones	Forcier	Mann	Semmel
Belardi	Frankel	Markosek	Shaner
Belfanti	Freeman	Marsico	Smith, B.
Benninghoff	Gabig	McCall	Smith, S. H.
Biancucci	Gannon	McGeehan	Solobay
Birmelin	Geist	McGill	Staback
Bishop	George	McIlhattan	Steil
Blaum	Gergely	McIlhinney	Stern
Boyd	Gillespie	McNaughton	Stetler
Browne	Gingrich	Melio	Stevenson, R.
Bunt	Godshall	Micozzie	Stevenson, T.
Butkovitz	Good	Miller, R.	Sturla
Buxton	Goodman	Miller, S.	Surra
Caltagirone	Grucela	Mundy	Tangretti
Cappelli	Gruitza	Mustio	Taylor, E. Z.
Casorio	Habay	Myers	Taylor, J.
Causer	Haluska	Nailor	Thomas
Cawley	Hanna	Nickol	Tigue
Civera	Harhai	O'Brien	Travaglio
Clymer	Harhart	Oliver	True
Cohen	Harper	O'Neill	Turzai
Coleman	Harris	Pallone	Vance
Cornell	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Vitali
Costa	Herman	Petri	Walko
Coy	Hershey	Petrone	Wansacz
Crahalla	Hess	Pickett	Washington
Creighton	Hickernell	Pistella	Waters
Cruz	Horsey	Preston	Watson
Curry	Hutchinson	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Bard	James	Metcalf	Stairs
Egolf	Kenney	Phillips	Weber

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 60, PN 2909**, entitled:

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," defining "municipal corporation"; further providing for property acquired in fee simple and for local taxing option; and making an editorial change.

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-194

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Barrar	Fleagle	Major	Schroder
Bastian	Flick	Manderino	Scrimenti
Bebko-Jones	Forcier	Mann	Semmel
Belardi	Frankel	Markosek	Shaner
Belfanti	Freeman	Marsico	Smith, B.
Benninghoff	Gabig	McCall	Smith, S. H.
Biancucci	Gannon	McGeehan	Solobay
Birmelin	Geist	McGill	Staback
Bishop	George	McIlhattan	Steil
Blaum	Gergely	McIlhinney	Stern
Boyd	Gillespie	McNaughton	Stetler
Browne	Gingrich	Melio	Stevenson, R.
Bunt	Godshall	Micozzie	Stevenson, T.
Butkovitz	Good	Miller, R.	Sturla
Buxton	Goodman	Miller, S.	Surra
Caltagirone	Grucela	Mundy	Tangretti
Cappelli	Gruitza	Mustio	Taylor, E. Z.
Casorio	Habay	Myers	Taylor, J.
Causer	Haluska	Nailor	Thomas
Cawley	Hanna	Nickol	Tigue
Civera	Harhai	O'Brien	Travaglio
Clymer	Harhart	Oliver	True
Cohen	Harper	O'Neill	Turzai
Coleman	Harris	Pallone	Vance
Cornell	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Vitali
Costa	Herman	Petri	Walko
Coy	Hershey	Petrone	Wansacz
Crahalla	Hess	Pickett	Washington
Creighton	Hickernell	Pistella	Waters
Cruz	Horsey	Preston	Watson
Curry	Hutchinson	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS-0

NOT VOTING—0

EXCUSED—8

Bard	James	Metcalf	Stairs
Egolf	Kenney	Phillips	Weber

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

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

VOTE CORRECTION

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

Mr. WHEATLEY. Mr. Speaker, I rise to correct the record.

The SPEAKER. The gentleman is in order.

Mr. WHEATLEY. On HB 752, the Vitali amendment, I had a malfunction. You have me recorded in the negative. I want to be recorded in the affirmative.

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

Mr. WHEATLEY. Thank you.

RULES SUSPENDED

The SPEAKER. The Chair turns to page 3 of today's calendar.

The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move for an immediate suspension of the rules for HB 1535.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Scrimenti
Bastian	Flick	Mann	Semmel
Bebko-Jones	Forcier	Markosek	Shaner
Belardi	Frankel	Marsico	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Benninghoff	Gabig	McGeehan	Solobay
Biancucci	Gannon	McGill	Staback
Birmelin	Geist	McIlhattan	Steil
Bishop	George	McIlhinney	Stern
Blaum	Gergely	McNaughton	Stetler
Boyd	Gillespie	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Miller, R.	Sturla
Butkovitz	Goodman	Miller, S.	Surra
Buxton	Grucela	Mundy	Tangretti
Caltagirone	Gruitza	Mustio	Taylor, E. Z.
Cappelli	Habay	Myers	Taylor, J.
Casorio	Haluska	Nailor	Thomas
Causer	Hanna	Nickol	Tigue

Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harper	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Killion	Reichley	Wojnaroski
Dally	Kirkland	Rieger	Wright
DeLuca	Kotik	Roberts	Yewcic
Denlinger	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Yudichak
DeWeese	Leach	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—1

Gingrich

EXCUSED—8

Bard	James	Metcalf	Stairs
Egolf	Kenney	Phillips	Weber

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1535, PN 3089**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for administrative personnel for the collection of taxes, for earned income taxes and for collection of taxes by suit; and providing for costs of collection of delinquent per capita, occupation, occupational privilege and earned income taxes.

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

Mr. LEWIS offered the following amendment No. **A4767**:

Amend Sec. 2 (Sec. 13), page 3, line 26, by inserting after "receipt,"

counsel for

Amend Sec. 2 (Sec. 13), page 4, line 2, by inserting after "demand,"

counsel for

Amend Sec. 2 (Sec. 13), page 4, line 2, by striking out "br" where it appears the first time and inserting a comma

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Lewis.

Mr. LEWIS. Thank you, Mr. Speaker.

This is a technical amendment, A4767, taking into consideration some concerns by the Pennsylvania Bar Association.

Thank you.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman indicates he will.

Mr. VITALI. I just want a little more specificity as to what the amendment does.

Mr. LEWIS. Mr. Speaker, the amendment inserts the language "counsel for" in two spots in the legislation.

Mr. VITALI. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-194

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Barrar	Fleagle	Major	Schroder
Bastian	Flick	Manderino	Scrimenti
Bebko-Jones	Forcier	Mann	Semmel
Belardi	Frankel	Markosek	Shaner
Belfanti	Freeman	Marsico	Smith, B.
Benninghoff	Gabig	McCall	Smith, S. H.
Biancucci	Gannon	McGeehan	Solobay
Birmelin	Geist	McGill	Staback
Bishop	George	McIlhattan	Steil
Blaum	Gergely	McIlhinney	Stern
Boyd	Gillespie	McNaughton	Stetler
Browne	Gingrich	Melio	Stevenson, R.
Bunt	Godshall	Micozzie	Stevenson, T.
Butkovitz	Good	Miller, R.	Sturla
Buxton	Goodman	Miller, S.	Surra
Caltagirone	Grucela	Mundy	Tangretti
Cappelli	Gruitza	Mustio	Taylor, E. Z.
Casorio	Habay	Myers	Taylor, J.
Causar	Haluska	Nailor	Thomas
Cawley	Hanna	Nickol	Tigue
Civera	Harhai	O'Brien	Travaglio
Clymer	Harhart	Oliver	True
Cohen	Harper	O'Neill	Turzai
Coleman	Harris	Pallone	Vance
Cornell	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Vitali
Costa	Herman	Petri	Walko
Coy	Hershey	Petrone	Wansacz
Crahalla	Hess	Pickett	Washington
Creighton	Hickernell	Pistella	Waters
Cruz	Horsey	Preston	Watson
Curry	Hutchinson	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic

Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Bard	James	Metcalfe	Stairs
Egolf	Kenney	Phillips	Weber

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Barrar	Fleagle	Major	Schroder
Bastian	Flick	Manderino	Scrimenti
Bebko-Jones	Forcier	Mann	Semmel
Belardi	Frankel	Markosek	Shaner
Belfanti	Freeman	Marsico	Smith, B.
Benninghoff	Gabig	McCall	Smith, S. H.
Biancucci	Gannon	McGeehan	Solobay
Birmelin	Geist	McGill	Staback
Bishop	George	McIlhattan	Steil
Blaum	Gergely	McIlhinney	Stern
Boyd	Gillespie	McNaughton	Stetler
Browne	Gingrich	Melio	Stevenson, R.
Bunt	Godshall	Micozzie	Stevenson, T.
Butkovitz	Good	Miller, R.	Sturla
Buxton	Goodman	Miller, S.	Surra
Caltagirone	Grucela	Mundy	Tangretti
Cappelli	Gruitza	Mustio	Taylor, E. Z.
Casorio	Habay	Myers	Taylor, J.
Causar	Haluska	Nailor	Thomas
Cawley	Hanna	Nickol	Tigue
Civera	Harhai	O'Brien	Travaglio
Clymer	Harhart	Oliver	True
Cohen	Harper	O'Neill	Turzai
Coleman	Harris	Pallone	Vance
Cornell	Hasay	Payne	Veon
Corrigan	Hennessey	Petrarca	Vitali
Costa	Herman	Petri	Walko
Coy	Hershey	Petrone	Wansacz

Crahalla	Hess	Pickett	Washington
Creighton	Hickernell	Pistella	Waters
Cruz	Horsey	Preston	Watson
Curry	Hutchinson	Raymond	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	Perzel,
Eachus	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Bard	James	Metcalfe	Stairs
Egolf	Kenney	Phillips	Weber

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

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

* * *

The House proceeded to third consideration of **HB 1733, PN 2421**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, recodifying provisions on the Pennsylvania Convention Center Authority; further providing for definitions and for expansion funding; providing for the unified show labor workforce; further providing for bond powers and for jurisdiction of the Pennsylvania Supreme Court; codifying and amending provisions imposing a tax for general public school purposes in school districts of the first class A on salaries, wages, commissions and other compensation earned by residents thereof, and on the net profits earned from businesses, professions or other activities conducted by residents thereof; providing for its levy and collection; requiring the filing of declarations and returns and the giving of information by employers and by those subject to the tax; imposing on employers the duty of collecting the tax at source; conferring and imposing powers and duties on boards of public education and school treasurers in such districts; providing for the administration and enforcement; imposing penalties; and making repeals.

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

Mr. **TAYLOR** offered the following amendment No. **A4561**:

Amend Title, page 1, lines 1 through 20, by striking out all of said lines and inserting
Amending Titles 53 (Municipalities Generally) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, recodifying provisions on the Pennsylvania Convention Center Authority; further providing for definitions, for expansion funding, for board appointments and for bond powers; providing for the Pennsylvania Convention

Center Assistance Fund and for convention center performance audits; further providing for the governing board, for moneys of the authority and for awarding of contracts; making conforming amendments; and making related repeals.

Amend Bill, page 1, lines 23 through 26; pages 2 through 82, lines 1 through 30; page 83, lines 1 through 3, by striking out all of said lines on said pages and inserting

Section 1. Chapter 59 of Title 53 of the Pennsylvania Consolidated Statutes is repealed.

Section 2. Title 64 is amended by adding parts to read:

PART I
PRELIMINARY PROVISIONS

Chapter

1. General Provisions (Reserved)

PART II
PUBLIC AUTHORITIES

Chapter

60. Pennsylvania Convention Center Authority

CHAPTER 60

PENNSYLVANIA CONVENTION
CENTER AUTHORITY

Sec.

- 6001. Scope.
- 6002. Findings and declaration of policy.
- 6003. Definitions.
- 6004. Authority created; existing authority continued.
- 6005. Purposes and powers; general.
- 6006. Capital and operating budgets.
- 6007. Expansion financing.
- 6007.1. Pennsylvania Convention Center Assistance Fund.
- 6008. Purposes and powers; bonds.
- 6009. Provisions of bonds, trusts, indentures and mortgages.
- 6010. Remedies of obligee of authority.
- 6011. Additional remedies conferrable by authority.
- 6012. Governing board.
- 6013. Sovereign immunity.
- 6014. Moneys of authority.
- 6015. Transfer of existing facilities or funds; making of annual grants and lease payments to authority; Commonwealth bonds.
- 6016. Award of contracts.
- 6017. Interests of public officers, public employees and party officers.
- 6018. Acquisition of lands.
- 6019. Use and operation of convention center.
- 6020. Convention center performance audits; annual performance reports.
- 6021. Limitation of powers.
- 6022. Exemption from taxation.
- 6023. Lease by authority.
- 6024. Cooperation.
- 6025. Hotel room rental tax; continuation of existing tax.

§ 6001. Scope of chapter.

This chapter deals with convention center authorities.

§ 6002. Findings and declaration of policy.

It is hereby determined and declared as a matter of legislative finding that:

(1) The health, safety and general welfare of the people of this Commonwealth are directly dependent upon the continual encouragement, development, growth and expansion of business, industry, commerce and tourism within this Commonwealth.

(2) Unemployment, the spread of indigency and the heavy burden of public assistance and unemployment compensation can be avoided by the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in this Commonwealth.

(3) Development and continuation of a major convention center is most appropriate in a city of the first class which, because of size, is capable of attracting major national conventions and the attraction of business to this Commonwealth

as a result of the development and continuation is an important factor in the continual encouragement, promotion, attraction, stimulation, development, growth and expansion of business, industry, commerce and tourism within a city, the surrounding counties and this Commonwealth as a whole.

(4) The purpose of a convention center should be the promotion, attraction, stimulation, development and expansion of business, industry, commerce and tourism in a city, the surrounding counties and this Commonwealth as a whole.

(5) The development and continuation of a convention center will provide benefits to the hotel industry throughout the entire area of the city where the convention center is developed.

(6) The development and continuation of a convention center will also provide benefits to the restaurant and entertainment industries throughout the entire area of the city where the convention center is located, to all other businesses and individuals benefited by the attraction of major conventions and tourists, to other individual businesses whose livelihood is dependent on the attraction of major conventions and tourists and to the general public.

(7) The need for and promotion of the type of facility which provides and will continue to provide significant benefits to the general public will require the expenditure of public money and it is appropriate to authorize a city to impose and collect a tax or continue to impose and collect a tax, applicable within the entire territorial limits of the city, to facilitate the development or continuation of a convention center and the promotion of tourism within the city.

(8) To promote the development and continuation of a convention center within this Commonwealth, it is necessary to provide additional and flexible means of developing, constructing, designing, managing, financing and operating such a convention center.

(9) An important aspect of the development and continuation of a convention center should be the removal of blighted areas and the redevelopment of blighted areas.

(10) The policy of this Commonwealth is to promote the health, safety, employment, business opportunities and general welfare of the people of this Commonwealth by providing for the creation and continuation of a convention center authority, which shall exist and operate as a public instrumentality of this Commonwealth for the public purpose of promoting, attracting, stimulating, developing and expanding business, industry, commerce and tourism in this Commonwealth. This purpose is declared to be a public purpose supporting the enactment of all provisions of this chapter and for which public money may be spent, taxes may be imposed and continued and private property may be acquired by the exercise of the power of eminent domain.

§ 6003. Definitions.

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

“Authority” or “Pennsylvania Convention Center Authority.” An agency and public instrumentality of the Commonwealth and a body politic and corporate created pursuant to this chapter or created under the former provisions of section 4 of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to Pennsylvania Convention Center Authority).

“Board.” The governing body of an authority.

“Bonds.” Notes, bonds, refunding notes and bonds, interim certificates, debentures and other evidence of indebtedness or obligations which the authority is authorized to issue pursuant to this chapter or was authorized pursuant to the former provisions of sections 7 and 8 of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to Pennsylvania Convention Center Authority).

“City.” Any city or county of the first class.

“Construction.” The acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part of a convention center, and activities substantially related to such acquisition, design, erection, extension, renovation, rehabilitation, conversion, furnishing, fixturing, equipping, enlargement or substantial repair of a convention center, or part of a convention center.

“Convention center.” Any land, improvement, structure, building or part of a building, or a property interest in any land, improvement, structure, building or part of a building, whether owned by or leased by or to or otherwise acquired by the authority, and appropriate for large public assemblies; the holding of conventions; conferences; trade exhibitions; and other business, social, cultural, scientific and public interest events. The term includes the main convention area and other buildings, structures or facilities for use in conjunction with the main convention area, including provision for off-street parking, retail areas and other improvements related to the convention center owned by or leased by or to the authority for the purpose of producing revenue to assist in defraying any costs or expenses of the convention center.

“Cost of a project.” All or any part of the cost of construction, acquisition, alteration, enlargement, furnishing, fixturing and equipping, reconstruction and rehabilitation of a convention center project. The term includes all of the following:

(1) Cost of all lands, structures, real or personal property, rights, rights-of-way, roads, franchises, easements and interests acquired or used for or in connection with a project.

(2) Cost of demolishing or removing any buildings or structures on acquired land, including the cost of acquiring lands to which buildings or structures may be moved or located.

(3) Cost of all utility lines, structures or equipment.

(4) Charges, interest prior to, during and for a period of six months after completion of construction and acquisition.

(5) Provisions for reserves for principal and interest and for extensions, enlargements, additions and improvements.

(6) Cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenue.

(7) Expenses necessary or incident to determining the feasibility or practicability of constructing the project.

(8) Other capital cost or expense as necessary or incident to the construction, development and acquisition of the project, to the financing of the construction, development and acquisition and to the placing of the project in operation. This paragraph includes a proper allowance for contingencies and the provisions of reasonable initial working capital for operating the project.

“Expansion or substantial renovation.” Any construction with an estimated total cost of more than \$300,000,000 initiated after substantial completion.

“Federal agency” or “Federal Government.” The United States of America, the President of the United States of America and any department or corporation, agency or instrumentality designated or established by the United States of America.

“Main convention area.” All facilities, furniture, fixtures and equipment necessary or incident to the purposes of a convention center. The term includes:

(1) meeting rooms, dining rooms, kitchens, ballrooms, reception areas, registration and prefunction areas, truck loading areas and access to truck loading areas, accessways, common areas, lobbies and offices; and

(2) areas appurtenant to any of the areas listed in paragraph (1).

“Obligee of the authority” or “obligee.” Any bondholder, trustee or trustees for any bondholders when a party to any contract with the authority.

“Philadelphia Metropolitan Statistical Area.” The Philadelphia, Pennsylvania Metropolitan Division of the Philadelphia-Camden-Wilmington, Pennsylvania-New Jersey Delaware-Maryland Metropolitan Statistical Area as announced on June 6, 2003, by the United States Office of Management and Budget pursuant to Standards for Defining Metropolitan and Micropolitan Statistical Areas by the Office of Management and Budget as published in the Federal Register, Vol. 65, No. 249, on December 27, 2000, to the 2000 Decennial Census of the United States Census Bureau, comprising the Pennsylvania counties of Philadelphia, Delaware, Bucks, Montgomery and Chester.

“Project.” Any site, building, structure, equipment, furnishing and other facilities or undertaking in respect of a convention center which the authority is authorized to acquire, construct, improve, install, maintain or operate under the provisions of this chapter.

“State public body.” The Commonwealth and its executive, administrative and independent agencies, its departments, its officers, its boards, its authorities, its commissions and its instrumentalities.

“Substantial completion.” Construction that is sufficiently completed in accordance with contract documents and certified by the convention center authority’s architect or engineer, as modified by change orders which are subject to review and approval by the Secretary of the Budget and the chief financial officer of the city, so that the main convention area can be used, occupied or operated for its intended use. In no event shall a project be certified as substantially complete until at least 90% of the work on the main convention area is completed.

§ 6004. Authority created; existing authority continued.

(a) Creation.—A body corporate and politic, named the Pennsylvania Convention Center Authority, is created and continued as a public authority and government instrumentality to have continuing succession until its existence shall be terminated by law. The exercise by the authority of the powers conferred by this chapter or under the former provisions of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to the Pennsylvania Convention Center Authority), is declared to be and shall for all purposes be deemed and held to be the performance of an essential public function.

(b) Transition provisions.—

(1) The authority established under the former provisions of section 4 of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. § 5904 (relating to authority created), shall be deemed for all purposes to be the authority created under this chapter and shall exercise those powers, functions and duties and be governed by those provisions applicable to the authority created under this chapter. Nothing in this chapter shall be construed to alter or modify in any respect any contract, bond or other obligation of the authority entered into prior to the effective date of this chapter.

(2) The authority created or existing under this chapter, including the authority established under the former provisions of section 4 of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. § 5904, shall, without the necessity of action or assignment by it or any other person:

(i) continue in the rights and responsibilities of the authority existing under the former provisions of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59, for all purposes, including, but not limited to, receipt of all grants, gifts, appropriations, subsidies or other payments;

(ii) continue to be the owner, lessor or lessee of any real or personal property and enjoy and be subject to any and all rights and responsibilities appurtenant thereto of the authority existing under the former provisions of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59, including, but not limited to, all assets, property, real and personal, tangible and intangible, all leases, easements and all evidences of

ownership or other interest, in part or in whole, and all records and other evidences pertaining thereto; and

(iii) continue to be obligated with respect to all debt, labor agreements and all other contractual obligations of the authority existing under the former provisions of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59, which debt, labor agreements and other contractual obligations are hereby ratified and shall be valid, binding and enforceable under this chapter.

(3) It is hereby declared to be the intent of the General Assembly that the authority created or continuing under this chapter, including the authority established under the former provisions of section 4 of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59, and the members, officers, officials and employees of any of them, shall continue to enjoy sovereign and official immunity as provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and shall remain immune from suit except as provided by and subject to the provision of 42 Pa.C.S. Ch. 85 (relating to matters affecting government units).

§ 6005. Purposes and powers; general.

(a) General powers.—Every authority created or continued by this chapter shall be a public body, corporate and politic, exercising public powers of the Commonwealth as an agency and instrumentality thereof and shall be for the purpose, without limitation, by itself or by agreement in cooperation with others, of acquiring, holding, developing, designing, constructing, improving, maintaining, managing, operating, financing, furnishing, fixturing, equipping, repairing, leasing or subleasing, either in the capacity of lessor or lessee or sublessor or sublessee, and owning a convention center or parts of a convention center.

(b) Specific powers.—The authority is granted all powers necessary or convenient for the carrying out of the purposes in subsection (a), including the following rights and powers:

(1) To have continuing succession.

(2) To be a party in all courts.

(3) To adopt, use and alter at will a corporate seal.

(4) To acquire by gift or otherwise, purchase, hold, receive, lease, sublease and use any license, franchise or property, real, personal or mixed, tangible or intangible, or any interest in a license, franchise or property, including a convention center or parts of a convention center.

(5) To sell, transfer or dispose of any property or interest in property with adequate and fair consideration.

(6) To acquire, hold, develop, design, construct, improve, maintain, manage, operate, furnish, fixture, equip, repair, own, lease or sublease a convention center or parts of a convention center and to make, enter into and award contracts with any person, association, partnership or corporation for the development, design, financing, construction, improvement, maintenance, operation, management, furnishing, fixturing, equipping and repair of a convention center or parts of a convention center.

(7) To make bylaws for the management and regulation of its affairs and issue rules, regulations and policies in connection with the performance of its functions and duties.

(8) To appoint officers, agents, employees and servants, to prescribe their duties, to fix their compensation and to establish work rules, work assignments and conditions of employment for any officer, agent, employee or servant of the authority.

(9) To fix, alter, charge and collect rentals, admissions, license fees and other charges.

