

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 9, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 8

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. ALLEN ACOR, Guest Chaplain of the House of Representatives, offered the following prayer:

O God, as we come to You this day, we give You thanks for the opportunity to gather for the swearing in of David Millard. And we pray, Heavenly Father, that as this takes place, that You will give him the strength, the wisdom, the energy to work together with all of those Representatives who are running our State, and we pray, Heavenly Father, that with his strength, his ability, that we will all be much better.

In Your name we pray. 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 Wednesday, February 4, 2004, will be postponed until printed.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2354** By Representatives LEH, BIRMELIN, CLYMER, CREIGHTON, DAILEY, DALEY, DeLUCA, DENLINGER, FORCIER, HALUSKA, HARHAI, HERSHEY, HORSEY, JAMES, MANDERINO, MICOZZIE, ROHRER, STERN, R. STEVENSON, WILT, YOUNGBLOOD and THOMAS

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

Referred to Committee on FINANCE, February 9, 2004.

**No. 2356** By Representatives GOODMAN, ADOLPH, BEBKO-JONES, CAPPELLI, CREIGHTON, DAILEY, DENLINGER, DERMODY, DeWEESE, FABRIZIO, FREEMAN, GEORGE, GERGELY, GRUCELA, HANNA, HARPER, HARRIS, HERSHEY, HORSEY, HUTCHINSON, KOTIK, LEH, MANDERINO, MANN, MARKOSEK, McCALL, PETRONE, PISTELLA, REED, REICHLEY, RUBLEY, SANTONI, SCHRODER, SOLOBAY, STERN, E. Z. TAYLOR, TIGUE, WANSACZ, WASHINGTON, WATSON, WILLIAMS, YOUNGBLOOD and THOMAS

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for Public School Employees' Retirement Board.

Referred to Committee on EDUCATION, February 9, 2004.

**No. 2357** By Representatives HORSEY, BISHOP, CREIGHTON, CRUZ, DALEY, GEORGE, GRUCELA, HARHAI, JAMES, KOTIK, LEDERER, MANDERINO, MYERS, PISTELLA, READSHAW, REICHLEY, ROEBUCK, TANGRETTI, J. TAYLOR, WATERS, YOUNGBLOOD and THOMAS

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for speed cameras in first class cities.

Referred to Committee on TRANSPORTATION, February 9, 2004.

**No. 2358** By Representatives D. EVANS, J. TAYLOR, PETRONE, MELIO, PRESTON, BUXTON, MANDERINO, WALKO, JAMES, BROWNE, ARGALL, PISTELLA, GOODMAN, CRAHALLA, CURRY, GEORGE, ROEBUCK, OLIVER, BEBKO-JONES, CIVERA, DeWEESE, MUNDY, MICOZZIE, LEACH, WASHINGTON, DALEY, FRANKEL, YUDICHAK, SCRIMENTI, THOMAS, TANGRETTI, YOUNGBLOOD, LEVDANSKY and NICKOL

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, providing for donation of property; and further providing for form of claims and for records of claims and tax liens.

Referred to Committee on FINANCE, February 9, 2004.

**No. 2359** By Representatives HALUSKA, BAKER, BALDWIN, BARRAR, BEBKO-JONES, BROWNE, DENLINGER, DeWEESE, FABRIZIO, FAIRCHILD,

FREEMAN, GABIG, GEIST, GOOD, GOODMAN, GRUCELA, HERMAN, HORSEY, HUTCHINSON, KOTIK, LAUGHLIN, LEACH, LESCOVITZ, MARKOSEK, McCALL, PAYNE, PICKETT, SAINATO, SCHRODER, SHANER, SOLOBAY, R. STEVENSON, TANGRETTI, TURZAI, WILT, WOJNAROSKI, YOUNGBLOOD, SAYLOR, THOMAS and DALEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for a Fight Terrorism registration plate; and establishing the Flight 93 Memorial Fund.

Referred to Committee on TRANSPORTATION, February 9, 2004.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 557** By Representatives COY, BEBKO-JONES, BELARDI, BLAUM, BUNT, CAPPELLI, CLYMER, CORRIGAN, CRAHALLA, DeLUCA, DeWEESE, EGOLF, D. EVANS, FABRIZIO, FAIRCHILD, FLEAGLE, FRANKEL, GEIST, GEORGE, GERGELY, GINGRICH, GOODMAN, GRUCELA, HARHAI, HARRIS, HESS, HORSEY, JAMES, JOSEPHS, KELLER, KENNEY, KIRKLAND, KOTIK, LAUGHLIN, LEDERER, LEWIS, MAITLAND, MANN, McCALL, MUNDY, NAILOR, PALLONE, PAYNE, PETRARCA, PETRI, PHILLIPS, PIPPY, PISTELLA, READSHAW, REICHLEY, ROBERTS, SATHER, SAYLOR, SCAVELLO, B. SMITH, SOLOBAY, STERN, T. STEVENSON, TANGRETTI, THOMAS, TIGUE, VANCE, WALKO, WANSACZ, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and E. Z. TAYLOR

A Concurrent Resolution urging the Federal and State Government to take every action necessary to protect existing military bases in the Commonwealth of Pennsylvania and to aggressively seek to expand the Commonwealth of Pennsylvania's military presence in the Federal Base Realignment and Closure process.

Referred to Committee on RULES, February 9, 2004.

**No. 559** By Representatives WALKO, DeWEESE, BROWNE, LESCOVITZ, TRAVAGLIO, BEBKO-JONES, BELFANTI, CAPPELLI, COSTA, DALEY, DERMODY, FABRIZIO, GERGELY, GOODMAN, HARHAI, HENNESSEY, HORSEY, JOSEPHS, KOTIK, LAUGHLIN, LEDERER, LEVDANSKY, MARKOSEK, MELIO, PETRARCA, READSHAW, RUFFING, SOLOBAY, WANSACZ, WASHINGTON, WOJNAROSKI, YOUNGBLOOD and THOMAS

A Concurrent Resolution establishing a committee to study and report on mitigating the problems which result from slope movement in this Commonwealth.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 9, 2004.

### SENATE BILL FOR CONCURRENCE

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

#### **SB 1012, PN 1378**

Referred to Committee on APPROPRIATIONS, February 9, 2004.

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that the following bill be taken from the table: HB 2353.

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

### BILL ON SECOND CONSIDERATION

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

#### **HB 2353, PN 3281.**

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that the following bill be recommitted to the Committee on Appropriations: HB 2353.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move the following bill be taken off the table: HB 814.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that the following bill be placed upon the table: HB 814.

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 696, HB 900, and HB 1733.**

**COMMITTEE APPOINTMENTS**

The SPEAKER. A communication from the Speaker of the House, which the clerk will read.

The following communication was read:

House of Representatives  
Commonwealth of Pennsylvania  
Harrisburg

February 9, 2004

To The Honorable House of Representatives:

This is to inform you that I have made the following Committee Chairmen appointments:

Honorable Robert Flick – Consumer Affairs  
Honorable Dennis Leh – Finance  
Honorable Russ Fairchild – Intergovernmental Affairs

Sincerely,  
John M. Perzel  
The Speaker

**GUESTS INTRODUCED**

The SPEAKER. The Chair would like to welcome to the hall of the House Sue Brown, Phyllis Johnson, and Greg Johnson. They are the guests of Representative Casorio. They are seated in the balcony. Would those guests please rise and be recognized.

**LEAVES OF ABSENCE**

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who calls for a leave of absence for the gentleman from Schuylkill, Mr. ALLEN, and the gentleman from Allegheny, Mr. MAHER. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Allegheny, Mr. KOTIK, and the gentleman from Philadelphia, Mr. McGEEHAN. Without objection, those leaves will be granted.

**FILMING PERMISSION**

The SPEAKER. The Chair wishes to advise the members it has given permission to Keith Haupt of the news organization Press Enterprise to take still photographs of the swearing-in ceremony on the floor of the House 2/9/04.

**SPECIAL ORDER OF BUSINESS****SWEARING IN OF NEW MEMBER**

The SPEAKER. Without objection, the House will now take up a special order of business, the swearing in of Representative-elect David Millard. The Chair hears no objection.

**ELECTION RETURNS PRESENTED**

The SPEAKER. The Chair recognizes the Sergeant at Arms of the hall of the House of Representatives.

The SERGEANT AT ARMS. Mr. Speaker, Mr. Kenneth Rapp, Deputy Secretary of the Commonwealth.

The SPEAKER. The Chair recognizes the Deputy Secretary, Mr. Rapp.

Mr. RAPP. Thank you, Mr. Speaker.

I have the honor of presenting the returns for the special election held on January 27, 2004, in the 109th Legislative District.

The SPEAKER. The Chair thanks Secretary Rapp, and the clerk will read the return.

The following election returns were read:

**COMMONWEALTH OF PENNSYLVANIA**

TO THE HONORABLE SPEAKER AND MEMBERS OF THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the One hundred ninth Legislative District, as the same has been certified to and filed with my office by the Columbia County Board of Elections. David R. Millard, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

(SEAL) IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this ninth day of February in the year of our Lord two thousand four and of the Commonwealth the two hundred and twenty-eighth.

Kenneth Rapp  
Deputy Secretary of the Commonwealth

\* \* \*

SPECIAL ELECTION  
 REPRESENTATIVE IN THE GENERAL ASSEMBLY  
 109TH LEGISLATIVE DISTRICT  
 COLUMBIA COUNTY  
 JANUARY 27, 2004

## OFFICIAL RESULTS

	VOTE TOTALS
Democratic – Paul E. Reichart	5,149
Republican – David R. Millard	5,514
Write-Ins (Scattered)	13

Commonwealth of Pennsylvania  
 Department of State  
 Bureau of Commissions, Elections and Legislation  
 February 9, 2004

**CERTIFICATE ON ELECTION EXPENSES**

## COMMONWEALTH OF PENNSYLVANIA

TO THE HONORABLE SPEAKER AND MEMBERS OF THE  
 HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY  
 OF THE COMMONWEALTH OF PENNSYLVANIA, GREETINGS:

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code [25 P.S. §3252(b)], I do hereby certify that the candidate who was elected Representative in the General Assembly from the 109th District in the Special Election held January 27, 2004, David R. Millard, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

(SEAL) Witness my hand and the seal of the office of the  
 Secretary of the Commonwealth this ninth day of  
 February, 2004.

Kenneth Rapp  
 Deputy Secretary of the Commonwealth

**COMMITTEE APPOINTED TO  
 ESCORT MEMBER-ELECT**

The SPEAKER. The Chair appoints the majority leader, the Honorable Sam Smith, and the Democrat leader, the Honorable H. William DeWeese, to escort Representative-elect Millard to the well of the House for the purpose of taking the oath. The committee will now proceed with its duties.

The Chair thanks the gentlemen.

**OATH OF OFFICE ADMINISTERED**

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania will be administered by the Honorable Thomas James, judge, Court of Common Pleas, Columbia County.

JUDGE JAMES. It is actually a great honor and pleasure to administer the oath of office to my longtime friend and soon-to-be Pennsylvania State Representative, David Millard.

David has been devoted to our community for many, many years. He is a good and decent person, not to mention conscientious, diligent, intelligent, persistent, and anything else his wife wants to throw in. Talk to her later.

Mr. Millard, Dave, please place your left hand on the Bible and raise your right hand and repeat after me.

I, David R. Millard, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth, and I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE JAMES. Congratulations, Representative Millard.

**REMARKS BY SPEAKER**

The SPEAKER. Congratulations, David. You have more guests here than I won by in the year 2000.

Good morning and a warm welcome to the hall of the House of Representatives on this beautiful day for a very special occasion, the swearing in of our newest member, David R. Millard.

Dave has just been sworn in to represent Pennsylvania's 109th Legislative District by the Honorable Judge Thomas A. James of Columbia County, who was just introduced a few moments ago.

We are so pleased that you could join us, and thank you very much for doing this ceremony for us, Your Honor.

Welcome to the chamber, David. I encourage you to savor this day, this moment. While many members of the General Assembly have had several occasions to be sworn in in this magnificent chamber during the ceremony of swearing in, there is only one first time to be sworn in, and you are very, very fortunate to be able to have all of your family and friends here, and do not get used to it, because you only get four tickets if you win in November.

You will always remember this day, and you will. I remember my first swearing in. It will be a memorable one and a very special one for you, your family, and your friends. You truly earned your seat by personally contacting over 8700 voters, knocking on doors, making telephone calls, taking the time that was needed in a 60-day short period of time for a special election. That is a lot of shoe leather, which I am sure you are well aware of, a lot of punching in numbers for one guy. I know on our side of the aisle you just set a record for the number of people that could be contacted in such a short period of time.

Today is particularly special for you, because you are joined by your wife, Rita, and Joseph, Paul, and Rosie; your daughter, Valerie, and your son-in-law, Chris; your grandchildren, Tanner, Conner, and MacKenzie; your brothers, Carl, John, and Joe, and their wives; and also your sister, Jean, and many of your family and relatives.

I am especially pleased to welcome your predecessor back to this hall of the House, John Gordner, and his wife, Lori. Thank you very much for coming here for this ceremony. We are glad you are back with us, John, and we are glad to have a very good friend in the Senate. Thank you for that.

The splendor of this enormous chamber, as you look around, and it is probably— I had never seen it until I was elected back

in 1978, to be honest with you. It is a very, very, very pretty place. You are going to love working here, David. The splendor of this enormous chamber is symbolic of the tremendous responsibility that the people have put in you that comes with being a member of the Pennsylvania House of Representatives.

The electorate has demonstrated its confidence that you possess the dedication, and most important, the commitment to carry out the duties of your office with fidelity.

Today you took an oath to preserve, protect, and to serve. You, sir, have a rare opportunity to help steer this great ship of state, the Commonwealth.

As a Philly guy, you might guess that my personal choice in music would be rock and roll, and it is, but there is a Kenny Rogers country-western song that I would like to just mention a few lines to you today, because I think they are very appropriate for the work that is done here in this House and the way you will have to work with your colleagues, and it goes: "You got to know when to hold 'em, know when to fold 'em, know when to walk away and know when to run."

As you embark on your journey as a legislator and as a lawmaker, I am sure you realize that your success will depend upon knowing when to persist and when to negotiate. You will win when you know when to hold your ground and when to give ground in order to be victorious.

In the end, the ultimate goals of our collective efforts here transcend the political process. The goals revolve, instead, around the development of character, that quality that leads all of us to be responsible citizens, men and women who get involved in issues and choose to act in ways that ultimately contribute to the greater and the common good of Pennsylvania.

Some legislators, a few, are known for big victories. Most, however, are known for the steady day-to-day performance in meeting the needs of the people of Pennsylvania and for their careful and thoughtful consideration that they give the votes that they cast on this floor of the House of Representatives.

Attention to these matters is, in my judgment, the true measure of being a worthy member of this great institution.

All of us look forward to working with you, David. Your energy, your openness, your friendly advice are all welcome here.

Congratulations, and welcome to the Pennsylvania House of Representatives, a job you worked very hard for to get and attain, and you are here. Congratulations.

### REMARKS BY MAJORITY LEADER

The SPEAKER. At this time the majority leader of the House of Representatives, the gentleman from Jefferson, Mr. Smith, is recognized.

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

Mr. Speaker, it is my pleasure and honor, on behalf of the House Republican Caucus, to officially congratulate Dave on his great victory. It was a campaign that was a very tough campaign and one in which, as we have talked, Dave, in the days following the election, we know how hard you worked, and what it really boils down to, I guess, is a campaign sometimes is an audition. How hard you work in a campaign is a reflection of what you are telling the people of that district or each of us tell our districts how we are going to work for them if elected, not just on the issues but also in the energy and what we

are going to commit to taking care of of the important local issues there in our respective districts. I think that your hard work in the campaign certainly paid off, and certainly all your family and friends that are here today to share in this day, we recognize that you have built a great team of people of supporters and workers for the people of the 109th District, and we wish you the best of luck as you take on that endeavor.

As you do, of course, you are now part of a different team here. You are a member of a team here in Harrisburg. Clearly we have a vision for a better Pennsylvania, and how it interacts with the vision you have for the people of the 109th District I think you will find some great parallels there, issues such as creating new and better jobs and budgeting in a fiscally responsible way and making personal responsibility something that is fashionable. These are the types of things that we want to move Pennsylvania towards, and I feel confident that those are the things, some of the things, that you will be looking forward to.

As the Speaker mentioned, I also want to thank Senator Gordner for being here today and for your interest and support on behalf of Dave. We all, you know, love it when members of the House move over to the Senate, because we know how many good friends we have in the Senate and we are just happy to have one more over there, at least for the day, maybe the week. How long it will last, we do not know. Seriously though, Senator, we do appreciate your taking time and being here with Dave and his family for this very special day.

As the Speaker also mentioned the other day, that you are lucky in some respects coming in in a special election scenario, because you do have, you are afforded with a group of people that come from your district, and it is a little easier to have them a part of the swearing in that on a normal swearing-in day, that first Tuesday in January, just is not capable. The building is robust and more full of people, and those are two different swearing ins, but being a special one, I hope that you enjoy it. We afford you this little bit of a day today to relax and kind of bask in the glow of victory, but know this, that later today or tomorrow you are back to work as hard as you were over the last couple of months in that campaign, because that is what the people of the 109th District have come to expect through the campaign and will expect of you as a State Representative.

It is a job that is something that it is partly local and it is partly a State job, and it is one of the ones where I think one of the challenges you face is balancing out those priorities. First and foremost is the priority of your family and your immediate friends that make up, you know, your home area, and you have got to always keep those people in focus and balance that as a primary priority in your lifetime. But then you will face the challenges of balancing out the needs of your district versus the needs of the Commonwealth, and sometimes they do not always mesh exactly the way we would hope they do, and that will be one of the challenges that you face as you move into the actual job of being a Representative and looking at the issues from the local end that is important to the people back home as well as what is best for the Commonwealth of Pennsylvania.

As you dive into those issues and start to work through them, know that those of us in the House that have been here, both Republican and Democrat, you will find friends on both sides of the aisle, members of the committees on which you serve, that will be there to help guide you and give you some good advice. There are a few people on the other side of the aisle I might

steer you clear of from their advice, but we will get to that day another time.

But beyond that, Dave, we want to welcome you and congratulate you to the House of Representatives and hope that you enjoy many years of service here on behalf of the people of the 109th Legislative District.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### REMARKS BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes the Democrat leader, the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Do not make any mistakes, and do not make any excuses about the bad hops. Anybody can field the good ones.

Well, the Democrats had a few bad hops up your way, sir, and you fielded the bad hops and the good ones, and you are here. Your guy won, our guy lost. To remember the words of Winston Churchill— I will try to drown out that incipient applause by a viva voce observation. Churchill said, “In Victory: Magnanimity. In Defeat: Defiance.” That would not seem to be appropriate today, and I will not be defiant. I will be magnanimous. I will be so magnanimous as to recognize the Honorable Senator Gordner, who I have had a very, very tumultuous relationship with, but today, today is a day of celebration and respect for an institution. I welcome the Senator and his wife and his family and all of your friends, relatives, cohorts. May they be friends forever.

When I think about today, I have a variety of thoughts, but one of them reminds me of a very crucial moment in the American political experience, and that was that day in August of 1973 when Marine One was wafting over the White House greenery and disappearing over the horizon. Richard Nixon was on his way to Andrews Air Force Base and then to San Clemente, retiring ostensibly into political oblivion. Justice Burger stood next to Alexander Haig, the Presidential Chief of Staff, and said, “General, thank God it worked; thank God it worked,” and the Justice looked quizzically at the General, because the General said, “What worked, Mr. Justice?” And the Justice said, “The system worked.” Burger had been appointed by Nixon. Burger was the Chief Justice of the Supreme Court, a Republican to the marrow, but yet he was proud of a system that worked.

And notwithstanding the fact that I wish, as a happy partisan, that your opponent had prevailed that day and the margin was somewhere between 300 and 400 votes, it was a hard-fought slog. It was, especially when you consider the meteorological phenomenon at the moment, it was almost a political Battle of the Bulge. There were snow and frozen conditions omnipresent. So I doff my hat, figuratively, to you, and I congratulate you.

As Speaker Perzel indicated, at least obliquely and inferentially about that favorite musical milieu that he so enjoys, rock and roll, there will be a lot of rocking and rolling in this chamber. There always has been and always will be, but that is the quintessential allurements of our American democracy. That is what is not available in so many parts of the world.

Two years ago, as a member of a State Department delegation – in fact, some of my own members will shrink at this observation – I was the chaperon of a group of young political leaders, and I spent time in Uganda up on the Sudanese

border. The Sudanese, obviously, were under the iron boot of a dictator, but the Ugandans, 20-some years after Idi Amin’s devastating, corrupt, annihilating regime, were trying to instill some democracy into Uganda. They were trying to elect their own township supervisors and own school boards. It was a halting effort. From Cape Town to Cairo, there is really no vibrant democracy, and there certainly is no place in the world like the Pennsylvania House.

The Speaker said it many times during his Speakership, this is the oldest legislative body in North America and indeed the hemisphere, and you, sir, David Millard, you are welcome here. You are in a very pivotal moment. You have a chance, whether you are going to put caps on medical malpractice awards or not, whether you are going to advocate stridently and unremittingly for property tax reform or not. You are at a crucial juncture in this Commonwealth’s history. It is a fun time to be here, sir. Ed Rendell – that is fun personified.

Republicans in the House – and you have just swollen their numbers a little bit more than I had wished. Republicans in the Senate – and you had just swollen their numbers a little more than I had wished. But yet the rock ’em, sock ’em, knock ’em world of American politics is held to a higher level because the system worked and you had this wonderful swearing in.

The young man in uniform – many of us have worn the uniform of our country, some in harm’s way like Colonel Tigue, Sergeant Belfanti, others who have not – but to have him here on the floor today, that makes me and a lot of my colleagues feel good. To have a young United States Navy man in this room is personification of what we are all about. To have family in this room is personification of what we are all about. To have me get over some of my pique at young Gordner, that is what it is all about – America, Pennsylvania. Boy, I wish you were a Democrat. I would give a heck of a speech then.

I am going to roll her down, Mr. Speaker, I am going to roll her down. I always get claps from that side when that happens. Shakespeare said that we are all poor players that strut and fret our hour upon the stage. David Millard, this is your hour upon the stage, and I congratulate you.

The SPEAKER. David, loosely translated, that means he welcomes you here but he wishes he had won. We do have an interpreter, if you do not understand everything he says, that translates it into English whenever you might need that.

### GUESTS INTRODUCED

The SPEAKER. David, would you like to introduce your family?

Could you take the microphone for that purpose?

Mr. MILLARD. House leadership, family, friends, staff, Judge James, Reverend Acor, Senator Gordner: I thank you for the opportunity to be here.

The A team – without you it would not have happened. It was a long battle. We worked very hard, but the important thing is we worked hard together, and we will continue to work hard together with my fellow Representatives, and I look forward to working with you.

I thank you for your warm reception today, and special thanks to my family – my wife, Rita. She cooked for an army every night, and we enjoyed it tremendously. Thanks. Would you please stand, Rita; children – our son, Joe, who is back out of harm’s way from the Persian Gulf; our son, Paul, who has

been accepted at Bloomsburg University; daughter, Rosie; daughter, Valerie – grandchildren, Conner, Tanner, and MacKenzie; and the rest of my family, my brothers and sisters, brother-in-law, and mother-in-law. Please stand.

You know, they were with me every step of the way, but it goes without saying that without the expertise and all of your help here, again it would not have been possible, and certainly all my friends and the people that volunteered, you know, you deserve a round of applause, too, and I thank you personally.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

### ROSA PARKS REMEMBRANCE DAY

The SPEAKER. The Chair at this time recognizes Representative Louise Bishop, Representative Elinor Taylor, and Representative LeAnna Washington.

Ms. BISHOP. Thank you, Mr. Speaker.

There is a wonderful story to be told about Black history in the United States. It is a story of success, and celebrating Black History Month, it is appropriate to acknowledge today as the third annual Rosa Parks Remembrance Day. Rosa Parks was a civil rights pioneer who galvanized the American civil rights revolution that later sparked the women's rights era.

Rosa Parks is quiet, soft-spoken, and diplomatic, but she is firm in her belief that enough people will have the courage and dedication to make this country a better place to live.

#### REMARKS BY MS. WASHINGTON

Ms. BISHOP. Today I am privileged to have two of my esteemed colleagues join me. This celebration takes place right today. Representative Elinor Taylor and Representative LeAnna Washington were both impacted by Rosa Parks' efforts, and we will begin by allowing Representative Washington to make her comments.

Ms. WASHINGTON. Thank you.

It is with great pride and privilege that I rise to honor Rosa Parks, the mother of the modern-day civil rights movement. Parks, who turned 91 on February 4, galvanized the civil rights movement.

We know her story. A seamstress who worked a long day just wanted to go home that night. She was tired, more tired than you and I would ever know for a long day's work, and she said, "My only concern was to get home after a hard day's work."