(10) To borrow money for the purpose of paying the costs of any project and to evidence the debt; make and issue negotiable bonds of the authority; secure the payment of the bonds, or any part of the bonds, by pledge or deed of trust of its

revenue, rentals, receipts and contract rights; make contracts with the purchasers or holders of bonds or with other obligees of the authority in connection with any bonds, whether issued or to be issued, as the authority deems advisable; obtain credit enhancement or liquidity facilities in connection with any bonds as the authority determines to be advantageous; and, in general, provide for the security for bonds and the rights of the holders of bonds.

(11) To make, enter into and award contracts to execute all instruments necessary or convenient for the carrying out of its business.

(12) To borrow money and accept grants and to enter into contracts, leases, subleases, licenses or other transactions with any Federal agency, State public body, political subdivision, person, association, partnership or corporation.

(13) To have the power of eminent domain within a city of the first class. Any condemnation by the authority shall be in the manner provided by the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code.

(14) To pledge, hypothecate or otherwise encumber any of its property, real, personal or mixed, tangible or intangible, and its revenue or receipts, including, but not limited to, any interest the authority may have in any lease or sublease of a convention center or parts of a convention center.

(15) To procure insurance containing coverages, including, without limitation, insurance covering the timely payment in full of principal of and interest on bonds of the authority, in amounts and from insurers as the authority may determine to be necessary or desirable for its purposes.

(16) To invest its money.

(17) To cooperate with any Federal agency, State public body or political subdivision.

(18) To invest any funds held in reserve or sinking funds or any funds not required for immediate disbursements, as authorized by section 6014(d)(relating to moneys of authority).

(19) To appoint all officers, agents and employees required for the performance of its duties and fix and determine their qualifications, duties and compensation and retain or employ other agents or consultants, including, but not limited to, architects, auditors, engineers, private counsel and private consultants on a contract basis or otherwise for rendering professional or technical services and advice.

(20) To enroll or to continue to enroll its employees in an existing retirement system of the State, city or other governmental entity.

(21) To appoint and fix the compensation of chief counsel and assistant counsel to provide it with legal assistance, for which purpose the authority shall not be considered either an executive agency or an independent agency for the purpose of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, but shall possess the same status for such purpose as the Auditor General, State Treasurer and the Pennsylvania Public Utility Commission, except that the provisions of section 204(b) and (f) of the Commonwealth Attorneys Act shall not apply to the authority, and, notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority through its counsel shall defend actions brought against the authority and its officers and employees when acting within the scope of their official duties.

(22) To maintain an office in the city.

(23) To appoint an executive director who shall:

(i) be the chief executive officer of the authority;

(ii) devote full time during business hours to the duties of office; and

(iii) receive compensation as the board determines.

(24) To contract with an association with experience in managing convention centers for the management of the convention center.

(25) To do all acts and things necessary or convenient for the promotion of its purposes and the general welfare of the authority and to carry out the powers granted to it by this chapter or any other acts.

(c) Limitation.—The authority shall have no power to pledge the credit or taxing powers of any State public body, any political subdivision or the city, nor shall any of its obligations be deemed obligations of any State public body, any political subdivision or the city, nor shall any State public body, any political subdivision or the city be liable for the payment of principal or interest on the obligations.

(d) Affirmative action.—The authority shall develop and implement an affirmative action plan to assure that all persons are accorded equality of opportunity in employment and contracting by the authority, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers.

§ 6006. Capital and operating budgets.

(a) Capital budget.—At least 90 days before the commencing of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended capital budget. The capital budget shall show in detail the capital expenditures to be made or incurred in the next fiscal year which are to be financed from funds subject to control or appropriation by the board. The capital budget shall be prepared with the aid of the Secretary of the Budget and the chief financial officer of the city and shall be in a form and detail satisfactory to them. In the event that the capital budget is not in a form and detail satisfactory to either the Secretary of the Budget or the chief financial officer of the city, either official may require that the capital budget be redrafted and resubmitted. The official shall not be considered in receipt of the capital budget or any amendments to it unless the form and detail of the capital budget is satisfactory. For each separate purpose, project, facility or other property, the amount and the source of the money that has been spent, encumbered or is intended to be spent or encumbered during the fiscal year shall be shown. No later than the date of the adoption of the annual operating budget, the board shall adopt a capital budget by a majority vote of its members.

(b) Operating budget.—At least 90 days before the commencing of the ensuing fiscal year of the authority, the board shall cause to be prepared and submitted to it a recommended operating budget. The operating budget shall be prepared with the aid of the chief financial officer of the city and shall be in form and detail satisfactory to him. In the event that the operating budget is not in a form and detail satisfactory to the chief financial officer of the city, the officer may require that the operating budget be redrafted and resubmitted. The chief financial officer shall not be considered to be in receipt of the operating budget or any amendments to the operating budget unless the form and detail is to the officer's satisfaction. The operating budget should set forth the estimated receipts and revenue of the authority during the next fiscal year. The board shall, at least 30 days before the end of the fiscal year, adopt, by a majority vote of its members, an operating budget for the next fiscal year.

(c) Additional approvals or disapprovals.—If the Secretary of the Budget or the chief financial officer of the city in which the convention center is located are among the members appointed to the board of the authority or if they sit as ex officio members of the board, each shall have the right to approve or disapprove each line item of the capital budget of the authority and any amendments to it as well as all change orders. In addition, the chief financial officer of the city shall have the right to approve or disapprove the total amount of the operating budget of the authority and any amendments increasing the aggregate amount. In the case of both the capital and operating budgets and change orders of the authority, approval shall be presumed unless the chief financial officer of the city has disapproved the entire operating budget or relevant amendments to it or either the chief financial officer of the city or the Secretary of the Budget has disapproved all or part of the capital budget of the authority or amendments to it or change orders within

30 days of the receipt of the respective budgets, amendments to the respective budgets or change orders. The Secretary of the Budget or the chief financial officer of the city may establish a threshold level below which the officers will not exercise their right to disapprove change orders and may identify categories or types of change orders for which they will not exercise that right.

(d) Project design.—Notwithstanding any other provisions of this chapter to the contrary, the design for any capital project undertaken by the authority shall be submitted to the Secretary of the Budget and the chief financial officer of the city for approval. No such capital project under this subsection may be undertaken by the authority unless the schematic design and the preliminary design development documents have been approved by the Secretary of the Budget and the chief financial officer of the city. The design and construction of any capital project for the convention center may be divided into stages or phases for which schematic design and preliminary design development documents may be approved separately by the Secretary of the Budget and the chief financial officer of the city and which may be undertaken by the authority as if each stage or phase was a separate capital project. In the case of the schematic design and preliminary design development documents for any capital project or any stage or phase of a capital project, approval shall be presumed unless the Secretary of the Budget or the chief financial officer of the city has disapproved the design and expressly set forth his objections to the documents within 45 days of the receipt of the documents. Further design approval shall not be required provided the construction documents are consistent with the design set forth in the schematic and preliminary design development documents.

(e) Onsite inspectors.—The Secretary of the Budget may appoint and designate an inspector or inspectors who shall have complete authority to inspect any and all aspects of the construction of any capital project undertaken by the authority. Any inspection shall be made during normal business hours and shall be conducted in such a manner as to not disrupt the work of constructing the convention center and shall be made solely for the purpose of observing the construction of the project. The inspectors shall report to the Secretary of the Budget for the purpose of assisting the secretary in carrying out his duties and responsibilities as provided by this section.

§ 6007. Expansion financing.

(a) Commonwealth funds.—Any grants of Commonwealth funds to the authority or for use by the authority to finance any expansion or substantial renovation of the convention center shall be subject to the requirements of this section.

(b) Managerial audit.—

(1) If the board has not initiated or completed a managerial audit within 12 months prior to the effective date of this section, the board shall initiate a managerial audit of the convention center to be performed by an independent auditor. The audit shall examine all of the following:

- (i) payroll and personnel practices;
- (ii) equipment controls and security;
- (iii) management activities;
- (iv) management control systems;
- (v) cost overruns for conventions held at the convention center;
- (vi) labor productivity;
- (vii) comparison of costs with convention centers in other states;
- (viii) work rules;
- (ix) appropriate benchmarks for evaluation of convention center performance;
- (x) rebooking rates; and
- (xi) any other items proposed by the board.

(2) The board shall order subsequent independent managerial audits to evaluate compliance with audit recommendations.

(c) Code of conduct.—The board shall establish a code of conduct and a system to enforce the code of conduct.

(d) Customer service.—The board shall do all of the following:

(1) Establish dispute resolution mechanisms for the use of customers of the convention center.

(2) Adopt a plan for documenting, investigating and resolving customer complaints.

(3) Implement the systematic collection of customer feedback and monitor customer satisfaction.

(4) Adopt a system of program measures and benchmarks to evaluate changes in customer satisfaction over time. The program measures shall include, but are not limited to, customer perspectives on labor jurisdiction disputes, overall labor environment and labor efficiency.

(e) Release.—Prior to the release of any Commonwealth funds to finance any expansion or substantial renovation, the Secretary of the Budget in his sole discretion shall certify to the President pro tempore of the Senate and the Speaker of the House of Representatives that the board has complied with subsections (b), (c) and (d).

(f) Financial plan.—The authority shall submit a proposed financial plan for an expansion or substantial renovation of the convention center to the Governor, the President pro tempore of the Senate, the Speaker of the House of Representatives and the Pennsylvania Intergovernmental Cooperation Authority. The financial plan shall be considered a public record. The Pennsylvania Intergovernmental Cooperation Authority shall provide a detailed analysis on the fiscal impact and financial risks for the expansion or substantial renovation to the Governor, the President pro tempore of the Senate and the Speaker of the House of Representatives. The analysis shall be considered a public record.

§ 6007.1. Pennsylvania Convention Center Assistance Fund.

(a) Establishment.—There is established a special fund to be known as the Pennsylvania Convention Center Assistance Fund.

(b) Operation.—The State Treasurer shall be custodian of the Pennsylvania Convention Center Assistance Fund, which shall be subject to the provisions of law applicable to funds listed in section 302 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code. Taxes imposed and dedicated to, any special revenues dedicated to, and with any other moneys made available to, the Pennsylvania Convention Center Assistance Fund shall be received by the collector of those taxes or revenues and be paid to the State Treasurer and, along with interest and penalties, less any collection costs allowed by applicable law and any refunds and credits paid, shall be credited to the Pennsylvania Convention Center Assistance Fund not less frequently than every two weeks. During any period prior to the credit of moneys to the Pennsylvania Convention Center Assistance Fund, interest earned on moneys received by the Department of Revenue and paid to the State Treasurer on account of the Pennsylvania Convention Center Assistance Fund shall be deposited into the Pennsylvania Convention Center Assistance Fund. All moneys in the Pennsylvania Convention Center Assistance Fund, including, but not limited to, moneys credited to the fund pursuant to any law that dedicates revenues to the Pennsylvania Convention Center Assistance Fund, prior year encumbrances and the interest earned thereon, shall not lapse or be transferred to any other fund, but shall remain in the Pennsylvania Convention Center Assistance Fund and must be used exclusively for the purposes delineated in subsection (c). Pending disbursement, moneys received on behalf of or deposited into the Pennsylvania Convention Center Assistance Fund shall be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of moneys shall be credited to the Pennsylvania Convention Center Assistance Fund. All moneys and investments on deposit in or credited to the Pennsylvania Convention Center Assistance Fund shall be at all times property of the authority.

(c) Distribution of funding.—At least weekly, the State Treasurer shall disburse the total amount of moneys which are, as of the close of business of the previous week, contained in the Pennsylvania Convention Center Assistance Fund as follows:

(1) if the taxes or other moneys in or to be received by the Pennsylvania Convention Center Assistance Fund have been pledged by the authority to secure payment of bonds, payment shall be made directly to the bond payment account, any debt service reserve fund or as otherwise provided in any agreement with an obligee of the authority; or

(2) if moneys have not been pledged or if additional moneys remain in the Pennsylvania Convention Center Assistance Fund after payment of any amounts pledged by the authority as provided in paragraph (1), then payment shall be made to or upon the order of the authority for its sole and unrestricted use in accordance with the provisions of this chapter. The State Treasurer shall make the initial disbursement pursuant to this subsection at the end of the third week of the month immediately following the first receipt of funds in the Pennsylvania Convention Center Assistance Fund.

§ 6008. Purposes and powers; bonds.

(a) Authorization.—

(1) A bond must be authorized by resolution of the board. The resolution may specify all of the following:

- (i) Series.
- (ii) Date of maturity not exceeding 40 years from date of issue.
- (iii) Interest.
- (iv) Denomination.
- (v) Form, either coupon or fully registered without coupons.
- (vi) Registration, exchangeability and interchangeability privileges.
- (vii) Medium of payment and place of payment.
- (viii) Terms of redemption.
- (ix) Priorities in the revenue or receipts of the authority.

(2) A bond must be signed by or must bear the facsimile signature of such officers as the authority determines. Coupon bonds must have attached interest coupons bearing the facsimile signature of the treasurer of the authority as prescribed in the authorizing resolution. A bond may be issued and delivered notwithstanding that one or more of the signing officers or the treasurer has ceased to be an officer when the bond is actually delivered. A bond must be authenticated by an authenticating agent, a fiscal agent or a trustee, if required by the authorizing resolution.

(3) A bond may be sold at public or private sale for a price determined by the authority. A bond may be sold at private sale only if:

- (i) the authority makes a written public explanation of the circumstances and justification for the private sale; and
- (ii) the board approves the private sale by a vote of at least eight members or a majority, whichever is larger.

(4) Pending the preparation of a definitive bond, interim receipts may be issued to the purchaser and may contain terms and conditions as the authority determines.

(b) Negotiability.—A bond shall have all the qualities of negotiable instruments under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

(c) Use of net proceeds.—The net proceeds of the issue of bonds or notes may be used to pay the costs of the project or to reimburse any costs initially paid by any State public body, the city, other political subdivision, agency, organization or person.

(d) Refunding authorized.—

(1) Subject to the provisions of the outstanding bonds, notes or other obligations issued under the former provisions of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to Pennsylvania

Convention Center Authority), and, if not otherwise inconsistent, subject to the provisions of this chapter, the authority shall have the right and power to refund any outstanding debt, in whole or in part, at any time and shall have the right and power to refund any outstanding notes with bonds or bonds with notes.

(2) As used in this subsection, the term “refund” shall mean the issuance and sale of obligations the proceeds of which are used or are to be used for the payment or redemption of outstanding obligations upon or prior to maturity.

§ 6009. Provisions of bonds, trusts, indentures and mortgages.

In connection with the issuance of bonds or the incurring of obligations under leases and in order to secure the payment of such bonds and obligations, the authority, in addition to its other powers, shall have the power to:

(1) Pledge all or any part of its gross or net revenue to which its right then exists or may thereafter come into existence.

(2) Mortgage all or any part of its real or personal property then owned or thereafter acquired.

(3) Covenant against pledging all or any part of its revenue, or against mortgaging all or any part of its real or personal property to which its right or title exists or may come into existence, or against permitting or suffering a lien on the revenue or property; to covenant with respect to limitations on its right to sell, lease or otherwise dispose of any of its real property; and to covenant as to what other or additional debts or obligations may be incurred by it.

(4) Covenant as to the bonds to be issued and as to the issuance of the bonds, in escrow or otherwise, and as to the use and disposition of the proceeds of the bonds; to provide for the replacement of lost, destroyed or mutilated bonds; to covenant against extending the time for the payment of its bonds or interest on the bonds; to redeem the bonds and to covenant for their redemption; and to provide the terms and conditions of the bonds.

(5) Covenant as to the amount of revenue to be raised each year or other period of time by the authority as well as to the use and disposition to be made of the revenue, to create or to authorize the creation of special funds for debt service or other purposes and to covenant as to the use and disposition of the money held in the special funds.

(6) Prescribe the amount of bonds.

(7) Prescribe the procedure, if any, by which the terms of a contract with bondholders may be amended or abrogated, the percentage of bonds the consent of the holders of which is required for amendment or abrogation and the manner in which consent of bondholders may be obtained.

(8) Covenant as to the use of any or all of its real or personal property, to warrant its title and to covenant as to the maintenance of its real and personal property, the replacement of the property, the insurance to be carried on the property and the use and disposition of insurance money.

(9) Covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation and covenant and prescribe, in the event of default, as to terms and conditions upon which its bonds or obligations shall become or may be declared due before maturity and as to the terms and conditions upon which declaration and its consequences may be waived.

(10) Vest in a trustee or the holders of bonds, or any proportion of them, the right to enforce the payment of the bonds or any covenants securing or relating to the bonds; to vest in a trustee the right, in the event of a default by the authority, to take possession and use, operate and manage any real property and to collect the rent and revenue arising from the property and to dispose of the rent and revenue in accordance with the agreement of the authority with the trustee; to provide for the powers and duties of a trustee and to limit liabilities of the trustee; and to provide the terms and conditions upon which the trustee or the

holders of bonds, or any proportion of them, may enforce any covenant or rights securing or relating to the bonds.

(11) Obtain letters of credit and bond insurance.

(12) Exercise all or any part or combination of the powers granted under this chapter or under the former provisions of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to the Pennsylvania Convention Center Authority), to make covenants other than and in addition to the covenants expressly authorized in this chapter, to make covenants and to do any and all such acts and things necessary or convenient or desirable to secure its bonds or, in the absolute discretion of the authority, as will tend to accomplish the purposes of this chapter by making the bonds more marketable or by managing the interest cost of the bonds, notwithstanding that the covenants, acts or things may not be specifically enumerated in this chapter.

(13) Negotiate and enter into interest rate exchange agreements, interest rate cap, collar, corridor, ceiling and floor agreements, forward agreements, float agreements and other similar arrangements which, in the judgment of the authority, will assist the authority in managing the interest costs of the authority.

§ 6010. Remedies of obligee of authority.

An obligee of the authority has the right, in addition to all other rights which may be conferred on the obligee, subject only to any contractual restrictions binding upon the obligee:

(1) By mandamus, suit, action or proceeding at law or in equity, to compel the authority and the members, officers, agents or employees thereof to perform each and every term, provision and covenant contained in any bond or contract of the authority with or for the benefit of the obligee and to require the carrying out of any or all covenants and agreements of the authority and the fulfillment of all duties imposed upon the authority by this chapter or under the former provisions of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to Pennsylvania Convention Center Authority).

(2) By proceeding in equity, to obtain an injunction against any acts or things which may be unlawful or the violation of any of the rights of the obligee of the authority.

§ 6011. Additional remedies conferrable by authority.

(a) Additional remedies.—The authority has the power, by its resolution, trust, indenture or mortgage, to confer upon any obligees holding or representing a specified percentage of bonds the right, in addition to all rights that may otherwise be conferred, upon the happening of an event of default as defined in the resolution or instrument, by suit, action or proceeding in any court of competent jurisdiction:

(1) to obtain the appointment of a receiver of real property or a leasehold interest of the authority and of the rents and profits from the property or interest and, if a receiver is appointed, to authorize the receiver to enter and take possession of the real property or leasehold interest, operate it, collect and receive all revenue or other income arising from it and keep the money in a separate account and apply it in accordance with the obligations of the authority as the court directs; or

(2) to require the authority and its board members to account as if it and they were the trustees of an express trust.

(b) Authority of receiver.—Nothing in this section or any other section of this chapter shall authorize any receiver appointed pursuant to this chapter for the purpose of operating and maintaining any facilities of the authority to sell, assign, mortgage or otherwise dispose of any of the assets, of whatever kind or character, belonging to the authority. It is the intention of this chapter to limit the powers of the receiver to the operation and maintenance of the facilities of the authority as the court shall direct, and no holder or holders of bonds of the authority nor any trustee or other obligee shall ever have the right

in any suit, action or proceeding, at law or in equity, to compel a receiver, nor shall any receiver ever be authorized, or any court be empowered to direct the receiver, to sell, assign, mortgage or otherwise dispose of any assets, of whatever kind or character, belonging to the authority.

§ 6012. Governing board.

(a) Appointment.—Except as provided in subsection (j) with respect to the continuation in office of members of the board of the authority established under the former provisions of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to Pennsylvania Convention Center Authority), at any time after the effective date of this chapter, power of the authority shall be exercised by a governing board composed of 15 members.

(1) Each board of county commissioners or county councils within the Philadelphia Metropolitan Statistical Area, excluding counties which are coterminous with cities of the first class, shall appoint a resident of the county by a majority vote of the members of each board of county commissioners or county council from a list of four nominees each prepared by each county's respective visitors bureau, specifically the Valley Forge Convention and Visitors Bureau, the Bucks County Conference and Visitors Bureau, the Chester County Convention and Visitors Bureau and the Brandywine Conference and Visitors Bureau. The term of office of members appointed by each board of county commissioners or county councils shall run concurrently with the term of office of the chief executive officer of the city.

(2) The President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives shall each appoint one member. The term of office of these members shall run concurrently with the term of office of the appointing authority.

(3) The chief executive officer of the city in which a convention center is located shall appoint one member who is a resident of the city in which a convention center is located. The term of office of the member shall run concurrently with the term of office of the appointing authority.

(4) The chief executive officer of the city in which a convention center is located shall appoint one member from a list of four nominees prepared by each of the following organizations: the Philadelphia Convention and Visitors Bureau, the Multicultural Affairs Congress, the Greater Philadelphia Tourism and Marketing Corporation, the Greater Philadelphia Hotel Association and the Independence Visitors Center Corporation. Each of the four nominees for each list must be a resident of the city in which a convention center is located and must have significant experience in the hospitality industry. The term of office of the member shall run concurrently with the term of office of the appointing authority.

(5) The council of the city in which a convention center is located shall appoint two members who are residents of the city as provided for in this paragraph. One member shall be appointed for the council by the president of the council, and one shall be appointed for the council by the minority leader of the council. The terms of office of the members shall run concurrently with the term of office of the appointing authority.

(6) The Governor shall appoint one member who is a resident of the city in which the convention center is located and one member who is a resident of the Philadelphia Metropolitan Statistical Area and both appointments must be made from lists of four nominees prepared by each of the following organizations: the Philadelphia Convention and Visitors Bureau, the Multicultural Affairs Congress, the Greater Philadelphia Tourism and Marketing Corporation, the Greater Philadelphia Hotel Association and the Independence Visitors Center Corporation. Each nominee must be a resident of the

Philadelphia Metropolitan Statistical Area and must have significant experience in the hospitality industry, and no fewer than two nominees on each list must be residents of the city in which the convention center is located. The term of office of the members shall run concurrently with the term of office of the appointing authority.

(7) The board members shall, by a vote of at least eight members or a majority, whichever is larger, appoint an additional member who shall serve as a chairman of the board. The chairman shall serve for a term coincident with the term of the member appointed pursuant to paragraph (3). In the event the members of the board cannot agree on a chairman within 60 days of the office of chairman becoming vacant, the Governor shall appoint a member to serve as chairman subject to the advice and consent of 26 members of the Senate. The member appointed by either the members or the Governor shall serve as chairman of the board of the authority until his successor is duly appointed. The chairman may be removed and a new chairman selected by a vote of eight members of the board or a majority, whichever is larger.