Rosa would have gladly given up her seat for an elderly person or a pregnant mother, but she was not going to be forced to give up her seat for a White man – just because of the color of her skin. On December 1, 1955, Rosa Parks refused to give up her seat on a Montgomery, Alabama, bus and was then asked to exit the bus. This single event sparked the civil rights movement in America. Rosa Parks took a stand and said, "I will sit anywhere I please."

The rest of the Parks story is, as they say, American history – her arrest and trial, a bus boycott that lasted 381 days, and finally, the Supreme Court's 1956 ruling that segregation on public transportation is unconstitutional.

Her insistence opened the door for equality for both men and women. Her decision changed over 200 years of oppression.

Last week we honored her birthday. Today we celebrate her legacy.

Rosa Parks remains a persistent symbol of human dignity and is the cornerstone of an American dream that inspires us all today.

In marking this Rosa Parks Remembrance Day, we acknowledge not only her singular act of bravery and vision, but also stand in humility and thankfulness for an act that will live on for all time, lauded and applauded from one generation to the next.

Thank you, Mr. Speaker.

#### REMARKS BY MRS. TAYLOR

Mrs. TAYLOR. Thank you, Mr. Speaker, for this opportunity.

Thank you, Representative Bishop, for your efforts to recognize Rosa Parks as a leader not only for civil rights but for women's rights as well.

This is the story of one brave woman and the ripples of impact she had upon all the millions of people who live in the United States. It is, in many ways, an outstanding story of the 20th century.

Hers is a story of triumph, of freedom over democracy, of dictatorship, freedom over democracy and dictatorship. Let us start over again. Hers is the story of the triumph of freedom, of democracy over dictatorship – sounds better – and of tolerance over bigotry.

Rosa Parks once said, quote, "I would like to be known as a person who is concerned about freedom and equality and justice and prosperity for all people." And so she is.

But Rosa Parks, the mother of the civil rights movement, did so much more for each of us. Rosa Parks' efforts in the civil rights movement also triggered the women's rights movement. Rosa Parks allowed millions of women to break new ground in every field imaginable. Because of this, our world is irrevocably changed.

Thanks to her, I stand before you as a leader in the House of Representatives. Women are encouraged, not discouraged, to pursue higher education and countless job opportunities. Women are free to offer opinions and effect change, and maybe most importantly, women are no longer considered to be a man's possession.

We have come a long way. Rosa Parks made that happen.

The past has not always been kind to women, but we have made remarkable strides, and women have left their mark throughout history – in sports, in business, in medicine, in television, in education, and in government.

Thank you, Rosa Parks, for your dedication, your bravery, and for your unfounded vision. You are a quiet, exemplification of courage and dignity and a symbol to all Americans to remain free, and, yes, Rosa Parks, we look to you because we want you to know that today women have broken that glass ceiling and it has been cracked.

Thank you very much.

Ms. BISHOP. Thank you, Representative Taylor, Representative Washington.

## REMARKS BY MS. BISHOP

Ms. BISHOP. If Rosa Parks was here today, I am sure she would be humbled by all of this that is taking place. Thank you again, Representative Taylor and Representative Washington, for helping us to gain a better understanding of Rosa Parks' impact on our history, on American history.

Rosa Parks was invited here today. However, as anyone could understand, at 91 years of age, after a life-long commitment and struggle for equal rights, Rosa Parks has decided to retire. Speaking to Rosa Parks through her curator, she has asked me to tell you that she is not tired, she is just retired.

I was asked to tell all of you how grateful and how honored Rosa was with this legislation, the legislation that first passed the House of Representatives in 2001 and was signed into law May 2001. It encourages all citizens of this Commonwealth, and particularly those responsible for attending our schools, to reflect on this symbolism and its significance for the civil rights of all Americans.

Rosa Parks has made her mark on history.

She has been recognized as Time magazine's "100 Most Influential People of the 20th Century." A museum and a library were built in her honor in of all places, Montgomery, Alabama. She was the first recipient of the International Freedom Conductor Award by the National Underground Railroad Freedom Center in Cincinnati. In 1999 Rosa Parks received the Congressional Gold Medal of Honor from President Clinton.

But of all of the awards that she has received, of all the people that she has met, of all of the places that she has traveled, she says nothing had more meaning and made her happier than the legislation that was passed by this House of Representatives, and, ladies and gentlemen, you made it happen, and for that, she is very grateful.

Rosa Parks also wanted me to stress to all of you that she did nothing illegal. Many people think that she broke a law, but all she was guilty of doing was being judged by the color of her skin.

You see, Rosa Parks was sitting in the "colored" section of the bus. She was sitting in the first row of the "colored" section of the bus and was asked to exit the bus when the bus had filled up front to its fullest capacity. She and others in that first row were asked to move. Others moved. Rosa Parks refused to get up and exit the bus, and for that she was arrested. Yet she broke no law, just a Jim Crow policy.

That single act sparked the modern-day civil rights movement. She is a pivotal figure in the fight for civil rights. She was a protester for segregation laws in the United States. Her action led to major reforming, including a Supreme Court ruling against segregation.

For the past 15 years Rosa Parks and Raymond Parks, her husband, have been running her institute. It has been the focal point of her work. Her program, Pathways to Freedom, is a major segment through which her philosophy of "quiet strength" is adopted.

Behind every Rosa Parks, behind every Martin Luther King, behind every Jesse Jackson, there is a quiet strength, a quiet hero that is unrecognized, and that is what Rosa Parks wants each and every one of you to be – use your quiet strength to make this world a better place than what you found it.

Thank you for choosing to be a part of American history today as we recognize and remember the history that we all share. It is my hope that one day, no man or woman will be judged by the color of their skin but rather by the contents of their character.

Thank you, and thank you, Mr. Speaker.

## STATEMENT BY SPEAKER

The SPEAKER. The gentleman from Allegheny, Mr. Readshaw, asked me to read the following about one of our members' sons:

Edward P. Wojnaroski, Jr., was promoted to Lieutenant Colonel in the United States Marine Corps Reserve in a ceremony held at the Navy-Marine Corps Reserve Readiness Center in North Versailles, PA. He returned from Operation Iraqi Freedom in late September 2003, serving in Iraq and Kuwait as the commanding officer of Military Police Company, 1st Force Service Support Group, I Marine Expeditionary Force. During the war, his unit processed over 1,500 enemy prisoners of war and conducted more than 250 convoy and area security missions. After the war, Lieutenant Colonel Wojnaroski's unit successfully completed more than 100 convoy and area security missions in central Iraq. Ed, Jr., graduated from Bishop McCort High School in 1983. Ed is the son of Rep. and Mrs. Edward P. Wojnaroski, Sr. He lives in Pittsburgh with his family and works as an attorney for the law firm Williams Coulson, LLC, specializing in estate planning.

During the war he received the following awards: Presidential Unit Citation; National Defense Service Medal; Sea Service Deployment Ribbon; and Armed Forces Reserve Medal with "M" Device.

At the awards ceremony, he was accompanied by his parents, Rep. Edward and Mrs. Sandy Wojnaroski, Sr., his wife, Sabrina, two sons, one daughter, and his grandmother, Vee Rametta.

Congratulations, Ed.

## MASTER ROLL CALL

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

(Members proceeded to vote.)

## LEAVE OF ABSENCE CANCELED

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. S. SMITH. To recognize that Mr. Allen is here.

The SPEAKER. The Chair returns to leaves of absence and notes the presence in the hall of the House of the gentleman from Schuylkill, Mr. Allen. Without objection, his name will be added to the master roll.

**MASTER ROLL CALL CONTINUED**

The following roll call was recorded:

**PRESENT—199**

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

**ADDITIONS—0****NOT VOTING—0****EXCUSED—3**

Kotik	Maher	McGeehan
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**LEAVES CANCELED—1**

McGeehan
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**REPORT OF  
COMMITTEE ON COMMITTEES**

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

The following report was read:

February 9, 2004

**SUPPLEMENTAL REPORT OF  
COMMITTEE ON COMMITTEES****AGRICULTURE & RURAL AFFAIRS**

Representative John Gordner resigns from the House Standing Committee on Agriculture & Rural Affairs. Representative David Millard is appointed to fill the vacancy on the House Standing Committee on Agriculture & Rural Affairs.

**CHILDREN & YOUTH**

Representative John Gordner resigns from the House Standing Committee on Children & Youth. Representative David Millard is appointed to fill the vacancy on the House Standing Committee on Children & Youth.

**COMMERCE**

Representative John Gordner resigns from the House Standing Committee on Commerce. Representative David Millard is appointed to fill the vacancy on the House Standing Committee on Commerce.

**TRANSPORTATION**

Representative John Evans is appointed to fill the vacancy of Subcommittee Chairman on Transportation Safety on the House Standing Committee on Transportation.

These changes take effect immediately.

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

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

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor, for the purpose of a caucus announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a majority Republican caucus immediately following the recess. Supposedly, Mr. Speaker, we may need about an hour and a half.

The SPEAKER. The Chair thanks the gentlelady.

**DEMOCRATIC CAUCUS**

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

Mr. DeWEESE. Thank you, Mr. Speaker.

The Democrats will also caucus forthwith, and we will respond to the time lineaments of the gentlelady from Chester.

The SPEAKER. The Chair thanks the gentleman.

**SELECT COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Kenney, for the purpose of an announcement.

Mr. KENNEY. Thank you, Mr. Speaker.

At the call of recess, Mr. Speaker, there will be an organizational meeting of the select committee on HR 144, and that will be held in the rear of the House.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

**APPROPRIATIONS COMMITTEE MEETING**

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

Mr. ARGALL. Thank you, Mr. Speaker.

At the declaration of the recess, the Appropriations Committee will meet in room 245.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. Are there any further announcements?

This House stands in recess until 4 o'clock.

**AFTER RECESS**

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

**SENATE MESSAGE****ADJOURNMENT RESOLUTION  
FOR CONCURRENCE**

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

In the Senate  
February 9, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, March 8, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of March 8th, it reconvene on Monday, March 15, 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 Monday, March 15, 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.

**BILLS REREPORTED FROM COMMITTEE****HB 1512, PN 1908**

By Rep. ARGALL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, to provide for the right to hunt and fish.

## APPROPRIATIONS.

**HB 1860, PN 2424**

By Rep. ARGALL

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

## APPROPRIATIONS.

**HB 1861, PN 2425**

By Rep. ARGALL

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

## APPROPRIATIONS.

**HB 1937, PN 2533**

By Rep. ARGALL

An Act redesignating the bridge known as the Napoleon Street Bridge, in the City of Johnstown, Cambria County, as the Edward A. Silk Memorial Bridge.

## APPROPRIATIONS.

**HB 1971, PN 2570**

By Rep. ARGALL

An Act designating a certain bridge carrying SR 322 over Conestoga River in Earl Township, Lancaster County as the Representative Leroy M. Zimmerman Memorial Bridge.

## APPROPRIATIONS.

**HB 2353, PN 3281**

By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for staffing levels and limitations on inmate capacity at State correctional institutions.

## APPROPRIATIONS.

**CALENDAR****RESOLUTION PURSUANT TO RULE 35**

Mr. NAILOR called up **HR 553, PN 3262**, entitled:

A Resolution expressing profound sorrow and condolences on the passing of Virgil F. Puskarich, Executive Director of the Local Government Commission, and recognizing his contributions to the General Assembly and this Commonwealth.

On the question,

Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Cumberland, Mr. Nailor.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, I would like to take just a moment to read this very special resolution:

Expressing profound sorrow and condolences on the passing of Virgil F. Puskarich, Executive Director of the Local Government Commission, and recognizing his contributions to the General Assembly and this Commonwealth.

WHEREAS, Virgil F. Puskarich, Executive Director of the Local Government Commission, passed away on Sunday, January 4, 2004; and

WHEREAS, Mr. Puskarich, who was known to his many friends and colleagues, affectionately, as Virgil, is survived by his wife, Marilyn Puskarich, his daughters, Laura Puskarich and Lynn Puskarich Tosh, his son-in-law, Adam Tosh, and his granddaughters, Annabelle and Clara Tosh; and

WHEREAS, Virgil was born on August 21, 1941, and attended public schools in Bentleyville, Washington County, Pennsylvania; and

WHEREAS, Virgil received his undergraduate education at California University of Pennsylvania, a master of arts degree from West Virginia University and a master of government administration degree from the University of Pennsylvania; and

WHEREAS, As a young man, Virgil taught in the secondary schools of this Commonwealth, and he subsequently taught on the faculty at Washington and Jefferson College; and

WHEREAS, As a community leader, Virgil was elected mayor of Bentleyville, Pennsylvania, and served in that capacity for many years; and

WHEREAS, Virgil came to Harrisburg to take a position on the staff of the Local Government Commission in 1971; and

WHEREAS, Virgil became Executive Director of the commission in 1974; and

WHEREAS, In addition to his service with the Local Government Commission, Virgil volunteered for and held regional and national offices with the National Conference of State Legislatures and the Council of State Governments; and

WHEREAS, Virgil worked with and was honored by many organizations and institutions representing municipalities in this Commonwealth; and

WHEREAS, Members of the General Assembly, for many years, cherished Virgil's friendship, admired his devotion to his field of interest and relied upon his willingness to provide assistance and advice; and

WHEREAS, Virgil helped, guided and touched the lives of so many State and local elected officials and staff, particularly his past and present colleagues at the commission; and

WHEREAS, The life and work of Virgil F. Puskarich have indisputably earned for him this memorial acknowledgment: "Well done thou good and faithful servant"; therefore be it

RESOLVED, That the House of Representatives note with deep sadness the passing of Virgil F. Puskarich, distinguished public servant; and extend heartfelt condolences...

to his wife, Marilyn; his daughters, Laura and Lynn; his son-in-law, Adam; and his granddaughters, Annabelle and Clara Tosh; and be it further resolved that a copy of this resolution will be delivered to Mrs. Marilyn Puskarich.

At this time, Mr. Speaker, I would like to offer just a few comments.

The SPEAKER. The gentleman is in order.

Mr. NAILOR. Virgil was truly the dean of local government in Pennsylvania. He was our professor. His dedication and knowledge were beyond comparison in this Commonwealth. He was a local government advocate and was very well respected by his peers.

Known simply as Virgil, I do not know how many of us can go through life with one name – there are not too many – but Virgil was just that type of person. I knew him for several years before I knew what his last name was, and I knew him socially as well as here at the Capitol. He was always recognized by that single name, "Virgil," professionally and socially. He was a wealth of information and a friend to many, and he will be greatly missed.

#### GUESTS INTRODUCED

Mr. NAILOR. I would like to take this opportunity to introduce to the House of Representatives his wife, Marilyn Puskarich – Marilyn, if you could please stand – his daughter, Lynn Tosh, and her husband, Adam Tosh; his daughter, Laura; and his granddaughters, Annabelle and Clara. Clara just went outside. They waited a long time here for us to come back into session, and I think that the young girls did a very good job.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair at this time recognizes the gentlelady from Montgomery, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

As the ranking House member, it is an honor for me today to represent the Local Government Commission in paying tribute to the memory of Virgil Puskarich and in expressing heartfelt condolences to his family. The other members of the commission – Lynn Herman, Chris Ross, Vic Lescovitz, and Tom Tangretti – and the staff – Michael Gasbarre, Patrick Kieilty, David Greene, Phil Klotz, Danette Magee, Matt O'Keefe, Phil Bear, Patte Weber, Sonya Ebersole, and Karen Bear – join me in homage to Virgil.

I believe it is not an overstatement to say that there never has been a public servant more dedicated than Virgil Puskarich. Even in the pain of illness, Virgil put his work before his own comfort and well-being. His insights and expertise on matters of local government were unparalleled, and he was devoted to the mission of providing the members of the General Assembly with the best possible service and knowledge.

Virgil was actively involved in national governmental organizations, and an acknowledgment from the National Conference of State Legislatures will be conveyed to the family.

On a personal level I can say that Virgil was a man of the highest integrity, admired for his insistence on getting things right. He was a friend in a most professional way to all of us on the commission, irrespective of our party affiliation or our seniority. Virgil truly cared about his staff as individuals, and he set a precedent of developing the Local Government Commission as a cohesive and respected governmental entity.

It is difficult to envision the Local Government Commission without his leadership. Yet, true to his own personal code, Virgil has left the commission well prepared to carry on his work, the work to which he devoted his life. Virgil Puskarich has left Pennsylvania a legacy of dedicated service to the General Assembly and to local government.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Chester, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I had the great pleasure of working with Virgil from my earliest days in the legislature. I could always count on his advice, and he never steered me wrong. I enjoyed my time with him on the Local Government Commission, and I want to warmly endorse the comments of my two colleagues who have just spoken.

I also want to emphasize that even though Virgil enjoyed the great respect of the legislature and all those in Pennsylvania government, his influence and service were not limited to his home State. He served for many years with various national organizations, including, as was mentioned, the National Conference of State Legislatures and various panels devoted to improving the effectiveness of legislative service agencies throughout the country.

A good example of this is his work with the Suggested State Legislation Committee of the Council of State Governments, and that group felt so strongly about Virgil's contributions that they have commissioned a plaque to be presented to Virgil's family. The plaque reads in part:

Presented in memory of  
Virgil F. Puskarich

With gratitude for his dedication and service to the  
Committee on Suggested State Legislation from  
1985 – 2003, and as Vice-Chair from 1999  
through December 2003.

And they say:

“Virgil brought a special flair for perceptive,  
fair-minded analysis to SSL discussions. We will  
miss him as a wonderful friend.”

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Washington, Mr. Lescovitz.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

Mr. Speaker, I feel very honored to have known Virgil Puskarich for over 20 years. When I first came to the legislature back in 1980, Virgil and I started to become very close. Virgil was a professor at my alma mater, Washington and Jefferson College. He also was involved in local politics in Washington County. He was a mayor there in Bentleyville, so we had a lot of ties together. So it was quite easy to come here to Harrisburg and discuss issues with Virgil, and I can truly say Virgil was my friend.

I can also say that Virgil was a friend of the legislature. Members past and present know that any time they called the Local Government Commission, Virgil was there working with his staff to make sure our questions were answered. He worked many, many hours, sometimes and most of the time from

7:30 in the morning until 5 o'clock at night, and when the House was in session or the Senate was in session at night, he was either on call, on staff, or had his office there and staff people working to answer any of our questions. He went above and beyond the call of duty for an individual in this House of Representatives and for the Senate of Pennsylvania.

He went above and beyond, as mentioned before, because he was involved in many national organizations. Virgil and I served on the National Conference of State Legislatures' executive board for over 3 years. He participated in many meetings, conferences, he made phone calls, helping other members around this nation and their staff on issues that affected their States. We also served with the Council of State Governments, and when they needed help for organizing their organizations and their social service organizations, they asked Virgil Puskarich to participate, and he was willing to go to meetings, again make phone calls, discuss questions with any individual in any State in this nation. He performed above and beyond the call of duty for a lot of people.

We enjoyed each other's time. Many times I would go there at 7:30 in the morning, and he would always be there. We would discuss issues over a cup of coffee, always argue on specific politics in Washington County, but he was truly a friend.

A lot of people would say Virgil Puskarich was a workaholic, and I guess you can say that, but when you really looked at Virgil and knew him, you knew that he was truly a good public servant. A lot of individuals get involved in public office or they get involved in the different agencies for a lot of different reasons. They may want power, prestige. Virgil was not that way. Virgil was truly a public servant. He enjoyed helping people. He loved his job. He enjoyed making sure that members were well informed, and all of you know, if you have ever called his office, he was willing to call constituents for you or local governments for you. He was truly a public servant, and we will all miss him. We need more people like that in government, and all I want to say is, God bless his family. God bless Virgil. We really are going to miss him.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Franklin, Mr. Coy. Mr. COY. Thank you, Mr. Speaker.

To Marilyn and Virgil's official family and to Mike and Virgil's unofficial family here at the Local Government Commission, I want to take a moment, because I served on that commission for 5 or 6 years also and got to know the gentleman, Virgil Puskarich. A lot of us are referred to as “gentleman” or “gentlelady” on occasion, but Virgil personified it. Virgil understood the gentle nature of being a gentle man. He observed that gentle nature not only in how he did his job but how he lived.

At the risk of bringing some degree of levity to what is otherwise a serious occasion, I will say that I was always grateful that Marilyn, or whoever, talked Virgil out of his wonderful habit of a good cigar now and then, because he did like a good cigar, but when he gave them up, many of us became recipients. He would obviously now and then get a good cigar or get a couple and they would sort of show up on a desk or two around here, and you always knew where they came from. They came from Virgil.

You are right; you are exactly right, Jerry Nailor. You say the word “Virgil” in this building and in Harrisburg and you knew whom we were talking about. You did not have to try to say the last name “Puskarich”; you just said “Virgil,” and we all knew him and loved him.

There is a wonderful movie in which another Pennsylvanian of famous repertoire from Indiana County, Jimmy Stewart, starred about “A Wonderful Life,” and of course, that movie went on and on about how the character that Jimmy Stewart portrayed was concerned if anyone would ever know that he lived or if the place that he lived in would be a better place. I am absolutely convinced that this Capitol is a better place and Pennsylvania is a better place because Virgil Puskarich was here.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PRESTON. Thank you, Mr. Speaker.

Some people are leaders. Virgil was a leader, because he never was too little to do the big man’s job, but he was never too big to do the little person’s job.

I served with Virgil on the executive committee for the Eastern Regional Conference of the Council of State Governments, and he was the leader of all the staff, and not just the 10 States that we have in the Middle Atlantic States but also including Nova Scotia, New Brunswick, and the Province of Quebec along with Taipei. And everybody knew Virgil. This was a gentleman who could, as some of us wish we could write, he could dictate as if it was a book; it was perfect, but yet knowing that, he was a caring person.

And many times Marilyn and Virgil and I have sat down at different executive committee meetings and had a meal, and Virgil was always on a specific subject, and coming from an urban area we shared some of the same problems of dealing with transportation problems with the rural areas. We dealt with some of the things as far as the environment was concerned, and we have had some good laughs together. I remember a lot of different times when we have been in some different places, and I cannot figure out why we are out there in the country in some place that nobody would ever know in New Hampshire or Vermont and sitting down talking about very substantive issues in dealing with how we can make Pennsylvania better and how the lives of Pennsylvanians can be better. That is what Virgil was all about, and you can only leave it to simply say that many people may be called, but he was truly chosen.

He will be sorely missed.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Erie, Ms. Bebko-Jones.

Ms. BEBKO-JONES. Thank you, Mr. Speaker.

I just want to share with the family and the members of this chamber the first time that I met Virgil. I came down here in 1992, and I was only in office for approximately 3 months, and I was going to my car in the garage only to find out I had a flat tire. And, you know, I get there and I am standing there, oh my, I was crying and doing all this stuff, and this gentleman comes over to me and he sees that I have a flat tire – he knew who I was but I did not know who he was at the time – and he took off his sportcoat, took off his tie, and he changed the tire. I asked him, I said, “Now, who are you?” and he just goes,

“Just call me ‘Virgil,’ ” and I said okay. And I asked him what I could do for him for helping me change the tire, and he says, “The thing that you can do for me, Representative, is to be the best Representative you can be and represent your constituents.”

My husband and I went to just about every NCSL (National Conference of State Legislatures) conference and CSG (Council of State Governments) conference, and we just had a wonderful, wonderful time, and he always would remind me about my flat tire, even until the latest couple months. I would see him in the hall and he would go, “You got four tires?” “Yes, I do, Virgil. Thank you.” And I just wanted to share that with you.

The SPEAKER. The Chair thanks the gentlelady.

Those in favor of the resolution will vote “aye”; those opposed, “no.”

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

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

Eachus	Lescovitz	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—3

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

The SPEAKER. The family could leave at this time. We will proceed with the other business on the calendar.

**SUPPLEMENTAL CALENDAR A**

**RESOLUTIONS PURSUANT TO RULE 35**

Mrs. MILLER called up **HR 558, PN 3293**, entitled:

A Resolution designating February 21 through 28, 2004, as “FFA Week” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—1

Gergely

EXCUSED—3

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

\* \* \*

Mr. BROWNE called up **HR 560, PN 3295**, entitled:

A Resolution memorializing the Senate of the United States Congress to adopt the Snowe Amendment to H.R. 4, the Personal Responsibility and Individual Development for Everyone (PRIDE) Act.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Kotik Maher McGeehan

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

\* \* \*

Mrs. LEDERER called up **HR 561, PN 3296**, entitled:

A Resolution recognizing the week of March 1 through 6, 2004, as "Newspaper in Education Week" in Pennsylvania and encouraging the use of newspapers in the classroom.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Kotik Maher McGeehan

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

\* \* \*

Mrs. LEDERER called up **HR 562, PN 3297**, entitled:

A Resolution recognizing the week of March 14 through 20, 2004, as "National Inhalants and Poisons Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

Adolph	Evans, J.	Lewis	Samuelson
Allen	Fabrizio	Lynch	Santoni
Argall	Fairchild	Mackereth	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

**SUPPLEMENTAL CALENDAR C**

**RESOLUTION PURSUANT TO RULE 35**

Mr. BUXTON called up **HR 567, PN 3307**, entitled:

A Resolution proclaiming March 1, 2004, as "America's Huey 091 Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

**SUPPLEMENTAL CALENDAR B**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1937, PN 2533**, entitled:

An Act redesignating the bridge known as the Napoleon Street Bridge, in the City of Johnstown, Cambria County, as the Edward A. Silk Memorial Bridge.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman from Cambria, Mr. Wojnaroski.

Would the conference on the right side of the aisle please break up. The gentleman, Mr. Wojnaroski, has the floor. He is entitled to be heard. Please keep the noise levels down.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge my colleagues to support this bill, which would rename a bridge in the city of Johnstown after one of its war heroes.

Edward A. Silk was born in Johnstown in 1916. He was a first lieutenant in the United States Army, Company E, 398th Infantry Division, during World War II. He was awarded the Congressional Medal of Honor for his brave actions on November 24, 1944, in France. When his company became pinned down by enemy fire, Silk singlehandedly silenced enemy machine guns and forced 12 Germans to surrender, enabling his battalion to continue its mission and seize his objective.

Mr. Speaker, I think anyone would be proud to have this soldier hail from his or her district. Only four Cambria County residents have been awarded the Congressional Medal of Honor. Silk, a Johnstown native, is one of them. With this legislation he would forever be remembered for his bravery and dedication to our great nation.

Thank you, Mr. Speaker.

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-199**

Adolph	Evans, J.	Lewis	Samuelson
Allen	Fabrizio	Lynch	Santoni
Argall	Fairchild	Mackereth	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner

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

NAYS-0

NOT VOTING-0

EXCUSED-3

Kotik	Maher	McGeehan
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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 1971, PN 2570**, entitled:

An Act designating a certain bridge carrying SR 322 over Conestoga River in Earl Township, Lancaster County as the Representative Leroy M. Zimmerman Memorial Bridge.

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

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Denlinger.

Mr. DENLINGER. Thank you, Mr. Speaker.

It is with great humility and respect that I rise on the House floor to honor a past member of this House, my predecessor, the late Leroy Zimmerman.

Mr. Speaker?

The SPEAKER. The gentleman, just suspend.

The gentleman is entitled to be heard. Please keep the noise levels down. Please break up the conferences, the one to the left of the speaker and the one to the right over in the hallway over there. The gentleman is entitled to be heard.

Mr. DENLINGER. I rise on the House floor to honor a past member of this body, my predecessor, the late Leroy Zimmerman.

HB 1971 renames the Route 322 bridge spanning the Conestoga River near the village of Hinkletown in Leroy's memory. Located in the heart of the 99th Legislative District, the Leroy M. Zimmerman Bridge will serve as a prominent memorial to a dedicated public servant whose quiet dignity, optimism, and hard work are a shining example to every elected official.

For Leroy, no constituent concern was too small, no question was too complex. He was a man of great compassion and keen intelligence. This was a powerful combination that we admire and we hope to emulate.

Serving as Leroy's successor is a distinct honor and a privilege. I have come to appreciate the connection that Leroy had with the people of the 99th District. Leroy was a farmer with a rural heritage. Many people in the 99th shared that background with Leroy. As a businessman, Leroy was admired, and he understood the needs of the entrepreneurs and executives who created jobs and met payrolls in our district. Leroy worked with his hands, and he knew the value of a job well done in construction, manufacturing, printing, or in day labor.

Leroy was a devoted family man and a spiritual person dedicated to his church. He understood the term "family values" because he lived them.

It is fitting that a bridge be named for Leroy Zimmerman. He worked constantly to bridge the gap between the government in Harrisburg and the everyday lives of the people of eastern and northern Lancaster County. When difficult issues arose, when regulations became burdensome, when people's frustration with government paperwork boiled over, Leroy was there to explain, to counsel, to problem solve, and frankly, to be their connection, their bridge, to our government.

As I bring my remarks to a close, I want to, Mr. Speaker, acknowledge the strength and grace shown also by Leroy's wife and by his daughter during Leroy's illness and at the time of his passing. Naming this bridge honors the husband and father and indirectly pays tribute to their support for all that he achieved.

Many eulogies have been spoken on this floor and elsewhere on Leroy's behalf. I urge support of this bill, not as a final word on Leroy's behalf but as a lasting memorial to a quiet and dignified man, beloved in his community and by all who knew him. William Shakespeare, that great bard, wrote, "In peace there's nothing so becomes a man As modest stillness and

humility." Leroy is at peace now, and in the modest stillness he engendered, let us honor him.

Mr. Speaker, I urge my colleagues to support HB 1971.

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-199

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

NAYS-0

NOT VOTING-0

EXCUSED—3

Kotik                    Maher                    McGeehan

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

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

The SPEAKER. Mr. Denlinger did a fine job for one of our former members here, Mr. Leroy Zimmerman. There was not very much respect paid from both sides of the aisle for a deceased former member. I would hope that in the future, when it is yours or mine, that you would be much more quiet so that we could have heard everything the gentleman had to say.

The Chair thanks the gentleman.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes the gentlelady from Chester, Mrs. Taylor, for the purpose of an announcement.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be an informal caucus immediately at the recess.

The SPEAKER. The Chair thanks the gentlelady.

**DEMOCRATIC CAUCUS**

The SPEAKER. The Chair recognizes the gentleman from Greene, Mr. DeWeese, for the purpose of an announcement.

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

The Democrats will also go to an immediate caucus.

The SPEAKER. The Chair thanks the gentleman.

**RECESS**

The SPEAKER. This House is in recess until 7 p.m.

**AFTER RECESS**

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

**SUPPLEMENTAL CALENDAR D**

**RULES SUSPENDED**

The SPEAKER. The Chair turns to supplemental calendar D. The Chair recognizes the gentleman, Mr. Pallone.

Mr. PALLONE. Mr. Speaker, I move for an immediate suspension of the rules to bring up HB 1860, PN 2424.

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

(Members proceeded to vote.)

**LEAVE OF ABSENCE CANCELED**

The SPEAKER. The Chair returns to leaves of absence and notes on the floor of the House the presence of the gentleman from Philadelphia, Mr. McGeehan. His name will be added to the master roll.

**RULES SUSPENSION CONTINUED**

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Kotik Maher

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1860, PN 2424**, entitled:

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

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

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

The following roll call was recorded:

YEAS—200

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

Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roberts	Wright
Dermody	LaGrotta	Roebuck	Yewcic
DeWeese	Laughlin	Rohrer	Youngblood
DiGirolamo	Leach	Rooney	Yudichak
Diven	Lederer	Ross	Zug
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Ruffing	
Egolf	Levdansky	Sainato	Perzel, Speaker
Evans, D.	Lewis		

NAYS—0

NOT VOTING—0

EXCUSED—2

Kotik Maher

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**. Supplemental calendar D. HB 1861, PN 2425.

The Chair recognizes the gentleman, Mr. Pallone.

Mr. **PALLONE**. Mr. Speaker, I move that the rules of the House be suspended for the immediate consideration of HB 1861.

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

The following roll call was recorded:

YEAS—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Kotik Maher

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1861, PN 2425**, entitled:

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

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

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

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

Mr. PALLONE. Thank you, Mr. Speaker.

I am just rising in support of HB 1861. It is companion legislation that has to run together with 1860 that just passed unanimously. It gives the park police in a third-class county municipal police powers. It is necessary to keep public safety in counties like Westmoreland and the like of the third counties. I appreciate it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-200

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Kotik Maher

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.

### SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1206, PN 3306; HB 1654, PN 3305; and HB 1785, PN 3309**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

### RULES COMMITTEE MEETING

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

### BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

**HB 1206, PN 3306**

By Rep. S. SMITH

An Act providing for applicability of the act of December 9, 2002 (P.L.1364, No.166), entitled "An act amending the act of December 31, 1965 (P.L.1257, No.511), entitled 'An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, to levy, assess, collect or to provide for the levying, assessment and collection of certain taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers, agencies and employes to assess and collect such taxes; providing for joint collection of certain taxes, prescribing certain definitions and other provisions for taxes levied and assessed upon earned income, providing for annual audits and for collection of delinquent taxes, and permitting and requiring penalties to be imposed and enforced, including penalties for disclosure of confidential information, providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court,' further providing for delegation of taxing powers and restrictions and for definitions."

RULES.

**HB 1654, PN 3305**

By Rep. S. SMITH

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for regulations, for revised or successor codes and for administration and enforcement; providing for funding for an education and training program for municipal code officials and certain individuals employed by third-party agencies; establishing the Municipal Code Official Training Account; and providing for expenditures from the account.

RULES.

**HB 1785, PN 3309**

By Rep. S. SMITH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of the authorities, for special provisions for parking authorities in cities of the first class; and making a related appeal.

RULES.

### SUPPLEMENTAL CALENDAR E

#### BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1206, PN 3306**, entitled:

An Act providing for applicability of the act of December 9, 2002 (P.L.1364, No.166), entitled "An act amending the act of December 31, 1965 (P.L.1257, No.511), entitled 'An act empowering cities of the second class, cities of the second class A, cities of the third class, boroughs, towns, townships of the first class, townships of the second class, school districts of the second class, school districts of the third class and school districts of the fourth class including independent school districts, to levy, assess, collect or to provide for the levying, assessment and collection of certain taxes subject to maximum limitations for general revenue purposes; authorizing the establishment of bureaus and the appointment and compensation of officers, agencies and employes to assess and collect such taxes; providing for joint collection of certain taxes, prescribing certain definitions and other provisions for taxes levied and assessed upon earned income, providing for annual audits and for collection of delinquent taxes, and permitting and requiring penalties to be imposed and enforced, including penalties for disclosure of confidential information, providing an appeal from the ordinance or resolution levying such taxes to the court of quarter sessions and to the Supreme Court and Superior Court,' further providing for delegation of taxing powers and restrictions and for definitions."

On the question,

Will the House concur in Senate amendments?

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

On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the gentleman, Mr. Maher, stand for interrogation?

The SPEAKER. The gentleman, Mr. Maher, is on leave.

Mr. VITALI. Well, I am just looking for an explanation of the Senate amendments. I am not sure if anyone in the House can provide us with them.

The SPEAKER. Just one moment, Mr. Vitali.

#### BILL PASSED OVER TEMPORARILY

The SPEAKER. The bill will be over temporarily.

\* \* \*

The House proceeded to consideration of concurrence in Senate amendments to **HB 1785, PN 3309**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of the authorities, for special provisions for parking authorities in cities of the first class; and making a related appeal.

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

The SPEAKER. It is moved by the gentleman, Mr. Caltagirone, that the House do concur in the amendments inserted by the Senate.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, this bill extends the current situation with the parking authority for another 10 years. This bill affects now, it was originally a bill that did not affect the Philadelphia Parking Authority, but it now does.

The Philadelphia Parking Authority has both strengths and weaknesses under the new regime. The strength of the new regime is that it is far more aggressive in enforcing parking regulations in the city of Philadelphia than ever before. The bad side of the new regime is that it issues many more parking tickets than ever before, and it is getting very, very expensive to park in the city of Philadelphia. It is a major nuisance. Constituents are complaining about how they are paying parking tickets or having to go downtown to challenge parking tickets for the most minor of infractions, of parking an inch or two away from the curb or parking an inch or two away from some prohibited practice. The Philadelphia Police, when they were enforcing this law, never enforced it in the current manner that it is being enforced.

I believe it would be preferable, Mr. Speaker, if the elected leadership of the city of Philadelphia were running the parking authority. I think the amount of accountability is greater in the elected leadership of the city of Philadelphia than it is among people who are appointed in a manner that excludes the elected leadership of the city of Philadelphia. I think we have had an interesting experiment for the last couple of years. The experiment has had mixed successes, but it has aroused very, very intense opposition within the city of Philadelphia, and I would urge a “no” vote on concurrence in HB 1785. I think 1785 was better without the new Philadelphia amendments added.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. D. EVANS. Mr. Speaker, I just heard my colleague from the city, and I guess what I would say very specifically is that there are a number of positive things that are occurring here. First and foremost is the money that will go to the Philadelphia School District. Too long and too many times people have raised the question about finding creative ways to provide money to the city. Here is an opportunity that will provide \$4 million this current year to the city of Philadelphia, which is 200,000 children.

The second aspect of this bill, Mr. Speaker, is that the city is guaranteed \$25 million. That is more money, Mr. Speaker, than it has incurred in the last couple years or ever that has gone to the city of Philadelphia.

So the first thing is, \$4 million, \$4 million to the Philadelphia School District; \$25 million, Mr. Speaker, to the city of Philadelphia.

Number three, Mr. Speaker, today the Governor, the Governor, along with the Speaker, along with Senator Williams, we collectively— Now, Mr. Speaker, this is never an easy issue, and I understand what my colleague was saying, but the fact of the matter is, Mr. Speaker, the record speaks for itself. It is not a question about the issue of the parking authority; it is a question of where the sources of money are going. And I am saying to you, Mr. Speaker, that we cannot ignore the \$4 million that is going to the public school district or the \$25 million. This is guaranteed.

Another thing in the provision, Mr. Speaker, which was not there before, is that if the city for some reason feels that they are not satisfied, they have the right to go to Commonwealth Court and to challenge the enforcement of the agreement. So the city can go to the Commonwealth Court and challenge the agreement. So it is not, as I said to you before, it is not an issue; it is not an issue.

Now, you are always going to have an issue, Mr. Speaker, where everybody is never going to be happy or satisfied. The Governor, working in conjunction with the Governor, realizing that we have got to have a bipartisan effort, we worked together to try to come up with a solution. No, Mr. Speaker, it is not a perfect solution, but I do believe, Mr. Speaker, it is a solution that attempts to address the basic issues that are occurring not just in the city of Philadelphia but the Commonwealth of Pennsylvania.

So besides the politics of it, the fact of the matter is, it provides \$4 million to the Philadelphia School District, and that is something that we should not take lightly. That is something that we should understand. It also guarantees the city of Philadelphia \$25 million. That is not something— It says very specifically in the legislation, it guarantees the \$25 million. So to vote “no,” Mr. Speaker, in my view, runs counter to providing the city of Philadelphia money and the Philadelphia School District.

I would ask members to concur on HB 1785.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, the members will have to judge HB 1785 as it is written now on its own merits. I am not going to wade into the Philadelphia Parking Authority mix.

But I just wanted to point out that the original four sponsors of this bill – myself, the gentleman from Berks, the gentleman from Butler, and the gentleman from Elk – our intent of this bill was to give local police officers in our municipalities, we were correcting SB 100 from a session ago, and this would have allowed police officers to participate the same as regular citizens, the same as our constituents, while they were off duty, participate in political activity while they were off duty. That was the intent. That was the intent when the House passed this bill and we sent it to the Senate.

As you can see, again, I, the gentleman from Berks, the gentleman from Elk, and the gentleman from Butler are all still sponsors. I know that it is not our intent to be there but we are. The Senate completely, the Senate completely gutted this bill

and put language in it against the House's wish, and for that matter, Mr. Speaker, I would ask that we reject this bill, because it does not have the original intent, which was to help our local police officers.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

When a young member of the California General Assembly in his first term was asking about in his caucus as to how he should vote, he found out that some of his leaders were for the bill and some of his leaders were against the bill, and he said he was going to vote with his leaders. Obviously, everyone will vote with their leaders tonight, because their leaders are all over the board.

The honorable gentleman, the minority chairman of our Appropriations Committee and my friend of long standing, has made the argument that the financial opportunities here are special and alluring, and I will concede that, but I am confident that those dollars could be generated from other sources and that the Philadelphia School District would receive the remuneration that it needs.

We have been very aggressive, especially with the Speaker and a variety of new leadership echelons from the Republican side and a new Governor, trying to find solutions to our challenges in Philadelphia, but it gets back to a situation of local control. This proposal would sunder the leverage that the mayor and the city council and the local governing authorities have in the city of Philadelphia. Why Governor Rendell has acquiesced to this dialogue and to this proposal tonight, I do not know, but I am even more vexed, I am even more vexed at all of my Republican colleagues, and it goes on and on and on, because any kind of empathy, any kind of sympathy, I assume that the only Republicans that will vote with us tonight are the Commonwealth Caucus, the 10 or 12 doughty souls, hearty warriors of conservatism, because here we go once again, Republicans espousing local control, allowing the long arm of the Republican Caucus and the Speakership into the parking authority of Philadelphia.

What is wrong with allowing Philadelphia to decide what is going to happen in Philadelphia? If it was going on in XYZ borough down in Lancaster County or some nice little alcove over in Berks County, you would not want the long arm of Harrisburg, the long arm of the Speaker, coming in and telling you how to run your little authorities, but yet our brothers and sisters at the Philadelphia Parking Authority once again have to have this perpetrated upon them.

Now, let Governor Rendell know and let every person within the sound of this microphone know that this effort tonight is to fortify a Republican patronage machine in the city of Philadelphia. This went down with a hard, party line vote in the Senate. Senator Fumo and Senator Mellow, in a brilliant rearguard action, tried to avoid the inevitable, but a cascade of Republican votes in the State Senate brought this in our direction.

Now, as I have said innumerable times in the last few years, you do not have to be a soothsayer or a clairvoyant to figure out how this vote is going to go, but if you believe in local control, you will vote "no"; if you believe that the Republicans should establish a massive patronage machine at the parking authority, you will vote "yes."

So I assume, even all my conservative friends, you are having a bit of tension in your intellectual process right now. I ask you to be true to your idealism, true to local control, true to the idealistic pursuits of local government, and vote against this mischief.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS-146

Adolph	Egolf	Lescovitz	Rohrer
Allen	Evans, D.	Lewis	Rooney
Argall	Evans, J.	Lynch	Ross
Armstrong	Fairchild	Mackereth	Rubley
Baker	Feese	Maitland	Sainato
Baldwin	Fichter	Major	Sather
Bard	Fleagle	Markosek	Saylor
Barrar	Flick	Marsico	Scavello
Bastian	Forcier	McGill	Schroder
Bebko-Jones	Gabig	McIlhattan	Scrimenti
Belfanti	Gannon	McIlhinney	Semmel
Benninghoff	Geist	McNaughton	Smith, B.
Birmelin	Gergely	Metcalfe	Smith, S. H.
Boyd	Gillespie	Micozzie	Stairs
Browne	Gingrich	Millard	Steil
Bunt	Godshall	Miller, R.	Stern
Butkovitz	Good	Miller, S.	Stevenson, R.
Buxton	Gruitza	Mustio	Stevenson, T.
Cappelli	Habay	Nailor	Taylor, E. Z.
Causar	Harhart	Nickol	Taylor, J.
Cawley	Harper	O'Brien	Travaglio
Civera	Harris	Oliver	True
Clymer	Hasay	O'Neill	Turzai
Coleman	Hennessey	Payne	Vance
Corrigan	Herman	Petri	Walko
Costa	Hershey	Petrone	Waters
Coy	Hess	Phillips	Watson
Crahalla	Hickernell	Pickett	Weber
Creighton	Horsey	Pistella	Wheatley
Dailey	Hutchinson	Preston	Williams
Dally	James	Raymond	Wilt
DeLuca	Josephs	Readshaw	Wright
Denlinger	Keller	Reed	Yudichak
Dermody	Kenney	Reichley	Zug
DiGirolamo	Killion	Rieger	
Diven	Leach	Roberts	Perzel,
Donatucci	Leh	Roebuck	Speaker

NAYS-54

Belardi	Freeman	McCall	Stetler
Bianucci	George	McGeehan	Sturla
Bishop	Goodman	Melio	Surra
Blaum	Grucela	Mundy	Tangretti
Caltagirone	Haluska	Myers	Thomas
Casorio	Hanna	Pallone	Tigue
Cohen	Harhai	Petrarca	Veon
Cruz	Kirkland	Ruffing	Vitali
Curry	LaGrotta	Samuelson	Wansacz
Daley	Laughlin	Santoni	Washington
DeWeese	Lederer	Shaner	Wojnaroski
Eachus	Levdansky	Solobay	Yewcic
Fabrizio	Manderino	Staback	Youngblood
Frankel	Mann		

NOT VOTING—0

EXCUSED—2

Kotik Maher

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

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. There was not as much tension as you might have thought, Mr. DeWeese.

**BILL SIGNED BY SPEAKER**

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

**HB 1785, PN 3309**

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for the governing body of the authorities, for special provisions for parking authorities in cities of the first class; and making a related appeal.

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

**BILL ON CONCURRENCE  
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1654, PN 3305**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for regulations, for revised or successor codes and for administration and enforcement; providing for funding for an education and training program for municipal code officials and certain individuals employed by third-party agencies; establishing the Municipal Code Official Training Account; and providing for expenditures from the account.

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

The SPEAKER. It is moved by the gentleman, Mr. McNaughton, that the House do concur in the amendments inserted by the Senate.

On that question, does the gentleman, Mr. Vitali, wish to be recognized?

Mr. VITALI. Thank you, Mr. Speaker.

Just looking for a brief explanation of the Senate amendments.

The SPEAKER. The gentleman, Mr. Herman, indicates that he will give a brief explanation of the amendments.

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

The gentleman, Mr. McNaughton, is not here, and this bill came out of the House Local Government Committee, and in a nutshell, I think the gentleman's answer to the question of what did the Senate do is very simple. All they did was rearrange the

bill from being a freestanding act to amending the Pennsylvania Construction Code Act, and that is basically what they did.

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

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

The following roll call was recorded:

YEAS—178

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

NAYS—22

Baker	Forcier	Mann	Reichley
Browne	Geist	McIlhatten	Sather
Causar	Habay	Metcalfe	Stevenson, R.
Creighton	Harhart	Pickett	Turzai
Dally	Hasay	Reed	Yewcic
Egolf	Hutchinson		

NOT VOTING—0

EXCUSED—2

Kotik Maher

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

Ordered, That the clerk inform the Senate accordingly.

### BILL SIGNED BY SPEAKER

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

#### HB 1654, PN 3305

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for regulations, for revised or successor codes and for administration and enforcement; providing for funding for an education and training program for municipal code officials and certain individuals employed by third-party agencies; establishing the Municipal Code Official Training Account; and providing for expenditures from the account.

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

### STATEMENT BY MR. McNAUGHTON

The SPEAKER. The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I just wanted to thank the members for their support on my piece of legislation. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

### CALENDAR CONTINUED

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 778, PN 937**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

Mr. **GOOD** offered the following amendment No. **A0078**:

Amend Title, page 1, lines 1 through 11, by striking out all of said lines and inserting

Amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, codifying portions of the Job Enhancement Act; further providing for contract requirements, for guidelines, for administration and for application and review requirements; providing for Keystone Innovation Zones; and making repeals relating to the Job Enhancement Act.

Amend Bill, page 1, lines 14 through 21; pages 2 through 4, lines 1 through 30; page 5, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 1. The General Assembly finds and declares as follows:

(1) An economic stimulus program which provides direct immediate economic assistance to Pennsylvania

businesses, industries, communities, their instrumentalities and economic development organizations is necessary for the preservation and creation of jobs within this Commonwealth.

(2) By targeting grant and loan assistance to these entities for job creation and site development, the Commonwealth will trigger needed redevelopment and economic growth within this Commonwealth.

(3) By targeting assistance to the greatest extent possible to previously used sites, the Commonwealth can foster the redevelopment of older communities, the reuse of industrial brownfield sites and the protection of open space, while encouraging more efficient and effective use of existing environmental infrastructure, improving the environment and protecting the general public health and safety.

(4) By expanding tax-based financing of economic development projects, the Commonwealth will assist communities in retaining and recruiting employers to this Commonwealth.

(5) By targeting grant and loan assistance to the tourism and agriculture sectors of the Commonwealth's economy, the Commonwealth will provide additional financial support to those leading Commonwealth industries hard hit by world events and economic instability.

(6) By targeting capital investment to emerging and growth sector business, the Commonwealth will stimulate the growth and increase the stability of businesses within this Commonwealth.

(7) By preparing communities within this Commonwealth for the Federal Base Realignment and Closure (BRAC) process, the Commonwealth will increase the number of existing jobs it retains during the next round of Federal base realignment and closures.

Section 2. Title 12 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

#### PART I GENERAL PROVISIONS

Chapter

1. Preliminary Provisions
3. Economic Development Financing Strategy
5. Small Business Council
7. Tax-Exempt Bond Allocation (Reserved)

#### CHAPTER 1

#### PRELIMINARY PROVISIONS

Sec.

101. Definitions.

§ 101. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Community and Economic Development of the Commonwealth.

“Secretary.” The Secretary of Community and Economic Development.

#### CHAPTER 3 ECONOMIC DEVELOPMENT FINANCING STRATEGY

Sec.

301. Scope.

302. Definitions.

303. Development.

304. Oversight.

§ 301. Scope.

This chapter relates to the development of an annual economic development financing strategy.