(8) The Secretary of the Budget shall serve as a nonvoting ex officio member of the board. If the chief financial officer of the city in which the convention center is located is not an appointed member of the board, he shall serve as a nonvoting ex officio member of the board.

(b) Certification and oath of office.—The appointing powers shall certify their respective appointments to the Secretary of the Commonwealth. Within 30 days after certification of his appointment and before entering upon the duties of his office, each member of the board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of the Commonwealth.

(c) Terms and vacancies.—Except as otherwise provided, members shall serve a term from the date of their appointment and until their successors have been appointed and qualified. If a vacancy shall occur by means of the death, disqualification, abandonment, resignation or removal of a member or the chairman, subject to the provisions of subsection (a), the appointing authority shall appoint a successor to fill his unexpired term.

(d) Compensation.—Subject to an aggregate per annum limitation and any other rules and regulations as the board shall determine, a member shall receive \$125 per diem when engaged in the exercise of duties for the authority and shall also be entitled to necessary expenses, including travel expenses, incurred in the discharge of duties. In addition to any other compensation provided under this subsection, the chairman of the board of the authority shall be entitled to receive such additional compensation as the board shall determine. No other member of the board shall be entitled to any additional compensation for extra service provided to the authority. The per diem amount may be increased by a vote of eight members of the board or a majority, whichever is larger, but any increase shall not apply during the term of office of board members voting or eligible to vote on the per diem increase.

(e) Organization.—The members of the board shall select a vice chairman and other officers as the board may determine from the members of the board. Except as otherwise provided in this chapter, all actions of the board shall be taken by a vote of eight members of the board or a majority, whichever is larger. The board shall have full authority to manage the properties and business of the authority and to prescribe, amend and repeal bylaws, rules and regulations governing the manner in which the business of the authority may be conducted and the powers granted to it may be exercised and embodied. Notwithstanding any other law, court decision, precedent or practice to the contrary, no actions by or on behalf of the board shall be taken by any officer of the board except upon the approval of a majority of the board. The chairman, vice chairman or any other officer, committee or employee of the board may take actions by or on behalf of the board as authorized on at least an annual basis by a vote of eight members of the

board or a majority, whichever is larger, and subject to the supervision and control of the board.

(f) Nonliability of members.—Members of the board shall not be liable personally on the bonds or other obligations of the authority. The rights of creditors shall be solely against the authority. The authority, itself or by contract, shall defend board members and shall indemnify and hold harmless board members, whether currently employed by the authority or not, against and from any and all personal liabilities, actions, causes of action and any and all claims made against them for whatever actions they perform within the scope of their duties as board members.

(g) Meetings.—Regular meetings of the board shall be held at least once in each calendar month except July or August, the time and place of the meetings to be fixed by the board. A majority of the board shall constitute a quorum for the transaction of business. All action of the board shall be by resolution, and the affirmative vote of a majority of all the members shall be necessary for the adoption of any resolution.

(h) Abandonment.—A member of the board shall be deemed to have abandoned his office upon failure to attend any regular or special meeting of the board without excuse approved by resolution of the board for a period of four months or upon removal of his residence from the metropolitan area.

(i) Definition.—As used in this section, the term “actions by or on behalf of the board” means any action whatsoever of the board, including the hiring, appointment, removal, transfer, promotion or demotion of any officers and employees, the retention, use or remuneration of any advisors, counsel, auditors, architects, engineers or consultants, the initiation of any legal action, the making of any contracts, leases, agreements, bonds, notes or covenants, the approval of requisitions, purchase orders, investments and reinvestments and the adoption, amendment, revision or rescission of any rules and regulations, orders or other directives.

(j) Transition provisions.—

(1) All members of the board appointed under the former provisions of section 11 of the Pennsylvania Convention Center Authority Act who have not resigned as of the effective date of this act shall continue to serve as members of the board of the authority created and continued pursuant to this chapter until their respective terms of office would have expired as provided under the former provisions of the Pennsylvania Convention Center Authority Act and shall exercise the powers, functions and duties of the board of the authority created under this chapter. The term of office of a member of the board who was appointed pursuant to the former provisions of section 11(a)(2) of the Pennsylvania Convention Center Authority Act and who did not resign from the board of the authority following enactment of the former provisions of 53 Pa.C.S. Ch. 59 shall run concurrently with the term of office of the appointing authority described in subsection (a)(4).

(2) The appointment of all members of the board appointed pursuant to the former provisions of 53 Pa.C.S. Ch. 59 who have not resigned as of the effective date of this section are hereby ratified and confirmed. Those board members shall be considered to have been appointed under this act, they shall serve the terms of office prescribed by the former provisions of 53 Pa.C.S. Ch. 59 and their appointments shall be considered valid for all purposes.

(3) To the extent that a member of the board continues to serve pursuant to paragraph (2), the appointing authority who originally made the appointment pursuant to the former provisions of 53 Pa.C.S. Ch. 59 shall not have the power to appoint any member to the board pursuant to subsection (a) until the continuing board member completes his term of office.

§ 6013. Sovereign immunity.

It is declared to be the intent of the General Assembly that the authority created pursuant to this chapter and its members, officers, officials and employees shall enjoy sovereign and official immunity as

provided in 1 Pa.C.S. § 2310 (relating to sovereign immunity reaffirmed; specific waiver) and shall remain immune from suit except as provided by and subject to the provisions of 42 Pa.C.S. §§ 8501 (relating to definitions) through 8528 (relating to limitations on damages). Notwithstanding the provisions of 42 Pa.C.S. § 8525 (relating to legal assistance), the authority through its counsel shall defend actions brought against the authority and its officers and employees when acting within the scope of their official duties.

§ 6014. Moneys of authority.

(a) Paid to treasurer.—Unless otherwise provided by law, all money of the authority, from whatever source derived, shall be paid to the treasurer of the authority.

(b) Funds to be invested.—The board shall invest authority funds consistent with sound business practice.

(c) Investment program.—The board shall provide for an investment program subject to restrictions contained in this chapter and in any other applicable statute and any rules and regulations adopted by the board.

(d) Authorized types of investments.—Authorized types of investments for authority funds shall be:

(1) Direct obligations of or obligations guaranteed by the United States of America.

(2) Any bond, debenture, note, participation certificate or other similar obligation issued by any one or combination of the following agencies:

(i) Government National Mortgage Corporation.

(ii) Federal Land Banks.

(iii) Federal Home Loan Banks.

(iv) Federal Intermediate Credit Banks.

(v) Banks for Cooperatives.

(vi) The Tennessee Valley Authority.

(vii) The United States Postal Service.

(viii) The Farmers Home Administration.

(ix) The Student Loan Marketing Association.

(x) The Export-Import Bank of the

United States.

(3) Any bond, debenture, note, participation certificate or other similar obligation issued by the Federal National Mortgage Corporation to the extent the obligations are guaranteed by the Government National Mortgage Corporation or issued by any other Federal agency and backed by the full faith and credit of the United States of America.

(4) Deposits in interest-bearing time or demand deposits, or certificates of deposit, fully insured by the Federal Deposit Insurance Corporation or its successor or the Federal Savings and Loan Insurance Corporation or its successor or fully secured by any of the obligations described above to the extent not so insured.

(5) Repurchase agreements relating to or investment agreements secured by or providing for the acquisition and resale of obligations described in paragraphs (1) through (4) or obligations of Federal Home Loan Mortgage Corporation or Federal National Mortgage Association, with:

(i) banks or trust companies, including any banking entity or depository;

(ii) brokers or broker-dealers registered under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C. §§ 78a-78jj) acceptable to the authority; or

(iii) insurance companies rated A+ or better by Best's having a net capital and surplus of at least \$25,000,000 or certificates of deposit with banks or trust companies fully secured as to principal and accrued interest by obligations described in paragraphs (1) through (4) deposited with or subject to the control of the authority.

(6) Money market deposit accounts of banks or trust companies having a net capital and surplus of at least \$25,000,000, including any banking entity or depository.

(7) The description of authorized investments as set forth in paragraphs (5) and (6) shall only be met if the agreements referenced in paragraphs (5) and (6) provide for the repayment of the principal amount invested at an amount not less than that invested. Whenever security is required as set forth in paragraphs (4) through (6), security shall be deposited with the treasurer of the authority or be held by a trustee or agent satisfactory to the authority. Money of the authority shall be paid out on the warrant or other order of the chairman of the authority or of any other person the authority authorizes to execute the warrants or orders.

(e) Annual report to be filed; annual audits.—Within 90 days following the end of the fiscal year, an authority shall file an annual report with the Department of Community and Economic Development, the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives and with the city which shall make provisions for the accounting of revenue and expenses. The authority shall have its books, accounts and records audited annually in accordance with generally accepted auditing standards by an independent auditor who shall be a certified public accountant or competent public accountant, and a copy of the audit report shall be attached to and be made a part of the annual report. A concise financial statement shall be published annually in the Pennsylvania Bulletin. If the authority fails to make an audit, then the controller, auditors or accountants designated by the city are authorized to examine, at the expense of the authority, the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its finances, operations and affairs.

(f) Power of inspection.—The Attorney General, Auditor General, Secretary of the Budget and the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives shall have the right to examine the books, accounts and records of the authority.

§ 6015. Transfer of existing facilities or funds; making of annual grants and lease payments to authority; Commonwealth bonds.

(a) Authority granted.—

(1) Any State public body, political subdivision or the city may sell, lease or sublease from or to, lend, grant, convey or otherwise transfer or pay over directly to the authority, with or without consideration, any of the following:

(i) A convention center or parts of a convention center.

(ii) Any interest in property, real, personal or mixed, tangible or intangible.

(iii) Any funds available, needed or obligated for development, acquisition, design, maintenance, management, operation, financing, leasing or subleasing construction, expansion or substantial renovation or improvement purposes. This subparagraph includes the proceeds of bonds previously or hereafter issued for construction or improvement of a convention center or parts of a convention center.

(iv) Notwithstanding any other provision of law, any grant shall be made directly to the authority.

(2) Any property, funds or convention center or parts of a convention center received by the authority may be used for any lawful purpose of the authority.

(3) Nothing in this chapter nor in any other law shall be deemed to make any authority or any persons, State-supported or State-aided institutions under any laws of this Commonwealth.

(b) Grants authorized.—

(1) The city may do any of the following:

(i) Make grants from current revenue to the authority.

(ii) Assist in defraying the cost of management, operation, maintenance, financing and debt service of a convention center or parts of a convention center.

(iii) Enter into long-term agreements providing for the payment of grants made or costs defrayed under subparagraph (i) or (ii).

(iv) Enter into long-term leases or subleases as lessee or sublessee of all or part of a convention center.

(2) Obligations of the city to make grants, lease or sublease payments to an authority shall not, even if based on debt obligations of an authority, constitute debts of the city within the meaning of any constitutional or statutory provision and shall be payable only to the extent that current revenues of the city are available.

(3) The city may issue general obligation bonds for the purpose of obtaining funds for local contributions pertaining to convention centers or parts of convention centers.

§ 6016. Award of contracts.

(a) Lowest responsible bidder.—All construction, reconstruction, repairs or work of any nature made by the authority where the entire cost, value or amount of construction, reconstruction, repairs or work, including labor and materials, shall exceed \$25,000, except construction, reconstruction, repairs or work done by employees of the authority or by labor supplied under agreement with any Federal agency, State public body, political subdivision or city with supplies and materials purchased as provided in this chapter, shall be done only under contract or contracts to be entered into by the authority with the lowest responsible bidder upon proper terms, after due public notice has been given asking for competitive bids as provided in this chapter, but the authority shall have the right to reject any or all bids or select a single item from any bid. No contract shall be entered into for construction or improvement or repair of any project or portion of a project unless the contractor shall provide sufficient surety or sureties approved by the authority, and in an amount fixed by the authority, for the performance of the contract. All contracts shall provide, among other things, that the person or corporation entering into the contract with the authority will pay for all materials furnished and services rendered for the performance of the contract and that any person or corporation furnishing materials or rendering services may maintain an action to recover for the same against the obligor in the undertaking as though the person or corporation was named in the undertaking, provided the action is brought within one year after the time the cause of action accrued. Nothing in this section shall be construed to limit the power of the authority to construct, repair or improve any project or portion of a project or any addition, betterment or extension to a project, directly by the officers and employees of the authority. Whether the costs of the project are being paid for in whole or in part with funds provided under section 6015 (relating to transfer of existing facilities or funds; making of annual grants and lease payments to authority; Commonwealth bonds), the authority may award the construction, expansion or substantial renovation of a convention center as a single bid project without regard to the provisions of the act of May 1, 1913 (P.L.155, No.104), entitled "An act regulating the letting of certain contracts for the erection, construction, and alteration of public buildings," and shall not be subject to the former act of November 26, 1978 (P.L.1309, No.317), entitled "An act regulating the awarding and execution of certain public contracts; providing for contract provisions relating to the retention, interest, and payment of funds payable under the contracts; and repealing inconsistent acts," or 62 Pa.C.S. (relating to procurement). Nothing in this section or any other law of this Commonwealth shall require the authority to competitively bid architectural design, engineering, construction management or other professional services required by the authority.

(b) Supplies and materials.—All supplies and materials costing \$25,000 or more to be acquired directly by the authority shall be purchased only after due advertisement as provided in this chapter. The authority shall accept the lowest bid or bids from a responsible bidder, kind, quality and material being equal, but the authority shall have the

right to reject any or all bids or select a single item from any bid. The provisions as to bidding shall not apply to the purchase of unique supplies and materials or supplies and materials which cannot be obtained in the open market.

(c) Management prerogatives.—Nothing in this section or in any other law of the Commonwealth shall preclude the board, with the approval of eight members or a majority, whichever is larger, from negotiating contracts for management, operation, concession services, licensing or leasing of a convention center, or any part of a convention center. The authority shall not award any contract to any manager, operator, concessionaire, licensee, lessee or lessor that exceeds three years in duration unless eight members of the board or a majority, whichever is larger, approve the awarding of a contract for a greater period of time.

(d) Application of city ordinances.—The authority, its contractors, subcontractors, assignees, lessees, agents, vendors and suppliers shall not be subject to any city laws, ordinances, rules or regulations relating to any limits or preferences with regard to employment, contracting or procurement in the construction and operation of the convention center.

(e) Steel products.—The authority shall be subject to the act of March 3, 1978 (P.L.6, No.3), known as the Steel Products Procurement Act, and 62 Pa.C.S. Ch. 37 Subch. B (relating to motor vehicles).

(f) Waiver of notice.—Public notice under this section may be waived if the authority determines an emergency exists and the supplies and materials must be purchased immediately by the authority.

(g) Definitions.—As used in this section, the term "advertisement" or "public notice" means a notice published at least ten days before the award of any contract in a newspaper of general circulation published in the city.

§ 6017. Interests of public officers, public employees and party officers.

(a) Restrictions upon authority management-level employees.—

(1) No party officer, public officer, public official, public employee or a member of the immediate family of a party officer, public officer or public official shall be employed as a management-level authority employee. Notwithstanding the provisions of this paragraph, any member of the Governor's cabinet and the chief financial officer of the city in which the convention center is located and any other member of the mayor's cabinet may serve on the governing board of the authority as provided by section 6011 (relating to governing board).

(2) No person convicted of an infamous crime shall be a member of the board or employed as a management-level employee by the authority.

(b) Restricted activities; statement of financial interests; public meetings and records.—The provisions of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and section 10 of the act of October 4, 1978 (P.L.883, No.170), referred to as the Public Official and Employee Ethics Law, and the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act, are specifically applicable to board members, officers and employees of the authority. For the purposes of application of those acts, employees of the authority shall be regarded as public employees of the Commonwealth, and officers or board members of the authority shall be regarded as public officials of the Commonwealth, whether or not they receive compensation. The authority shall also be subject to 65 Pa.C.S. Ch. 7 (relating to open meetings) and the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(c) Conflicts of interest.—Notwithstanding the provisions of subsection (b), the following prohibitions shall apply to the authority created by this chapter:

(1) No management-level employee or other employee of the authority shall use his position with the authority, or any confidential information received through his position with the authority, to obtain financial gain other than compensation

provided by law for himself, a member of his immediate family or a business with which he is associated.

(2) No person shall offer or give to a board member, a management-level employee or other employee of the authority or a member of his immediate family or a business with which he is associated, and no board member, management-level employee or other employee of the authority shall solicit or accept, anything of value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding that the vote, official action or judgment of the board member, management-level employee or other employee of the authority would be influenced thereby.

(3) No board member, management-level employee or other employee of the authority or a member of his immediate family or any business in which the person or a member of the person's immediate family is a director, officer, owner or holder of stock exceeding 5% of the equity at fair market value of the business shall enter into any contract valued at \$500 or more to provide goods or services to the authority unless the contract has been awarded to the lowest responsible bidder through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded.

(4) No former board member, management-level employee or other employee of the authority shall represent a person, with or without compensation, on any matter before the authority with which he has been associated for one year after he leaves the authority.

(5) Neither an individual who is a State, city or county public officer or public official or any party officer or member of the immediate family of such individual nor a business with which such individual or member of the individual's immediate family is associated shall have a financial interest in any contract valued at \$500 or more to provide goods or services to the authority either during the time the person holds office or for two years after the person terminates office unless the contract is executed pursuant to the provisions of paragraph (3). For purposes of this paragraph, the term "financial interest" does not include employment by, association with or ownership of a business association unless the public officer, public official, party officer or member of the immediate family of the individual owns shares of stock in a corporation in an amount in excess of 5% of the total issue for the stock of the corporation or has an ownership interest in any noncorporate business association in an amount in excess of 5% of the total ownership of a noncorporate business association.

(6) No board member, management-level employee or other employee of the authority or an advisor or consultant to the State, city or the county having recommended to the authority which he serves either the making of a contract relating to a convention center authority or a course of action of which the making of such a contract is an express or implied part shall, at any time thereafter, have an adverse interest in the contract.

(7) No board member, management-level employee or other employee of the authority, the State, the city or the county shall influence or attempt to influence the making of or supervise or in any manner deal with any contract with the authority in which the employee has an adverse interest.

(8) No board member, management-level employee or other employee of the authority shall have an adverse interest in any contract with the authority.

(9) No person having an adverse interest in a contract with the authority shall become a board member, management-level employee or other employee of the authority until the adverse interest has been wholly divested.

(10) No board member, management-level employee or other employee of the authority, the State, the city or the county, except in the performance of his duties as such employee, shall

for remuneration, directly or indirectly, represent any other person upon any matter pending before the authority.

(d) Enforcement; penalties.—

(1) Any person who violates the provisions of this section shall have employment by the authority or membership on the board terminated immediately by the appropriate person having the power to terminate and shall be liable to the authority to reimburse the authority for all compensation received from the authority while employed in violation of subsection (a).

(2) Any person who violates the provisions of subsection (c)(1) or (2) is guilty of a felony and shall be fined not more than \$10,000 or imprisoned for not more than five years or be both fined and imprisoned.

(3) Any person who violates the provisions of subsection (c)(3) through (10) is guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned for not more than one year or be both fined and imprisoned.

(4) Any person who obtains financial gain from violating any provisions of subsection (c), in addition to any other penalty provided by law, shall pay into the accounts of the authority a sum of money equal to three times the financial gain resulting from the violation.

(5) Any person who violates the provisions of subsection (c) shall be barred for a period of five years from engaging in any business or contract with the authority, the State, the city and any political subdivision.

(6) Any employee of the State, city or any political subdivision or any public officer or public official who violates subsection (c) shall automatically forfeit any office or employment the employee holds.

(7) The penalties and sanctions provided by this section shall supersede any similar penalties and sanctions provided by the Public Official and Employee Ethics Law and State Adverse Interest Act.

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

"Business." Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint-stock company, receivership, trust or any legal entity organized for profit or as a not-for-profit corporation or organization.

"Business with which he is associated." Any business in which the person or a member of the person's immediate family is a director, officer, owner, employee or holder of stock.

"County." A county within the Philadelphia Metropolitan Statistical Area as defined in this chapter.

"Immediate family." A parent, spouse, child, brother, sister or like relative-in-law.

"Infamous crime." Any violation and conviction for an offense which would disqualify an individual from holding public office pursuant to section 6 of Article II of the Constitution of Pennsylvania, or any conviction for a violation of this section, 18 Pa.C.S. § 4113 (relating to misapplication of entrusted property and property of government or financial institutions) or 18 Pa.C.S. Ch. 47 (relating to bribery and corrupt influence), 49 (relating to falsification and intimidation), 51 (relating to obstructing governmental operations) or 53 (relating to abuse of office), or any other violation of the laws of this Commonwealth for which an individual has been convicted within the preceding ten years and which is classified as a felony or a similar violation of the law of any other state or the Federal Government.

"Management-level authority employee." The counsel employed by the authority, the executive director of the authority and any authority employee with discretionary powers which may affect the outcome of the authority's decision in relation to a private corporation or business or any employee who by virtue of his job function could influence the outcome of such a decision.

"Party officer." The following members or officers of any political party:

- (1) a member of a national committee;
- (2) a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee;
- (3) a county chairman, vice chairman, counsel, secretary or treasurer of a county committee; or
- (4) a city chairman, vice chairman, counsel, secretary or treasurer of a city committee.

“Person.” A business, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

“Public employee.” Any individual employed by the Commonwealth or a political subdivision who is responsible for taking or recommending official action of a nonministerial nature with regard to:

- (1) contracting or procurement;
- (2) administering or monitoring grants or subsidies;
- (3) planning or zoning;
- (4) inspecting, licensing, regulating or auditing any person; or

(5) any other activity where the official action has an economic impact of greater than a de minimis nature on the interest of any person. A public employee shall not include individuals who are employed by the State or any political subdivision in teaching as distinguished from administrative duties.

“Public officer.” Every person elected to any public office of the Commonwealth or any political subdivision.

“Public official.” Any elected or appointed official in the executive, legislative or judicial branch of the State or any political subdivision. The term does not include members of advisory boards who have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the State or any political subdivision. The term does not include any appointed official who receives no compensation other than reimbursement for actual expenses.

§ 6018. Acquisition of lands.

(a) Power.—If the authority deems it necessary for a purpose under this chapter, the authority has the power to acquire any of the following with respect to land within the city by purchase or eminent domain proceedings:

- (1) A fee.
- (2) Any right, title, interest or easement.

(b) Procedure.—The right of eminent domain shall be exercised by the authority in the manner provided by the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code.

§ 6019. Use and operation of convention center.

The use and operation of the convention center and any parts of a convention center and the operation of the business of the authority shall be subject to the rules and regulations adopted by the authority. The authority shall not be authorized to do anything which will impair the security of the obligees of the authority or violate any agreements with them or for their benefit or violate any contracts, leases or other agreements awarded, made or entered into by the authority.

§ 6020. Convention center performance audits; annual performance reports.

(a) Convention center performance audits.—The board shall cause periodic performance audits of the convention center to be conducted and completed at least 90 days after the end of every third fiscal year beginning with the fiscal year ending in 2004 and six months prior to the termination of any agreement with any labor organization of which the authority is signatory if the labor agreement terminates more than 18 months after the submission of the previous performance audit, and at such additional times as the board shall determine.