## § 302. Definitions.

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

“Economic development program.” A program which is administered by the department, including programs administered or staffed by the department, and which provides financial assistance for economic development to persons. The term includes all of the following:

- (1) Any program created under Part III (relating to economic development programs).
- (2) Any program of an entity created under Part IV (relating to economic development financing).
- (3) The Pennsylvania Industrial Development Authority.
- (4) The Pennsylvania Minority Business Development Authority.
- (5) The Infrastructure Development Program.
- (6) The Industrial Sites Reuse Program.
- (7) The tax credit programs established in Articles XVII-B and XVIII-B of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

## § 303. Development.

The department shall annually develop a report containing a financing strategy for economic development within this Commonwealth. In developing the report, the department shall gather input and recommendations from businesses, community leaders and organizations, legislators and private citizens. The report shall include all of the following:

- (1) A financial audit or statement of operations for each economic development program.
- (2) A narrative description of accomplishments for each economic development program during the preceding fiscal year.
- (3) A detailed description of the parameters of operation for the economic development programs during the upcoming fiscal year. The description shall include the terms and conditions under which the economic development programs shall be administered.
- (4) A description of the performance measurements and accountability factors to be applied and the performance targets or goals to be met for each economic development program.
- (5) A description of long-range planning for the economic development programs through the next five fiscal years.
- (6) A list of the loans, grants or credits approved for the economic development programs during the fiscal year. The list shall include a brief description of and details regarding each loan, grant or credit approved, including penalties imposed by the department.
- (7) A review of pending projects.

## § 304. Oversight.

Concurrent with the submission of the Governor’s annual budget message, the department shall submit the report required by this chapter to all of the following:

- (1) The Secretary of the Senate.
- (2) The chairperson of the Appropriations Committee of the Senate.
- (3) The Chief Clerk of the House of Representatives.
- (4) The chairperson of the Appropriations Committee of the House of Representatives.

## CHAPTER 5

## SMALL BUSINESS COUNCIL

## Sec.

## 501. Scope.

## 502. Definitions.

## 503. Small Business Council.

## 504. Regulatory review.

## § 501. Scope.

This chapter relates to the Small Business Council.

## § 502. Definitions.

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

“Council.” The Small Business Council established under section 503 (relating to Small Business Council).

“Executive agency.” The Governor and the departments, boards, commissions, authorities and other officers and agencies of the Commonwealth. The term does not include any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies or any independent agency or State-affiliated entity.

“Small business.” A person that employs fewer than 100 employees.

## § 503. Small Business Council.

(a) Establishment.—There is established within the department an agency to be known as the Small Business Council. The council shall do all of the following:

(1) Assist with the development of policies and regulations which affect small businesses within this Commonwealth.

(2) Provide advice relating to the nature of small business practices and problems in this Commonwealth.

(3) Provide a review of existing and proposed policies and regulations which are relevant to small business.

(b) Composition.—The council shall be composed of 13 members. The secretary shall serve ex officio. Twelve members shall be appointed as follows:

(1) Four individuals appointed by the Governor.

(2) Two individuals appointed by the President pro tempore of the Senate.

(3) Two individuals appointed by the Minority Leader of the Senate.

(4) Two individuals appointed by the Speaker of the House of Representatives.

(5) Two individuals appointed by the Minority Leader of the House of Representatives.

(c) Qualifications.—In order to be eligible for appointment to the council, an individual must:

(1) have a background in improving small businesses;

and

(2) be one of the following:

(i) a present owner or operator of a small business within this Commonwealth;

(ii) a member of the academic community who has expertise regarding small business practices; or

(iii) a professional who specializes in representing small businesses.

(d) Term.—Each member of the council shall serve for a period of two years.

(e) Organization.—The secretary shall serve as chairperson.

(f) Meetings.—The council shall meet at the call of the chairperson.

(g) Quorum.—A majority of the board shall constitute a quorum. A majority of the members present shall be necessary to transact business on behalf of the council.

(h) Expenses.—A member shall not receive compensation or remuneration, but shall be entitled to reimbursement for all reasonable and necessary actual expenses.

(i) Administrative assistance.—The department shall do all of the following:

(1) Provide administrative and technical support to the council.

(2) Publish notice of council meetings in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(3) Maintain a mailing list of persons who have requested specific notification of meetings and activities of the council.

(4) Designate a deputy secretary to attend council meetings and to serve as the public’s liaison of the council.

(j) Cooperation.—Upon the council’s request, an executive agency shall provide the council with officially promulgated regulatory and nonregulatory documents which regulate or would regulate small businesses.

§ 504. Regulatory review.

(a) Notification.—To the extent known to the secretary, the department shall, on a semiannual basis, provide the council with a list of regulations being proposed by all executive agencies which may affect small businesses in this Commonwealth.

(b) Conference.—The department shall, upon request of the council, arrange a meeting between the council and representatives of an executive agency to discuss regulatory proposals and policy initiatives of the executive agency which might affect small businesses in this Commonwealth.

(c) Written comments.—The council shall provide the department with written comments regarding the council’s position on the proposed regulations. The department shall transmit the comments to the appropriate executive agencies. The written comments shall include an impact statement and any other information which the council deems necessary for the public to make an informed opinion on the proposals.

(d) Exceptions.—The requirements under subsections (a) and (b) shall not apply to the promulgation of the following regulations relating to small businesses:

- (1) Regulations required by court order.
- (2) Regulations necessitated by a Federal or State declaration of emergency.
- (3) Interim regulations which are authorized by statute.

CHAPTER 7  
TAX-EXEMPT BOND ALLOCATION  
(RESERVED)  
PART II  
ECONOMIC DEVELOPMENT ENTITIES

Chapter

- 11. Ben Franklin (Reserved)
- 13. Industrial Resource Centers (Reserved)
- 15. (Reserved)
- 17. (Reserved)
- 19. (Reserved)

CHAPTER 11  
BEN FRANKLIN  
(RESERVED)  
CHAPTER 13  
INDUSTRIAL RESOURCE CENTERS  
(RESERVED)  
CHAPTER 15  
(RESERVED)  
CHAPTER 17  
(RESERVED)  
CHAPTER 19  
(RESERVED)  
PART III

ECONOMIC DEVELOPMENT PROGRAMS

Chapter

- 21. Opportunity Grants
- 23. Small Business First
- 25. Industrial Development Assistance (Reserved)
- 27. Customized Job Training (Reserved)
- 29. Machinery and Equipment Loan
- 31. Family Savings Account (Reserved)
- 33. Economic Enhancement (Reserved)
- 35. Keystone Opportunity Zones (Reserved)
- 37. Keystone Innovation Zones

CHAPTER 21  
OPPORTUNITY GRANTS

Sec.

- 2101. Scope.
- 2102. Definitions.
- 2103. Establishment.
- 2104. Application.
- 2105. Review.
- 2106. Approval.
- 2107. Penalty.
- 2108. Limitations.
- 2109. Guidelines.

§ 2101. Scope.

This chapter relates to the Opportunity Grant Program.

§ 2102. Definitions.

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

“Applicant.” A person that applies for a grant in accordance with this chapter.

“Developer.” A person that has as a purpose the promotion or construction of economic development projects and that is engaged in the development of real estate for use by more than one person.

“Eligible recipient.” Any of the following persons:

- (1) A municipality.
- (2) An entity created under the act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.
- (3) An entity certified as an industrial development agency under the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act.
- (4) An entity created under 53 Pa.C.S. Ch.56 (relating to municipal authorities) or under the former act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.
- (5) An entity created under the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law.
- (6) A developer.
- (7) A person that is engaged in any of the following activities:

- (i) The production or processing of farm commodities.
- (ii) Manufacturing.
- (iii) Research and development.
- (iv) Export services.
- (v) Any other activity which offers a significant economic impact on the Commonwealth, as determined by the department.

“Eligible use.” Any of the following activities:

- (1) Job training.
- (2) The acquisition of interest in land, buildings or rights-of-way.
- (3) The construction or rehabilitation of buildings.
- (4) The construction or rehabilitation of infrastructure.
- (5) The purchase or upgrading of machinery and equipment.
- (6) Working capital.
- (7) Site preparation, including demolition and clearance.
- (8) Environmental assessments.
- (9) Remediation of hazardous material.
- (10) Architectural and engineering fees up to 10% of the award.

“Job-creating economic development.” Includes the expansion or preservation of existing industry.

“Program.” The Opportunity Grant Program established in section 2103 (relating to establishment.)

“Project.” An activity conducted in this Commonwealth.

“Recipient.” A person who receives a grant under this chapter.

§ 2103. Establishment.

There is established within the department a program to be known as the Opportunity Grant Program. The program shall be administered by the department to provide grants to eligible persons for certain projects which encourage job-creating economic development within this Commonwealth.

§ 2104. Application.

A person may submit an application to the department requesting a grant for a project. The application shall be on the form required by the department and shall include or demonstrate all of the following:

- (1) The name and address of the applicant.
- (2) A statement that the applicant is an eligible recipient under the program.
- (3) A statement of the amount of grant sought.
- (4) A statement of the project, including a detailed statement of the cost of the project.
- (5) A statement identifying the economic impact of the project to the region and the estimated impact on State and local revenues.
- (6) A commitment of private matching funds of at least \$4 for every \$1 of grant funds, and of the balance of funding for the entire project cost, from a responsible source.
- (7) A commitment from the applicant to complete the project.
- (8) Any other information required by the department.

§ 2105. Review.

The department shall review the application to determine if the applicant has met all of the criteria set forth in section 2104 (relating to application).

§ 2106. Approval.

The following shall apply:

- (1) Upon being satisfied that all requirements have been met, the department may approve the application and award a grant.
- (2) Prior to providing grant funds to the applicant, the department shall enter into a contract with the applicant. The contract shall include provisions requiring the applicant to use the grant to pay the costs of the project.
- (3) The department may impose any other terms and conditions on the grants authorized by this chapter as the department determines is in the best interests of the Commonwealth, including a provision requiring collateral to secure repayment of any penalty imposed under the program.

§ 2107. Penalty.

(a) Imposition.—Except as provided in subsection (b), the department shall impose a penalty upon a recipient for any of the following:

- (1) Failing to create the number of jobs specified in the recipient’s application.
- (2) Failing to inject the required amount of private matching funds into the project.
- (3) Failing to operate at the project site for a minimum period of five years.

(b) Exception.—The department may waive the penalty required by subsection (a) if the department determines that the failure was due to circumstances outside the control of the recipient.

(c) Amount.—The amount of the penalty shall be equal to the full amount of the grant received plus an additional amount of up to 10% of the amount of the grant received. The penalty shall be payable in one lump sum or in installments, with or without interest, as the department deems appropriate.

§ 2108. Limitations.

- (1) An applicant may not receive a grant under this chapter for more than two consecutive fiscal years for the same project.

(2) A grant awarded under this chapter may not be used to do any of the following:

- (i) Refinance or retire existing debt.
- (ii) Pay costs unrelated to a project location at a site in this Commonwealth.

(3) In no case shall the aggregate amount of grants paid in any fiscal year under this chapter exceed the annual appropriation to the department for the program.

(4) A grant awarded under this chapter shall in no way constitute an entitlement derived from the Commonwealth or a claim on any other funds of the Commonwealth.

§ 2109. Guidelines.

The department shall develop written guidelines for the program. The guidelines shall do all of the following:

- (1) Limit grant size for any single project.
- (2) Clarify eligible uses of grants.
- (3) Clarify standards for eligibility.
- (4) Require geographic diversity of funded projects.

CHAPTER 23

SMALL BUSINESS FIRST

Sec.

2301. Scope.

2302. Definitions.

2303. Establishment.

2304. Fund and accounts.

2305. Department responsibilities.

2306. Capital development loans.

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§ 2301. Scope.

This chapter relates to the Small Business First Program.

§ 2302. Definitions.

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

“Agricultural processor.” A person that adds value by subjecting one or more farm commodities to a process of manufacture, development or preparation for sale or a person that converts a farm product into a marketable form.

“Agricultural producer.” A person involved in the management and use of a normal agricultural operation for the production of a farm commodity.

“Apparel products.” Products manufactured, woven, cut, sewn or otherwise similarly processed by mechanical or human effort from fabrics, leather or cloth and made for use as clothing, shoes or other attire.

“Applicant.” A person that applies for a loan in accordance with this chapter.

“Area loan organization.” A local development district, an industrial development agency organized and existing under the act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act, or any other nonprofit economic development organization certified by the department as possessing the qualifications necessary to evaluate and administer loans made under this chapter.

“Capital development project.” Land, buildings, equipment and machinery and working capital which is acquired, constructed, renovated or used by a small business in accordance with any of the following:

- (1) As part of a for-profit project or venture not of a mercantile or service-related nature, except for hospitality industry projects.

(2) As part of an effort to:

(i) bring a small business into compliance with Federal or State environmental laws or regulations;

(ii) complete an approved remediation project;

or

(iii) permit a small business to adopt generally acceptable pollution prevention practices.

(3) As part of an effort to provide assistance to a small business that is a recycler of municipal or commercial waste or that is a manufacturer using recycled municipal or commercial waste materials.

(4) As part of an effort to assist a small business with defense conversion activities.

(5) As part of a for-profit project or venture to manufacture products to be exported out of the United States by a small business which is not of a mercantile or service-related nature, except for export-related services and international export-related mercantile ventures or advanced technology and computer-related services and mercantile ventures and which will increase this Commonwealth's national or international market shares.

(6) As part of a for-profit project or venture that meets the requirements of section 2308 (relating to loans in distressed communities)

(7) As part of an effort to assist in the start-up or expansion of a for-profit or not-for-profit child day-care center subject to licensure by the Commonwealth.

"Child day-care center." Any premises in which child day care is provided simultaneously for seven or more children who are not related to the provider.

"Community development institution." Any of the following:

(1) An area loan organization for a distressed community.

(2) A community development financial institution located in a distressed community and approved by the department.

"Distressed community." A community which has any of the following:

(1) A census tract or other specifically defined geographic area in which there is any of the following:

(i) A median income below 80% of the median income for the United States or this Commonwealth.

(ii) Twenty percent or more of the population is below the poverty level by family size published by the Bureau of the Census.

(iii) An unemployment rate 50% higher than the national average.

(2) An area which is designated a subzone, expansion subzone, or improvement subzone under the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone and Keystone Opportunity Expansion Zone Act.

(3) Any other geographic area designated by the department as distressed. The designation shall be published in the Pennsylvania Bulletin.

"EDA loan." A loan made under this chapter utilizing funds made available to the department under the Public Works and Economic Development Act of 1965 (Public Law 89-136, 42 U.S.C. § 3121 et seq.).

"Ex-Im Bank." The Export-Import Bank of the United States.

"Export activity." An activity undertaken by a person within this Commonwealth related to exports.

"Export business." A person that is engaged in a for-profit enterprise involving export activities and that employs 250 or fewer individuals.

"Exports." Goods or services to be sold or performed outside the United States.

"Farm commodity." Any Pennsylvania-grown agricultural, horticultural, aquacultural, vegetable, fruit and floricultural product of

the soil, livestock and meats, wools, hides, furs, poultry, eggs, dairy products, nuts, mushrooms, honey products and forest products.

"Fund." The Small Business First Fund continued under section 2304 (relating to fund and accounts).

"Hazardous substance." Any element, compound or material which is any of the following:

(1) Regulated as a hazardous air pollutant under section 6.6 of the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act.

(2) Defined as a hazardous waste under section 103 of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

(3) Regulated under the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act.

"Hospitality industry project." A for-profit project or venture which involves a small business that operates a hotel, motel or other lodging facility and that employs at least five full-time equivalent employees at the time an application is submitted to the department for financing. The term includes a for-profit project or venture which involves a small business that operates a restaurant or food service operation open to the public, that has been in continuous operation for at least five years and that employs at least five full-time equivalent employees at the time an application is submitted.

"Insurance policy." An export credit insurance policy for small businesses offered by the Export-Import Bank of the United States.

"Natural disaster." As defined in 35 Pa.C.S. §7102 (relating to definitions).

"Normal agricultural operation." As defined in section 2 of the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances.

"Pollution prevention." The reduction or elimination of pollution at its source. The term does not include any of the following:

(1) A substitution of one hazardous or toxic substance for another which will cause an increased risk to the environment or to human health.

(2) A cross-media transfer.

(3) A delisting of a hazardous waste or toxic chemical.

"Pollution prevention assistance agency." Any of the following:

(1) An area loan organization.

(2) An industrial resource center created pursuant to the act of June 22, 2001 (P.L.400, No.31), known as the Industrial Resources Center Partnership Act.

"Pollution prevention infrastructure." A capital development project which permits a small business to adopt or install pollution prevention equipment or processes to:

(1) Reduce or reuse raw materials onsite.

(2) Reduce the production of waste.

(3) Reduce energy consumption.

"Program." The Small Business First Program established under section 2303 (relating to establishment).

"Reuse." Use of a product or component in its original form more than once.

"Small business." A person that is engaged in a for-profit enterprise and that employs 100 or fewer individuals. The term includes the following:

(1) An enterprise located in a small business incubator facility.

(2) An agricultural processor.

(3) An agricultural producer.

(4) An enterprise which manufactures apparel products.

(5) An enterprise which is a for-profit or not-for-profit child day-care center subject to licensure by the Commonwealth.

"Working capital." Capital used by a small business for operations, excluding fixed assets and production machinery and equipment.

§ 2303. Establishment.

There is established within the department a program to be known as the Small Business First Program. The program shall be administered by the department and provide loans to eligible persons for certain projects which encourage job creating and job preserving economic development within this Commonwealth.

§ 2304. Fund and accounts.

(a) Fund.—The Small Business First Fund, created under section 1302(a) of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, is continued. The Treasury Department shall credit the following to the fund:

(1) Appropriations made by the General Assembly to the department for the program.

(2) Federal funds made available under the Public Works and Economic Development Act of 1965 (Public Law 89-136, 42 U.S.C. § 3121 et seq.), or any other Federal statute, regulation or program for the program.

(3) Payments from recipients of loans made from the fund.

(4) Payments from recipients of loans made under the former act of July 2, 1984 (P.L.545, No.109), known as the Capital Loan Fund Act.

(5) Interest income derived from investment of the money in the fund.

(6) Any other deposits, payments or contributions from any other source made available to the department for the program.

(b) Pollution prevention assistance.—The Pollution Prevention Assistance Account, created under the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, is continued. The Treasury Department shall credit the following to this account:

(1) Appropriations made by the General Assembly to the department for pollution prevention assistance.

(2) Payments from recipients of loans made from the Pollution Prevention Assistance Account.

(3) Transfers from the Hazardous Sites Cleanup Fund as established in section 602.3 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(4) Interest income derived from investment of the money in the Pollution Prevention Assistance Account.

(5) Any other deposits, payments or contributions from any other source made available to the department for pollution prevention assistance.

(c) Use of fund.—

(1) Money in the fund may be used as follows:

(i) By the department to make loans in accordance with this chapter and for administrative costs of the department in administering the program.

(ii) By area loan organizations for administrative costs associated with the program which are approved by the department.

(2) Money from the fund derived from appropriations specified for export financing assistance may be deposited by the department in banks or trust companies in special accounts. The special accounts must be continuously secured by a pledge of direct obligations of the United States or of the Commonwealth, having an aggregate market value, exclusive of accrued interest, at least equal to the balance on deposit in the account. The securities shall be deposited with the department to be held by a trustee or agent satisfactory to the department. Banks and trust companies are authorized to give security under this paragraph. Money in these special accounts shall be paid out on order of the department.

(d) Use of Pollution Prevention Assistance Account.—Money in the Pollution Prevention Assistance Account may be used by the department to provide loans to small businesses for the adoption or installation of pollution-prevention or energy-efficient equipment or

processes in accordance with section 2309 (relating to pollution prevention assistance loans).

§ 2305. Department responsibilities.

(a) General rule.—The department shall do all of the following:

(1) Administer the program.

(2) Establish written guidelines as necessary. Any guidelines established shall be included in the report required by Chapter 3 (relating to economic development financing strategy).

(3) Deposit payments made by recipients in the fund or the Pollution Prevention Assistance Account, as appropriate.

(4) Approve standards for area loan organization application fees.

(5) Approve community development financial institutions.

(b) Program.—In administering the program, the department may do any of the following:

(1) Provide grants or other financial assistance to area loan organizations for any of the following purposes:

(i) To establish loan reserve funds.

(ii) To reimburse loan losses to commercial banks and other financial institutions as a means of encouraging the expansion and financing of small businesses.

(2) Apply to the Ex-Im Bank for delegated authority lender status under the Ex-Im Bank's Working Capital Guaranty Program.

(3) Utilize the outstanding portfolio of loans made under this chapter to raise additional funds by selling, securing, hypothecating or otherwise using such loan proceeds as a financing vehicle if the funds raised are used by the department for either of the following purposes:

(i) To make new and additional loans under this chapter.

(ii) To pay costs associated with financing.

§ 2306. Capital development loans.

(a) Application.—A small business may submit an application and any applicable application fee to its area loan organization requesting a loan for certain costs of a capital development project. The application shall be on the form required by the department and shall include or demonstrate all of the following:

(1) The name and address of the applicant.

(2) A statement of the amount of loan assistance sought.

(3) A statement of the capital development project including a detailed statement of the cost of the project.

(4) A financial commitment from a responsible source for any cost of the capital development project in excess of the amount requested.

(5) Any other information required by the department.

(b) Area loan organization review.—

(1) Upon receipt of a completed application, an area loan organization shall investigate and determine all of the following:

(i) If the applicant is a small business.

(ii) If the project is a capital development project.

(iii) If, when the applicant is a small business, the capital development project demonstrates a substantial likelihood of creating or preserving employment activities in this Commonwealth or if, when the applicant is an agricultural producer, the project demonstrates a substantial likelihood of enhancing and growing normal agriculture operations.

(iv) The ability of the applicant to meet and satisfy the debt service as it becomes due and payable.

(v) The existence and sufficiency of collateral for the loan.

(vi) Relevant criminal and credit history and ratings of the applicant as determined from outside credit reporting services and other sources.

(vii) The number of employment opportunities to be created or preserved by the proposed capital development project.

(viii) If the applicant complied with all other criteria established by the department.

(2) Upon being satisfied that all requirements have been met, the area loan organizations shall recommend the applicant to the department and forward the application with all supporting documentation to the department for its review and approval.

(c) Department review.—

(1) Within 30 days of receiving a recommendation and a completed application, the department shall review the application. If the department is satisfied that all requirements have been met, the department may approve the loan request in accordance with the following:

(i) A loan for land, buildings and machinery and equipment may not exceed \$200,000 or 50% of the total capital development project costs, whichever is less. For the purposes of this subparagraph, capital development project costs incurred during the 12-month period prior to the date of submission of the application to the department shall be considered part of the total capital development project costs.

(ii) A loan for working capital may not exceed \$100,000 or 50% of the total capital development project costs, whichever is less.

(iii) Except for loans to agricultural producers, a loan must create or preserve one job for every \$25,000 loaned.

(2) The department shall notify the area loan organization and applicant of its decision.

(d) Approvals.—For applications which are approved, the department shall draw an advance equal to the principal amount of the loan from the fund. The advance shall be forwarded to the area loan organization and, upon receipt by the area loan organization, shall become an obligation of the area loan organization. Prior to providing loan funds to the applicant, the area loan organization shall require the applicant to execute a note and to enter into a loan agreement. In addition to the requirements of subsection (e), the loan agreement shall include a provision requiring the recipient to use the loan proceeds to pay the costs of the capital development project. The department may require the area loan organization to impose other terms and conditions on the recipient if the department determines that they are in the best interests of this Commonwealth, including a provision requiring collateral for any penalty imposed under subsection (g).

(e) Loan terms.—A loan agreement entered into in accordance with subsection (c) shall do all of the following:

(1) State the collateral securing the loan. All loans shall be secured by lien positions on collateral at the highest level of priority as may be determined by the area loan organization with the approval of the department.

(2) State the repayment period in accordance with the following:

(i) A loan for real property shall have a repayment period of up to 15 years.

(ii) A loan for machinery and equipment shall have a repayment period of up to ten years.

(iii) A loan for working capital shall have a repayment period of up to three years.

(iv) If, in a capital development project, there are two or more uses planned, the loan terms may be blended.

(3) State the interest rate in accordance with the following:

(i) Except as provided in subparagraph (ii), loans shall be made at an interest rate not to exceed 5% for the term of the loan.

(ii) A loan to a small business which is an agricultural producer shall be made at an interest rate of not less than 2% for the term of the loan if all of the following apply:

(A) A declaration under 35 Pa.C.S. § 7301(c) (relating to general authority of Governor) is in effect for at least ten days prior to the date of application.

(B) The application is made within nine months of termination of the declaration.

(C) The agricultural producer is in the area which has been declared to be a natural disaster area.

(f) Loan administration.—A loan made under this section shall be administered in accordance with departmental policies and procedures by the area loan organization which made the loan. Each area loan organization shall submit an annual report on the form required by the department and which includes or demonstrates all of the following:

(1) Each outstanding loan.

(2) The date approved.

(3) The original principal amount.

(4) The current principal balance.

(5) The interest rate.

(6) The purpose for which the loan was made.

(7) An enumeration of any problems or issues which have arisen with regard to each loan.

(8) A statement regarding the progress of the small business in creating or preserving its requisite number of employment opportunities.

(9) Any other information or documentation required by the department.

(g) Penalty.—

(1) Except as provided in paragraph (2), the department shall impose a penalty upon a recipient if the recipient fails to create or preserve the number of employment opportunities specified in its approved application.

(2) The department may waive the penalty required by paragraph (1) if the department determines that the failure was due to circumstances outside the control of the recipient.

(3) The amount of the penalty imposed under paragraph (1) shall be equal to an increase in the interest rate to 2% greater than the current prime interest rate for the remainder of the loan.

(h) Defaults.—The department may by foreclosure take title to a capital development project which it financed if acquisition is necessary to protect a loan made under this section. The department shall pay all costs arising out of the foreclosure and acquisition from moneys held in the fund. The department may, in order to minimize financial losses and sustain employment, lease the capital development project. The department may withdraw moneys from the fund to purchase first mortgages and to make payments on first mortgages on any capital development project which it financed where purchase or payment is necessary to protect a loan made under this section. The department may sell, transfer, convey and assign the first mortgages and shall deposit any moneys derived from the sale of any first mortgages in the fund.

§ 2307. EDA loans.

(a) Application and administration procedures.—The department shall establish application and administration procedures to be used for EDA loans. The procedures shall be established by guidelines and shall conform in all respects to those procedures required or established by the Economic Development Administration for use of Federal funds under the Public Works and Economic Development Act of 1965 (Public Law 89-136, 42 U.S.C. § 3121 et seq.).

(b) Eligibility for EDA loans.—The department shall establish eligibility requirements to be used for EDA loans. The requirements shall be established by guidelines and shall conform in all respects to those procedures required or established by the Economic

Development Administration for use of Federal funds under the Public Works and Economic Development Act of 1965.

§ 2308. Loans in distressed communities.

(a) Application.—A small business located in a distressed community may submit an application and any applicable application fee to a community development institution requesting a loan for certain costs of a capital development project. The application shall be on the form required by the department and shall include or demonstrate all of the following:

(1) The name and address of the applicant.

(2) A statement that the small business is engaged in business-to-public service or in the mercantile, commercial or point-of-sale retail business sectors.

(3) A statement of the amount of loan assistance sought.

(4) A statement of the capital development project, including a detailed statement of the cost of the project.

(5) A financial commitment from a responsible source for the cost of the capital development project in excess of the amount requested.

(6) Any other information required by the department.

(b) Community development institution review.—

(1) Upon receipt of a completed application, a community development institution shall investigate and determine all of the following:

(i) If the applicant is a small business which is engaged in business-to-public service or in the mercantile, commercial or point-of-sale retail business sectors in accordance with conditions or criteria established by the department.

(ii) If the project is a capital development project.

(iii) If the applicant has demonstrated a direct impact on the community in which the capital development project is or will be located, on residents of that community or on the local and/or regional economy. The department shall establish criteria that will assist in making this demonstration.

(iv) Number of employment opportunities to be created or preserved by the proposed capital development project.

(v) If the applicant complied with all other criteria established by the department.

(2) Upon being satisfied that all requirements have been met, the community development institution shall recommend the applicant to the department and forward the application with all supporting documentation to the department for its review and approval.

(c) Department review.—

(1) Upon receipt of a recommendation and a completed application, the department shall investigate and determine all of the following:

(i) The ability of the applicant to meet and satisfy the debt service as it becomes due and payable. In reviewing repayment obligations, loans shall not be approved on the basis of direct financial return on investment and shall not be held to the loan loss standards of private commercial lenders. Loans shall be reviewed for the purpose of establishing a strong economic base and promoting entrepreneurial activity within the distressed community.

(ii) The existence and sufficiency of collateral for the loan.

(iii) Relevant criminal and credit history and ratings of the applicant as determined from outside credit reporting services and other sources.

(2) If the department is satisfied that all requirements have been met, the department may approve the loan request in an amount not to exceed \$200,000 or 50% of the total capital

development project costs, whichever is less. For the purpose of this paragraph, capital development project costs, except the costs related to working capital, incurred during the 12-month period prior to the date of submission of the application to the department shall be considered part of the total capital development project costs.

(3) The department shall notify the community development institution and applicant of its decision.

(d) Approvals.—For applications which are approved, the department shall draw an advance equal to the principal amount of the loan from the fund and, prior to providing loan funds to the applicant, the department shall require the applicant to execute a note and to enter into a loan agreement. In addition to the requirements of subsection (e), the loan agreement shall include a provision requiring the recipient to use the loan proceeds to pay the costs of the capital development project. The department may impose other terms and conditions on the recipient if the department determines they are in the best interests of this Commonwealth, including a provision requiring collateral for any penalty imposed under subsection (g).

(e) Loan terms.—A loan agreement entered into in accordance with subsection (d) shall do all of the following:

(1) State any collateral securing the loan. The department may use its best judgment to identify and secure collateral.

(2) State the repayment period which may be flexible.

(3) State the interest rate which may not be less than 2% nor more than 5% for the term of the loan.

(4) State that the recipient agrees to maintain, at a minimum, the number of jobs in existence as of the date of loan application.

(f) Loan administration.—A loan made under this section shall be administered in accordance with departmental policies and procedures.

(g) Penalty.—

(1) Except as provided in paragraph (2), the department shall impose a penalty upon a recipient if the recipient fails to preserve the number of employment opportunities specified in its approved application.

(2) The department may waive the penalty required by paragraph (1) if the department determines that the failure was due to circumstances outside the control of the recipient.

(3) The amount of any penalty imposed under paragraph (1) shall be equal to an increase in the interest rate to 2% greater than the current prime interest rate for the remainder of the loan.

(h) Defaults.—The department may take title by foreclosure to a capital development project which it financed where acquisition is necessary to protect a loan made under this section. The department shall pay all costs arising out of the foreclosure and acquisition from money held in the fund. The department may, in order to minimize financial losses and sustain employment, lease the capital development project. The department may withdraw money from the fund to purchase first mortgages and to make payments on first mortgages on any capital development project which it financed if purchase or payment is necessary to protect a loan made under this section. The department may sell, transfer, convey and assign the first mortgages and shall deposit in the fund money derived from the sale of any first mortgages.

§ 2309. Pollution prevention assistance loans.

(a) Application.—A small business may submit an application and any application fee to a pollution prevention assistance agency requesting a loan for a pollution prevention infrastructure. The application shall be on the form required by the department and shall include or demonstrate all of the following:

(1) The name and address of the applicant.

(2) A statement of the amount of loan assistance sought.

(3) A statement of the pollution prevention infrastructure, including a detailed statement of the cost of the infrastructure.

(4) A financial commitment from a responsible source for the cost of the pollution prevention infrastructure in excess of the amount requested.

(5) Any other information required by the department.

(b) Pollution prevention assistance agency review.—

(1) Upon receipt of a completed application, a pollution prevention assistance agency shall investigate and determine all of the following:

(i) If the applicant is a small business.

(ii) If the project is for pollution prevention infrastructure.

(iii) If the applicant complied with all other criteria established by the department.

(2) Upon being satisfied that all requirements have been met, the pollution prevention assistance agency shall recommend the applicant to the department and forward the application with all supporting documentation to the department for its review and approval.

(c) Department review.—

(1) Upon receipt of a recommendation and a completed application, the department shall investigate and determine all of the following:

(i) If the pollution prevention infrastructure demonstrates a substantial likelihood of preventing or reducing pollution. The Department of Environmental Protection shall assist the department in reviewing the applications and provide technical assistance.

(ii) The ability of the applicant to meet and satisfy the debt service as it becomes due and payable. In reviewing repayment obligations, loans shall not be approved on the basis of direct financial return on investment and shall not be held to the loan loss standards of private commercial lenders. Loans shall be reviewed for the purpose of reducing pollution through source reduction technologies or processes.

(iii) The existence and sufficiency of collateral for the loan.

(iv) Relevant criminal and credit history and ratings of the applicant as determined from outside credit reporting services and other sources.

(2) If the department is satisfied that all requirements have been met, the department may approve the loan request. A loan approved under this subsection may not exceed the lesser of:

(i) \$100,000; or

(ii) 75% of infrastructure costs.

(3) The department shall notify the pollution prevention assistance agency and applicant of its decision.

(d) Approvals.—For applications which are approved, the department shall draw an advance equal to the principal amount of the loan from the Pollution Prevention Assistance Account. Prior to providing loan funds to the applicant, the department shall require the applicant to execute a note and to enter into a loan agreement. In addition to the requirements of subsection (e), the loan agreement shall include a provision requiring the recipient to use the loan proceeds to pay the costs of the pollution prevention infrastructure. The department may impose other terms and conditions on the recipient if the department determines they are in the best interests of this Commonwealth, including a provision requiring collateral for any penalty imposed under subsection (g).

(e) Loan terms.—A loan agreement entered into in accordance with subsection (d) shall do all of the following:

(1) State the collateral securing the loan. All loans shall be secured by lien positions on collateral at the highest level of priority as may be determined by the department.

(2) State the repayment period which may not exceed 10 years.

(3) State that the interest rate is 2%.

(4) State that any loan fee is not to exceed 5% of the loan amount.

(f) Loan administration.—A loan made under this section shall be administered in accordance with departmental policies and procedures.

(g) Penalty.—

(1) Except as provided in paragraph (2), the department shall impose a penalty upon a recipient if the recipient fails to carry out the pollution prevention infrastructure project as specified in its approved application.

(2) The department may waive the penalty required by paragraph (1) if the department determines that the failure was due to circumstances outside the control of the recipient.

(3) The amount of any penalty imposed under paragraph (1) shall be equal to an increase in the interest rate to 2% greater than the current prime interest rate for the remainder of the loan.

(h) Defaults.—The department may take title by foreclosure to a pollution prevention infrastructure which it financed if acquisition is necessary to protect a loan made under this section. The department shall pay all costs arising out of the foreclosure and acquisition from money held in the Pollution Prevention Assistance Account. The department may, in order to minimize financial losses and sustain employment, lease the pollution prevention infrastructure. The department may withdraw money from the Pollution Prevention Assistance Account to purchase first mortgages and to make payments on first mortgages on any pollution prevention infrastructure which it financed if the purchase or payment is necessary to protect a loan made under this section. The department may sell, transfer, convey and assign the first mortgages and shall deposit any money derived from the sale of any first mortgages in the Pollution Prevention Assistance Account.

§ 2310. Export financing loans.

(a) Application.—A person may submit an application and any applicable application fee to the department or its area loan organization requesting a loan for certain costs of a capital development project which will be used in export activities. The application must be on the form required by the department and must include or demonstrate all of the following:

(1) The name and address of the applicant.

(2) A statement of the amount of loan assistance sought.

(3) A statement of the capital development project, including a detailed statement of the cost of the project.

(4) A financial commitment from a responsible source for any cost of the capital development project in excess of the amount requested.

(5) A statement that the loan, if approved, would not supplant funding from private sector sources on commercially reasonable terms.

(6) Any other information required by the department.

(b) Review.—Upon receipt of a completed application, the department shall investigate and determine all of the following:

(1) If the applicant is an export business.

(2) If the project is a capital development project.

(3) The ability of the applicant to meet and satisfy the debt service as it becomes due and payable.

(4) The existence and sufficiency of collateral for the loan.

(5) Relevant criminal and credit history and ratings of the applicant as determined from outside credit reporting services and other sources.

(6) Number of employment opportunities to be created or preserved by the proposed capital development project.

(7) If the applicant complied with all other criteria established by the department.

(c) Approvals.—If the department is satisfied that all requirements have been met, the department may approve the loan request. A loan approved under this section may not exceed \$350,000. The department shall notify the applicant and, if applicable, the area

loan organization of its decision. The department shall reserve an amount equal to the principal amount of the loan within the fund or the special account authorized by section 2304(c)(2) (relating to fund and accounts). Prior to providing funds to the applicant, the department shall require the applicant to execute a note and enter into a loan agreement. In addition to the requirements of subsection (d), the loan agreement shall include a provision requiring the recipient to use the loan proceeds to pay the costs of the capital development project. The department may impose other terms and conditions on the recipient if the department determines they are in the best interests of this Commonwealth, including any of the following:

(1) A provision requiring collateral for any penalty imposed under subsection (f).

(2) A provision requiring the person to be eligible for an insurance policy.

(3) A provision requiring the loan to be guaranteed by the Working Capital Guaranty Program offered by the Ex-Im Bank.

(4) A provision requiring an export credit sales contract insured by an insurance policy.

(d) Loan terms.—A loan agreement entered into in accordance with subsection (c) shall do all of the following:

(1) State the collateral securing the loan. All loans shall be secured by lien positions on collateral at the highest level of priority as may be determined by the department.

(2) State the repayment period as determined by the department.

(3) State the interest rate as determined by the department.

(e) Loan administration.—A loan made under this section shall be administered in accordance with departmental policies and procedures.

(f) Penalty.—

(1) Except as provided in paragraph (2), the department shall impose a penalty upon a recipient if the recipient fails to carry out the export activities specified in its approved application.

(2) The department may waive the penalty required by paragraph (1) if the department determines that the failure was due to circumstances outside the control of the recipient.

(3) The amount of the penalty imposed under paragraph (1) shall be equal to an increase in the interest rate to 2% greater than the current prime interest rate for the remainder of the loan.

(g) Defaults.—The department may, by foreclosure, take title to a capital development project which it financed if acquisition is necessary to protect a loan made under this section. The department shall pay all costs arising out of the foreclosure and acquisition from money held in the fund or a special account authorized by section 2304(c)(2). The department may, in order to minimize financial losses and sustain employment, lease the capital development project. The department may withdraw money from the fund or a special account authorized by section 2304(c)(2) to purchase first mortgages and to make payments on first mortgages on any capital development project which it financed if purchase or payment is necessary to protect a loan made under this section. The department may sell, transfer, convey and assign the first mortgages and shall deposit any money derived from the sale of any first mortgages in the fund or a special account authorized by section 2304(c)(2).

§ 2311. Reporting and inspection.

(a) Inspection.—An applicant or a recipient shall, upon request, permit authorized employees of the department or its agent to inspect the plant, books and records of the applicant or recipient.

(b) Updating.—An applicant or a recipient shall provide updated information to the department and its agents if conditions change or to the extent that the information originally given becomes inaccurate or misleading.

(c) Periodic reports.—A recipient shall provide the department and its agents with such periodic financial reports as the department may require until the loan is repaid in full.

(d) Financial and performance audits.—An agent of the department shall annually submit to the department, at the agent's expense, an independent financial audit. If the audit reveals misconduct of a material nature on the part of the agent, the department shall take appropriate action.

§ 2312. Limitations.

No loans shall be recommended or approved if the proceeds of the loan could do any of the following:

(1) Cause, aid or assist directly in the relocation of any business operations from one part of this Commonwealth to another unless there is at least a 25% net increase in employment.

(2) Refinance any portion of the total cost of a capital development project, pollution prevention infrastructure or other existing loans or debt.

(3) Finance a capital development project or pollution prevention infrastructure located outside the geographic boundaries of this Commonwealth.

(4) Provide funds, directly or indirectly, for payment distribution or as loan owners, partners or shareholders of a small business, except as ordinary compensation for services rendered.

(5) Provide funds for speculation in real or personal property, whether tangible or intangible.

CHAPTER 25

INDUSTRIAL DEVELOPMENT ASSISTANCE

(RESERVED)

CHAPTER 27

CUSTOMIZED JOB TRAINING

(RESERVED)

CHAPTER 29

MACHINERY AND EQUIPMENT LOAN

Sec.

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§ 2901. Scope.

This chapter deals with the Machinery and Equipment Loan Fund.

§ 2902. Definitions.

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

“Business enterprise.” A for-profit corporation, partnership or proprietorship. The term includes a medical facility.

“Farm commodity.” Any Pennsylvania-grown agricultural, horticultural, aquacultural, vegetable, fruit and floricultural product of the soil, livestock and meats, wools, hides, furs, poultry, eggs, dairy products, nuts, mushrooms, honey products and forest products.

“Fund.” The Machinery and Equipment Loan Fund created and established by this chapter.

“Medical facility.” An entity licensed as a hospital under the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, or the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

“Normal agricultural operation.” The term shall have the same meaning as given to it in section 2 of the act of June 10, 1982 (P.L.454,

No.133), entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances.”

“Production agriculture.” The management and use of a normal agricultural operation for the production of a farm commodity.

§ 2903. Establishment.

There is established within the department a program to be known as the Machinery and Equipment Loan Program. The program shall be administered by the department and provide loans to business enterprises for machinery and equipment.

§ 2904. Machinery and Equipment Loan Fund.

(a) Creation.—There is created a special account in the Treasury Department, to be known as the Machinery and Equipment Loan Fund, to which shall be credited all program appropriations made by the General Assembly, all proceeds from loan repayments and any and all other deposits, payments or contributions from any other source made available to the fund. The fund shall operate as a revolving fund whereby all appropriations, payments and interest made thereto may be applied and reapplied to the purposes of this chapter.

(b) Credits to fund.—All appropriations, deposits and contributions made to the fund shall be immediately credited in full to the fund, and earnings on the moneys held in the fund shall also be credited to the fund for the purposes of this chapter.

§ 2905. Eligibility for loans; terms and conditions.

(a) Loans; general rules.—The secretary may make advances from the fund, subject to the terms, conditions and restrictions provided under this chapter, for the purpose of making loans to business enterprises involved in industrial processes, mining, manufacturing, production agriculture, information technology, biotechnology, service as a medical facility or other industrial or technology sectors, as defined by the department, to acquire and install new machinery and equipment or upgrade existing machinery and equipment, including the acquisition, application and utilization of computer hardware and software.

(1) All loans shall be subject to all of the following conditions:

(i) Be made to eligible business enterprises under the provisions of this chapter.

(ii) Have a maximum loan ceiling of \$5,000,000 or 50% of the cost of the project, whichever is less.

(iii) Be limited to the purchase and installation of new equipment and machinery or the upgrade of existing machinery and equipment. This subparagraph includes the acquisition, application and utilization of computer hardware and software.

(iv) Be limited to projects that demonstrate the creation or retention of one job for every \$25,000 received from the fund. This subparagraph does not apply to loans made to business enterprises involved in production agriculture or to loans made to medical facilities.

(v) Have an interest rate which shall be established by the secretary.

(vi) Have a term of not in excess of ten years.

(2) For loans to medical facilities, loan funds may be used only to finance the acquisition, installation and utilization of machinery and equipment, including computer hardware and software components, to be used in the prescribing and dispensing of medication for medical facility patients.

(b) Restrictions.—No loans shall be made that do any of the following:

(1) Cause, aid or assist in, directly or indirectly, the relocation of any business enterprise from one part of this Commonwealth to another unless there is at least a 25% increase in net employment.

(2) Supplant funding that is otherwise available expeditiously from private sector sources on commercially reasonable terms.

(3) Be for the purpose of refinancing any portion of the total project cost or other existing loans or debt.

(4) Be for the purpose of financing projects located outside the geographic boundaries of this Commonwealth.

(5) Be for the purpose of paying off a creditor that is inadequately secured and is in a position to sustain a loss.

(6) Be for the purpose of repaying a debt owed to a small business investment company.

(7) Provide funds for speculation in any kind of property, real or personal, tangible or intangible.

(c) Security.—All loans shall be secured by no less than a second lien position on the equipment purchased and other sufficient collateral as determined by the secretary.

§ 2906. Application and administration.

(a) Procedures.—Application and administration procedures for fund loans shall be established by the secretary.

(b) Receipt.—The secretary shall receive applications from eligible business enterprises for machinery and equipment loans. Applications shall be made to the secretary in the form and manner as the department may require.

(c) Investigation.—Upon receipt of the application, the secretary shall investigate and review the application and either approve or disapprove the loan application by proper action of the department. The decision of the secretary shall be based, in whole or in part, upon the following criteria:

(1) Ability of the applicant to meet and satisfy all debt service as it becomes due and payable.

(2) Sufficiency of available collateral, including satisfactory lien positions on real and personal property.

(3) Eligibility of the applicant as a business enterprise involved in industrial processes, manufacturing, mining, production agriculture, information technology, biotechnology, services as a medical facility or other industrial or technology sectors as defined by the secretary.

(4) Sufficient evidence that funds shall be used only to acquire and install new equipment and machinery or upgrade existing equipment and machinery, including the acquisition, application and utilization of computer hardware and software.

(5) Capital needs of the applicant.

(6) Conformity of the project to the provisions of this chapter.

(7) Relevant criminal and credit history and ratings of applicant as determined from outside credit reporting services and other sources.

(8) Number of net employment opportunities created and retained by the proposed project. This paragraph does not apply to business enterprises involved in production agriculture or medical facilities.

(9) Supporting evidence that the loan project will increase the firm’s competitiveness and value added within its respective industry.

(10) Explanation of how the loan will aid the Commonwealth in its efforts to assist business enterprises to increase their productivity and improve the future competitive position of this Commonwealth’s industries.

(11) Compliance with the loan amount limitations provided for machinery and equipment loans.

(12) Payment to date of all tax obligations due and owing to the Commonwealth or any political subdivision thereof.

(13) Conformity of all aspects of the loan transaction with the substantive and procedural provisions of this chapter and regulations promulgated hereunder.

(14) Such information and documentation as the secretary shall require.

(d) Notification.—The secretary shall notify the applicant of final approval or disapproval of the loan application within a reasonable period of time following the receipt of the application. In the case of approval of a loan application, the secretary shall arrange to draw the

loan amount from the fund and advance the sum to the recipient. The advance shall be made available in the form of a loan transaction, which loan shall be evidenced by a note executed by the recipient and secured in a manner as the secretary shall require in conformity in all respects to the loan as approved by the secretary.

(e) Policy requirements and report.—All loans shall be administered and monitored by the department in accordance with the policies and procedures prescribed by the secretary. On or before September 1 of each year, the secretary shall prepare a report that includes the following:

- (1) Each outstanding loan.
- (2) The date of approval.
- (3) The original principal balance.
- (4) The current principal balance.
- (5) The interest rate.
- (6) The purpose for which the loan was made.
- (7) An enumeration of any problems or issues which

have arisen with regard to each loan.

(8) A statement regarding the progress of the business enterprise in creating and retaining its requisite number of employment opportunities.

(9) Such other information and documentation as the secretary shall require.

(f) Penalty for noncompliance.—In the event that a loan recipient shall not comply with its approved application by failing to create or preserve the number of employment opportunities specified in its approved application, the secretary shall impose a penalty equal to an increase in the interest rate to 2% greater than the current prime interest rate for the remainder of the loan unless the penalty is waived by the secretary because the failure is due to circumstances outside the control of the loan recipient. The penalty shall be payable in installments that the secretary deems appropriate.

§ 2907. Powers of secretary.

The secretary shall have and may exercise all powers and authority necessary to the proper administration and implementation of this chapter and shall have the authority to adopt policies, procedures and guidelines and promulgate rules and regulations necessary to effectuate the provisions of this chapter.

§ 2908. Reporting and inspection.

(a) Inspection.—Each business enterprise which applies for or receives assistance under this chapter, upon reasonable request of the department, shall permit duly authorized employees of the department to inspect the plant, books and records of the business enterprise.

(b) Updating.—Each business enterprise shall update the information given to the department in its application if conditions change or to the extent that the information given originally becomes inaccurate or misleading.

(c) Periodic reports.—Each recipient of assistance under this chapter shall provide the department with periodic financial reports as the secretary may require until such time as the loan is paid off.

§ 2909. Nondiscrimination.

No loan shall be made to a business enterprise unless the business enterprise certifies to the department, in a form satisfactory to the department, that it shall not discriminate against any employee or any applicant for employment because of race, religion, color, national origin, sex or age. The business enterprise shall also certify to the department that it is not currently under citation for pollution violations and that in the future it will meet all applicable antipollution standards.

§ 2910. Conflict of interest.

No employee of the department shall, either directly or indirectly, be a party to or have any financial interest in any contract or agreement arising pursuant to this chapter.

§ 2911. Reports to General Assembly.

(a) Annual reports.—On or before September 1 of each year, the secretary shall provide a report to the Secretary of the Senate and to the Chief Clerk of the House of Representatives. The report shall describe all relevant activities of the department pursuant to this chapter and shall include the following:

(1) List of business enterprises receiving loans from the fund and the amounts and terms of this assistance.

(2) Loan amounts repaid. Information under this paragraph may be reported in the aggregate.

(3) Loans outstanding, balances due and any penalties imposed. Information under this paragraph may be reported in the aggregate.

(4) Jobs created by businesses receiving funds in previous years. Information under this paragraph may be reported in the aggregate.

(5) Other relevant information as determined by the secretary.

(b) Availability of departmental reports.—Reports prepared by the secretary under section 2906(e) (relating to application and administration) shall be made available upon request to members of the General Assembly.

§ 2912. Guidelines.

The department shall develop written guidelines for the implementation of this chapter.