- (1) The performance audit shall be performed by an independent auditing or consulting firm with recognized

experience in the convention industry and shall examine and report on the following:

- (i) customer satisfaction at the convention center;
- (ii) labor costs at the convention center, which shall include a comparison of labor costs at the convention center with labor costs at convention centers in this Commonwealth and in other states;
- (iii) rebooking rates of events at the convention center categorized by size and hotel room nights, which shall include a comparison of rebooking rates of previous years at the convention center and rebooking rates of events at convention centers in this Commonwealth and in other states;
- (iv) booking rates of events at the convention center categorized by size and hotel room nights, which shall include a comparison of booking rates of previous years at the convention center and booking rates of events at convention centers in this Commonwealth and in other states;
- (v) hotel booking rates in the Philadelphia Metropolitan Statistical Area related to the convention center industry, which shall include a comparison of hotel booking rates in the Philadelphia Metropolitan Statistical Area during previous years;
- (vi) compliance with the code of conduct and other work rules at the convention center and enforcement of the code of conduct and other work rules at the convention center by the authority and its designees; and
- (vii) any other items proposed by the board.

(2) No later than 30 days after the completion of the performance audit, the board shall submit the results of the performance audit to the Governor, the Secretary of Community and Economic Development, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chief executive officer of the city in which the convention center is located and the council president of the city in which the convention center is located.

(b) Annual performance reports.—The board shall complete a performance report no later than 90 days after the end of each fiscal year beginning with the first fiscal year ending after the effective date of this section, except in years in which the board completes and submits a performance audit as provided for in subsection (a).

(1) The performance report shall include a summary of the following:

- (i) Customer satisfaction at the convention center.
- (ii) Violations of the code of conduct or other work rules at the convention center, which shall include the identity of any organization whose members or representatives violate the code of conduct or other work rules, a description of each violation and the number of such violations.
- (iii) Actions taken by the authority or its designee to enforce the code of conduct and other work rules at the convention center.
- (iv) Complaints of customers and visitors at the convention center, if any, and the response of the authority or its designee to such complaints.
- (v) A variance of more than 5% in any line item of the authority’s approved operating budget for the

fiscal year covered by the performance report and the reason for such variance.

(vi) Any deficit in the authority's operating budget for the fiscal year covered by the performance report and the reason for such deficit.

(vii) Any deficit, estimated deficit or projected year-end deficit in the adopted operating budget for the fiscal year immediately following the fiscal year covered in the performance report and the reason for such deficit.

(viii) Booking and rebooking rates of events at the convention center categorized by size and hotel room nights.

(ix) Hotel booking rates in the Philadelphia Metropolitan Statistical Area related to the convention center industry.

(x) Any other items as the authority shall determine.

(2) No later than 120 days after the end of each fiscal year, the board shall submit the performance report to the Governor, the Secretary of Community and Economic Development, the President pro tempore of the Senate, the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, the chairperson and minority chairperson of the Appropriations Committee of the Senate, the chairperson and minority chairperson of the Appropriations Committee of the House of Representatives, the chief executive officer of the city in which the convention center is located and the council president of the city in which the convention center is located.

§ 6021. Limitation of powers.

(a) Commonwealth pledge.—The Commonwealth pledges to and agrees with any person, the city, political subdivision or Federal agency subscribing to or acquiring the bonds to be issued by the authority for the construction or improvement of a convention center or parts of a convention center that the Commonwealth will not limit or alter the rights and powers vested in the authority by this chapter or otherwise created by this chapter in any manner inconsistent with the obligations to the bondholders until all bonds, together with the interest on the bonds, are fully paid and discharged. The Commonwealth further pledges to and agrees with any Federal agency that, in the event any Federal agency shall construct or contribute any funds for the construction or improvement of a convention center or parts of a convention center, the Commonwealth will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the due performance of any agreements between the authority and the Federal agency.

(b) Additional Commonwealth pledge.—The Commonwealth pledges to and agrees with any person that, as owner of a convention center, leases or subleases a convention center or parts of a convention center to or from an authority created or continued pursuant to this chapter, that the Commonwealth will not limit or alter the rights and powers vested by this chapter in the authority or otherwise created by this chapter in any manner which impairs the obligations of the authority until all obligations of the authority under the lease or sublease are fully met and discharged.

§ 6022. Exemption from taxation.

The effectuation of the authorized purposes of an authority created under this chapter shall be in all respects for the benefit of the people of this Commonwealth, for the increase of their commerce and prosperity and for the improvement of their health and living conditions. The authority will, as a public instrumentality of the Commonwealth, be performing essential governmental functions. In effectuating such purposes, the authority shall not be required to pay any taxes or assessments upon a convention center or part of a convention center or upon property acquired or used or permitted to be used by an authority for such purposes. Bonds issued by an authority

and the transfer of and income from bonds, including profit made on the sale of bonds, shall be free from State and local taxation within this Commonwealth. This exemption shall not extend to gift, estate, succession or inheritance taxes or any other taxes not levied directly on the bonds, the transfer of bonds, the income from bonds or the realization of profits on the sale of bonds.

§ 6023. Lease by authority.

A convention center or part of a convention center established or continued under this chapter may be leased or subleased by the authority to and from the city. The city is empowered to enter into leases, subleases or both. A lease or sublease may be made for a specified or unlimited time and on any terms and conditions approved by the city and agreed to by the authority in conformity with its contracts with the holders of any bonds.

§ 6024. Cooperation.

(a) State public bodies and political subdivisions may cooperate.—For the purpose of aiding and cooperating with the authority and in the planning, acquisition, clearance, relocation, development, design, construction, rehabilitation, leasing, subleasing, alteration, expansion, financing, improvement, management or operation of a convention center or parts of a convention center, any State public body, political subdivision or the city may, upon terms with or without consideration, as it determines, do any of the following:

(1) Dedicate, sell, convey, lease or otherwise transfer any of its property or any interest in its property, real, personal or mixed, tangible or intangible, to the authority.

(2) Cause parking, recreational or community facilities or any other works which it is otherwise empowered to undertake to be furnished in or adjacent to any area selected for a convention center or parts of a convention center.

(3) Furnish, dedicate, close, pave, install, grade, regrade, plan or replan streets, roads, roadways, alleys, sidewalks or other places which it is otherwise empowered so to do.

(4) Enter into agreements extending over any period with the authority or with the Federal Government.

(5) Do all things necessary or convenient to aid and cooperate in the development, acquisition, design, construction, improvement, maintenance, management, operation, furnishing, fixturing, equipping, repairing, financing, owning, leasing and subleasing of a convention center or parts of convention center.

(6) In connection with any public improvements made by any State public body, political subdivision or the city, in exercising the powers granted in this subsection, to incur the entire expense of the improvement.

(a.1) Documents.—The Secretary of General Services is authorized, with the approval of the Governor and Attorney General, to execute and deliver on behalf of the Commonwealth conveyances, deeds and leases authorized under this chapter or under the former provisions of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to Pennsylvania Convention Center Authority).

(b) City may contract with authority.—In connection with a convention center or parts of a convention center, the city may contract with the authority or the Federal Government with respect to any sums which the authority or the Federal Government may agree to pay during any year or period of years to the city for the improvements, services and facilities to be provided by it for the benefit of the authority, convention center or parts of a convention center or the persons occupying such area. The absence of a contract for such payments shall not relieve the city from the duty to furnish for the benefit of the authority, convention center or parts of a convention center or the persons occupying the area customary improvements and services and facilities as the city usually furnishes without a service fee.

(c) State and city may designate authority as its agent.—The State or the city may, by written agreement, designate the authority as its

agent within the authority's field of operation to perform any specified activity or to administer any specified program which the State or the city is authorized by law to do. Any such activities or programs must be in furtherance of the public purposes specified in this chapter. Such activities include development, acquisition, design, construction, improvement, maintenance, leasing, management or operation of a convention center or parts of a convention center.

(d) Powers in addition to other powers.—The powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

§ 6025. Hotel room rental tax; continuation of existing tax.

(a) Imposition of tax.—The council of the city in which the convention center is located is authorized to impose or continue to impose an excise tax on the consideration received by each operator of a hotel within the city from each transaction of renting a room or rooms to accommodate transients. The tax shall be collected by the operator from the patron of the room and paid over to the city pursuant to subsection (e) and shall be known as the hotel room rental tax.

(b) Rate of tax.—

(1) The rate of tax imposed under this section by the council of the city in which the convention center is located shall not exceed 6%.

(2) The total rate of tax imposed pursuant to this section and section 202 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall not exceed 12%. In the event the rate of tax imposed pursuant to section 202 of the Tax Reform Code of 1971 exceeds 6% and the rate of tax imposed pursuant to this section has reached 6%, the rate of tax imposed pursuant to this section shall be reduced in order that the aggregate tax rate not exceed 12%.

(c) Distribution of tax revenue.—There shall be annually deposited in the special fund, established pursuant to subsection (d), for the use of tourist promotion agencies for tourist promotion agency activities:

(1) Thirty-three and one-third percent of all revenue received pursuant to this section for the fiscal year of the city commencing on or after July 1, 1999, and each fiscal year thereafter ending prior to July 1, 2010.

(2) Twenty-nine and one hundred and sixty-six one thousandths percent of all revenue received pursuant to this section for the fiscal year of the city commencing on or after July 1, 2010, and each fiscal year thereafter ending prior to July 1, 2015.

(3) Twenty-five percent of all revenue received pursuant to this section for the fiscal year of the city commencing July 1, 2015, and thereafter. The balance of revenue to be received from taxes imposed pursuant to this section shall be deposited annually in the special fund, established pursuant to subsection (d), for the use of the authority for convention center purposes.

(d) Deposit.—The tax collector of each city electing to impose the tax authorized under this section or the tax collector of each city imposing the tax on the effective date of this chapter as authorized under the former provisions of the act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59 (relating to Pennsylvania Convention Center Authority), is directed to collect the tax and to deposit the revenue received from the tax in special funds established for purposes set forth in this section. Interest on money deposited in the funds shall accrue proportionately to the respective funds as provided in this section. The tax collector is authorized to establish, maintain and amend already existing rules and regulations concerning the collection of the tax.

(e) Expenditures.—Expenditures from the funds established pursuant to subsection (d) for the tourist promotion agency shall be used by the designated tourist promotion agency for:

(1) advertising and publicizing tourist attractions in the area served by the agency;

(2) promoting and attracting conventions, exhibitions and other functions to utilize facilities in the area served by the agency;

(3) promoting and otherwise encouraging the use of the facilities in the area served by the agency by the public as a whole; and

(4) costs associated with the development and operation of the convention center.

(f) Expenditures for convention center purposes.—Expenditures from the fund established pursuant to subsection (d) for the authority shall be used by the authority for the following uses:

(1) Projected annual debt service or lease payments of the convention center authority.

(2) Costs associated with financing, constructing, improving, maintaining, furnishing, fixturing and equipping the convention center.

(3) Costs associated with the development of the convention center, including design, engineering and feasibility costs.

(4) Costs associated with the operation and management of the convention center.

(5) Costs associated with promoting, marketing and otherwise encouraging use of the convention center.

(6) General purposes of the convention center.

(g) Pledge to bondholders.—If and to the extent that the authority pledges its share of the proceeds of the tax authorized by this section as security for the payment of bonds issued by the authority for convention center purposes, the Commonwealth pledges to and agrees with any person, firm or corporation subscribing to or acquiring bonds to be issued by the authority for convention center purposes that the Commonwealth itself will not, except to the extent provided in subsection (b), nor will it authorize any city to reduce the rate of tax imposed for convention center purposes until all bonds secured by the pledge of the authority, together with the interest on the bonds, are fully met and discharged.

(h) Tax year.—Each tax year for any tax imposed hereunder shall run concurrently with the city's fiscal year.

(i) Continuation of current tax.—The former provisions of section 23 of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59, are continued by this chapter; and any tax imposition under the former provisions of section 23 of the Pennsylvania Convention Center Authority Act, formerly codified at 53 Pa.C.S. Ch. 59, is specifically continued and is not repealed or modified in any way by the enactment of this chapter.

(j) Definitions.—In addition to the definitions provided by section 6003 (relating to definitions), the following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

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

“Hotel.” As follows:

(1) Any hotel, motel, inn, guesthouse or other building located within the city which holds itself out by any means, including advertising, license, registration with any innkeeper's group, convention listing association, travel publication or similar association or with any government agency, as being available to provide overnight lodging or use of facility space for consideration to individuals seeking temporary accommodation.

(2) Any place which advertises to the public at large or any segment of the public that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large.

(3) Any place recognized as a hostelry.

The term does not include a portion of a facility which is devoted to individuals who have established permanent residence.

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

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

“Patron.” A person that pays the consideration for the occupancy of a room or rooms in a hotel.

“Permanent resident.” Any person who has occupied or has the right to occupy any room or rooms in a hotel as a patron or otherwise for a period exceeding 30 consecutive days.

“Room.” A space in a hotel set aside for use and occupancy by patrons, or otherwise, for consideration, having at least one bed or other sleeping accommodations provided in the space.

“Temporary.” A period of time not exceeding 30 consecutive days.

“Tourist promotion agency.” The agency designated by the council of the city in which the convention center is located to be eligible for grants from the Department of Community and Economic Development pursuant to the act of April 28, 1961 (P.L.111, No.50), known as the Tourist Promotion Law.

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

“Transient.” An individual who obtains an accommodation in a hotel for the individual by means of registering at the facility for the temporary occupancy of any room for the personal use of that individual by paying to the operator of the facility a fee in consideration for the use.

Section 3. (a) The following acts and parts of acts are repealed:

Act of June 27, 1986 (P.L.267, No.70), known as the Pennsylvania Convention Center Authority Act.

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 4. When State funds are made available to the Pennsylvania Convention Center Authority, the authority shall transmit a notice of the availability to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin.

Section 5. This act shall take effect as follows:

(1) The addition of 64 Pa.C.S. § 6007.1 shall take effect upon publication of the notice under section 4 of this act.

(2) The following provisions shall take effect immediately:

(i) Section 4 of this act.

(ii) This section.

(3) The remainder of this act shall take effect January 5, 2004, or immediately, whichever is later.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Taylor.

Mr. Taylor, would you please clarify your amendment number. Is it 4561, Mr. Taylor?

Mr. TAYLOR. Mr. Speaker, it is the second amendment that had been filed, 4561. The prior amendment will be withdrawn, 44-something.

The SPEAKER. The House has before it amendment A4561.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

Mr. Speaker, as many of the members realize, in November of this past year the Supreme Court invalidated Act 230 of 2002, which redesigned the Convention Center Authority for the convention center in the city of Philadelphia. This amendment completely guts HB 1733, so I point that out. If any member is concerned about any of the provisions that existed in 1733 – in particular, any of the labor language that existed in 1733 – the amendment begins by completely gutting that bill and setting up brand-new language for this authority.

In general, this amendment repositions, really, Act 230. It is a recitation, really, of Act 230 of 2002, with a few exceptions, and one of the exceptions is, it expands the board from 13 members to 15. It sets up requirements for a performance report. It sets up some requirements for some audit reports and does have some transition language for existing board members.

As you might remember, this is important in that the Supreme Court gave us approximately 90 days to go through the legislation and do it in a manner that they find constitutional. We think this amendment added to 1733 meets those requirements, and I would ask for your support.

The SPEAKER. Does the gentleman, Mr. Evans, wish to be recognized on this?

Mr. D. EVANS. Yes, Mr. Speaker.

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

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

Mr. Speaker, I rise to support Representative Taylor’s amendment.

I worked along with the Representative as well as Representative Petrone in attempting to craft a bill that basically was bipartisan, and in this particular Taylor amendment, what we attempt to do is, as he indicated, we expand the board; we ensure that the Governor has representation on that board. And basically, we ensure that the Governor has representation; that we maintain the city’s representation, meaning the mayor has two picks and the city council has two picks; the counties have their picks. So the counties have picks, the Governor has picks, and the legislative leaders also have picks.

So that is the first step, Mr. Speaker, in my view, to having the necessary bipartisan support, so that means all of the necessary players are at the table.

It is an amendment that I also worked along with Representative Taylor and my staff, putting a lot of work in, and I support the Taylor amendment.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Would the maker of the amendment please stand for interrogation?

The SPEAKER. The gentleman indicates that he will stand for interrogation.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I am looking through the amendment on my screen, and it is a very large amendment. I have not been able to find the language that I have been waiting to see, because I was not sure whether today we would be voting on a Taylor amendment or an Evans amendment. But does this amendment contain language that would eliminate the requirement for the

Separations Act to be invoked with this very large public works project?

Mr. TAYLOR. Mr. Speaker, if you give us a second, we will try to find that.

Mr. Speaker, the language that you asked about really has not changed at all from the 1986 act, and it can be found, I believe, on page 23.

Mr. BELFANTI. Well, without scrolling – if I may continue my interrogation – without scrolling down my computer, the legislation that you just referenced, does that allow a single general contractor to apply for the bid on this project and allow that individual to hire the electrical, the mechanical, the heating contractors as subcontractors as opposed to the State law that requires separate bids for the HVAC (heating, ventilating, and air conditioning) or the specialist trades and specialist contractors? Would this amendment allow a single general contractor to abort the Separations Act? That is my question.

Mr. TAYLOR. Mr. Speaker, the legislation calls for a single bid process that can be found, again, on pages 22 and 23 of the amendment.

Mr. BELFANTI. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to speak on the amendment.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, apart from the other compromises that have been reached between the stakeholders that are involved in the Philadelphia Convention Center, I just cannot support this amendment with the language that Mr. Taylor and I just discussed being part of this legislation.

Time and time again, when it comes to Philadelphia in particular – and I am wearing a Philadelphia Eagles tie, by the way; I am a big fan of Philadelphia sports – but the Separations Act in this Commonwealth precedes World War I and for very good reason. This Separations Act should not be confused with prevailing wage, and it should not be confused with project labor agreements. It is an act that has been law for almost a century in this Commonwealth, and it was designed to protect contractors, not simply employees but contractors.

Certain contractors in this State, both union and ABC, nonunion contractors, make a decision to specialize in certain types of contracting – specifically, electrical contractors that only do electrical work; mechanical and heating contractors that only do mechanical and heating work; and plumbing and pipefitting contractors that only do pipe trades work. The reason for that is that these particular contractors, both union and nonunion, spend an enormous amount of time, effort, energy, and money to ensure that they have the proper equipment and they employ the most talented people for the types of trades that can cause a catastrophe if something is done in a faulty manner.

The Separations Act requires that the general contractor bid on the excavating work, on the brick and mortar work, on the operating engineer-type work, and on those types of construction that involve the shell of a particular building. But when we get into the far more intricate and detailed contracting, the law for 90 years has required four separate bids. Those bids go to the lowest responsible bidder, whether they be union or nonunion. They protect those contractors, particularly Pennsylvania contractors.

If a general contractor is allowed to sublet work to unqualified contractors, out-of-State contractors, and play contractors who in all other public works projects are principal contractors but relegates them to a subcontractor status, he can play one against the other. He can have one apprentice with one journeyman on an electrical gang – and we call electricians that work together gangs – but in most cases, the ratio for an apprentice to a journeyman might be 3 to 1 or 4 to 1. But to get the price lower, so the general contractor makes more money, if he is able to relegate principal contractors to subcontractor status, all kinds of games can be played. We can have out-of-State contractors bidding on in-state work paid by Pennsylvania taxpayers. We can see the general contractors get paid on time, while the subcontractors who are doing the more intricate and detailed and important work get paid at the whim of the general contractor.

For those reasons, Mr. Speaker, and I could go on and on about the Separations Act, and again, please do not confuse this with prevailing wage or with project labor agreements. This legislation has stood the test of time for 90 years. I opposed it in the last debate that we had on this issue. I need to oppose it again. It is unfair not just to workers, union or nonunion, but it is very unfair to those individuals who spend millions of dollars in securing the proper equipment and apparatus and trained workers, people that have gone through 5-year apprentice programs and are highly qualified to do specialized work, particularly the electrical work.

Mr. Speaker, I am asking for a “no” vote on the Taylor amendment, unless that section can be eliminated.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment? I just have one question to ask him.

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. HORSEY. The Supreme Court threw out our previous bill, and in that bill we had how many members on the board?

Mr. TAYLOR. 13, Mr. Speaker.

Mr. HORSEY. And we have increased it to how many?

Mr. TAYLOR. 15.

Mr. HORSEY. And, Mr. Speaker, the additional two members, who gets to appoint those? Who gets to appoint those two members on the board who did not have that option in the previous bill?

Mr. TAYLOR. Mr. Speaker, the board is the same as it was in the 2002 act, Act 230, with the exception of two additional appointments by the Governor.

Mr. HORSEY. So, Mr. Speaker, does the mayor have appointments?

Mr. TAYLOR. The mayor had two appointments, Mr. Speaker, and under this amendment still has two appointments.

Mr. HORSEY. With that, Mr. Speaker, thank you.

On the amendment, Mr. Speaker?

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

Mr. HORSEY. Thank you.

I am going to urge support of the amendment.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The majority whip requests a leave of absence for the gentlelady from Montgomery, Ms. HARPER. Without objection, that leave will be granted.

CONSIDERATION OF HB 1733 CONTINUED

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

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to speak on the bill.

I am very concerned that this amendment, amendment 4561, will negatively impact the Separations Act. By that, this could seriously erode the quality of work that individual contractors must bid on individually for public projects to ensure that that work reaches the highest quality.

This is not an issue that relates to either union or nonunion issues. This is an issue that has been proven in Pennsylvania to ensure the quality of craftsmanship in key areas of jobs, whether you are an elevator contractor, a mason contractor, and I believe strongly that our contractor community, those who do the jobs on these sites, will not be able to wield the same quality if they are forced to subcontract, as the Taylor amendment would recommend, under one, single general contractor.

As we all know, the Separations Act in Pennsylvania provides under law that individual contractors in specialties will bid separately for these contracts. What happens in this case, under the Taylor amendment scenario, is that one general contractor will subcontract specialty work, which does not guarantee, under those scenarios, the lowest possible bid. Under the Separations Act, the secondary key element is that those bids are the lowest possible bid, union or nonunion.

So I rise today to oppose the Taylor amendment, because I believe for two reasons: one, the Separations Act is key to the quality of craftsmanship in our public projects; and number two, that it could seriously degrade the quality of craftsmanship should single contractors, general contractors, choose subcontractors who are not guaranteed, under the Separations Act, to do the work that has been maintained in our public projects.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Corrigan.

Mr. CORRIGAN. Thank you, Mr. Speaker.

Mr. Speaker, I am hard pressed not to vote for this amendment. I am terribly confused being at the center of this area, the five-county area in Philadelphia, where we have every imaginable kind of trade union. I did a 4-year apprenticeship. I know what you are talking about. I have not heard from anyone in any labor movement anywhere who said, do not vote for this amendment.

I have a great deal of respect for the last two speakers, but for the life of me, I cannot understand where we are going with this thing, and you know, I know it is short notice, but in the past, when there is something that is bad for labor, we are flooded with e-mails and faxes and personal phone calls. I have not heard from anyone in the labor movement saying, do not vote for this amendment.

I do not understand it, and I do not want to vote against the labor experts in my caucus, but I do not understand it.

You know, we need to have somebody, a Billy George or somebody, say, wait a minute; take a look at this. And I think they would have done that if it was as bad as what we are saying it is.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Belfanti, wish recognition?