#### CHAPTER 31

#### FAMILY SAVINGS ACCOUNT

#### (RESERVED)

#### CHAPTER 33

#### ECONOMIC ENHANCEMENT

#### (RESERVED)

#### CHAPTER 35

#### KEYSTONE OPPORTUNITY ZONES

#### (RESERVED)

#### CHAPTER 37

#### KEYSTONE INNOVATION ZONES

Sec.

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§ 3701. Scope.

This chapter relates to the Keystone Innovation Zones Program.

§ 3702. Definitions.

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

“Institution of higher education.” A public or private institution within this Commonwealth authorized by the Department of Education to grant an associate degree or higher degree. The term includes branch or satellite campus of the institution.

“Keystone innovation zone.” A clearly defined contiguous geographic area comprised of portions of one or more political subdivisions.

“Keystone innovation zone company.” A for-profit business entity which is all of the following:

(1) Located within a keystone innovation zone.

(2) Has been in operation for less than eight years.

(3) Falls within one of the targeted industry segments adopted by the keystone innovation zone partnership in its strategic plan.

“Keystone innovation zone coordinator.” A nonprofit organization which is all of the following:

(1) Not an institution of higher education.

(2) Chosen by a keystone innovation zone partnership and agreed to by the department to administer the activities of a keystone innovation zone.

“Keystone innovation zone partnership.” Any association or group which is all of the following:

(1) Comprised of at least one institution of higher education and a combination of private businesses, business support organizations, commercial lending institutions, venture capital companies, angel investor networks or foundations.

(2) Formed for the creation and administration of a keystone innovation zone.

“KIZ.” A keystone innovation zone.

“KIZ company.” A keystone innovation zone company.

“KIZ coordinator.” A keystone innovation zone coordinator.

“KIZ partnership.” A keystone innovation zone partnership.

#### § 3703. Program.

(a) Establishment.—There is established a program in the department to be known as the Keystone Innovation Zone Program. The program shall provide economic assistance to KIZ companies for the purpose of improving and encouraging research and development efforts and technology commercialization efforts resulting in employment growth and revitalization of communities.

(b) Application.—A keystone innovation zone partnership may apply to the department to establish a keystone innovation zone. All applications must be received by July 1, 2007, be on the form required by the department and include and demonstrate all of the following:

(1) The KIZ coordinator’s name and address.

(2) A statement that the applicant is a KIZ partnership and the identity of its members.

(3) The geographic boundaries of the proposed keystone innovation zone.

(4) A copy of a written strategic plan adopted by the KIZ partnership describing the targeted industry segments which the KIZ will foster.

(5) Any other information required by the department.

(c) Review and designation.—The department shall review the application. Upon being satisfied that all requirements have been met, the department may approve the application. If the department approves the application, the department shall designate the identified area as a keystone innovation zone and accept the organization designated as the KIZ coordinator for the zone.

#### § 3704. Assistance.

(a) Existing programs.—A KIZ company shall be eligible and may be given priority consideration in applying for assistance under any of the following:

(1) This title.

(2) The act of May 17, 1956 (1955 P.L.1609, No.537), known as the Pennsylvania Industrial Development Authority Act.

(3) The act of August 23, 1967 (P.L.251, No.102), known as the Economic Development Financing Law.

(4) The act of June 22, 2001 (P.L.569, No.38), known as The Ben Franklin Technology Development Authority Act.

(5) The act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act.

(6) The act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act.

(7) Any other act enacted after the effective date of this subsection which has economic development assistance as its primary objective.

(b) Loans of the Pennsylvania Industrial Development Authority.—The board of the Pennsylvania Industrial Development Authority may provide loans to entities for land and structures, including structures providing space for research and development activities, in which, when completed, at least one KIZ company will be located. If the structure is intended to accommodate more than one KIZ company, at least 80% of the space in the structure must be leased to KIZ companies. The board may establish the eligibility criteria, the interest rate, the loan term and the participation rate to be applied to these projects.

(c) KIZ operation grants.—

(1) The Ben Franklin Technology Development Authority may provide an annual KIZ operation grant of up to

\$250,000 to a keystone innovation zone coordinator for administrative costs incurred in establishing and implementing the keystone innovation zone.

(2) In subsequent years, a grant shall be reduced in accordance with all of the following:

(i) By 25% of the initial amount in the second year.

(ii) By 50% of the initial amount of the grant in the third year.

(iii) By 75% of the initial amount of the grant in the fourth year.

(3) The Ben Franklin Technology Development Authority shall develop guidelines for the application, receipt and use of operation grant funds.

#### § 3705. Keystone innovation grants.

(a) Grants.—The department may provide keystone innovation grants to institutions of higher education to facilitate technology transfer, including patent filings, technology licensing, intellectual property and royalty agreements and other designated resource needs. The application must be on the form required by the department and must include or demonstrate all of the following:

(1) The applicant’s name and address.

(2) The KIZ partnership of which the applicant is a member.

(3) A written proposal. The proposal must state all of the following:

(i) The technology transfer activities to be undertaken. The activities may include the addition of personnel who are directly related in transferring technology to the local businesses.

(ii) The quantifiable goals and objectives to be achieved.

(iii) How the activities, goals and objectives will integrate with the strategic plan adopted for the KIZ.

(iv) The role of the applicant and other members of the KIZ partnership.

(4) Identification of a dollar-to-dollar match, which may be in kind if the department determines that the proposed match can be readily identified and tracked, and which is directly related to the stated goals and objectives.

(5) Any other information required by the department.

(b) Approval.—The department shall review the application and, upon being satisfied that all requirements have been met, the department may approve the application. Prior to releasing grant funds, the department shall enter into a contract with the applicant that contains all of the following:

(1) The grant may not exceed \$250,000 per year.

(2) Grants under this program shall not exceed \$750,000 in the aggregate per applicant under this program.

(3) The aggregate amount of grants awarded to all applicants under this subsection shall not exceed \$10,000,000 under this program.

(c) Penalty.—

(1) Except as provided in paragraph (2), the department shall impose a penalty upon a recipient of a grant for any of the following:

(i) If the recipient fails to use the grant for the technology transfer activities specified in the application.

(ii) If the recipient’s membership in the KIZ partnership is terminated voluntarily or involuntarily.

(2) The department may waive the penalty required by paragraph (1) if the department determines that the failure was due to circumstances outside the control of the grant recipient.

(3) A penalty imposed under paragraph (1) shall be equal to the full amount of the grant received plus an additional amount of up to 10% of the amount of the grant received. The penalty shall be payable in one lump sum or in installments, with or without interest, as the department deems appropriate.

§ 3706. Keystone innovation zone tax credits.

(a) Tax credit.—A KIZ company may claim a tax credit equal to 50% of the increase in the KIZ company's gross revenues in the immediately preceding taxable year attributable to activities in the KIZ over the KIZ company's gross revenues in the second preceding taxable year attributable to its activities in the KIZ. A tax credit for a KIZ company shall not exceed \$100,000 annually. For the purposes of the keystone innovation zone tax credit, the term "gross revenues" may include grants received by the KIZ company from any source whatsoever.

(b) Application for tax credit.—A KIZ company may file an application for a tax credit with the department. An application under this subsection must be filed by September 15 of each year for the prior taxable year, beginning September 15, 2006. The application must be submitted on a form required by the department and must be accompanied by a certification from the KIZ coordinator that the KIZ company falls within a targeted industry segment identified in the strategic plan adopted by the KIZ partnership. The department shall review the application and, upon being satisfied that all requirements have been met, the department shall issue a tax credit certificate to the KIZ company. All certificates shall be awarded by December 15 of each year.

(c) Limitation on tax credits.—

(1) The total amount of tax credits approved by the department shall not exceed \$25,000,000 for any one taxable year.

(2) If \$25,000,000 of the tax credits are not approved for any one taxable year, the unused portion shall not be available for use in future taxable years.

(3) If the total amount of tax credits applied for by all taxpayers for any one taxable year exceeds \$25,000,000, then the tax credit to be received by each applicant shall be determined as follows:

(i) Divide:

(A) the eligible tax credit applied for by the applicant; by

(B) the total of all eligible tax credits applied for by all applicants.

(ii) Multiply:

(A) the quotient under subparagraph (i); by

(B) \$25,000,000.

(d) Application of tax credit and election.—A tax credit approved under this section must be first applied against the KIZ company's tax liability under Article III, IV or VI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the taxable year during which the tax credit is approved. If the amount of tax liability owed by the KIZ company is less than the amount of the tax credit, the KIZ company may elect to carry forward the amount of the remaining tax credit for a period not to exceed four additional taxable years and to apply the credit against tax liability incurred during those tax years; or the KIZ company may elect to sell or assign a portion of the tax credit in accordance with the provisions of subsection (f). A KIZ company may not carry back or obtain a refund of an unused keystone innovation zone tax credit.

(e) Pennsylvania S Corporation Shareholder Pass-Through.—

(1) If a Pennsylvania S corporation does not have an eligible tax liability against which the tax credit may be applied, a shareholder of the Pennsylvania S corporation is entitled to a tax credit equal to the product of

(i) the tax credit determined for the Pennsylvania S corporation for the taxable year; and

(ii) the percentage of the Pennsylvania S corporation's distributive income to which the shareholder is entitled.

(2) The credit provided under paragraph (1) is in addition to any tax credit to which a shareholder of the Pennsylvania S corporation is otherwise entitled. However, a

Pennsylvania S corporation and a shareholder of the Pennsylvania S corporation may not claim a tax credit under this section for the same activity.

(f) Sale or assignment of tax credit.—

(1) Upon application to and approval by the department, a KIZ company which has been awarded a tax credit may sell or assign, in whole or in part, the tax credit granted to the KIZ company. The application must be on the form required by the department and must include or demonstrate all of the following:

(i) The applicant's name and address.

(ii) A copy of the tax credit certificate previously issued by the department.

(iii) A statement as to whether any part of the tax credit has been applied to tax liability of the applicant and the amount so applied.

(iv) Any other information required by the department.

(2) The department shall review the application and, upon being satisfied that all requirements have been met, the department may approve the application and shall notify the Department of Revenue.

(g) Use of sold or assigned tax credit.—The purchaser or assignee of all or a portion of a keystone innovation zone tax credit under this section shall claim the credit in the taxable year in which the purchase or assignment is made. The purchaser or assignee of a tax credit may use the tax credit against any tax liability of the purchaser or assignee under Article III, IV, VI, VII, VIII, IX or XV of the Tax Reform Code of 1971. The amount of the tax credit used may not exceed 75% of the purchaser's or assignee's tax liability for the taxable year. The purchaser or assignee may not carry over, carry back, obtain a refund of or assign the keystone innovation zone tax credit. The purchaser or assignee shall notify the department and the Department of Revenue of the seller or assignor of the keystone innovation zone tax credit in compliance with procedures specified by the department.

§ 3707. Guidelines.

Before any keystone innovation zone is approved by the department, the department shall approve written guidelines for the program and shall provide a copy of the guidelines to the Majority Leader and Minority Leader of the Senate, the Majority Leader and Minority Leader of the House of Representatives, 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.

§ 3708. Annual report.

The department shall submit an annual report to the Secretary of the Senate and the Chief Clerk of the House of Representatives indicating the effectiveness of the keystone innovation zone tax credit provided by this chapter by December 31 of each year, beginning December 31, 2007. Notwithstanding any law providing for the confidentiality of tax records, the report shall include the names of all taxpayers awarded the credits, all taxpayers utilizing the credits, the amount of credits approved and utilized by each taxpayer and the locations of the KIZ companies awarded the credits. The report shall be a public document.

Section 3. Repeals are as follows:

(1) The following provisions of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, are repealed:

(i) Chapter 3.

(ii) Chapter 7.

(iii) Chapter 13.

(iv) Chapter 17.

(v) Chapter 30.

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

Section 4. Chapters 3, 7, 13, 17 and 30 of the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, are continued by this codification as follows:

(1) The addition of 12 Pa.C.S. Ch. 3 is a continuation of Chapter 3 of the Job Enhancement Act. The following apply:

(i) Except as otherwise provided in 12 Pa.C.S. Ch. 3, all activities initiated under Chapter 3 of the Job Enhancement Act shall continue and remain in full force and effect and may be completed under 12 Pa.C.S. Ch. 3. Orders, regulations, rules and decisions which were made under Chapter 3 of the Job Enhancement Act and which are in effect on the effective date of section 2(1)(i) of this act shall remain in full force and effect until revoked, vacated or modified under 12 Pa.C.S. Ch. 3. Contracts, obligations and collective bargaining agreements entered into under Chapter 3 of the Job Enhancement Act are not affected nor impaired by the repeal of Chapter 3 of the Job Enhancement Act.

(ii) Except as set forth in subparagraph (iii), any difference in language between 12 Pa.C.S. Ch. 3 and Chapter 3 of the Job Enhancement Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Chapter 3 of the Job Enhancement Act.

(iii) Subparagraph (ii) does not apply to the addition of 12 Pa.C.S. § 303.

(2) The addition of 12 Pa.C.S. Ch. 5 is a continuation of Chapter 17 of the Job Enhancement Act. The following apply:

(i) All activities initiated under Chapter 17 of the Job Enhancement Act shall continue and remain in full force and effect and may be completed under 12 Pa.C.S. Ch. 5. Orders, regulations, rules and decisions which were made under Chapter 17 of the Job Enhancement Act and which are in effect on the effective date of section 2(1)(iv) of this act shall remain in full force and effect until revoked, vacated or modified under 12 Pa.C.S. Ch. 5. Contracts, obligations and collective bargaining agreements entered into under Chapter 17 of the Job Enhancement Act are not affected nor impaired by the repeal of Chapter 17 of the Job Enhancement Act.

(ii) Except as set forth in subparagraph (iii), any difference in language between 12 Pa.C.S. Ch. 5 and Chapter 17 of the Job Enhancement Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Chapter 17 of the Job Enhancement Act.

(iii) Subparagraph (ii) does not apply to the following:

(A) The addition of 12 Pa.C.S. § 502.

(B) The addition of 12 Pa.C.S. § 503.

(iv) The members of Small Business Council in office on the effective date of section 3(2)(iv) of this act shall continue in office under the addition of 12 Pa.C.S. Ch. 5.

(3) The addition of 12 Pa.C.S. Ch. 21 is a continuation of Chapter 7 of the Job Enhancement Act. The following apply:

(i) Except as otherwise provided in 12 Pa.C.S. Ch. 21, all activities initiated under the Chapter 7 of the Job Enhancement Act shall continue and remain in full force and effect and may be completed under 12 Pa.C.S. Ch. 21. Orders, regulations, rules and decisions which were made under Chapter 7 of the Job Enhancement Act and which are in effect on the effective date of section 2(1)(ii) of this act shall remain in full force and effect until revoked, vacated or modified under 12 Pa.C.S. Ch. 21. Contracts, obligations and collective bargaining agreements entered into under Chapter 7 of

the Job Enhancement Act are not affected nor impaired by the repeal of Chapter 7 of the Job Enhancement Act.

(ii) Except as set forth in subparagraph (iii), any difference in language between 12 Pa.C.S. Ch. 21 and Chapter 7 of the Job Enhancement Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Chapter 7 of the Job Enhancement Act.

(iii) Subparagraph (ii) does not apply to any of the following provisions:

(A) The addition of 12 Pa.C.S. § 2106(2).

(B) The addition of 12 Pa.C.S. § 2109.

(4) The addition of 12 Pa.C.S. Ch. 23 is a continuation of Chapter 13 of the Job Enhancement Act. The following apply:

(i) Except as otherwise provided in 12 Pa.C.S. Ch. 23, all activities initiated under the Chapter 13 of the Job Enhancement Act shall continue and remain in full force and effect and may be completed under 12 Pa.C.S. Ch. 23. Orders, regulations, rules and decisions which were made under Chapter 13 of the Job Enhancement Act and which are in effect on the effective date of section 2(1)(iii) of this act shall remain in full force and effect until revoked, vacated or modified under 12 Pa.C.S. Ch. 23. Contracts, obligations and collective bargaining agreements entered into under Chapter 13 of the Job Enhancement Act are not affected nor impaired by the repeal of Chapter 13 of the Job Enhancement Act.

(ii) Except as set forth in subparagraph (iii), any difference in language between 12 Pa.C.S. Ch. 23 and Chapter 13 of the Job Enhancement Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Chapter 13 of the Job Enhancement Act.

(iii) Subparagraph (ii) does not apply to any of the following provisions:

(A) The addition of 12 Pa.C.S. § 2305(a).

(B) The addition of 12 Pa.C.S. § 2306(a), (b), (c) and (e).

(C) The addition of 12 Pa.C.S. § 2308(a), (b) and (c).

(D) The addition of 12 Pa.C.S. § 2309(b).

(E) The addition of 12 Pa.C.S. § 2310(b).

(iv) In continuation of section 1302 of the Job Enhancement Act, all funds, accounts, assets, encumbrances and liabilities located in or associated with the Air Quality Improvement Fund, the Storage Tank Loan Fund and the Recycling Incentive Development Account shall be transferred to the Pollution Prevention Assistance Account and shall be administered in accordance with 12 Pa.C.S. §§ 2304 and 2309. The Department of Community and Economic Development shall report annually to the Department of Environmental Protection on the status of the Pollution Prevention Assistance Account and the loans made under 12 Pa.C.S. § 2309.

(v) In continuation of section 1309(a) of the Job Enhancement Act, as of July 1, 1997, all funds, accounts, assets, encumbrances and liabilities located in or associated with the Capital Loan Fund shall be transferred to the Small Business First Fund and shall

thereafter be administered in accordance with 12 Pa.C.S. Ch. 23.

(vi) In continuation of section 1309(b) of the Job Enhancement Act, annually on July 1, the State Treasurer may transfer, upon approval by the Governor, up to \$2,000,000 from the Hazardous Sites Cleanup Fund into the Pollution Prevention Assistance Account. This transfer shall be in addition to other appropriations, Federal funding and private contributions received by the account.

(5) The addition of 12 Pa.C.S. Ch. 29 is a continuation of Chapter 30 of the Job Enhancement Act. The following apply:

(i) Except as otherwise provided in 12 Pa.C.S. Ch. 29, all activities initiated under Chapter 30 of the Job Enhancement Act shall continue and remain in full force and effect and may be completed under 12 Pa.C.S. Ch. 29. Orders, regulations, rules and decisions which were made under Chapter 30 of the Job Enhancement Act and which are in effect on the effective date of section 2(1)(v) of this act shall remain in full force and effect until revoked, vacated or modified under 12 Pa.C.S. Ch. 29. Contracts, obligations and collective bargaining agreements entered into under Chapter 30 of the Job Enhancement Act are not affected nor impaired by the repeal of Chapter 30 of the Job Enhancement Act.

(ii) Except as set forth in subparagraph (iii), any difference in language between 12 Pa.C.S. Ch. 29 and Chapter 30 of the Job Enhancement Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of Chapter 30 of the Job Enhancement Act.

(iii) Subparagraph (ii) does not apply to any of the following:

(A) The addition of the definitions of “business enterprise” and “medical facility” in 12 Pa.C.S. § 2902.

(B) The addition of 12 Pa.C.S. § 2905(a) and (c).

(C) The following provisions in the addition of 12 Pa.C.S. § 2906:

(I) Subsection (c)(3), (4) and (8).

(II) The introductory paragraph of subsection (e).

(D) The following provisions in the addition of 12 Pa.C.S. § 2911:

(I) The introductory paragraph of subsection (a).

(II) Paragraphs (2), (3), (4) and (5) of subsection (a).

(E) The addition of 12 Pa.C.S. § 2912.

Section 5. Money appropriated to the Department of Community and Economic Development for the Base Retention and Conversion Pennsylvania Action Committee shall be used for all of the following:

(1) The development of a Statewide strategy.

(2) Matching grants for economic impact studies, environmental impact studies, encroachment studies, community and regional interaction with military bases, infrastructure needs at military bases and job training needs at or near military bases. Grants under this subparagraph:

(i) shall be awarded by the Base Retention and Conversion Pennsylvania Action Committee;

(ii) require a 25% local match; and

(iii) are limited to \$75,000 or less per military base.

Section 6. This act shall take effect as follows:

(1) The following provisions shall take effect upon publication of the guidelines required by the addition of 12 Pa.C.S. § 2912:

(i) The addition of 12 Pa.C.S. §§ 2901 through 2911.

(ii) Section 3(1)(v) of this act.

(iii) Section 4(5) of this act.

(2) The addition of 12 Pa.C.S. §§ 3705 and 3706 shall take effect July 1, 2004.

(3) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. GOOD. Thank you, Mr. Speaker.

This amendment represents an opportunity to enhance the ability of major employers in Pennsylvania to compete.

Manufacturing and health services are responsible for high-wage, family-sustaining jobs. Manufacturing provides jobs for more than 700,000 people, while health services employ nearly 1 million people in Pennsylvania. This amendment enhances our economic development tools in each of those areas.

In particular, investments in machinery and equipment provide the opportunity to modernize Pennsylvania's manufacturing sector. While health services are a growing field, most have heard that the core of that system, hospitals, are having a hard time remaining open. Indeed, hospitals have closed because they are unable to meet expenses. One of the main problems facing these institutions is rising medical liability costs. Allowing hospitals to access the Machinery and Equipment Loan Fund allows them to make the needed purchases not only to assure an efficient operation but also a safe one.

Studies have found that simple changes to computerize certain hospital operations could eliminate 5 percent of the medical errors due to nonrecognition of handwriting, and with this amendment, hospitals now would be allowed to access this valuable economic development tool.

This amendment also creates the Keystone Innovation Zone Program. The Keystone Innovation Zone Program creates a partnership between institutions of higher education and private industries, building upon what this body did in 1983 in creating the Ben Franklin Partnership. The KIZ Program will create a large job market surrounding the Commonwealth's institutions of higher education and will showcase the outstanding abilities of the Commonwealth's college students, creating a working partnership between the intellectual capital of our academic institutions and the working capital of the private sector. These partnerships will foster new ideas and initiatives, helping to bring Pennsylvania to the forefront of the new economy.

With this amendment and by providing investments in the manufacturing and health service sectors of the Commonwealth's economy and by creating more jobs contiguous with the outstanding educational programs already offered by institutions throughout the Commonwealth, we will be creating sustainable, higher paying jobs and will afford

Pennsylvanians the quality of life that they have worked hard to achieve.

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-200

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Kotik Maher

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

On the question,

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

Mr. ZUG offered the following amendment No. A0184:

Amend Sec. 5, page 36, line 55 (A0078), by inserting after "strategy."

This paragraph includes the dedication of \$250,000 to Fort Indiantown Gap and the Pennsylvania National Guard.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

The gentleman withdraws the amendment.

The gentelady, Ms. Mundy, offers the following amendment, which the clerk will read. That is withdrawn.

The Chair apologizes. They are all withdrawn.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Kotik Maher

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.

**SUPPLEMENTAL CALENDAR F**

**RULES SUSPENDED**

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

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 1512, PN 1908.

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

The following roll call was recorded:

YEAS-200

Adolph	Evans, J.	Lynch	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maitland	Sather
Armstrong	Feese	Major	Saylor
Baker	Fichter	Manderino	Scavello
Baldwin	Fleagle	Mann	Schroder

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Kotik Maher

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

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1512, PN 1908**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, to provide for the right to hunt and fish.

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

Mr. VITALI offered the following amendment No. A0241:

Amend Title, page 1, line 1, by striking out “an amendment” and inserting

distinct amendments

Amend Title, page 1, line 2, by removing the period after “fish” and inserting

; and authorizing the General Assembly to enact laws relating to lobbying.

Amend Sec. 1, page 1, line 5, by striking out “amendment” and inserting

distinct amendments

Amend Sec. 1, page 1, line 6, by striking out “is” and inserting are

Amend Sec. 1, page 1, line 7, by inserting before “That”

(1)

Amend Sec. 1, page 2, by inserting between lines 1 and 2

(2) That Article III be amended by adding a section to read:

§ 17.1. Regulation of lobbying.

Notwithstanding any provision of this Constitution or law to the contrary, the General Assembly may by law define and regulate all activities related to and all persons engaged in lobbying, including attorneys at law and all persons holding professional licenses issued by any state or local entity.

Amend Sec. 2, page 2, lines 2 through 24, by striking out all of said lines and inserting

Section 2. (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 to the qualified electors of this Commonwealth as separate ballot questions at the first primary, general or municipal election which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania and which occurs at least three months after the proposed constitutional amendments are passed by the General Assembly.

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.

As the House knows, HB 1512 is an amendment to the Constitution. My amendment 241 also amends the Constitution to deal with a different issue, and that is the subject of lobbying. What the amendment does is simply change the Constitution to make clear that this legislature has the authority to regulate lobbying activity, and in particular, attorneys who lobby.

And as this House knows, we passed a much-needed lobbying act, which was thrown out by the court, and the reason the court threw it out was that it said we are encroaching on the

province of the courts. What this does is make it clear that regulating lobbying activity, particularly regulating attorneys who lobby, is within the province of the legislature.

So this would make clear we have the power to regulate lobbying, and I would ask for an affirmative vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Philadelphia, Mr. Cohen, wish to be recognized?