Mr. BELFANTI. Thank you, Mr. Speaker.

I know it is my second time. I will be brief.

I can tell you that it is not just organized labor, it is unorganized labor; it is not just union contractors, it is also nonunion contractors that oppose the elimination or evisceration of the Separations Act on any public works project, on any. That has been their longstanding rule of thumb.

This is a very, very important issue. We are talking about allowing one general contractor to perhaps have someone laying block one day, being a laborer the next day, running electrical pipe and wire the following day, and hiring out-of-State, out-of-town contractors to work on Pennsylvania projects. That has been their position consistently all along.

Now, we were not sure when this amendment was going to run, whether it was going to be an amendment sponsored by a Philadelphian from our caucus or a Philadelphian from the other caucus, but I can tell you that there has been no inconsistency ever on this issue.

This is not prevailing wage. It is not project labor agreements that we are talking about. This is a situation where the contractors, the business community who are involved in contracting in this State, are very adamantly opposed of being relegated to subcontractor status. They can be played against one another. They do not get paid on time. Their wage scales can be gerrymandered. The ratios of apprentices to journeymen can be played with. All kinds of games can be played.

This is just too big of a project, it is going to cost too much money, for the Separations Act to be negated in this issue. When we require it on school projects and we require it on much, much smaller projects, to allow general contractors, one person, one contractor, to play these kinds of games is not fair to the taxpayers who are footing the bill on these projects.

So I apologize that organized labor or union contractors or ABC contractors did not get a mailer out on this, but we were not sure when it was going to run; we did not know what the amendment number was going to be, and please take my word for it, there has been no change in the attitude of specialty contractors and the workers that work for them on this issue for 80 years.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, I just want to be emphatic about the fact that this is not new language in this amendment. This is the same language that was used in the 2002 Act 230. It is the same language that was used in 1986 when the convention center was first built. There is not anything going on here. I mean, certainly labor in Philadelphia is very concerned about this convention center, this authority, and the possibility of expansion, and in a lot of communication with them, I have never heard a concern expressed about the existing language in the Convention Center Authority bill. This amendment does not change it.

I would appreciate the members' affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—144

Adolph	Evans, D.	Lewis	Rooney
Allen	Evans, J.	Lynch	Ross
Argall	Fairchild	Mackereth	Rubley
Armstrong	Feese	Maher	Sainato
Baker	Fichter	Maitland	Sather
Baldwin	Fleagle	Major	Saylor
Barrar	Flick	Manderino	Scavello
Bastian	Forcier	Markosek	Schroder
Benninghoff	Frankel	Marsico	Semmel
Birmelin	Gabig	McGeehan	Smith, B.
Bishop	Gannon	McGill	Smith, S. H.
Boyd	Geist	McIlhattan	Steil
Browne	George	McIlhinney	Stern
Bunt	Gillespie	McNaughton	Stetler
Butkovitz	Gingrich	Micozzie	Stevenson, R.
Cappelli	Godshall	Miller, R.	Stevenson, T.
Causer	Good	Miller, S.	Taylor, E. Z.
Cawley	Habay	Mustio	Taylor, J.
Civera	Hanna	Myers	Thomas
Clymer	Harhart	Nailor	True
Coleman	Harris	Nickol	Turzai
Cornell	Hasay	O'Brien	Vance
Corrigan	Hennessey	Oliver	Veon
Costa	Herman	O'Neill	Vitali
Coy	Hershey	Payne	Washington
Crahalla	Hess	Petri	Waters
Creighton	Hickernell	Petrone	Watson
Cruz	Horsey	Pickett	Wheatley
Dailey	Hutchinson	Pistella	Williams
Daley	Josephs	Raymond	Wilt
Dally	Keller	Readshaw	Wright
DeLuca	Killion	Reed	Youngblood
Denlinger	Kirkland	Reichley	Zug
DeWeese	Kotik	Rieger	
DiGirolamo	Lederer	Roebuck	
Diven	Leh	Rohrer	Perzel,
Donatucci	Lescovitz		Speaker

NAYS—49

Bebko-Jones	Freeman	McCall	Solobay
Belardi	Gergely	Melio	Staback
Belfanti	Goodman	Mundy	Sturla
Biancucci	Grucela	Pallone	Surra
Blaum	Gruitza	Petrarca	Tangretti
Buxton	Haluska	Preston	Tigue
Caltagirone	Harhai	Roberts	Travaglio
Casorio	LaGrotta	Ruffing	Walko
Cohen	Laughlin	Samuelson	Wansacz
Curry	Leach	Santoni	Wojnaroski
Dermody	Levdansky	Scrimenti	Yewcic
Eachus	Mann	Shaner	Yudichak

NOT VOTING—0

EXCUSED—9

Bard	James	Metcalfe	Stairs
Egolf	Kenney	Phillips	Weber
Harper			

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

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House David Mackley, Amanda Butts, and Annie Moyer. David is from Representative Fleagle's district office staff. Amanda and Annie are high school interns in his district office. They are guests today of Representative Pat Fleagle. They are located to the left of the Speaker. Would those guests please rise.

CONSIDERATION OF HB 1733 CONTINUED

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

RULES SUSPENDED

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

At this time I would like for a suspension of the rules to offer the amendment.

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

Mr. GODSHALL. Basically, Mr. Speaker, I am asking for a suspension of the rules for the offering of the amendment.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Scrimenti
Bastian	Flick	Mann	Semmel
Bebko-Jones	Forcier	Markosek	Shaner
Belardi	Frankel	Marsico	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Benninghoff	Gabig	McGeehan	Solobay
Biancucci	Gannon	McGill	Staback
Birmelin	Geist	McIlhattan	Steil
Bishop	George	McIlhinney	Stern
Blaum	Gergely	McNaughton	Stetler
Boyd	Gillespie	Melio	Stevenson, R.
Browne	Gingrich	Micozzie	Stevenson, T.
Bunt	Godshall	Miller, R.	Sturla
Butkovitz	Good	Miller, S.	Surra
Buxton	Goodman	Mundy	Tangretti
Caltagirone	Grucela	Mustio	Taylor, E. Z.
Cappelli	Gruitza	Myers	Taylor, J.
Casorio	Habay	Nailor	Thomas
Causer	Haluska	Nickol	Tigue
Cawley	Hanna	O'Brien	Travaglio
Civera	Harhai	Oliver	True
Clymer	Harhart	O'Neill	Turzai
Cohen	Harris	Pallone	Vance

Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Killion	Reichley	Wojnaroski
Dally	Kirkland	Rieger	Wright
DeLuca	Kotik	Roberts	Yewcic
Denlinger	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Yudichak
DeWeese	Leach	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Bard	James	Metcalf	Stairs
Egolf	Kenney	Phillips	Weber
Harper			

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

On the question recurring,

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

Mr. **GODSHALL** offered the following amendment No. **A4748**:

Amend Sec. 2 (Sec. 6012), page 16, line 32 (A4561), by inserting a period after "council"

Amend Sec. 2 (Sec. 6012), page 16, lines 32 through 37 (A4561), by striking out "from a list of four nominees" in line 32; all of lines 33 through 36 and "Conference and Visitors Bureau." in line 37

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The House has before it immediately the Godshall amendment A4748.

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

Mr. **GODSHALL**. Thank you, Mr. Speaker.

In the Taylor amendment, it calls for one member to be appointed to the board from each of the four suburban counties, which is Bucks, Montgomery, Chester, and Delaware. In the amendment, it called for those people to be selected by the TPAs (tourist promotion agencies) of each one of those counties, put on a list, and handed over to the county commissioners and/or county council.

Yesterday at our Tourism meeting, Representative Killion from Delaware County pointed out this deficiency in the bill,

which would make it unpalatable to most of the people in the suburbs.

So for that reason what I have done here with this amendment is put the power to appoint and select these individuals in the county commissioners' hands and/or the county council, as the case in Delaware County, and I want to thank Representative Killion for bringing this to my attention. Thank you.

The **SPEAKER**. The Chair recognizes the gentleman from Philadelphia, Mr. Taylor.

Mr. **TAYLOR**. Thank you, Mr. Speaker.

Mr. Speaker, after discussions with the maker of this amendment and his colleagues from our suburban counties, we agree to this amendment, and I would ask the members to support it.

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

Mr. **D. EVANS**. Mr. Speaker, I, too, join with the gentlemen and support the amendment. Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Scrimenti
Bastian	Flick	Mann	Semmel
Bebko-Jones	Forcier	Markosek	Shaner
Belardi	Frankel	Marsico	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Benninghoff	Gabig	McGeehan	Solobay
Biancucci	Gannon	McGill	Staback
Birmelin	Geist	McIlhattan	Steil
Bishop	George	McIlhinney	Stern
Blaum	Gergely	McNaughton	Stetler
Boyd	Gillespie	Melio	Stevenson, R.
Browne	Gingrich	Micozzie	Stevenson, T.
Bunt	Godshall	Miller, R.	Sturla
Butkovitz	Good	Miller, S.	Surra
Buxton	Goodman	Mundy	Tangretti
Caltagirone	Grucela	Mustio	Taylor, E. Z.
Cappelli	Gruitza	Myers	Taylor, J.
Casorio	Habay	Nailor	Thomas
Causar	Haluska	Nickol	Tigue
Cawley	Hanna	O'Brien	Travaglio
Civera	Harhai	Oliver	True
Clymer	Harhart	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Killion	Reichley	Wojnaroski
Dally	Kirkland	Rieger	Wright
DeLuca	Kotik	Roberts	Yewcic

Denlinger	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Yudichak
DeWeese	Leach	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Bard	James	Metcalfe	Stairs
Egolf	Kenney	Phillips	Weber
Harper			

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

On the question recurring,

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

Mr. DeWEESE offered the following amendment No. **A4504**:

Amend Sec. 2 (Sec. 6012), page 19, line 17 (A4561), by striking out “as” and inserting
or been replaces within 45 days

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. DeWeese.

The Chair apologizes. This is a suspension of the rules. The gentleman, Mr. DeWeese, moves— The Chair rescinds. The Parliamentarian says that the amendment was on the voting schedule.

The Chair recognizes the gentleman, Mr. DeWeese.

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

This is an agreed-to amendment. The current board members who do not resign within 45 days of HB 1733’s passage will have the opportunity within 45 days to continue to serve and serve on until the expiration of their respective terms.

Essentially, that is what my amendment does, and it has been agreed to, to the best of my knowledge.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Taylor, seek recognition?

Mr. TAYLOR. Mr. Speaker, I ask the members’ support for this amendment.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Evans.

Mr. D. EVANS. I, too, Mr. Speaker, ask the members to support this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Scrimenti
Bastian	Flick	Mann	Semmel
Bebko-Jones	Forcier	Markosek	Shaner
Belardi	Frankel	Marsico	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Benninghoff	Gabig	McGeehan	Solobay
Bianucci	Gannon	McGill	Staback
Birmelin	Geist	McIlhattan	Steil
Bishop	George	McIlhinney	Stern
Blaum	Gergely	McNaughton	Stetler
Boyd	Gillespie	Melio	Stevenson, R.
Browne	Gingrich	Micozzie	Stevenson, T.
Bunt	Godshall	Miller, R.	Sturla
Butkovitz	Good	Miller, S.	Surra
Buxton	Goodman	Mundy	Tangretti
Caltagirone	Grucela	Mustio	Taylor, E. Z.
Cappelli	Gruitza	Myers	Taylor, J.
Casorio	Habay	Nailor	Thomas
Causar	Haluska	Nickol	Tigue
Cawley	Hanna	O’Brien	Travaglio
Civera	Harhai	Oliver	True
Clymer	Harhart	O’Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Killion	Reichley	Wojnaroski
Dally	Kirkland	Rieger	Wright
DeLuca	Kotik	Roberts	Yewcic
Denlinger	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Yudichak
DeWeese	Leach	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Bard	James	Metcalfe	Stairs
Egolf	Kenney	Phillips	Weber
Harper			

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

On the question recurring,

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

RULES SUSPENDED

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

Mr. DeWEESE. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of amendment A4793.

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Scrimenti
Bastian	Flick	Mann	Semmel
Bebko-Jones	Forcier	Markosek	Shaner
Belardi	Frankel	Marsico	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Benninghoff	Gabig	McGeehan	Solobay
Bianucci	Gannon	McGill	Staback
Birmelin	Geist	McIlhattan	Steil
Bishop	George	McIlhinney	Stern
Blaum	Gergely	McNaughton	Stetler
Boyd	Gillespie	Melio	Stevenson, R.
Browne	Gingrich	Micozzie	Stevenson, T.
Bunt	Godshall	Miller, R.	Sturla
Butkovitz	Good	Miller, S.	Surra
Buxton	Goodman	Mundy	Tangretti
Caltagirone	Grucela	Mustio	Taylor, E. Z.
Cappelli	Gruitza	Myers	Taylor, J.
Casorio	Habay	Nailor	Thomas
Causar	Haluska	Nickol	Tigue
Cawley	Hanna	O'Brien	Travaglio
Civera	Harhai	Oliver	True
Clymer	Harhart	O'Neill	Turzai
Cohen	Harris	Pallone	Vance
Coleman	Hasay	Payne	Veon
Cornell	Hennessey	Petrarca	Vitali
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Wheatley
Curry	Josephs	Readshaw	Williams
Dailey	Keller	Reed	Wilt
Daley	Killion	Reichley	Wojnaroski
Dally	Kirkland	Rieger	Wright
DeLuca	Kotik	Roberts	Yewcic
Denlinger	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Yudichak
DeWeese	Leach	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—9

Bard	James	Metcalfe	Stairs
Egolf	Kenney	Phillips	Weber
Harper			

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

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

Mr. DeWEESE offered the following amendment No. **A4793**:

Amend Sec. 2 (Sec. 6012), page 19, (A4561), by inserting between lines 46 and 47

(4) Notwithstanding any provision to the contrary in this chapter, the chairman appointed pursuant to the former provisions of section 11 of the Pennsylvania Convention Center Authority Act shall be removed 60 days after the effective date of this chapter unless reappointed by a vote of at least eight members of the board, occurring no sooner than 50 days after the effective date of this chapter.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. DeWeese, on his amendment.

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

My amendment simply would allow for the new board to elect a new chairman. We would remove the grandfather clause.

It is not a complicated amendment. Fifteen new members of the board, many of whom, of course, will be the same board members that have been serving in the past, but I think the new configuration, even if it is a slightly nuanced configuration, deserves to have a chance to elect a new chairman. Essentially, that is what this amendment does.

Thank you very much.

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

Mr. HORSEY. Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. I went out of order, Mr. Horsey. I made a mistake, but I will allow you to go first. I was supposed to recognize the gentleman, Mr. Evans.

Mr. HORSEY. No, no, no. I will yield to Mr. Evans, Mr. Speaker. I will yield to Mr. Evans.

The SPEAKER. You will yield? Thank you, sir.

The gentleman, Mr. Evans.

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

Mr. Speaker, I have been here for 23 years, and there is probably not a better gentleman than the floor leader that I think the world of, so I want people to understand that although he and I differ on this amendment, we are still buddies.

I think he is wrong. I want to say that, and the reason I think the floor leader is wrong – and I have expressed this to him privately, and I will say it publicly – is, we happen to have a gentleman who is the current chairman of the

Convention Center Authority who, in my view, and a lot of other people are doing a lot of good work. So if you are going to remove the grandfather clause for this particular person, then you have got to remove it for everybody, because we have a balance. We have a balance of the counties; we have a balance for the mayor; we have a balance for the city council; we have a balance for everyone.

And one of the things that I said, Mr. Speaker, when this issue came up again is, what I did not want to see happen is what has happened in the past, is the same old, typical kind of politics that has been taking place. I just did not want to see the same old kind of politics. I basically said, Mr. Speaker, that we needed bipartisan support, we needed regional support, and we did not need to go through what this amendment will create, in my view.

I understand the gentleman's attempt, Mr. Speaker, but I told him I disagree with him. I told him it has nothing to do with the substance of fundamentally moving this convention center forward, that we need to make this convention center work. We need to make sure that the region is involved. We need to make sure the city is involved and the State is involved.

In my view, Mr. Speaker, the only thing this amendment would do is get into the same kind of politics that we need to move away from regarding that particular convention center.

Just as the Taylor amendment passed – and there was bipartisan support on the Taylor amendment – just as the Godshall amendment passed, just as the other DeWeese amendment passed, but this particular amendment, in my view, Mr. Speaker, is not an amendment that is in the best interest of that center, and I would ask people to be “no” on that amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

I only have one question to ask him.

The SPEAKER. Does the gentleman, Mr. DeWeese, wish to be interrogated by the gentleman, Mr. Horsey? The gentleman indicates he will.

Mr. HORSEY. Mr. Speaker, we grandfathered in the other board members. We made provisions for the other board members to be on the board. We added the provision for the mayor and the Governor to add to the existing board.

I just need to know, as a result of this particular amendment – and you may answer it, and you may not answer it – is this amendment race based, because this amendment only addresses the chair, who happens to be a minority.

Mr. DeWEESE. Mr. Speaker, I would emphatically declare that it is not race based. In fact, the amendment that I am proffering today has the undiluted, untrammled support of the honorable mayor of the city of Philadelphia, the Honorable John Street. So the political dynamics at hand can be discerned immediately, but they are certainly not tintured by any racial perspective.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, on the amendment?

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

Mr. HORSEY. Thank you, Mr. Speaker.

Whether it is supported by the mayor or not, the mayor did not appoint the present chair on the board, but your amendment

certainly does remove him, and with that, I would urge a “no” vote on this particular amendment.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Just to react to the interrogation.

This effort on my part certainly does not remove the honorable chairman, Mr. Nutter, who happens to be a friend of mine. What it does say is, apropos of the gentleman, Mr. Evans' comments of a few moments ago, that if the gentleman is doing a superlative job, he will probably be reappointed unanimously by the board.

We are only saying that the new dynamics of this board, reconfigured, reconstructed, by the General Assembly, should have the chance to elect a chairman. It will probably be the same gentleman. I would opine that Mr. Nutter will be reelected. All I am trying to do is put some flexibility into the process.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I hate to disagree with my good friend and colleague and my chairman of the Appropriations Committee, but the reality of it is that in the first DeWeese amendment we did not grandfather any of the existing board members. What we actually did in the first DeWeese amendment that we all agreed to is we said, we are making a new board; we are making it a board of 15; everybody has 45 days to either get replaced or get reappointed, and nobody is grandfathered. That was DeWeese 1 that we all agreed to. What DeWeese 2 is saying, and then that reconstituted board will, under the procedure that they have always had, pick a new chairman, and I think that those two things together are consistent.

Now, I say this as my best political friend, at least I consider my best political friend back in Philadelphia, my city councilman and the current chair of the convention center board, and I have no doubt that he will be reelected, because he is doing a superb job. But the reality of it is that the consistency in the composition of the board exists with both the adoption of the first DeWeese amendment and the adoption of the second DeWeese amendment, and so I am urging an adoption of the second DeWeese amendment. But I do that for another important reason and something that saddens me about where we are here once again with this legislation.

When the Supreme Court invalidated the bill that we did last session, the comments in the newspaper – and the court gave us until February 10 to fix it – all of the comments in the newspaper, and particularly the comments I read from the Governor, were very inclusive, is I guess the way I would say it, and at least the Governor's words were very much that we have to work together on this; we have to bring the legislative leaders, the Governor's Office, and the mayor's office in and work together for a compromise solution that is in the best interests of the Commonwealth, the convention center, and the city of Philadelphia.

And why do I say the city of Philadelphia, because this is the Pennsylvania Convention Center. I say that for the same reason that the Pennsylvania Convention Center is constructed to give the mayor appointments on the board. The way the convention center is structured, the city is on the hook for substantial sums of money for both the operating costs of this convention center,

which are to a tune of \$24 million-plus per year. In addition, the reconstituted language has information in it with regard to any potential expansion and sets forth a procedure for any potential expansion and presumes in that expansion the city's participation and involvement.

But here we are today on the floor of the House moving forward a bill that has not had the kind of compromise that we want in it to happen, and I think that a good-faith effort towards that compromise, towards that inclusion, towards that including the city's perspective would be to vote in support of this amendment before us, and so I ask for a "yes" vote. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Philadelphia, Mr. Taylor.

Mr. TAYLOR. Mr. Speaker, without belaboring the point, I would agree with all the comments of Representative Evans on why to oppose this amendment, and I would ask for a negative vote on this particular DeWeese amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Horsey, for the second time.

Mr. HORSEY. Thank you, Mr. Speaker.

This is a classic example of "if it's not broke, don't fix it." There is no need to remove the chair of this convention center. Yes, the city is on the hook for \$24 million, and that is the reason why the mayor wants to disagree with him, so I will put money up, I will put my political career up right here and now, that there are people – for example, Mr. Greene out in Bucks County – that will assume the \$24 million in debt a year if we build the convention center in Bucks County. Location is what is important here.

The convention center is in Philadelphia. We assume the debt. We want the convention center. Please, let us not play the game about that. We want the convention center in the city of Philadelphia, because if we do not want it, again I am telling you that there are people, for example, Mr. Greene in Bucks County, that will assume that \$24 million debt a year if we move the convention center to Bucks County. So it is not about the debt that the city is paying, because there are people out there that will assume that debt.

Now, this is a bad bill because it appears to make a move on the chairman unnecessarily, unnecessarily. There is no need to remove Mr. Nutter, if he is doing a great job, from out of that position, and that is exactly what this particular amendment does, and I am opposed to this amendment, and please, do not vote for it.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

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

With all due respect to the last speaker, he is wrong. I was with Mr. Nutter in New York on Saturday night. Mr. Nutter is a friend of mine, and in my view, the chances of him being reelected to the chairmanship are substantially favorable.

What this does is gives flexibility to the new board. I am not going to debate this ad infinitum. No demagogic ranting on my part tonight. It is obvious that Chairman Evans, my worthy and talented friend, has thrown out substantial breastworks, and there is a steadily mounting crescendo of Republican votes that will probably align themselves with my honorable friend, the baronial chairman of the Appropriations Committee on the

Democratic side, but I think that there is a political bifurcation in the city of Philadelphia on this issue. It is not cataclysmic, but I do think the new board should have a chance to review the chairmanship, probably elect Michael Nutter, but certainly have some flexibility within the process.

So notwithstanding the fact that I think the votes have already been tallied, on behalf of the mayor, on behalf of Mr. Dougherty and other advocates of this measure, I would ask for an affirmative vote.

Thank you very much, Mr. Speaker.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notices the gentleman from Westmoreland, Mr. Stairs' presence in the hall of the House. His name will be added to the master roll.