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it has now been a couple of years or so since the Supreme Court has ruled. I believe that Mr. Vitali's amendment is a meritorious amendment. I would strongly urge support of it.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, over the last 45 days, the State Government Committee has been working on the lobbyist disclosure bill. We have done four workshops, and we have a fifth coming up on Wednesday, and we are very close to a resolution that would deal with this very issue that Representative Vitali is speaking about.

Now, Representative Vitali is on the State Government Committee, and we are very close to a final bill on this issue. It is our hope and desire to move a final lobbyist bill, totally completed – Representative Maher is the prime sponsor – out of the committee by the end of this month. Even though we are not in session, I plan to call a meeting.

So we are on top of this issue. This would only confuse and confound to some degree what we have already done, and we have brought together a number of outside interests to work with the members of the committee to satisfactorily come up with the language to deal with the very issue that the gentleman from Delaware County is attempting to do with his amendment, and I would ask that we oppose this amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

### GERMANENESS QUESTIONED

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

Mr. B. SMITH. Thank you, Mr. Speaker.

As all of you know, this is an amendment to the Constitution relating to hunting and fishing. I do not believe that this particular amendment is germane, and I would oppose this amendment on the grounds that it is not germane.

The SPEAKER. That was a new one for me, Mr. Smith.

The gentleman from York, Mr. Smith, has raised the question of whether or not amendment A0241 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

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

Mr. B. SMITH. Thank you, Mr. Speaker.

As I indicated, this is an amendment, something very important to Pennsylvania – the right to hunt and fish. This particular amendment, although it may be worthy, is not germane and should not be attached to this potential constitutional amendment.

I would therefore ask our members to vote that it is not germane.

The SPEAKER. The Chair thanks the gentleman.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I understand that the maker of the bill in chief may not want another issue to cloud his, but that does not take away from the fact that as we have traditionally interpreted germaneness, that does not make this nongermane. The reality is, just as when you have a bill of a given title being offered, any other subject matter in that title is germane, the same we have traditionally ruled with amendments to the Constitution. When we are amending the Constitution and a certain provision of the Constitution, any other provision in that Constitution that we are amending has been held to be germane.

Therefore, I think, on germaneness grounds, the gentleman's argument really is without foundation. I would request that the House follow the tradition we have established, find this additional amendment to the Constitution germane, and if we simply do not want to deal with it on its merits, so be it.

But it is a very important issue. This lobbying issue has been a very intractable issue, and it is important to deal with it. There are few opportunities for us to deal with it. This presents us with one of those opportunities.

So I would ask that we take advantage of this opportunity, find it germane, and move forward with this very important issue.

Thank you.

The SPEAKER. Does the gentleman, Mr. DeWeese, desire recognition? The Chair recognizes the gentleman, Mr. DeWeese.

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

I am in concord with Chairman Clymer's observations, and I would like to deal with this matter through the deliberative process of Mr. Clymer's committee apparatus.

I am going to vote "no" on germaneness. However, it is a tougher vote. I wish that the vote was a vote to table. Notwithstanding that, I am going to vote "no" on germaneness, and then I would support a motion to table subsequent to this exercise.

Thank you very much.

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

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, we concur with the gentleman, Mr. Smith's motion. We believe that the amendment is not germane and ask our colleagues to support the gentleman's motion.

The SPEAKER. The Chair thanks the gentleman.

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman, Mr. Vitali, for the second time.

Mr. VITALI. Parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. VITALI. Does the Parliamentarian have at his disposal any precedence of this House with regard to germaneness and amending a different section of the Constitution on a different subject matter?

The SPEAKER. This is a decision that would be decided by the House. Even if the Parliamentarian had what the gentleman requested, it would still be the body's decision as to whether or not this were germane or not.

Mr. VITALI. I understand that, Mr. Speaker, but if we can bring to bear the precedent the House has established, I am sure there have been rulings on this over the years.

The SPEAKER. The Chair does not make rulings on germaneness. The subject of germaneness is decided by the body itself, and that is where it has been suggested by the gentleman, Mr. Smith, that that motion go.

Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

#### YEAS-59

Bebko-Jones	Frankel	Markosek	Santoni
Blaum	Freeman	McGeehan	Scrimetti
Buxton	Gruitza	Melio	Solobay
Caltagirone	Haluska	Mundy	Stetler
Casorio	Hanna	Pallone	Sturla
Cawley	Horsey	Petrarca	Tangretti
Cohen	Josephs	Petrone	Tigue
Corrigan	Keller	Pistella	Vitali
Costa	Kirkland	Preston	Walko
Curry	Leach	Readshaw	Washington
Daley	Lederer	Roberts	Waters
DeLuca	Lescovitz	Roebuck	Wojnaroski
Dermody	Levdansky	Rooney	Yewcic
Diven	Manderino	Ruffing	Yudichak
Fabrizio	Mann	Samuelson	

#### NAYS-141

Adolph	Evans, D.	Leh	Sather
Allen	Evans, J.	Lewis	Saylor
Argall	Fairchild	Lynch	Scavello
Armstrong	Feese	Mackereth	Schroder
Baker	Fichter	Maitland	Semmel
Baldwin	Fleagle	Major	Shaner
Bard	Flick	Marsico	Smith, B.
Barrar	Forcier	McCall	Smith, S. H.
Bastian	Gabig	McGill	Staback
Belardi	Gannon	McIlhattan	Stairs
Belfanti	Geist	McIlhinney	Steil
Benninghoff	George	McNaughton	Stern
Bianucci	Gergely	Metcalfe	Stevenson, R.
Birmelin	Gillespie	Micozzie	Stevenson, T.
Bishop	Gingrich	Millard	Surra
Boyd	Godshall	Miller, R.	Taylor, E. Z.
Browne	Good	Miller, S.	Taylor, J.
Bunt	Goodman	Mustio	Thomas
Butkovitz	Grucela	Myers	Travaglio
Cappelli	Habay	Nailor	True
Causer	Harhai	Nickol	Turzai
Civera	Harhart	O'Brien	Vance
Clymer	Harper	Oliver	Veon
Coleman	Harris	O'Neill	Wansacz
Coy	Hasay	Payne	Watson
Crahalla	Hennessey	Petri	Weber

Creighton	Herman	Phillips	Wheatley
Cruz	Hershey	Pickett	Williams
Dailey	Hess	Raymond	Wilt
Dally	Hickernell	Reed	Wright
Denlinger	Hutchinson	Reichley	Youngblood
DeWeese	James	Rieger	Zug
DiGirolamo	Kenney	Rohrer	
Donatucci	Killion	Ross	
Eachus	LaGrotta	Rubley	Perzel,
Egolf	Laughlin	Sainato	Speaker

NOT VOTING—0

EXCUSED—2

Kotik                    Maher

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

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

The SPEAKER. 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 Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the author of this bill?

The SPEAKER. Mr. Baker indicates that he will stand for interrogation. The gentleman, Mr. Thomas, is in order and may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I need clarification.

First, why is there a proposed constitutional amendment for hunting and fishing?

Mr. BAKER. Mr. Speaker, Pennsylvania has a long, great tradition of hunting. We have a million hunters; we have over a million anglers that enjoy fishing, by both men and women, and unfortunately, in many other States, those privileges are being taken away from them. Several States have banned one form of hunting or another, and more are being threatened. In New Jersey, just next door to us, is a lawsuit pending that would ban all hunting in New Jersey. In several other States, bear hunting has been banned. In other States, other bans are pending. And to be faithful to our million hunters and over a million anglers, this is legislation to protect that long tradition and heritage.

And by the way, if you remember correctly, in the Governor's budget address, he very accurately depicted the significance, the economic significance, of hunting and fishing in Pennsylvania, and he said that we have a \$9.6 billion industry in hunting and fishing.

So there is obviously a lot at stake economically and from a personal privilege and right standpoint to continue what we enjoy right now, and this attempts to make sure that that happens with a constitutional amendment to support our sportsmen in Pennsylvania.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, so based on what you said, there has been no immediate or proposed threat to hunting and fishing in the Commonwealth of Pennsylvania. Correct?

Mr. BAKER. That is not entirely accurate.

Mr. THOMAS. Well, Mr. Speaker, can you give me an instance where hunting and fishing is being threatened in the Commonwealth of Pennsylvania?

Mr. BAKER. This legislature has passed antiharassment laws regarding hunting and fishing, and because of problems on our border, in New Jersey and in fact in New York State, a recent effort to reduce hunting for large game animals from 16 to 14 failed because of antihunting activity, and I could mention several other States.

Mr. THOMAS. But, Mr. Speaker—

Mr. BAKER. It is incumbent that we do something to protect our sportsmen.

Mr. THOMAS. But, Mr. Speaker, what is happening in New Jersey and what is happening in other States, there is no precedent that it will happen in the Commonwealth of Pennsylvania. I mean, there is something called not right for review or something called overreacting to a situation that does not exist, and it appears as though, and I mean, you know, I understand your passion in thinking that maybe a privilege in the Commonwealth of Pennsylvania could be interfered with based on what might be happening someplace else, but would you not admit that that passion is more speculative than factual?

Mr. BAKER. I can assure you that the passions of our sportsmen are very, very much alive and this is a very serious issue to them, and there is tremendous support for this legislation. I can tell you that the Unified Sportsmen are 100 percent in support of this; the NRA (National Rifle Association) is very supportive of this; the Game Commission is very supportive of this. And if I may add – and I quote the Governor's Office on this legislation – I talked with Steve Crawford, Secretary of Legislative Affairs, today, and I would like to quote him: "The Governor believes that this legislation is worthy of consideration by the electorate and recognizes the economic importance of hunting and fishing in Pennsylvania."

So there seems to be tremendous bipartisan support for this legislation, and I am hopeful that we can prove that this evening.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I comment on final passage?

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in total opposition to HB 1512, and my position is based on three things.

Number one, there is no immediate or proposed threat to the privilege of hunting and fishing in the Commonwealth of Pennsylvania, and let us face it: Hunting and fishing is a privilege. The Second Amendment deals with the right to bear arms, not the right to hunt or fish. The privilege of hunting and fishing arises out of the right to bear arms, but there is no entitlement to it in the Commonwealth of Pennsylvania. So number one, this activity, this privilege, is not being threatened now or in the immediate future.

Secondly, Mr. Speaker, the cost associated with a constitutional amendment, thereby requiring two-thirds of the House and Senate to vote and then going and putting it in an

electoral process where the voters have a chance to respond to it, when you look at the cost associated with this constitutional amendment, it far outweighs, it far outweighs issues that are right in front of us, issues that are right in front of us; that all it calls for— You know, I would like to talk about the overwhelming number of guns on the street in the city of Philadelphia. I would like to talk about how human beings are being hunted in the Commonwealth of Pennsylvania. I would like a constitutional ban on the availability of some of these assault weapons that are being used to kill not the intended target but our babies, our children, being hunted down on the streets of the Commonwealth of Pennsylvania. So, Mr. Speaker, that is immediate, that is going on now, and I would like for us to talk about dealing with that issue.

And last but not least, Mr. Speaker, I do not hear any drumbeat from sportsmen. I do not hear any drumbeat from people across Pennsylvania, saying that we must make it very clear that hunting and fishing is a privilege or a right. I do not hear that drumbeat. I try to engage and stay in touch with the constituents of my district and with the people of Philadelphia, and I even talk to some people in Erie and other counties periodically, and I have yet to hear one person who has said that it is time for a constitutional amendment on the question of whether or not you can hunt or fish, nor have I heard any hunter – in fact, I have sat here in the House and listened to my colleagues talk about how good it is to hunt, how they have been able to hunt with the utmost freedom and relaxation – I have not heard one restriction on either their capacity or their accessibility to be able to hunt and fish. I have voted for a number of fish-related bills. Not one time has the Game and Fish Commission or the so-called proponents of fishing in the Commonwealth of Pennsylvania said anything about their ability to fish being threatened today, tomorrow, or next week.

So, Mr. Speaker, for those three reasons, for those three reasons, the time is not right, nor are the circumstances right, to consider a constitutional question on whether or not we should be able to hunt and fish. Yes, you have that right, and I say to the hunters, go hunting; keep on hunting; there are no restrictions in Pennsylvania. To the people who fish, we have beautiful lakes and places in Pennsylvania for you to fish; there are no restrictions on that. There are restrictions on punks being able to use assault weapons on the streets of Philadelphia and on the streets in other parts of the Commonwealth of Pennsylvania to shoot, maim, and injure innocent children. There needs to be a constitutional restriction on that, and that is what I want to get to.

Thank you, Mr. Speaker. Vote “no” on HB 1512.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the second time.

Mr. COHEN. It is the first time on this bill, Mr. Speaker. I spoke earlier on the Vitali amendment.

The SPEAKER. I apologize. The gentleman is correct.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, because this is a constitutional amendment and because I am told that the constitutional amendments that have passed in other States have not yet been litigated, there is a great question as to what this actually means in terms of effect it has on people. I would like to ask the gentleman a series of questions on this bill to provide some clarification for courts as to what we mean by this amendment.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman, Mr. Cohen, may proceed.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, Representative Thomas has spoken with elegance and passion about his view as to the dangers of this amendment in terms of threatening the right of the legislature or other governments to regulate possession of dangerous weapons, such as AK-47s or other weapons. Do you see this amendment as aimed at limiting the rights of this Commonwealth or subdivisions of this Commonwealth to limit dangerous weapons?

Mr. BAKER. Absolutely not. This debate is not about assault weapons. It is about, simply, the right to hunt and fish in Pennsylvania and to continue that long tradition.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, some time ago, not in the distant past but relatively recently, we had discussions about a chunk of land in Representative Lynch’s area which was desired to be turned over to the State of Pennsylvania. I do not recall from that debate whether or not that land was used for hunting or not, but assuming that that land or some other chunk of land is used for hunting, could somebody go to court, under this amendment, and challenge the State transfer of such land from used for hunting to economic development use, in your opinion?

Mr. BAKER. Not in my opinion, no, sir.

Mr. COHEN. Okay. Thank you.

This bill allows reasonable restrictions. Could you give us some examples of unreasonable restrictions that this amendment would prohibit?

Mr. BAKER. Search and seizure powers, perhaps.

Mr. COHEN. Search and seizure powers are unreasonable restrictions. Could you detail that further?

Mr. BAKER. Game wardens perhaps being on your property without due process; just an example.

Mr. COHEN. Okay.

Would the unreasonable restrictions be limited to the Game Commission, or could they go beyond the Game Commission and deal with regular police and other law enforcement authorities?

Mr. BAKER. Possibly trespass.

Mr. COHEN. Okay.

Suppose somebody in Philadelphia or some other urban area is arrested for a crime and is permitted bail on the condition that he or she only goes within a small geographical area away from his or her house, as commonly happens. Could that person go to court and say that he or she has a constitutional right to hunt, and therefore, he or she has to be allowed access to hunting?

Mr. BAKER. No, sir. It is a privilege.

Mr. COHEN. It is a privilege.

And the same would be true in a divorce proceeding? If it is a family court case about access to children and both parents, could somebody go to court and say that the custodial parent cannot move in a location which makes hunting inconvenient?

Mr. BAKER. I do not believe so.

Mr. COHEN. And the last line of this amendment, it says, “However, this right shall not be construed to confer a right to a license to hunt or fish issued by the Commonwealth when the privilege to hold such a license has been revoked or suspended pursuant to an act of the General Assembly.”

Does this language allow the Commonwealth to deny somebody a license who does not have a license, or does it only allow a license to be taken away?

Mr. BAKER. Potentially both.

Mr. COHEN. Potentially both. It includes allowing the Commonwealth to deny a license. Thank you.

And the first line of it says, “The right of the people to hunt and fish shall not be prohibited, subject to reasonable restrictions relating to seasons, licensure, limits, methods and locations, as prescribed by the laws of this Commonwealth.” The word “qualifications” is not listed here. Would this amendment ban the Commonwealth of Pennsylvania from banning people with serious criminal records from having a hunting license?

Mr. BAKER. No, sir.

Mr. COHEN. Would this amendment ban the Commonwealth from taking away the right of somebody who has a serious problem of mental illness from having a hunting license?

Mr. BAKER. No.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, that concludes my interrogation.

I think these are good answers. I wish the amendment was a little clearer, and I would hope the Senate might look at rewriting the amendment to some degree to make it clearer.

Thank you, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and at this time recognizes the gentleman, Mr. Leach, from Montgomery County for comments.

Mr. LEACH. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. The gentleman will stand for interrogation, and the gentleman is in order and may proceed.

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, my questions do not go to the wisdom of hunting. I am a vegetarian. I do not hunt, but I do not object to others hunting. My questions, Mr. Speaker, go more to the legalities of the wording of the amendment. I litigated constitutional issues for 17 years, and there are some questions about the legalities that I think we should explore a little bit.

And the first question I would ask – I am trying to understand the scope of the amendment, Mr. Speaker – and the first question is, are there any laws currently on the books in the Commonwealth of Pennsylvania that this amendment would obviate or render unconstitutional, to your knowledge?

Mr. BAKER. Not to my knowledge.

Mr. LEACH. Okay.

Mr. Speaker, suppose in the future we made a policy decision that there was a certain species, let us say, that was endangered. Let us just pick one that I am making up, but let us say there was a certain type of bear, a black bear, that is endangered. We make a policy decision that you cannot hunt that type of bear. Would that be constitutional under this constitutional amendment?

Mr. BAKER. Yes, it would.

Mr. LEACH. And as I understand it, any decisions we make about the types of weapons to be used, that would still be within our discretion under this amendment. Correct?

Mr. BAKER. That is correct, sir.

Mr. LEACH. And any type of decisions we make about what time of year would still be in our discretion. Correct?

Mr. BAKER. That is correct.

Mr. LEACH. And any laws we make about what people cannot have guns would still be in our discretion. Correct?

Mr. BAKER. That is correct.

Mr. LEACH. So other than an outright ban on hunting, can you even give us a hypothetical where an act, short of a ban on hunting, would be prohibited and taken away from our discretion under this constitutional amendment?

Mr. BAKER. The intent of this legislation is to basically preserve what we enjoy today, the right to hunt and fish, and it does not attempt to do any of those other things that you are suggesting. It just merely is attempting to put this in a constitutional clause to ensure that these privileges now become a right, subject to the laws passed currently by the General Assembly and prospectively as well as subject to the regulations and purview of the Game Commission, the Fish Commission, and the Boat Commission.

Mr. LEACH. But essentially, what you are saying, as I understand it, is, any law we have passed in the last 200 years relating to hunting would still have been constitutional under this amendment?

Mr. BAKER. Still constitutional, yes.

Mr. LEACH. One of the concerns I have is the increase in litigation potential I see, because once you put something in the Constitution, even if it is to preserve something we already have, as you said, creative lawyers, obviously, can use that. It takes it to another level. It creates a stronger right than the statutory right or a common law right.

First of all, under this amendment, would there be a private right of a cause of action? Could I sue the State if I believe that my right to hunt and fish has been violated?

Mr. BAKER. I suppose you could sue the State for any particular reason at all.

Mr. LEACH. And since, and since this is a constitutional amendment, if I am found – and correct me if I am wrong – if the State is found to be in violation, counsel fees would be paid to the plaintiff’s attorney. Correct?

Mr. BAKER. I suppose it would not be any different than any other case.

Mr. LEACH. Well, it would be different in the sense it is not currently a constitutional right, so there would not be attorney’s fees. Correct? Is that your understanding?

Mr. BAKER. I cannot answer that with finality. I am not a practicing attorney.

Mr. LEACH. Okay.

Another concern I have about this is, there is a provision in this that still allows the State to grant or deny a license. Correct?

Mr. BAKER. That is correct.

Mr. LEACH. Okay.

Historically – and I wonder if the gentleman has read any of the case law on this – historically, you cannot require a license for someone to exercise a constitutional right. In other words, you cannot require a license for someone to write an article in a magazine; you cannot require a license for someone to go to

church. Under all of the Federal cases I have ever read, you cannot require a license to engage in a constitutional right.

Is it your understanding that I am incorrect in that assertion?

Mr. BAKER. We do agree that there is case law that this is in fact a privilege.

Mr. LEACH. I am sorry?

Mr. BAKER. We agree that there is case law that this is in fact a privilege.

Mr. LEACH. Okay.

My concern is, if you cannot require a license to exercise a constitutional right and a constitutional right supersedes the license requirement, which is statutory, not constitutional, my concern is that the license requirement for hunting could be struck down under this constitutional amendment, because you cannot require a license, under case law dating back 200 years, to exercise a constitutional right.

Do you see my concern, and do you feel that there is a reasonable explanation as to why I am incorrect in that concern, that we may be getting rid of the requirement that there be a license to hunt in Pennsylvania?

Mr. BAKER. This constitutional amendment makes it consistent with the current Fish and Boat Commission codes and is subject to those licensure requirements of those codes. The Game Commission and the various commissions support this language and believe it is consistent.

Mr. LEACH. I will not continue on that point, but I will say one thing, which is that the current hunting and fishing codes are statutory; they are not constitutional. When you raise something to a constitutional level, you change the dynamic in terms of the law. That is all I am suggesting.

Finally, that ends my interrogation, Mr. Speaker. If I can just speak on the amendment briefly.

The SPEAKER pro tempore. The gentleman is in order and may continue.

Mr. LEACH. Frequently, when I stand to rise for or against an amendment or a piece of legislation, I always say, read the language, because the language is so important. The fact is that any— I understand the different groups support it, and I have not introduced or cosponsored any legislation that would restrict the right to hunt and fish. I am not interested in that. I am interested in what I view as the sanctity of the Constitution here, and I do not think we should be graffitiing the Constitution with what I view to be not well thought out amendments and changes to the text of the Constitution.

The fact is that this will create a constitutional right which you are not allowed to allow a license for. That alone should create some sort of pause in whether or not this is a good idea. I mean, think of what we are doing. If the court says you cannot have a license, suddenly we cannot regulate at all hunting and fishing, and I do not even think the most avid sportsperson in this body would support that idea. So I urge us to take the Constitution seriously and really think about whether or not this is the appropriate vehicle in which to express our joy at hunting and fishing and whether this is the appropriate time and whether this has been thought out.

The Constitution, Mr. Speaker, my final point, the Constitution should be about the structure of government and preserving basic individual rights that the government has historically trampled on – search and seizure, the right to freedom of religion, free press, free speech. The Constitution is a bad vehicle for expressing general policy preferences on the

day-to-day issues that confront us in the legislature, particularly when there has never been a law that this Constitution is designed to address. The maker of the amendment has said there is not a single law in 200 years that this constitutional amendment would change. So why are we passing it and putting at risk a system that seems to have worked? No one has gotten up and said, oh, we have this problem and that problem. Someone said something about New Jersey, but the fact is Pennsylvania is a State where hunting and fishing will always be legal, will always have reasonable regulation. This puts those regulations at risk by raising it to the status of a constitutional amendment, and as a bver of the Constitution, I urge you to really consider whether this is appropriate.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair would ask the conversations that are being held to be either taken out of the hall or that the members would be seated. There are at least 10 conversations going on as I count them, and it is making it more difficult for the people who are at the microphone to be heard.

Members will please take their seats. Members will please take their seats. Please clear the railing at the back of the hall of the House.

The Chair would advise the members that this is the last piece of legislation that we will be voting on tonight and ask for your cooperation in keeping the noise level down so that those who are speaking may be heard.

At this time the Chair recognizes the gentleman from Lackawanna County, Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I stand in support of HB 1512 and, frankly, was rather surprised to find that there was not already language in the State Constitution that protected Pennsylvania's sportsmen's right to hunt and fish.

Mr. Speaker, I view the bill as one that protects not only our right to hunt and fish but indeed will protect the activities of hunting and fishing from those national organizations that might come into our State and make every attempt that they could to ban those activities.

So with that being said, Mr. Speaker, and on behalf of Pennsylvania's entire fishing and hunting population, I would ask for a "yes" vote on the measure.

Thank you.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman submit to interrogation again, the gentleman, Mr. Baker?

The SPEAKER pro tempore. Will the gentleman, Mr. Baker, consent to interrogation?

The gentleman indicates that he will do so, and you are in order, Mr. Cohen, to begin your interrogation.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, one of my colleagues suggested another couple questions I would ask you.

These questions deal with the rights of landowners vis -a-vis the rights of hunters. Under current law I believe it is assumed that a hunter or fisherman cannot trespass on land unless he or she has the permission of the landowner.

Mr. BAKER. Verbal or written; correct.

Mr. COHEN. Verbal or written.

Would this amendment change that in any way?

Mr. BAKER. Not in my opinion, no.

Mr. COHEN. Would there be any duty upon the owner of the land, either land for hunting or land for fishing, to put no-trespassing signs up now, as opposed to— Would there be any duty under this amendment for a landowner to put no-trespassing signs up?