CONSIDERATION OF HB 1733 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—71

Bebko-Jones	Donatucci	Lescovitz	Samuelson
Belardi	Eachus	Levdansky	Santoni
Belfanti	Fabrizio	Manderino	Scrimenti
Bianucci	Freeman	Mann	Shaner
Bishop	George	McCall	Solobay
Blaum	Gergely	McGeehan	Staback
Butkovitz	Goodman	Melio	Stetler
Buxton	Gruitza	Mundy	Sturla
Caltagirone	Haluska	Oliver	Surra
Casorio	Hanna	Pallone	Tangretti
Corrigan	Harhai	Petrarca	Tigue
Coy	Josephs	Preston	Travaglio
Cruz	Keller	Rieger	Veon
Curry	Kotik	Roberts	Walko
Daley	LaGrotta	Roebuck	Wojnaroski
DeLuca	Laughlin	Rooney	Yewcic
Dermody	Leach	Ruffing	Yudichak
DeWeese	Lederer	Sainato	

NAYS—122

Adolph	Fairchild	Mackereth	Sather
Allen	Feese	Maher	Saylor
Argall	Fichter	Maitland	Scavello
Armstrong	Fleagle	Major	Schroder
Baker	Flick	Markosek	Semmel
Baldwin	Forcier	Marsico	Smith, B.
Barrar	Frankel	McGill	Smith, S. H.
Bastian	Gabig	McIlhattan	Stairs
Benninghoff	Gannon	McIlhinney	Steil
Birmelin	Geist	McNaughton	Stern
Boyd	Gillespie	Micozzie	Stevenson, R.
Browne	Gingrich	Miller, R.	Stevenson, T.
Bunt	Godshall	Miller, S.	Taylor, E. Z.
Cappelli	Good	Mustio	Taylor, J.
Causar	Grucela	Myers	True
Cawley	Habay	Nailor	Turzai
Civera	Harhart	Nickol	Vance
Clymer	Harris	O'Brien	Vitali
Cohen	Hasay	O'Neill	Wansacz
Coleman	Hennessey	Payne	Washington
Cornell	Herman	Petri	Waters

Costa	Hershey	Petrone	Watson
Crahalla	Hess	Pickett	Wheatley
Creighton	Hickernell	Pistella	Williams
Dailey	Horsley	Raymond	Wilt
Dally	Hutchinson	Readshaw	Wright
Denlinger	Killion	Reed	Youngblood
DiGirolamo	Kirkland	Reichley	Zug
Diven	Leh	Rohrer	
Evans, D.	Lewis	Ross	Perzel,
Evans, J.	Lynch	Rubley	Speaker

NOT VOTING—1

Thomas

EXCUSED—8

Bard	Harper	Kenney	Phillips
Egolf	James	Metcalfe	Weber

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

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

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

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Scrimenti
Bastian	Flick	Mann	Semmel
Bebko-Jones	Forcier	Markosek	Shaner
Belardi	Frankel	Marsico	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Benninghoff	Gabig	McGeehan	Solobay
Bianucci	Gannon	McGill	Staback
Birmelin	Geist	McIlhattan	Stairs
Bishop	George	McIlhinney	Steil
Blaum	Gergely	McNaughton	Stern
Boyd	Gillespie	Melio	Stedter
Browne	Gingrich	Micozzie	Stevenson, R.
Bunt	Godshall	Miller, R.	Stevenson, T.
Butkovitz	Good	Miller, S.	Sturla
Buxton	Goodman	Mundy	Surra
Caltagirone	Grucela	Mustio	Tangretti
Cappelli	Gruitza	Myers	Taylor, E. Z.
Casorio	Habay	Nailor	Taylor, J.
Causar	Haluska	Nickol	Thomas
Cawley	Hanna	O'Brien	Tigue
Civera	Harhai	Oliver	Travaglio
Clymer	Harhart	O'Neill	True
Cohen	Harris	Pallone	Turzai
Coleman	Hasay	Payne	Vance
Cornell	Hennessey	Petrarca	Veon

Corrigan	Herman	Petri	Vitali
Costa	Hershey	Petrone	Walko
Coy	Hess	Pickett	Wansacz
Crahalla	Hickernell	Pistella	Washington
Creighton	Horsley	Preston	Waters
Cruz	Hutchinson	Raymond	Watson
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Killion	Reichley	Wilt
Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Youngblood
Dermody	Laughlin	Rohrer	Yudichak
DeWeese	Leach	Rooney	Zug
DiGirolamo	Lederer	Ross	
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—1

Yewcic

NOT VOTING—0

EXCUSED—8

Bard	Harper	Kenney	Phillips
Egolf	James	Metcalfe	Weber

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.
Ordered, That the clerk present the same to the Senate for concurrence.

RULES SUSPENDED

The SPEAKER. The Chair turns to page 4 of today's House calendar and recognizes the majority leader, Mr. Smith.
Mr. S. SMITH. Mr. Speaker, I would like to make a motion to suspend the rules for the purpose of considering SB 483 only, suspend the rules only for the consideration of the bill.

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

The SPEAKER. The gentleman, Mr. DeWeese.
Mr. DeWEESE. I would support my colleague from Jefferson County, the honorable majority leader, and ask that it run clean. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—180

Adolph	Eachus	Lynch	Santoni
Allen	Evans, D.	Mackereth	Sather
Argall	Evans, J.	Maher	Saylor
Armstrong	Fabrizio	Maitland	Scavello
Baker	Fairchild	Major	Schroder
Baldwin	Feese	Manderino	Scrimenti

Barrar	Fichter	Mann	Shaner
Bastian	Fleagle	Markosek	Smith, B.
Bebko-Jones	Flick	Marsico	Smith, S. H.
Belardi	Forcier	McCall	Solobay
Belfanti	Frankel	McGeehan	Staback
Benninghoff	Gabig	McGill	Stairs
Biancucci	Geist	McIlhattan	Steil
Birmelin	George	McIlhinney	Stetler
Bishop	Gergely	McNaughton	Stevenson, R.
Blaum	Gillespie	Melio	Stevenson, T.
Boyd	Gingrich	Micozzie	Sturla
Bunt	Godshall	Miller, R.	Surra
Butkovitz	Good	Mustio	Tangretti
Buxton	Goodman	Myers	Taylor, E. Z.
Caltagirone	Grucela	Nailor	Taylor, J.
Cappelli	Gruitza	Nickol	Thomas
Casorio	Habay	O'Brien	Tigue
Causer	Haluska	Oliver	Travaglio
Cawley	Hanna	O'Neill	True
Civera	Harhai	Pallone	Turzai
Clymer	Harris	Payne	Vance
Cohen	Hasay	Petrarca	Veon
Coleman	Hennessey	Petri	Walko
Cornell	Herman	Petrone	Wansacz
Corrigan	Hershey	Pickett	Washington
Costa	Hess	Pistella	Waters
Coy	Hickernell	Preston	Watson
Crahalla	Horsey	Raymond	Wheatley
Creighton	Hutchinson	Readshaw	Williams
Cruz	Josephs	Reed	Wilt
Curry	Keller	Rieger	Wojnaroski
Dailey	Killion	Roberts	Wright
Daley	Kirkland	Roebuck	Yewcic
DeLuca	Kotik	Rohrer	Youngblood
Denlinger	LaGrotta	Rooney	Yudichak
Dermody	Laughlin	Ross	Zug
DeWeese	Leach	Rubley	
DiGirolamo	Lederer	Ruffing	
Diven	Lescovitz	Sainato	Perzel,
Donatucci	Levdansky		Speaker

NAYS—14

Browne	Harhart	Mundy	Semmel
Dally	Leh	Reichley	Stern
Freeman	Lewis	Samuelson	Vitali
Gannon	Miller, S.		

NOT VOTING—0

EXCUSED—8

Bard	Harper	Kenney	Phillips
Egolf	James	Metcalfe	Weber

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 483, PN 1319**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for life insurance applications; and extending the expiration date of provisions relating to health care insurance individual accessibility.

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—194

Adolph	Evans, D.	Lewis	Samuelson
Allen	Evans, J.	Lynch	Santoni
Argall	Fabrizio	Mackereth	Sather
Armstrong	Fairchild	Maher	Saylor
Baker	Feese	Maitland	Scavello
Baldwin	Fichter	Major	Schroder
Barrar	Fleagle	Manderino	Scrimenti
Bastian	Flick	Mann	Semmel
Bebko-Jones	Forcier	Markosek	Shaner
Belardi	Frankel	Marsico	Smith, B.
Belfanti	Freeman	McCall	Smith, S. H.
Benninghoff	Gabig	McGeehan	Solobay
Biancucci	Gannon	McGill	Staback
Birmelin	Geist	McIlhattan	Stairs
Bishop	George	McIlhinney	Steil
Blaum	Gergely	McNaughton	Stern
Boyd	Gillespie	Melio	Stetler
Browne	Gingrich	Micozzie	Stevenson, R.
Bunt	Godshall	Miller, R.	Stevenson, T.
Butkovitz	Good	Miller, S.	Sturla
Buxton	Goodman	Mundy	Surra
Caltagirone	Grucela	Mustio	Tangretti
Cappelli	Gruitza	Myers	Taylor, E. Z.
Casorio	Habay	Nailor	Taylor, J.
Causer	Haluska	Nickol	Thomas
Cawley	Hanna	O'Brien	Tigue
Civera	Harhai	Oliver	Travaglio
Clymer	Harhart	O'Neill	True
Cohen	Harris	Pallone	Turzai
Coleman	Hasay	Payne	Vance
Cornell	Hennessey	Petrarca	Veon
Corrigan	Herman	Petri	Vitali
Costa	Hershey	Petrone	Walko
Coy	Hess	Pickett	Wansacz
Crahalla	Hickernell	Pistella	Washington
Creighton	Horsey	Preston	Waters
Cruz	Hutchinson	Raymond	Watson
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Killion	Reichley	Wilt
Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Bard	Harper	Kenney	Phillips
Egolf	James	Metcalfe	Weber

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

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

STATEMENT BY MR. FAIRCHILD

The SPEAKER. The House will come to order.

The Chair recognizes the gentleman, Mr. Russ Fairchild, for the purpose of reading under unanimous consent.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Realizing the events that took place in the Middle East this week, I received this in the e-mail, and it is kind of an interesting little poem, but it was written by a marine who served in the Mideast and was in combat there. So if you will bear with me, I am just going to read it very quickly, and hopefully, when we leave this week or next, we will leave knowing that this is in the record:

Twas the night before Christmas,
He lived all alone,
In a one bedroom house made of
Plaster and stone.

I had come down the chimney
With presents to give,
And to see just who
In this home did live.

I looked all about,
A strange sight I did see,
No tinsel, no presents,
Not even a tree.

No stocking by mantle,
Just boots filled with sand,
On the wall hung pictures
Of far distant lands.

With medals and badges,
Awards of all kinds,
A sober thought
Came through my mind.

For this house was different,
It was dark and dreary,
I found the home of a soldier,
Once I could see clearly.

The soldier lay sleeping,
Silent, alone,
Curled up on the floor
In this one bedroom home.

The face was so gentle,
The room in such disorder,
Not how I pictured
A United States soldier.

Was this the hero
Of whom I'd just read?
Curled up on a poncho,
The floor for a bed?

I realized the families
That I saw this night,
Owed their lives to these soldiers
Who were willing to fight.

Soon round the world,
The children would play,
And grownups would celebrate
A bright Christmas Day.

They all enjoyed freedom
Each month of the year,
Because of the soldiers,
Like the one lying here.

I couldn't help wonder
How many lay alone,
On a cold Christmas Eve
In a land far from home.

The very thought
Brought a tear to my eye,
I dropped to my knees
And started to cry.

The soldier awakened
And I heard a rough voice,
"Santa don't cry,
This life is my choice;

I fight for freedom,
I don't ask for more,
My life is my God,
My country, my corps."

The soldier rolled over
And drifted to sleep,
I couldn't control it,
I continued to weep.

I kept watch for hours,
So silent and still
And we both shivered
From the cold night's chill.

I didn't want to leave
On that cold, dark, night,
This guardian of honor
So willing to fight.

Then the soldier rolled over,
With a voice soft and pure,
Whispered, "Carry on Santa,
It's Christmas Day, all is secure."

One look at my watch,
And I knew he was right.
"Merry Christmas my friend,
And to all a good night."

Thank you very much for letting me read this. Thank you.
The SPEAKER. The Chair would like to ask the membership to rise and have a moment of silence for our men and women in the military around the world.

(A moment of silence was observed.)

The SPEAKER. The Chair thanks the membership.

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

The SPEAKER. We are not finished. There is just a break here for one moment, but the Chair will recognize the gentleman from Delaware, Mr. Adolph, for the purposes of an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I have an important announcement to the members of the Environmental Resources and Energy Committee. Tomorrow's 9:30 meeting location has been changed. The meeting will be in 60 East Wing, 60 East Wing at 9:30 tomorrow morning. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Environmental Resources and Energy Committee meeting will be tomorrow in 60 East Wing.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1438, PN 1784

By Rep. GANNON

An Act amending the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act, further providing for practice and referral.

PROFESSIONAL LICENSURE.

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 66, PN 2958**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Warren County, certain lands situate in the Township of Conewango, Warren County; and authorizing and directing the removal of the use restriction and reversionary covenant placed on the real estate previously conveyed to Warren County and imposing other restrictions on said Warren County property, situate in the Township of Elk, Warren County.

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentlelady from Berks, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Once again I rise to ask my colleagues in the House of Representatives to join me in opposing HB 66. I know we have all expended a lot of time and energy in looking into this matter, and I ask for your indulgence in listening to some of the information that I would like to share with you as we take this vote upon us as final consideration.

We defeated this legislation 2 weeks ago when 152 of us said "no" to this legislation. I ask those of you who voted "no" on this bill then to continue to oppose this land conveyance that will take agricultural land and convert it into a shopping center.

Members of organizations like the Pennsylvania Farm Bureau, the Pennsylvania State Grange, 10,000 Friends,

PennEnvironment, county agricultural land preservation groups, and others have outlined their serious concerns about this bill.

During the past 2 weeks, we have heard arguments on both sides of this bill. I am asking you today to vote to uphold a longstanding law that was passed in the 1960s to preserve open space and farmland. Since some House members sitting here today were only infants or were not even born in the 1960s, I would like to point out to the House that there have been laws on the books for more than 35 years that have required our State farmland to be preserved with an open space or farmland restriction. This began with Act 442 of 1967 and was reinforced by Act 159 of 1982 which restricts the conveyance of State farmland in any county of Pennsylvania for purposes of agriculture, open space, research, education, or public use.

In Act 96 of 2000, the legislature conveyed to the Warren County commissioners some of the land that is the subject of HB 66, which we are considering today. The law included a deed restriction requiring 22 acres of the land to be used very specifically for agriculture or open space or revert back to the Commonwealth. This stipulation was omitted on the other 15-acre parcel that was conveyed in that same law. That drafting error, Mr. Speaker, should not be expanded on today.

I believe Act 442 and the intent of the legislature in the 1960s and in the year 2000 was to convey State farmland to the county for purposes of agriculture or open space. Building a retail business on prime farmland was not part of the discussion on the conveyance bill in 2000 for the original 37 acres and should not be permitted in the year 2003 as the current board of Warren County commissioners attempts to add another 29 acres of farmland to this endeavor.

Mr. Speaker, some members are indicating they are having trouble hearing the discussion.

The SPEAKER. The gentlelady has a right to be heard. Please keep the noise levels down.

Mrs. MILLER. We have heard from the supporters of HB 66 that there are no alternative sites for this shopping center. We have also heard a brownfields site was being considered in that county and then it was under consideration for this development prior to the county government attempting to develop the Warren State Hospital farmland.

HB 66 suggests that the Commonwealth and its efforts to preserve farmland will benefit from the bill's imposition of a deed restriction on approximately 46 acres of marginal cropland. Be aware that the impact of the previous and proposed land conveyances total 66 acres of farmland. So we are already talking about 10 acres short of farmland that is going to be protected for the amount of acreage that is going to be destroyed. I also want to emphasize that this is definitely not the two-for-one swap that we have heard used as an argument to convince members to support the bill. We have heard that the soil criteria for land that will be deed restricted is of the same quality as the State hospital land. In fact, I have been provided with documentation by a soils expert that indicates that this is not true. Rather, the farmland that will be swapped is marginal at best.

According to a Warren County soil conservationist, this is not an apples-and-apples comparison when you look at the two sites, and I would like to quote his comments: "...the chosen land in Elk Township does not offer anything meaningful to farmland preservation. In reality, the legislature is destroying about 50 acres of prime farmland when you take into

account the 29 acre parcel that the state still owns, and the 22 acre tract that was transferred to Warren County earlier. In return for destroying 50 acres of prime farmland, the state would receive an ag restriction on 45 acres of pasture, hayland, and forest on the top of the coldest ridge in the county.... The proposed mitigation site provides 600 growing degree days less per year than the Jackson Run site. Does this sound like a fair swap to you?" End quote.

Some have argued that the language which was added to HB 66 will provide \$3 million in funds for the agricultural land preservation program that places deed restrictions on privately owned farmland. I contend that with passage of HB 66, we in fact jeopardize more than \$564 million the Commonwealth has invested to protecting more than 2,000 farms by throwing doubt on the permanency of any law that is passed to protect farmland and open space when it becomes the target for other land uses and developers.

If we can ignore Act 442 of 1967 and Act 159 of 1982, what will stop us, Mr. Speaker, from ignoring the legislative intent of Act 43 of 1981, the Agricultural Area Security Law, that provides for the Farmland Preservation Program? It is important that our Commonwealth's policy for protecting prime farmland from development should not be diminished by State government setting the wrong example and ignoring the law.

Keep in mind the comments raised 2 weeks ago by the gentleman from Dauphin County when he raised a question about the future of our State gamelands also being compromised by legislation that ignores open space and farmland restrictions. Our State gamelands are also governed by Act 442, the same law that covers the Warren County land conveyance. Remember that other conveyances of State hospital farms that have occurred in the past, including land at Danville State Hospital, Clarks Summit State Hospital, and the Somerset State Hospital, have included the agriculture, education, or open space restrictions and reverter clauses. HB 66 could open these land conveyances to interpretation or future amendments, thereby risking thousands of acres of farmland at other State hospitals and State parks.

Just yesterday we unanimously passed a land conveyance bill, HB 1926, that contained a deed restriction and a reverter clause for a tract of land that is being conveyed to a Sullivan County township to be used for parkland, community, and related purposes. The sum of this tract was set at \$1,000. And last week we voted down an amendment to SB 850 that would have removed the deed restrictions and reverter language from Project 70 land, another important law that has protected our watersheds in Pennsylvania for many years.

I ask you to keep your vote on the deed restrictions in place on the Warren County farmland and vote "no" on HB 66. I once again point to the fact that in the July 19, 2003, Pennsylvania Bulletin, Gov. Ed Rendell reaffirmed this Commonwealth's policy on preserving agricultural land, a policy that has been carefully guarded by previous Governors and their Cabinet Secretaries.

You have heard that the Secretary of Agriculture supports HB 66, which is a 180-degree shift in his position on this issue from earlier this spring when he affirmed to me in a letter that he would oppose lifting a deed restriction. What is before us in HB 66 is in direct conflict with this executive order that directs both the Department of General Services and the Department of Agriculture to protect against the conversion of prime farmland.

Clearly, what we do today will set the stage for the future of our State-owned farmlands, our nationally recognized Farmland Preservation Program, and our Commonwealth's efforts to keep farmland in production for the future generations of Pennsylvania.

Please vote "no" on HB 66.

DOCUMENTS SUBMITTED FOR THE RECORD

Mrs. MILLER. I would like to give the background on what I have just presented to the amendment clerk and ask that it be kept as part of the House Journal.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

Mrs. MILLER submitted documents for the Legislative Journal.

(For documents, see Appendix.)

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

Mr. LYNCH. Thank you, Mr. Speaker, and I will be as brief as I can.

First of all, I want to thank you all for going through this again, and I know you have received a lot of e-mails in the past few weeks that simply shows the exuberance that the people in Warren County and my district have and really, really want this development.

I want to point out a couple of quick things. First off, just for the record, I know there has been some confusion with this ag restriction as it relates to farmland preservation. Please know that no tax dollars were spent to purchase development rights off this land. It was simply an ag restriction that was placed on it.

I will point out again that this is supported by the State Chamber of Commerce, the State Retailers' Association, the incumbent county commissioners, two of the three incoming county commissioners, the township supervisors, the Tourist Promotion Agency, the IDC (Industrial Development Corporation), and over 86.2 percent of the people surveyed in Warren County.

Quickly on the brownfields. The reason that the brownfields cannot be used – okay? – there is a railroad track that goes through it, and this is why the developers are not in favor of it. There is a railroad track that runs through the property. There is a potential remediation problem that DEP (Department of Environmental Protection) has yet to look at and indicates that their people feel there is a problem there, and there is no road frontage on a major road.

If I could now, I would like to read a letter from the State Senator— Mr. Speaker?

The SPEAKER. The gentleman is entirely correct. He has a right to be heard. Please keep the noise down. If you have to have conferences, please have them in the back of the hall of the House or in the anterooms.

Mr. LYNCH. I would like to, if I could, read a letter from the State Senator who represents this area, Mary Jo White, in a letter that she wrote to Brenda Shambaugh, the legislative director of the Pennsylvania State Grange, and I read this

because I could not have said it any better, from Mary Jo White to Brenda Shambaugh:

“I am writing in response to your earlier email to all State Senators regarding House Bill 66.

“I respect your organization’s prerogative to oppose lifting any easement at any time. You have that luxury as a single-issue organization. Legislators, however, must balance farmland preservation with opportunities for responsible economic development and an expanded tax base.

“In this particular case, I think your policy of opposing *any* easement exchange is extremely shortsighted. Your letter fails to mention that in order to lift this particular easement, I have insisted upon enacting a separate easement that will protect twice as many acres elsewhere in Warren County. This particular easement was placed by the Commonwealth on a 22-acre parcel used as a farm on former state mental institution grounds. There was no local involvement in the decision.

“Furthermore, the state portion of the proceeds from this transaction will be deposited in the Agricultural Conservation Easement Purchase Fund, preserving approximately 1700 additional acres across the Commonwealth. The net acreage to be preserved under House Bill 66 is substantial.

“I support lifting this particular easement provided the criteria outlined are met. To oppose lifting an easement simply as a matter of policy, and without appreciation for all the facts, appears to undermine the underlining goals of the PA State Grange.”

Mr. Speaker, we need this development in Warren County. You have heard me say it before, and I really would appreciate your vote in the affirmative.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Venango, Mr. Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I rise in support of HB 66.

I want to focus on three different portions of this argument in favor of the bill. First off, I believe this bill is a major expansion of farmland preservation in our State. Yes, we are removing the agricultural restrictions on 22 acres, but in turn we are putting similar restrictions on 45 other acres, and yes, that is a two-for-one swap. But to go even further than that, in an unprecedented move, this bill will direct that all funds, the proceeds that the State receives from this sale, will go directly to the Agriculture Conservation Easement Fund. This amount that the Commonwealth will derive from the sale has been estimated to be about \$3.4 million. If you do a little bit of math, add in the local matching funds that counties use to preserve farmland, this could conceivably yield an additional 3500 acres of preserved farmland in Pennsylvania. That is a major expansion of preserved farmland in Pennsylvania.

Next I want to talk a little bit about the precedent, that some people say we are setting a precedent with this bill. Mr. Speaker, it does not take long as you drive across our Commonwealth to see many, many acres of developed – of once-owned, State-owned farmland that has been developed. As a matter of fact, about a mile or two from the Capitol, if you drive out Elmerton Avenue, prime farmland that at one point was a portion of the Harrisburg State Hospital, a very similar institution to the Warren State Hospital. What is on Elmerton Avenue today on that former prime farmland?

The Fish and Boat Commission building, the Game Commission building, a parking lot for the Farm Show, State Police headquarters, and a Susquehanna Township-controlled property, all of this in phenomenal farmland that was formerly attached to a State hospital. We are not setting a precedent with HB 66. Many times in the past the State has decided to develop what was former State hospital farmland.

Finally, as a legislative district that borders Warren County, I want to really try to describe for you the economic development aspects of this project. I know that in this large and diverse State, there are many areas that are trying to stop growth and stop development, but let me tell you something. Those of us in rural northwestern Pennsylvania, after many years of sustained high unemployment, many years of a population loss, and a continued outmigration of young people, we want development. We need jobs, we need development, and we want projects such as embodied in this legislation. Making that even harder is the fact that in Warren County, one-third of the land is owned by the government. So like many of us in the rural northwest part of the State, our options for development are extremely limited. That is why we need HB 66.

In a nutshell, this initiative will help preserve farmland where it is really needed to be preserved in our State. So I ask for your support for HB 66.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I am going to be brief, but I rose previously on this bill to oppose this piece of legislation, and I was under the guise of some misleading information when I did that. So I am rising today in support of HB 66.

When I rose previously, I was told that this piece of property had been in the Farmland Preservation Program, and being a board member of the Farmland Preservation Program here in Dauphin County for 7 years, I did not want to start abrogating that program across the Commonwealth of Pennsylvania. But this piece of property is not, has not been in the Farmland Preservation Program of the Commonwealth of Pennsylvania. No funds from the Commonwealth of Pennsylvania have gone to preserve the development rights on this piece of property, which was my fear.

This piece of property is one of five potential pieces of property in the Commonwealth of Pennsylvania that fall under this type of restriction – one of five, not one of thousands, not one of hundreds of thousands, one of five.

I do not want to be one to stand here and abrogate the Farmland Preservation Program. That is not what this piece of legislation does, and I ask for you to support HB 66. Thank you.

The SPEAKER. The gentleman from Lehigh, Mr. Browne.

Mr. BROWNE. Thank you, Mr. Speaker.

Notwithstanding my interest in supporting a member on a land transfer request – that has been the policy of this chamber since I have been in office, and I have benefited from that myself – I rise in support of HB 66 for broader policy reasons, contrary to the aggressive statewide advocacy against this bill. As you are aware, Mr. Speaker, certain significant and credible groups have opposed this bill because they say that it is contrary to the Commonwealth’s Farmland Preservation Program mission. With this, I respectfully disagree.

Mr. Speaker, we must keep in mind that effective farmland preservation is not a study in practice in the absolutes but one that strikes an appropriate balance between development, for economic development and housing and preservation. The need for our preservation efforts is due to the fact that almost in all of our metropolitan areas in Pennsylvania, including the Lehigh Valley, this balance has not been respected, in some cases has been breached. But we are not talking about Lehigh, Montgomery, or Bucks County. We are talking about Warren County.

When applying the elements of effective farmland preservation to Warren County, in opposing HB 66 I believe we are not taking a prudent farmland preservation stance but what is closer to a no-holds-barred antidevelopment stance. If such a relative position was taken in the southeastern counties of Pennsylvania, there would have been opposition to development in everything outside the city of Philadelphia. Is this what we are trying to accomplish by opposing this bill? Applied to Lehigh County, opposition to HB 66 in the charge of farmland preservation would mean that many sections of the city of Allentown would not even exist. This is also what I do not think we are trying to accomplish by opposing this bill.

Acquiescing to this application of farmland preservation policy can also lead to absurd results in our urban areas, as the Representative from Venango County had mentioned. Currently in Allentown, in Allentown State Hospital, located in the most urban area in Lehigh County, there is agriculturally restricted land that has not been farmed in 40 years. Is honoring this restriction really effective farmland preservation or is it an unfocused crusade potentially hamstringing a city due to an unreasonable fear of the slippery slope?

I realize, Mr. Speaker, the Commonwealth's farmland preservation policy is a statewide initiative, but should the citizens along the 80 miles of the 65th District be punished for the farmland preservation challenges in other sections of the State? Let us keep in mind, Mr. Speaker, that these measures, these land transfer measures, are considered on a case-by-case basis. Therefore, by tying the hands of the citizens of Warren County in allowing for the development of a parcel of land in one of the most rural areas of our State does not mean we have to do the same thing in Lehigh County regardless of our fear of a slippery slope.

Mr. Speaker, farmland preservation is a vital issue to all the citizens of Pennsylvania from the Delaware River to the Allegheny Forest in the 65th District. Yet by applying it generically and absolutely to HB 66, this chamber is really not seeing the forest through the trees.

Please support HB 66.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Allegheny, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support HB 66.

Last week when I voted "no" – I was a "no" vote on this – I really did not understand the whole problem out there and the whole history behind this property.

After reviewing it and finding out what the public benefits are to Warren County, I personally am going to vote "yes" on this right now, because the fact is, when I see 500 jobs, \$400,000 annual revenue in new property taxes, and \$100,000

in new wage tax, and when this land has not been farmed for 3 years and part of it is commercial, and having the elected officials, the commissioners, and I am sure the Representative over here, Jim Lynch, pushing this type of legislation – and I know Representative Lynch is very concerned about farmland preservation and would not do anything to put us back as far as the Farmland Preservation Program – that changed my mind, and I think it should change a lot of people's mind on this side of the aisle who voted "no," and I am asking the members on this side of the aisle who voted "no" to vote "yes" on this bill today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentlelady, Mrs. Miller, for the second time.

Mrs. MILLER. Thank you, Mr. Speaker.

I feel compelled to get up and correct some of the information that was expressed by some of my colleagues. I want to start first with the comment that this is unprecedented to have the funds from the conveyance of any of our land earmarked for the State farmland preservation fund. In fact, that is already law. I sponsored legislation back in 1996 that made sure that any land conveyance – and previously to this, the land conveyances did include an ag deed restriction and reverter clauses – that those funds do go into the Conservation Easement Fund.

Also, it was expressed that Harrisburg State Hospital has had some development take place. All of the development that was cited are public buildings – the Game Commission, the Fish Commission, the State Farm Show – and as a matter of fact, Harrisburg State Hospital was never part of Act 159 of 1982, because it was understood that State government may have to expand. So they did reserve that, but again, it was for public use.

We have conveyed other parcels of State agricultural land to the public as we did Warren County in the year 2000 for what was understood to be public use, with deed restrictions and reverter clauses saying that was the intended use. Never before have we converted or allowed to be sold something that is going to be going into a commercial business, a for-profit business, as is being suggested here in HB 66.

Mr. Speaker, in the year 2000 when this land was conveyed to Warren County, it was mentioned that no longer is this land being farmed; it has not been farmed for 3 years. When Warren County received this land from the Commonwealth, they evicted the tenant farmer, so that farmer cannot continue to farm. Mr. Speaker, it is not because the farmer does not want to be farming that land; it is because the county commissioners evicted him.

Mr. Speaker, once again, it has been mentioned that the Farmland Preservation Program under Act 43 does not impact what is being discussed in HB 66. Well, that is very obvious, because that act was passed long after Act 442 and Act 159 were set in place in 1960 and 1982. Mr. Speaker, if a State law very specific to preserving our open space and our State farmland cannot be upheld by this body, then certainly it calls into question whether Act 43 in fact would stand any kind of attack when someone decides it is time to develop a protected farm under Act 43.

Mr. Speaker, I once again ask my colleagues to please consider the precedent that we will be setting today if HB 66 passes, and I ask you to please continue to vote "no."

Thank you, Mr. Speaker.
The SPEAKER. The Chair thanks the gentlelady.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman from Butler, Mr. Metcalfe, and will please add his name to the master roll.

CONSIDERATION OF HB 66 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Mercer, Mr. Gruitza.

Mr. GRUITZA. Thank you, Mr. Speaker.

Mr. Speaker, this is the third time we have voted this measure, and with each time that we voted this, I have been absolutely amazed that we have defeated it. I have great respect for all the members in this chamber, and I have said this before on the floor that if I had a project in my district, I would hope that you would defer to my judgment on the wisdom or the lack thereof for a project that affects my people in my community. That has always been the history of this House of Representatives, quite frankly, for a lot of the younger members who have not had the history that some of us have had.

Some of you have never been to Warren County. I imagine the majority of you have never been to Warren County. From time to time I get there. I drive through that area going home every week when I come down here.

Now, let me tell you about Warren County. Warren County, for those of you who are concerned about open space, that is what Warren County has. Warren County has nothing but open space. Now, let me tell you the other thing that Warren County has. It has a surplus of rural poor people, of either totally unemployed people or grossly underemployed people.

You know, I hear people say, well, these jobs at Wal-Mart or these waitress jobs at Applebee's or these jobs at a Quality Inn; you know, we want better jobs. These are great jobs for people. These jobs supplement family incomes. These are, in many cases, the first jobs that our youngsters in college and in high school go out and get. These are jobs that can help support families. These are desperately needed jobs in this community.

You know, we are all going to go home in a few months campaigning, and our top issue is going to be economic development. We need jobs in this State, and this poor gentleman from Warren County has had to come back to this floor three times to try to push a project that will bring taxes to his district, that will bring jobs to his district, that will bring some opportunity to a district that desperately needs them. Is anybody living in the same State that I am? We need jobs in this State. This gentleman needs these jobs, these 400, 500 jobs up there. Let us wake up here tonight and vote for these jobs for this county. Let us give this gentleman the project that he has worked so hard for and that the vast majority of people living in Warren County want. Enough is enough.

Mr. Lynch deserves a "yes" vote on this if he deserves a "yes" vote on anything he ever puts on the floor of this House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

We all agree that the Farmland Preservation Program has been a critical economic development tool for Pennsylvania, and we all agree that it has been part of the legislative agenda of not only this administration but prior administrations. We all know that Governor Rendell has put \$40 million into this program, and we all know, as public policymakers, there is always an exception to the rule, the quid pro quo, and in this case, Mr. Speaker, it is economic development.

Not only is the \$3.4 million going back into the Farmland Preservation Program to replace the new land with 46 acres, currently 23 acres, but, Mr. Speaker, let me direct your attention to something that is more important than anything else that you will consider between now and the day you leave this job. It is rule No. 79 in the House rules of the Commonwealth of Pennsylvania, and if you look in your rule book, there is a rule 79. It is an unwritten rule. It is not there. Rule 79 says, thou shall never interfere with another member's district; thou shall never interfere with another member's district. If someone comes into your district and goes to the fire hall, you are mad and you say, get out of my district, and if someone comes into your district and shows up at a funeral home, you say, get out of my district, and if someone shows up at a town meeting in your district, you say, get out of my district.

And today what we are saying here is, Representative Lynch represents the 65th District. I checked the roll, and guess what? None of us represents the 65th District. He does, not you, not me, not the Governor, not the Speaker of the House, not our leaders. Representative Lynch does. Now all of a sudden we are going to be so pious and so self-serving we are going to believe we are going to violate rule 79 because I know what is better for his district. Mr. Speaker, if you liveth by the sword, you dieth by the sword here. Remember that, because this issue shall come back and haunt everyone.

Let us get out of his district. It is wrong. Vote for this bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Eachus.

Mr. EACHUS. Mr. Speaker, thank you.

That was an impassioned speech, but let me say something about rule 79. When the domino falls in that district on a farm preservation easement and impacts the ability for people across this Commonwealth to set aside prime agricultural land, when that domino falls there, it impacts me in my district.

I am sorry to say that I disagree with my colleague, but I have to say it. When Mr. Young in my district set aside 250 acres of prime property in the Conyngham Valley, he was assured that that property would be held in an easement to guarantee a greenway.

Now, what we do today in that district will impact the ability for us to set aside key preservation land, whether it is in the farmland preservation or one of the five agricultural easements in this Commonwealth, and I do not agree that what happens there will not have an impact in my district. I can also say, when a powerful corporation comes in and says, what we will do is we will make a good deal for a recreational easement or we will make a good deal for an agricultural easement and we will change that property and give you something somewhere else, that does not make it right; that does not make it right.

So what I say to you is, watch the domino. It may be in the gentleman's district, but it may have a long-term effect on our ability to set aside greenways in Chester, Luzerne, Delaware, and other areas that see sprawl. I am concerned about that, and I rise in opposition to HB 66.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

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

I have a strong faith in Secretary Wolff, our Secretary of Agriculture, who supports the gentleman, Mr. Lynch, in his endeavors. The whip on our side of the aisle and I have contacted the Rendell administration today. They are in favor of Mr. Lynch's proposal.

On behalf of the Governor and the administration, I would ask for an affirmative vote.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-106

Adolph	Donatucci	Kotik	Rooney
Allen	Evans, D.	LaGrotta	Ross
Argall	Evans, J.	Lederer	Ruffing
Barrar	Fabrizio	Lewis	Sather
Belardi	Fairchild	Lynch	Saylor
Birmelin	Feese	Mackereth	Schroder
Bishop	Flick	Markosek	Shaner
Blaum	Frankel	Marsico	Smith, S. H.
Browne	Gabig	McGill	Solobay
Bunt	Gannon	McIlhattan	Staback
Butkovitz	Geist	McNaughton	Stetler
Buxton	George	Metcalfe	Stevenson, R.
Cappelli	Gergely	Micozzie	Stevenson, T.
Casorio	Godshall	Miller, R.	Thomas
Causar	Goodman	Myers	Turzai
Civera	Gruitza	Nailor	Veon
Coleman	Hanna	Nickol	Wansacz
Cornell	Harhai	Oliver	Washington
Corrigan	Harhart	Pallone	Waters
Costa	Harris	Petrone	Wheatley
Coy	Hasay	Preston	Williams
Daley	Hennessey	Raymond	Wilt
Dally	Horsey	Readshaw	Wojnaroski
DeLuca	Hutchinson	Reed	Zug
DeWeese	Keller	Reichley	
DiGirolamo	Killion	Roberts	Perzel,
Diven	Kirkland	Rohrer	Speaker

NAYS-89

Armstrong	Forcier	Mann	Scrimenti
Baker	Freeman	McCall	Semmel
Baldwin	Gillespie	McGeehan	Smith, B.
Bastian	Gingrich	McIlhinney	Stairs
Bebko-Jones	Good	Melio	Steil
Belfanti	Grucela	Miller, S.	Stern
Benninghoff	Habay	Mundy	Sturla
Bianucci	Haluska	Mustio	Surra
Boyd	Herman	O'Brien	Tangretti
Caltagirone	Hershey	O'Neill	Taylor, E. Z.
Cawley	Hess	Payne	Taylor, J.
Clymer	Hickernell	Petrarca	Tigue
Cohen	Josephs	Petri	Travaglio
Crahalla	Laughlin	Pickett	True

Creighton	Leach	Pistella	Vance
Cruz	Leh	Rieger	Vitali
Curry	Lescovitz	Roebuck	Walko
Daily	Levdansky	Rubley	Watson
Denlinger	Maher	Sainato	Wright
Dermody	Maitland	Samuelson	Yewcic
Eachus	Major	Santoni	Youngblood
Fichter	Manderino	Scavello	Yudichak
Flagle			

NOT VOTING-0

EXCUSED-7

Bard	Harper	Kenney	Weber
Egolf	James	Phillips	

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

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

STATEMENT BY MR. LYNCH

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

Mr. LYNCH. Thank you, Mr. Speaker.

For all those who were able to support this, I really appreciate it, and you do not know how much the residents of Warren County and the surrounding area appreciate it, and I will not forget it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

GUEST INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House David Adolfson, the district aide for Representative Jerry Birmelin. He is to the left of the Speaker. Would that guest please rise.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1696, PN 2180**, entitled:

An Act amending the act of October 30, 1987 (P.L.375, No.75), entitled, "An act providing for the designation of certain trees and land on the grounds of the State Capitol in Harrisburg as 'Soldiers' Grove' in honor of war veterans; imposing duties upon the Department of General Services; and making an appropriation," providing for the placement of a certain monument in Soldiers' Grove.

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-195

Adolph	Evans, J.	Lynch	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Barrar	Flick	Mann	Scrimenti
Bastian	Forcier	Markosek	Semmel
Bebko-Jones	Frankel	Marsico	Shaner
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gabig	McGeehan	Smith, S. H.
Benninghoff	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gergely	McNaughton	Steil
Blaum	Gillespie	Melio	Stern
Boyd	Gingrich	Metcalfe	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Good	Miller, R.	Stevenson, T.
Butkovitz	Goodman	Miller, S.	Sturla
Buxton	Grucela	Mundy	Surra
Caltagirone	Gruitza	Mustio	Tangretti
Cappelli	Habay	Myers	Taylor, E. Z.
Casorio	Haluska	Nailor	Taylor, J.
Causar	Hanna	Nickol	Thomas
Cawley	Harhai	O'Brien	Tigue
Civera	Harhart	Oliver	Travaglio
Clymer	Harris	O'Neill	True
Cohen	Hasay	Pallone	Turzai
Coleman	Hennessey	Payne	Vance
Cornell	Herman	Petrarca	Veon
Corrigan	Hershey	Petri	Vitali
Costa	Hess	Petrone	Walko
Coy	Hickernell	Pickett	Wansacz
Crahalla	Horsey	Pistella	Washington
Creighton	Hutchinson	Preston	Waters
Cruz	Josephs	Raymond	Watson
Curry	Keller	Readshaw	Wheatley
Dailey	Killion	Reed	Williams
Daley	Kirkland	Reichley	Wilt
Dally	Kotik	Rieger	Wojnaroski
DeLuca	LaGrotta	Roberts	Wright
Denlinger	Laughlin	Roebuck	Yewcic
Dermody	Leach	Rohrer	Youngblood
DeWeese	Lederer	Rooney	Yudichak
DiGirolamo	Leh	Ross	Zug
Diven	Lescovitz	Rubley	
Donatucci	Levdansky	Ruffing	Perzel,
Eachus	Lewis	Sainato	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-7

Bard	Harper	Kenney	Weber
Egolf	James	Phillips	

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

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

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 850, PN 1315**, entitled:

An Act authorizing the City of Scranton and Redevelopment Authority of the City of Scranton, Lackawanna County, to transfer, sell and convey to the University of Scranton certain Project 70 lands free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

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

MOTION TO SUSPEND RULES

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Cawley, who moves for an immediate suspension of the rules of the House.

Mr. Cawley wishes to be recognized under unanimous consent. Would the gentleman briefly explain his amendment.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to suspend the rules to offer amendment 4804, and if you would like, I can explain the amendment.

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

The SPEAKER. Just a brief explanation, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, if it were to pass, I would agree with the passage of the bill and ask for passage of the bill. I have gone to all people that I have been recommended to try to compromise – Senator Mellow, the president of the university, the leadership of both sides of this aisle. If this amendment is passed, Mr. Speaker, I would ask for support of the bill.

What the amendment does—

The SPEAKER. All right. A quick, brief explanation, Mr. Cawley.

Mr. CAWLEY. What the amendment does, Mr. Speaker, is it states that “The governing body of the City of Scranton or the Attorney General of Pennsylvania shall have standing to bring an action in law or equity, including, but not limited to, monetary or damages in equity, to enforce the provisions of subsection (e),” which, Mr. Speaker, are the conditions under the present bill.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. This is on the rules suspension, Mr. Speaker?

The SPEAKER. It is.

Mr. DeWEESE. I would like to defer to the other Representative from the city of Scranton, Mr. Belardi.

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

Mr. BELARDI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask my colleagues and members of the House to oppose the suspension of the rules, simply because it

puts us in an uncomfortable position, and I beg the indulgence of the House. Mr. Speaker, Representative Cawley, myself, and Senator Mellow have worked for the better part of the year, and especially since the month of July since this has been on our calendar, on the details and on the amendments to make this, what I think is a good bill, SB 850, a better bill.

I ask the members to vote “no,” because we are close to passing a good bill for the city of Scranton and the University of Scranton, and what this amendment does, Mr. Speaker, is put us right back to where we were before we all added our amendments to make this a better bill.

I ask my members to vote “no” on this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Smith, wish to be recognized?

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

Mr. Speaker, I respectfully ask the members to vote against the suspension of the rules. Somewhat like the previous speaker mentioned, we have explored a variety of avenues that might make this legislation a little more palatable to all involved. However, at this point in time we would like to proceed with the bill as it is and ask for the members to vote against the suspension of the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-60

Armstrong	Curry	Mackereth	Scrimenti
Bebko-Jones	Daley	Maher	Shaner
Benninghoff	Diven	Manderino	Solobay
Birmelin	Donatucci	Mann	Stern
Bishop	Fichter	Marsico	Stevenson, R.
Browne	Flick	Miller, R.	Tangretti
Butkovitz	Freeman	Miller, S.	Thomas
Buxton	Gruitza	Nailor	Tigue
Cawley	Haluska	Pallone	Vitali
Clymer	Hennessey	Pistella	Wilt
Coleman	Josephs	Readshaw	Wojnaroski
Corrigan	Keller	Reichley	Wright
Costa	Leach	Roberts	Yewcic
Creighton	Lederer	Sainato	Youngblood
Cruz	Levdansky	Samuelson	Yudichak

NAYS-135

Adolph	Fleagle	Lynch	Ruffing
Allen	Forcier	Maitland	Santoni
Argall	Frankel	Major	Sather
Baker	Gabig	Markosek	Saylor
Baldwin	Gannon	McCall	Scavello
Barrar	Geist	McGeehan	Schroder
Bastian	George	McGill	Semmel
Belardi	Gergely	McIlhattan	Smith, B.
Belfanti	Gillespie	McIlhinney	Smith, S. H.
Bianucci	Gingrich	McNaughton	Staback
Blaum	Godshall	Melio	Stairs
Boyd	Good	Metcalfe	Steil
Bunt	Goodman	Micozzie	Stetler
Caltagirone	Grucela	Mundy	Stevenson, T.
Cappelli	Habay	Mustio	Sturla
Casorio	Hanna	Myers	Surra
Causar	Harhai	Nickol	Taylor, E. Z.

Civera	Harhart	O'Brien	Taylor, J.
Cohen	Harris	Oliver	Travaglio
Cornell	Hasay	O'Neill	True
Coy	Herman	Payne	Turzai
Crahalla	Hershey	Petrarca	Vance
Dailey	Hess	Petri	Veon
Dally	Hickernell	Petrone	Walko
DeLuca	Horsey	Pickett	Wansacz
Denlinger	Hutchinson	Preston	Washington
Dermody	Killion	Raymond	Waters
DeWeese	Kirkland	Reed	Watson
DiGirolamo	Kotik	Rieger	Wheatley
Eachus	LaGrotta	Roebuck	Williams
Evans, D.	Laughlin	Rohrer	Zug
Evans, J.	Leh	Rooney	
Fabrizio	Lescovitz	Ross	Perzel,
Fairchild	Lewis	Rubley	Speaker
Feese			

NOT VOTING-0

EXCUSED-7

Bard	Harper	Kenney	Weber
Egolf	James	Phillips	

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. It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

Those voting to— The Chair recognizes the gentleman, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, as was mentioned by a Representative from Philadelphia earlier about removing politics out of the decision as to how we are going to vote, and as was mentioned before by a member something about rule 79, this facility is in my district. This language that we are going to be voting on is going to remove every amendment that I had, that was passed twice by every member of this House of Representatives.