Mr. BAKER. No, sir, there would not.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, would the prime sponsor please stand for a brief period of interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Baker, indicates that he is willing to stand for interrogation. You may begin.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am a strong supporter of hunting and fishing. I recognize the important role it has in our State, both from a conservation standpoint, the ability to manage herd sizes, as well as the positive economic impact that hunting and fishing has on Pennsylvania, but I just want to clarify what the breadth of this amendment might mean. I believe – and I ask you to repeat this only because I could not hear with the noise that was in the chamber earlier – I believe the gentleman, Mr. Leach, raised the question as to whether, under this added amendment to our Constitution, whether we as a legislative body or the Game Commission would be able to prohibit the hunting of a certain species because of their limited numbers possibly causing them to be endangered. Would we still have that ability as a legislative body to prohibit the hunting of a species that was endangered?

Mr. BAKER. Yes, sir. The language is very specific in the bill that allows that. I will not read that to you. I will trust that you would be able to read that.

Mr. FREEMAN. So we still have the right to—

Mr. BAKER. Absolutely.

Mr. FREEMAN. —be able to prohibit the hunting of a particular species because of them being endangered.

I notice, too, in the language of the amendment you speak to the methods of hunting. Am I correct in assuming that we have the ability to restrict or prohibit certain methods of hunting, possibly because we might see them as being inhumane or inappropriate?

Mr. BAKER. Subject to the laws of the General Assembly and the Fish and Boat and Game Commissions, yes.

Mr. FREEMAN. So to give a for-instance, if we were to determine that fox hunting using packs of dogs would be inhumane and inappropriate, we as a legislative body could pass legislation under this amendment that would prohibit that particular practice, if we were to choose to.

Mr. BAKER. If we were to choose to, I suspect many sportsmen would be opposed to that.

Mr. FREEMAN. I understand that, but I am just saying we would still have the legislative authority to be able to prohibit a particular method. Is that correct?

Mr. BAKER. Yes, sir, that is correct.

Mr. FREEMAN. Okay.

I thank the gentleman for his comments.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Philadelphia County, Mr. Roebuck. Mr. Roebuck, you have been recognized.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wanted to question the maker of the bill.

The SPEAKER pro tempore. The gentleman, Mr. Baker, agrees to interrogation, and you may begin.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I wanted to get some clarity as to the language set forth in the first line of your proposed amendment where you talk about reasonable restrictions related to, you list a series of categories, and then you say, "...as prescribed by the laws of this Commonwealth." Is it your intention then to restrict this only to the laws of the Commonwealth?

Mr. BAKER. Also the laws of, presumptively, the Federal government.

Mr. ROEBUCK. Well, where does it say that? It says, "...laws of this Commonwealth." Where do you incorporate the laws of the Federal government in this by the language you have set forth in this amendment?

Mr. BAKER. It is not believed that we have to. That is implied.

Mr. ROEBUCK. I am not clear on why you would not have to put that in. You are very specific in your language, and you are choosing language that says, "...laws of this Commonwealth." So I am led to believe that if there is a Federal law that, for example, preserves an endangered species, you are separating that out as a separate category not covered by the language of your amendment.

Mr. BAKER. Sir, we only vote on laws of the Commonwealth. We do not vote on Federal laws.

Mr. ROEBUCK. But you specifically, in your definition, are very precise in saying that the right to hunt and fish is set forth in certain categories, and you relate it only to those relating to the laws, prescribed by the laws of the Commonwealth.

So I am unclear. The language itself suggests a degree of lack of clarity that troubles me in terms of voting for this proposal. It seems to me that you open a door here that lends itself to the interpretation that somehow you are setting the Commonwealth apart from whatever provisions there are, for example, for endangered species that might come from some other government.

Mr. BAKER. Sir, it is clearly my intent to merely continue what we do and enjoy today and to place this into a constitutional amendment form to allow the voters of this Commonwealth to either approve or disapprove of this amendment. There is no intent to do anything other than to continue what we enjoy today.

Mr. ROEBUCK. Okay.

Thank you, Mr. Speaker.

If I might speak on the proposal.

The SPEAKER pro tempore. The gentleman is in order. He may begin.

Mr. ROEBUCK. Certainly no one wants to restrict the right of individuals who have a legitimate desire to hunt and fish. My problem with this proposal is the fuzziness of the language, the impreciseness of the language that I think opens us to a whole litany of possible challenges and that creates not a solution but indeed additional problems. I know the intent is to

protect those who hunt and fish, but what we do in reality with the language of this proposal is put that right more clearly in jeopardy.

It is a badly worded proposal. It ought to go back to the drawing board. I would urge us not to adopt this, and if we want to do this, let us at least do it in a way that is clear and precise and does not do jeopardy to the good men and women in this State who want to hunt and fish, have that right, and we put by this language that right in at least seeming jeopardy if not indeed real jeopardy.

I would urge us to defeat this proposal.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Cambria County, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment?

The SPEAKER pro tempore. Mr. Baker will agree to your interrogation. You may begin.

Mr. HALUSKA. The one thing that stuck when we brought this out of committee, I do not want to give the antihunting group any more ammunition than they already have.

It kind of worries me that if we do this as a constitutional amendment and we have the animal activists and they find out that they have this constitutional right to hunt and fish so they come out to disrupt hunts; even though they do not buy a license, now it is a constitutional amendment that says they have the right to hunt and fish, would we be opening up the door for them to come out and disrupt our hunts? And when we say, well, you know, you should not be here; you do not have a hunting license, the Game Commission, would they have any way to regulate them, because, you know, they could be out there to disrupt hunts or whatever they wanted to do. I just want to make sure that we are not actually giving the antianimal activists a tool to use against this even though we think that, you know, we are going the other way, and that worries me.

Mr. BAKER. It certainly is not my intent to allow for any venue for antihunting groups to erode the current privileges and opportunities to hunt and fish in Pennsylvania by the over 2 million people already in Pennsylvania that have taken that for granted and do not want to lose that opportunity, but I believe many of the members, most of the members in this chamber, have already passed laws on harassment that prevent those kinds of groups from conducting that activity.

Mr. HALUSKA. And I understand that, Mr. Speaker, but now we are going to make it a constitutional right of the voters, not just for the hunters. Now, this is going to be for every resident of Pennsylvania. So I am just a little fuzzy on voting “yes” for this for the simple fact that I just do not want to give them more ammunition than they already have.

The SPEAKER pro tempore. Is the gentleman, Mr. Smith, seeking recognition?

Mr. B. SMITH. Thank you, Mr. Speaker.

I will be very brief.

I agree completely with those who support this proposed amendment to the Constitution. Hunting and fishing are hallowed traditions in Pennsylvania. We have nearly 1 million hunters, nearly 1 million anglers, but that is only 10 percent of the population. We all know that there are groups that strongly oppose the traditions of hunting and fishing.

This proposed constitutional amendment will protect future generations and give them the hallowed tradition of hunting and fishing in the future. Please vote “yes” on this constitutional amendment.

Thank you, Mr. Speaker.

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, would the author of the legislation stand for a brief interrogation?

The SPEAKER pro tempore. The gentleman indicates he is willing to do so. You may proceed.

Mr. LEVDANSKY. Mr. Speaker, one line in particular causes me some concern, some concern not so much as a legislator but one who is very much a participant in the outdoor sports of hunting and fishing in the Commonwealth, and that is, you say that “The right of the people to hunt and fish shall not be prohibited, subject to reasonable restrictions relating to seasons, licensure, limits, methods and locations, as prescribed by the laws of this Commonwealth.” But it is not the laws of the Commonwealth that put in place hunting seasons, bag limits, methods of hunting or fishing; it is the regulations of the Game Commission, the Pennsylvania Fish and Boat Commission. It is the regulatory authority that we confer to them, and we also exempt them from the entire IRRC (Independent Regulatory Review Commission) process. So in law we do not establish seasons, bag limits, methods of hunting and fishing.

So it seems to me you are not at all making it clear that the Game and Fish Commissions have the ability to continue to set their own seasons, bag limits, and methods in hunting without some possible constitutional challenge. Am I reading this? Is this set in law or is it set in regulation of the commissions?

Mr. BAKER. It is only by the laws of this General Assembly that the Game and Fish Commissions have the authority to do what they do today, and so that would be consistent with this legislation.

Mr. LEVDANSKY. I am aware that we do in fact confer to the two agencies their independent authority, exempt from IRRC, to promulgate seasons, bag limits, and methods of hunting. I am just not convinced that this language is going to ensure that that regulatory scheme stays in place and does not and cannot be challenged legally and overturned.

A couple other questions. The Game Commission has the ability to set seasons, for example – okay? – yet the Game Commission’s own studies have shown that there are too many deer in Pennsylvania. This is pretty widespread both inside the agency and in wildlife management circles. There are too many deer in Pennsylvania.

Now, the language says, “...subject to reasonable restrictions...” I think there are too many deer in Pennsylvania. I think we need to kill more doe. The last day of muzzleloader season was, I think, January 13 or something this year. Why should I not be able to go out muzzleloader hunting until the end of February since there are too many doe in Pennsylvania, and cannot I say that that is an unreasonable limitation on the seasons of hunting in Pennsylvania, given that the Game Commission’s own data indicate that there are too many doe? Could I not make that plausible argument?

Mr. BAKER. Arguably, you could make any type of hypothetical argument, but I will tell you that this language was very, very carefully constructed and proposed by the legal counsel in both the Game Commission and others to make sure that this is consistent and is supported by current law and consistent with constitutional law. They are very comfortable with this language.

Mr. LEVDANSKY. Well, okay.

Mr. Speaker, rather than further interrogation, I would just like to make some final comments on final passage.

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

Mr. LEVDANSKY. Okay.

Again, please understand that my interest in this is to make sure that the Game Commission and Fish Commission's authority to set seasons, bag limits, and methods of hunting stays in place and cannot be challenged in a court of law.

A particular concern is, you know, for example, citing the whole words of "...subject to reasonable restrictions..." how is a judge, how is a court of law going to interpret what is a reasonable restriction and what is not? Under present regulatory scheme at the Game Commission, we are not allowed to use rifles to hunt turkeys in the spring but we are allowed to use rifles to hunt turkeys in the fall. Could some hunter make an argument that that is an unreasonable restriction on my right to hunt? Okay? Across the Commonwealth of Pennsylvania you are allowed to use a rifle to hunt deer except in special regulation counties like Allegheny County where I am from. Could not some hunter in Allegheny County stand up and say, if it is okay to use rifles across the whole Commonwealth and ballistics studies have shown that shotguns are no safer than rifles, why then should I not be able to hunt with a rifle in Allegheny County and thus overturn the Game Commission's regulation?

How about if I had a semiautomatic rifle, and the Game Commission does not permit the use of semiautomatic rifles for hunting deer in Pennsylvania but you could use semiautomatic shotguns in Pennsylvania – those are legal – but West Virginia, a State with the same tradition of hunting as Pennsylvania, a long, proud tradition, rifles are legal for hunting deer, semiautomatic rifles are legal for hunting deer in West Virginia and some other States. Could not a hunter in Pennsylvania make the argument that to restrict my ability to use semiautomatic rifles for deer hunting – okay? – is an unreasonable restriction on my right to hunt?

All I am saying, Mr. Speaker, is I think this language and this amendment raises more questions and potentially causes those of us that are advocates of hunting and fishing in Pennsylvania, causes us potentially more problems, and I am not at all convinced, I am not at all convinced that this language would not permit some hunter, some individual somewhere, from overturning the two commissions' ability to independently establish seasons, bag limits, and methods of hunting. Why do we want to run that risk? Why do we want to run that risk? And I do not know about anybody else, and I understand, you know, sometimes we do things because, you know, it looks good, it feels good, but I am still looking for the problem that we are trying to solve here.

Keep in mind, Mr. Speaker, we already have on the law, on the books, laws that protect hunting, fishing, and trapping in Pennsylvania. There is a section of the Game and Wildlife Code

that prevents any individual from harassing a person who is lawfully engaged in the activity of hunting. We already have language in the existing codes to protect the activity of hunting and fishing.

Mr. Speaker, I am just concerned that this language opens up more problems, more headaches, for those of us that want to protect hunting and fishing in the Commonwealth, and just parenthetically, I would point out that we seem to be so concerned about the constitutional right to hunt and fish but we do not talk about trapping as well, which is another proud heritage in this Commonwealth.

Mr. Speaker, I just am concerned that this language opens up Pandora's box potentially, and while I am an advocate of hunting and fishing and will do anything to support it, I am afraid that by supporting this amendment, I may in fact create the crack in the door – okay? – you know, the camel's nose under the tent, that is in fact going to enable some individual or some group to file essentially effective challenges against the Game and Fish Commissions' regulatory ability to manage our wildlife resources.

### MOTION TO RECOMMIT

Mr. LEVDANSKY. And so, you know, Mr. Speaker, based on all those concerns, I would move that we recommit this legislation to the Judiciary Committee where we could have some people on the Judiciary Committee raise these questions and these issues and we can get some answers before we finally decide how we want to support it or not.

The SPEAKER pro tempore. The gentleman, Mr. Levdansky, makes the motion that this bill be recommitted to the Judiciary Committee, which is an issue for the members to decide.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Baker, on the motion.

Mr. BAKER. Mr. Speaker, I would like to oppose that motion and let us get on with this.

Right next door, for instance, is the largest indoor exposition of sportsmen here at the Farm Show Building. We have 2 million sportsmen waiting for this to pass. All our sportsmen organizations support this; our Governor supports this; the NRA strongly supports this and will be watching this; the Unified Sportsmen support this; the Game Commission, and just for your information, the Federated and the Allegheny Sportsmen's Clubs strongly support a constitutional amendment to the right to hunt and fish. There may be disagreement over wording and perhaps opportunity to make some changes, but they support the concept of a constitutional amendment very, very strongly.

Let us get on with this final vote and oppose this motion.  
Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-42

Buxton	Frankel	Preston	Tigue
Caltagirone	Gruitza	Rieger	Veon
Cawley	Haluska	Roberts	Vitali
Cohen	Josephs	Roebuck	Walko
Corrigan	Kirkland	Rooney	Washington
Costa	Leach	Ruffing	Waters
Cruz	Levdansky	Santoni	Wheatley
Curry	McGeehan	Stetler	Williams
DeLuca	Melio	Sturla	Youngblood
Diven	Myers	Thomas	Yudichak
Donatucci	Pistella		

NAYS-158

Adolph	Evans, J.	Lederer	Rohrer
Allen	Fabrizio	Leh	Ross
Argall	Fairchild	Lescovitz	Ruble
Armstrong	Feese	Lewis	Sainato
Baker	Fichter	Lynch	Samuelson
Baldwin	Fleagle	Mackereth	Sather
Bard	Flick	Maitland	Saylor
Barrar	Forcier	Major	Scavello
Bastian	Freeman	Manderino	Schroder
Bebko-Jones	Gabig	Mann	Scrimenti
Belardi	Gannon	Markosek	Semmel
Belfanti	Geist	Marsico	Shaner
Benninghoff	George	McCall	Smith, B.
Biancucci	Gergely	McGill	Smith, S. H.
Birmelin	Gillespie	McIlhattan	Solobay
Bishop	Gingrich	McIlhinney	Staback
Blaum	Godshall	McNaughton	Stairs
Boyd	Good	Metcalfe	Steil
Browne	Goodman	Micozzie	Stern
Bunt	Grucela	Millard	Stevenson, R.
Butkovitz	Habay	Miller, R.	Stevenson, T.
Cappelli	Hanna	Miller, S.	Surra
Casorio	Harhai	Mundy	Tangretti
Causar	Harhart	Mustio	Taylor, E. Z.
Civera	Harper	Nailor	Taylor, J.
Clymer	Harris	Nickol	Travaglio
Coleman	Hasay	O'Brien	True
Coy	Hennessey	Oliver	Turzai
Crahalla	Herman	O'Neill	Vance
Creighton	Hershey	Pallone	Wansacz
Dailey	Hess	Payne	Watson
Daley	Hickernell	Petrarca	Weber
Dally	Horsey	Petri	Wilt
Denlinger	Hutchinson	Petrone	Wojnaroski
Dermody	James	Phillips	Wright
DeWeese	Keller	Pickett	Yewcic
DiGirolamo	Kenney	Raymond	Zug
Eachus	Killion	Readshaw	
Egolf	LaGrotta	Reed	Perzel,
Evans, D.	Laughlin	Reichley	Speaker

NOT VOTING-0

EXCUSED-2

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

On the question recurring,  
Shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

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

Mr. BAKER. Thank you, Mr. Speaker.

I just ask my esteemed colleagues to kindly support this legislation, and I would like to submit comments for the record.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. BAKER submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

HB 1512 is legislation calling for a constitutional amendment subject to the will of the voters to guarantee Pennsylvanians the right to hunt and fish within the Commonwealth.

Certain groups – animal rights extremists – are leading an all-out assault, State by State, to crush the right to hunt and fish throughout the country. Right next door in New Jersey, the antihunting community has filed a lawsuit to end all hunting in the State.

The State of Maine is also under attack since (animal) extremists have managed to get a referendum on the November ballot to ban bear hunting and (other hunting/trapping). Also, six Maine municipalities have enacted antihunting ordinances, while groups in New York have blocked legislation to lower the hunting age from 16 to 14 for larger game animals. Here in PA most of our 1 million hunters started legally hunting as a family tradition at the age of 12.

Similar campaigns to ban bear hunting and other hunting (trapping) in Massachusetts, Colorado, Oregon, and Washington States have been successful. Will PA be next? I hope not.

Mr. Speaker, HB 1512 gives our citizens and sportsmen an opportunity to protect our great historical and family heritage of hunting and fishing. PA has 1 million licensed hunters, second only to Texas with 1.2 million. PA also has more than 1 million licensed anglers who enjoy fishing.

In Governor Rendell's budget address last week, he said, "In PA, our hunting and fishing resources generate \$9.6 billion in economic activity every year."

Mr. Speaker, nationally, sportsmen spent \$70 billion in 2001 on fishing and hunting, including travel, equipment, and other items. It is obvious the important role hunting and fishing plays in contributing to PA's economy.

Seven States, including Alabama, California, Virginia, and Wisconsin, have enacted constitutional amendments ensuring sportsmen's rights for their citizens. Other States are considering proposals. With today's House vote, we are taking the first step to constitutionally guarantee this right in PA.

Mr. Speaker, HB 1512 would add a clause to PA's Constitution to protect the right to hunt and fish as long as all laws and regulations affecting the sports are upheld. In other words, our citizens will have the right to hunt and fish as long as they do not violate any current or future laws or regulations enacted by the General Assembly or imposed by the Game and Fish and Boat Commissions.

This legislation is strongly supported by the NRA, PA Game Commission, the Unified Sportsmen of PA.

Speaking for Governor Ed Rendell, Secretary of Legislative Affairs Steve Crawford said, "The Governor believes that this legislation is worthy of consideration by the electorate and recognizes the great economic importance of hunting and fishing in PA."

Mr. Speaker, I respectfully request my esteemed colleagues to support this legislation and, in so doing, begin the first step in guaranteeing the great right to our long historical and family tradition of hunting and fishing.

Thank you, Mr. Speaker.

To become part of our PA Constitution, HB 1512 would have to pass both chambers of the General Assembly in two consecutive sessions and win voter approval in a statewide referendum. The earliest voters could decide the matter is 2005.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

**YEAS-189**

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

**NAYS-11**

Cohen	Josephs	Roebuck	Weber
Curry	Leach	Thomas	Wheatley
Frankel	Manderino	Vitali	

NOT VOTING-0

EXCUSED-2

Kotik                      Maher

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.

**COMMITTEE MEETING CANCELED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gannon, who cancels the committee meeting for the Professional Licensure Committee to be held on Tuesday, February 10, 2004.

**COMMITTEE MEETING CANCELED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Dally. For what purpose does the gentleman rise?

Mr. DALLY. Thank you, Mr. Speaker.

On behalf of Chairman O'Brien, the Judiciary Committee meeting scheduled for tomorrow is canceled and will be rescheduled at a later date.

**VOTE CORRECTION**

Mr. DALLY. Also, to correct the record, on HB 1654 I was recorded as being in the negative, and I should have been in the affirmative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

**ANNOUNCEMENT BY SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. Are there any other announcements to be made?

Before we take more corrections of the record, members are advised that tomorrow and Wednesday are nonvoting session days. Tomorrow and Wednesday are nonvoting session days.

**VOTE CORRECTIONS**

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

Mr. TURZAI. Mr. Speaker, for HB 1654 I would like to correct the record. I was recorded in the negative and should be recorded in the affirmative.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

The Chair recognizes the lady from Lehigh County, Representative Harhart. Why does the lady rise?

Mrs. HARHART. Thank you, Mr. Speaker.

I also would like to correct my vote.

On HB 1654 I was voted in the negative. I would like to change it to a “yes” vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The lady’s remarks will be spread upon the record.

### **SUBCOMMITTEE MEETING CANCELED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

In light of the fact that tomorrow will be a token session and so will Wednesday, I would like to announce that we are canceling the Local Government Subcommittee on Boroughs meeting. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### **COMMITTEE MEETING CANCELED**

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

Mr. ALLEN. Thank you, Mr. Speaker.

The Labor Relations Committee meeting scheduled for Wednesday is canceled. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### **GAME AND FISHERIES COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Smith.

Mr. B. SMITH. Thank you, Mr. Speaker.

The hardworking Game and Fisheries Committee will meet as scheduled tomorrow, Mr. Speaker. Thank you. Room 60.

The SPEAKER pro tempore. We appreciate the committee’s diligence, Mr. Smith. Thank you very much.

The Game and Fisheries Committee will meet tomorrow as scheduled.

### **VOTE CORRECTION**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I had a malfunction in my switch. I should have been recorded in the negative on the motion to recommit HB 1512.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman’s remarks will be spread upon the record.

### **SUBCOMMITTEE MEETING**

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

Mr. ROHRER. Mr. Speaker, I would like to announce that the meeting scheduled for tomorrow for the Basic Ed Subcommittee, which was going to be at the call during the

break tomorrow, that we will do it at 11 o’clock tomorrow morning in room 39, East Wing.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Basic Ed Subcommittee will meet tomorrow morning at 11 in 39 East Wing.

Are there any other comments or announcements to be made by members?

### **STATEMENT BY DEMOCRATIC LEADER**

The SPEAKER pro tempore. The Chair at this time recognizes the Democrat leader, Mr. DeWeese, for remarks.

The Chair would ask the members if they are having conversations, to please take them elsewhere. The gentleman, Mr. DeWeese, has requested some time to make some comments, and we want to give him the ability to do that.

Mr. DeWEESE. Thank you, Mr. Speaker.

If I might have the attention of the House, those who have languished in the back of the hall. If I might have some additional help from the Chair.

The SPEAKER pro tempore. Ladies and gentlemen, please, if you are not going to be in your seats and you are on your way out, please continue on your way out, and if you are in the hall of the House, if you would please cease your conversations. The Democrat leader would like to make some remarks, and I think you would want to hear them if you are here, but if you do not want to hear them, then please take your conversations elsewhere. Thank you.

You may proceed, Mr. DeWeese.

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

I was outside the chamber when Virgil Puskarich’s ceremony was held, and I very much appreciated Speaker Perzel’s comments to the chamber about Representative Denlinger’s responses and elegiac references to Representative Zimmerman.

From time to time it is necessary that we slow down – and I have been as guilty as any other man or woman on this floor, both staff and elected members – and cease our chatter and remember our comrades. And I would like to, number one, say that when Speaker Perzel asks that we have more attention paid on the floor of the House for a fallen comrade, that that be adhered to.

Quickly, I do want to say just for the record, Mr. Speaker, that I met Virgil Puskarich, who led the Local Government Commission adroitly, passionately, with humor and bon vivants, and a sturdy knowledge of the Township Code, the Borough Code, the School Code, the County Code, a knowledge that superseded any of the 12 million Pennsylvanians that live here, and I felt very badly that I was not able to make a few comments to him and his family, to his departed soul, and the wonderful family and friends of Virgil Puskarich. He was a vital element within this organization, House and Senate, and he will be missed.

He was from back in my neck of the woods. Although he was not from my district, he was from next door. Timmy Solobay and Pete Daley; our former colleague, Leo Trich; Senator Barry Stout; Austin Murphy, who served before in the House and Senate, we all sort of came up together, but in my 28 years, there was no more focused guy or gal in this complex, of a couple thousand people who live in this complex. He helped Big Jim Manderino; he helped Leroy Irvis; he helped

Matt Ryan; he helped Art Hershey; he helped us all. He was as bipartisan as he could be.

He left us too early, but I could not leave the chamber today and leave the hall of the House tonight without expressing to you, Mr. Speaker, my regret that I was out of the chamber during the ceremony. The Chief Clerk advised me that I had missed Mr. Puskarich's eulogies, and I wanted to add my own heartfelt gratitude for his focus and help with me over my years of service and for his service to the Commonwealth.

Thank you very much for allowing me the latitude here at the end of our day.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### **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. Are there any other remarks or corrections of the record to be made by any of the members?

Seeing none, the Chair recognizes the gentleman, Mr. Millard, from Columbia County.

Mr. MILLARD. Mr. Speaker, I move that this House now do adjourn until Tuesday, February 10, 2004, 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, at 9:05 p.m., e.s.t., the House adjourned.