Mr. Speaker, that compromise that I offered would have done exactly what I am asking for. It would give the governing body the right to take anyone violating this act to court. It would give them standing. I am very disheartened that I only received 60-some votes.

Mr. Speaker, the bill we are voting on right now has no provisions whatsoever regarding a penalty if this law is violated. As I mentioned before, I met yesterday; I have been accused, Mr. Speaker, of being hardheaded, that I got everything I wanted and I still was not satisfied. I have nothing in this bill right now, Mr. Speaker. And I have gone to meet with the Senator from Lackawanna County for 1 hour yesterday. I talked to the president of the University of Scranton yesterday, saying if the reversionary clause is too strict, what do you feel is proper? There must be a penalty to this bill. Both Senator Mellow and the president of the university said there is no compromise; they want it passed as is.

I have done everything I possibly can do since last summer to compromise on this bill so that the important people in my

district are protected, the general public, not just the people that are involved in this issue for their own political gain but the people that we all took an oath to help, we took an oath to support, and to protect their safety – the general public. This is all ending up in failure. This is all ending up because people of honor, as Gib Armstrong mentioned to me, people of honor should have no problem with being bound by the law legally. I am asking everyone in this room to use that honor, to forget about and put aside the political pressures that have taken place, and please, for just one shining moment, one shining moment, think of your constituents. For one shining moment think of the precedent that this bill is going to be setting. It is going to come back to haunt us. I am asking you, please, this one time put aside political pressure, carry that honor over, and defeat this bill, and we will get back to negotiating a new bill with the University of Scranton.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Belardi, wish to be recognized?

Mr. BELARDI. Mr. Speaker, I would request that we vote on final passage, and I would like to be recognized on concurrence, if we get to that point.

The SPEAKER. We are on concurrence and final passage, and we do believe that the gentleman, Mr. DeWeese, has a letter for the record.

Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Earlier today I met with Senator Mellow, as we have continued to try to forge a compromise with the two gentlemen that represent Scranton. The district is in Representative Cawley's district. It is across the river, a very slender river, I might add, from Representative Belardi's district. You could hit a good sand wedge from Mr. Belardi's district into this site.

We have tried desperately on occasion after occasion to bring this to an amicable compromise, and we are almost there, not quite. But Senator Mellow made a very magnanimous gesture earlier in the day, and he crafted a very short, one-paragraph note, and it aligns himself on paper with Representative Cawley, and I cannot remember the exact phrase from Shakespeare, but they would be bound together with hoops of steel. This letter is very strong, and it brings the Society of Jesus, the Jesuits, into focus:

“Dear Representative DeWeese:

“In a continuation of our lengthy discussion regarding Senate Bill 850, please be assured I am fully committed to either initiating or intervening on behalf of the citizens of the city or the county if the University of Scranton violates the terms and conditions...” stated “in Senate Bill 850 or the Memo of Understanding entered between the University and the Redevelopment Authority of the City of Scranton dated July 8, 2003.

“Sincerely, Robert J. Mellow, The Democratic Leader.”

Mr. Speaker, we have a tough situation here in that the honorable gentleman, Mr. Cawley, has this piece of real estate ensconced in his district, again, right across the river from the other gentleman from Scranton who is on the other side of the political divide. However, the Senate leader, Robert Mellow, has indicated that if the University of Scranton in any way, in any way, does not fulfill its agreement, he will go to court; he will intercede aggressively with Representative Cawley on behalf of their collective concern.

I think that SB 850 on concurrence right now is as good as it is going to get, Mr. Speaker, and I would ask for an affirmative vote on concurrence.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cawley, there are three speakers ahead of yourself, but you will be recognized.

The gentleman, Mr. Belardi.

Mr. BELARDI. Mr. Speaker, once again I ask the members to support SB 850.

Briefly, the bill as amended in the Senate would remove Project 70 restrictions from a parcel of land located in the city of Scranton primarily used for baseball and softball activity so that the city may sell this land to the University of Scranton. The university will develop the area into a first-class sports facility so that they can compete in intercollegiate play – an NCAA (National Collegiate Athletic Association) baseball field, a women's NCAA softball field, and an NCAA soccer field – in addition to grandstands, maintenance facilities, lights – all will be lighted – and most importantly, to do a playground over, to redo a play area, and a basketball court that was once there – lighted – for use by the children of the city and the youngsters of our area.

My colleague from Scranton and I jointly and independently have held many meetings, especially in June and July when this came before us, countless hours refining language in the legislation to make certain that safeguards remained in this bill to protect the public interest. That was our involvement in the Senate bill. And also, because some have expressed doubt as to whether the new facilities will be available for public use, the University of Scranton has demonstrated to us over and over that it is a good neighbor of the city of Scranton and our region, because now it allows regular free public access to their Poly-Hi Tennis Courts, their library, their concerts, their lectures. They have allowed nonprofit groups free access to their facilities for more than 1900 events, waiving over \$125,000 in fees.

The annual economic impact the University of Scranton has on our region is enormous: \$234 million with hard university expenditures at \$117 million, most of that put right back into our economy. More than 2,000 jobs can be directly or indirectly attributed to the University of Scranton. In 2001 and 2002 they provided financial aid to local students to the tune of almost \$8 1/2 million.

The University of Scranton is an extremely important factor in the economic engine of our city, and they are not going anywhere any time soon. They will be here to honor their commitments that were made in this legislation, which is why in July we inserted, I believe it was July 8, a memorandum of understanding that says the university will do what it says it will do, that says in our memorandum that the city of Scranton will do what it says it will do, like replace a field, a lighted ballfield. The city of Scranton will in turn receive a generous sum of money, upwards of \$1 million for this parcel, \$1,150,000 based on fair market value of a recent appraisal for the property in question, which will in turn enable the city of Scranton to make major improvements at other city parks, namely Nay Aug Park where the mayor, through his efforts, is bringing the city and shedding it from its distressed status and shedding it from the entities that it can no longer afford to maintain and putting that money toward facilities such as Nay Aug Park to return it to its splendor of the past.

The public will be guaranteed the continued use of this sports complex at times when the fields are not being used by the university. The leagues will receive a new lighted softball field up to the standards of ASA, Amateur Softball Association, regulations. This will be at another site in the city, with the costs divided by the city and the University of Scranton. In our memorandum of understanding we, I, asked the university for them to put up \$100,000 to the city toward the development and the construction of this new lighted softball field. The city said it would and never hesitated. The university said it would and never hesitated.

The university and the city will provide liability insurance, which was also another concern, for league and public use at the new facilities. The mayor sent us a letter during the summer, and it was expressed at a meeting in the Speaker's office that the mayor would cover the liability insurance of the new facilities.

The children living in the neighborhood will benefit from the refurbished and redone playground, completely new. The youngsters of our city will benefit from the play area and the new basketball court and will have uninterrupted access to that area – built by the university, agreed to in our meeting, maintained by the university in perpetuity, forever, forever as a gift to the city of Scranton. In reviewing legislation enacted to remove Project 70 restrictions from other properties, I have not seen any project that provided so many restrictions and safeguards in exchange.

I have supported my colleague, Representative Cawley, as have most of you, on his previous amendments on previous occasions, but I believe it has become clear that the State Senate will not pass the bill with those provisions included. Therefore, we are in a position of having this bill as the vehicle to allow the sale to take place. I believe it represents a fair compromise. I know it represents hard work from all of us concerned. There are many more factors that make this a favorable transaction, and I believe it merits our support.

Mr. Speaker, I am asking my colleagues to please vote to concur in SB 850, allow the city of Scranton to decide its own destiny, as Mayor Doherty, council, the University of Scranton, and our citizens continue to make progress toward the economic and social recovery of our city.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna, Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support a concurring vote on SB 850.

Mr. Speaker, I view SB 850 as a win-win situation for not only the University of Scranton but for the city of Scranton as well as the people within the city of Scranton. That question all along here has been whether or not the University of Scranton would allow the general public to use that recreation area that they plan on developing when the school itself was not using the complexes. Mr. Speaker, the University of Scranton and the Jesuits have said time and time again and via a memorandum of agreement that indeed that would be the case. When the university was not utilizing the complex, it would be open to the general public.

Now, Mr. Speaker, I have no real good reason to disbelieve or to challenge the credibility of that statement made by the university. After all, we are not talking about a strange

corporation just moving into the area; we are talking about an institution of higher learning that has been a part of the Scranton community for decades and decades. They are credible, and I think that their word on this issue is good.

Once again, Mr. Speaker, I think that SB 850 in its present form is a win-win for not only the University of Scranton but for the city and for the people themselves and deserves a vote of concurrence.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lackawanna, Mr. Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

I, too, rise in support of SB 850. For all of those that are not from Lackawanna County, the city of Scranton is very important to our area as far as regional and economic development.

For a long time the city of Scranton has been going in the wrong direction. Under new leadership, under a new mayor, things are starting to move in the right direction. We are attracting businesses back downtown. We are renting out \$1300 loft apartments. We have taken this, a need, with the University of Scranton, which is one of our major economic people in downtown Scranton. The city of Scranton and the university came up with a deal that best suits them. The university is going to get an NCAA regulated soccer field, a softball field, and a hardball field. Currently right now in Division III, the University of Scranton in girls soccer is one of the top-ranked programs in the country, but they play on artificial turf that no other teams will come to the university and play on. Next year they have 25 games and only 5 home games. This is going to help us start attracting things back downtown.

What I ask for, Mr. Speaker, is such as Representative Belardi and Representative Staback have said, through the cooperation of Representative Cawley, Representative Belardi, and Senator Mellow, they have worked very hard on this bill during the summer, and I think it has made it a better bill, and I am asking you for support so no amendments is a deal killer and we can move on and turn the city of Scranton and the university around.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER. The gentleman will state it.

Mr. CAWLEY. Thank you.

May I interrogate one of the last three speakers and it will not count on my final remarks because it is interrogation?

The SPEAKER. The Parliamentarian indicates to me that that counts as debate.

Mr. CAWLEY. Well, can I interrogate him and then go into my closing statement?

The SPEAKER. The gentleman is in order.

Mr. CAWLEY. Thank you.

I would like to interrogate the 112th Legislative District member, Mr. Belardi, please.

The SPEAKER. Does Mr. Belardi wish to stand for interrogation? The gentleman indicates that he will stand.

Mr. BELARDI. Yes, Mr. Speaker.

Mr. CAWLEY. Mr. Speaker, as you stated, as Representative Staback stated and Representative Wansacz, this guarantees access, the memorandum of understanding and the other language in the bill. My question is, and it is the same question that I had Tuesday, what if this bill is violated by either party involved in this transaction? Well, three parties; I am sorry – the redevelopment authority, the city of Scranton, or the University of Scranton. What if this law is violated? What are the consequences? What are the penalties?

Mr. BELARDI. Mr. Speaker, I do not have an answer to that. I am not sure, Mr. Speaker, and in other words, we should not be interrogating, you know, interrogating me on this question, but I am not sure what the university's liability is. Are you asking— Restate your question for me.

Mr. CAWLEY. Sure.

Mr. BELARDI. Are you asking for what happens in the event that public access is not allowed?

Mr. CAWLEY. Public access and any other mandate that is in that bill, including the memorandum of understanding, including section (e) regarding conditions. If there is a violation by any of the three parties – the redevelopment authority, the city of Scranton, or the University of Scranton – what are the ramifications if this law – this bill is going to become a law – is violated?

Mr. BELARDI. Mr. Speaker, I believe I know where you are headed, but I have no reason to doubt the integrity of the University of Scranton. What ifs, what ifs, what ifs; I cannot really explain that to you.

Mr. CAWLEY. Mr. Speaker, do you have any doubts about the redevelopment authority or the city of Scranton, that they will not violate this?

Mr. BELARDI. I do not have any doubt that they would not violate this. Mr. Speaker, they signed a memorandum of understanding that you and I worked together on – very hard, I might add. I agree with the statement of our Senator Mellow, that he has no doubt to distrust their word and the memorandum of understanding that we inserted as language in the bill, because some people have expressed to you and me that they doubted what would happen, so we did that in language. In this business, Mr. Speaker, I think we are a man of our word, and I certainly put my trust and my heart with the city of Scranton, its mayor, and the University of Scranton, which you and I so proudly represent.

Mr. CAWLEY. Mr. Speaker, I, too, believe that the University of Scranton will not violate this act. That is why I am saying, that is why I have said last Tuesday, that if they are not going to violate the act, what is the problem with putting a penalty in case the act is violated by any parties? It is very possible that the new council coming in will say that they do not have the money to support putting up a new softball field. Now, if they state that, regardless of the language in the bill that they said that they will construct a new softball field, if the city of Scranton changes their mind, there is no penalty whatsoever. That is why I begged to have my amendment passed, which was rejected, which would have said the governing body of the city of Scranton – that includes council and the mayor – will have standing to file a lawsuit in case there were violations.

And another question I have, Mr. Speaker, is, is it not true, regarding this memorandum of understanding that everyone worked so hard on— We did work very hard, you and I, up until July 2. July 2 we received a conference call. I very explicitly said in that conference call that I did not agree that this was all that was needed in the memorandum of understanding, because the memorandum of understanding—

The SPEAKER. Mr. Cawley, are you done your interrogation?

Mr. CAWLEY. Yes. No, I am not done yet, Mr. Speaker.

The SPEAKER. All right. Would you please ask your question then, Mr. Cawley.

Mr. CAWLEY. Well, I am going to ask him to respond to this—

The SPEAKER. Okay.

Mr. CAWLEY. —because the memorandum of understanding, Mr. Speaker, included, when it was sent up to Scranton, a reversionary clause. It also included that the city of Scranton would pick up the liability insurance for the public using those facilities. When that memorandum came back on July 2 and I was asked, are you going to support it, I said I am not going to support this without amendments, because the reversionary clause was gone and other promises were gone from that memorandum of understanding which was put together by Attorney Foreman on behalf of you and me and sent to the university and the redevelopment authority, and they changed it.

Another major factor, Mr. Speaker, that was changed, that original memorandum of understanding that went to the city of Scranton, it listed as part of this agreement the city of Scranton, and it should have listed that, because this issue is between the Commonwealth of Pennsylvania and the city of Scranton. Every reference to the city of Scranton was also removed from that memorandum of understanding, and the only thing in that memorandum was the Redevelopment Authority of the City of Scranton who, up until tonight, had no party to this. Up until this bill passes and is signed into law, they can violate the law and sell that property, but they are going to have to pay the money back to the Commonwealth of Pennsylvania.

So our agreement, Mr. Speaker, is it not true that our agreement parteth after the night of July 2, and I continued, although—

The SPEAKER. Mr. Cawley—

Mr. CAWLEY. —it was bantered around that I was not willing to compromise—

The SPEAKER. Mr. Cawley—

Mr. CAWLEY. —is it not true – my question – is it not true, Mr. Speaker, that this is when our agreement ended?

Mr. BELARDI. Mr. Speaker, yes, we have worked very hard – you, me, and Senator Bob Mellow – and yes, we put language in the memorandum of understanding that included a reversionary clause, and yes, we sent it to the city, and that is when they sent back the language that they wanted everything except the reversionary clause, and that is when I put my amendments in one of our committees, I believe State Government, July 8 or July 10, and maybe that is when you and I parted, because as close as we are to having a good bill – good for the city, good for the University of Scranton, good for the citizens of the city – we are still in disagreement – and I respect and understand that – over the reversionary clause. I personally would not spend over a million dollars for land if I knew

politically or some way, some day, someone would take action to revert and take that land back away from me after I expend, as the university said they will, close to \$3 million, including the purchase price, in developing this complex. Yes.

Mr. CAWLEY. Mr. Speaker, I have another question, please.

Could I have a little silence. This is very important what the Representative from Lackawanna just stated.

The SPEAKER. The gentleman is correct. He is entitled to be heard. There is entirely too much noise. Please keep the noise levels down.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker from Lackawanna, you just said your biggest problem is the reversionary clause. I offered a compromise yesterday to Senator Mellow, yesterday to the president of the University of Scranton, today to Mr. Perzel's staff, Mr. Preski, and today to Mr. Veon. My compromise removes the reversionary clause. My compromise just makes, which it should make, the governing body of the city of Scranton, it gives them the authority to have standing in case there are violations that take place by any party. So the reversionary clause is removed.

One more question, Mr. Speaker, which I think is important to the members, because this is all going to come back and haunt every member who has a Project 70 bill in the future, because for all intents and purposes, we have repealed the Project 70 bill when we passed this specifically for SB 850. Why do we not go and repeal the Project 70 bill for every Project 70 site in the Commonwealth of Pennsylvania? There would be a civil war, but that is exactly what we are doing.

Mr. Speaker, in the bill, Mr. Speaker from Lackawanna, in the bill, Mr. Speaker—

The SPEAKER. Are you up to your question, Mr. Cawley?

Mr. CAWLEY. Yes.

Mr. Speaker, can the University of Scranton, who it was so eloquently explained is going to offer access to the public, these people who presently own that facility, the taxpayers and the public— That is who owns this facility now, not this ramshackle facility that has been described. Sixty thousand dollars was paid by the mayor for a study, and the study said that this facility—

The SPEAKER. Mr. Cawley, Mr. Cawley, it is a question. Ask your question.

Mr. CAWLEY. Mr. Speaker— I will. Thank you, Mr. Speaker.

Mr. Speaker, can the University of Scranton, under this language that we are going to vote on, can the University of Scranton charge a fee for the public using this facility?

Mr. BELARDI. Mr. Speaker, I am not sure of that answer. I only know that they will follow the same rules that currently apply in the city of Scranton, that the leagues pay a certain amount to use the facilities, and the university will not change that.

Mr. CAWLEY. I hope they do not, Mr. Speaker, because there is— And this was asked to me by Representative E. Z. Taylor earlier.

The SPEAKER. Is this another question, Mr. Cawley?

Mr. CAWLEY. Yes. I looked in this bill and I found no prohibition against the university charging any fees whatsoever. So when E. Z. Taylor and her softball team go up to play in the women's softball league in Scranton and they are told they have to pay \$3,000 to use the field, they are not going to have access.

One of my amendments prohibited fees from being charged. That was all part of the selling point by the university.

Mr. Speaker, we all know – and I am closing, Mr. Speaker – we all know what political pressure has been applied, and I want the public to know that I tried my heart out since last June to compromise. I honestly and sincerely did. I do not believe in my heart that there were compromise efforts made by the other parties involved in this, and why do I not? Because the language is the exact same language. The attempt was made to sneak in through an amendment in this House in a Senator Piccola bill the exact same language. So how did all these people try so hard? I am the only guy that tried to compromise, and I am proud to admit it, and I am asking people to please vote this down for all of our sakes.

Thank you so much.

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-149

Adolph	Feese	Major	Sather
Allen	Fleagle	Manderino	Saylor
Argall	Forcier	Markosek	Scavello
Baker	Frankel	McCall	Schroder
Baldwin	Gabig	McGeehan	Semmel
Barrar	Gannon	McGill	Shaner
Bastian	Geist	McIlhattan	Smith, B.
Belardi	George	McIlhinney	Smith, S. H.
Belfanti	Gergely	McNaughton	Staback
Biancucci	Gillespie	Melio	Stairs
Bishop	Gingrich	Metcalfe	Steil
Blaum	Good	Micozzie	Stetler
Boyd	Goodman	Miller, R.	Stevenson, R.
Bunt	Grucela	Mundy	Stevenson, T.
Caltagirone	Gruitza	Mustio	Sturla
Cappelli	Habay	Myers	Surra
Casorio	Hanna	Nailor	Tangretti
Causer	Harhai	Nickol	Taylor, E. Z.
Civera	Harhart	O'Brien	Taylor, J.
Cohen	Harris	Oliver	Thomas
Cornell	Hasay	O'Neill	Travaglio
Corrigan	Herman	Pallone	True
Coy	Hershey	Payne	Turzai
Crahalla	Hess	Petrarca	Vance
Curry	Hickernell	Petri	Veon
Dailey	Horsey	Petrone	Walko
Dally	Hutchinson	Pickett	Wansacz
DeLuca	Killion	Preston	Washington
Denlinger	Kirkland	Raymond	Waters
Dermody	Kotik	Reed	Watson
DeWeese	LaGrotta	Rieger	Wheatley
DiGirolamo	Laughlin	Roebuck	Williams
Donatucci	Leh	Rooney	Wright
Eachus	Lescovitz	Ross	Zug
Evans, D.	Lewis	Rubley	
Evans, J.	Lynch	Ruffing	
Fabrizio	Mackereth	Sainato	Perzel,
Fairchild	Maher	Santoni	Speaker

NAYS-46

Armstrong	Cruz	Lederer	Samuelson
Bebko-Jones	Daley	Levdansky	Scrimenti

Benninghoff	Diven	Maitland	Solobay
Birmelin	Fichter	Mann	Stern
Browne	Flick	Marsico	Tigue
Butkovitz	Freeman	Miller, S.	Vitali
Buxton	Godshall	Pistella	Wilt
Cawley	Haluska	Readshaw	Wojnaroski
Clymer	Hennessey	Reichley	Yewcic
Coleman	Josephs	Roberts	Youngblood
Costa	Keller	Rohrer	Yudichak
Creighton	Leach		

NOT VOTING—0

EXCUSED—7

Bard	Harper	Kenney	Weber
Egolf	James	Phillips	

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.

COMMERCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Allen, for the purpose of a committee announcement.

Mr. ALLEN. Thank you, Mr. Speaker.

The Commerce Committee – the Commerce Committee – will meet in the rear of the House at the recess of the Chair. Thank you.

The SPEAKER. The Commerce Committee will meet in the rear of the House at the recess.

Would the gentleman, Mr. Birmelin, please come to the rostrum.

There will be no further votes. Are there any further announcements?

The chamber will be at ease awaiting the arrival of the committee report.

THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Youngblood. Why does the lady rise?

Ms. YOUNGBLOOD. Mr. Speaker, a point of personal privilege.

The SPEAKER pro tempore. Without objection, the lady is in order.

Ms. YOUNGBLOOD. Mr. Speaker, it has been 534 days since the 198th Legislative District has had any staff. I am hoping that we can have closure on this issue. I do not think in the history of the Pennsylvania House of Representatives that any legislator has had to do without district office staff for this many days.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

VOTE CORRECTION

The SPEAKER pro tempore. Are there any corrections to the record by the members? Any corrections of the record?

For what purpose does the gentleman, Mr. Williams, rise?

Mr. WILLIAMS. I want to correct the record.

The SPEAKER pro tempore. The gentleman is in order and may proceed.

Mr. WILLIAMS. On the second DeWeese amendment, my button malfunctioned. I want to be recorded in the positive, yes, the affirmative.

The SPEAKER pro tempore. I am sure Mr. DeWeese helped you to make that correction. Thank you.

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

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1321, PN 1629

By Rep. ALLEN

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act, further providing for definitions; providing for keystone innovation zones; and further providing for other State tax credits.

COMMERCE.

REMARKS SUBMITTED FOR THE RECORD

Mr. PETRI submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Gregory J. Cox, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Gregory J. Cox.

Whereas, Gregory J. Cox earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 172.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Gregory J. Cox.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes Mr. Reichley from Lehigh County.

Mr. REICHLEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, December 17, 2003, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 8:04 p.m., e.s.t., the House
adjourned.