

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 15, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 68

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

PRAYER

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

Let us pray:

Holy God, merciful and mighty, You dwell in a reality too deep for minds to fathom, in heights no human can attain. As we begin what looks to be a long and sometimes stressful week, may we keep in mind that true greatness is Yours alone.

From birth onward we seem to know instinctively how to be harsh and even cruel, particularly to those with whom we disagree. Most of us have mastered well the skills of sarcasm and superiority. *Gentleness, on the other hand, seems to be something we have to learn, particularly when dealing with those who strongly oppose us. This week as we wrap things up, help us to be patient with those who oppose us and guide us to listen to one another as we seek Your wisdom in all of our decisions.*

God, righteous and enduring, look with pity upon those who grow weary and discouraged in their work for justice. Some work here in this Capitol; some work in nonprofits worldwide; some serve far from home in cities like Fallujah. When it seems to them that nothing ever changes for the better, that the forces of evil will always prevail, remind them that You, the Almighty, have endured not years or decades of resistance but whole centuries and indeed millennia. Yet You promise that Your righteousness will triumph, that evil will collapse. Assure all those who serve with pure hearts that the stones they move by grace will be assembled into a house of righteousness upon the highest of mountains.

So we lift our eyes to You this afternoon and pray with hopeful hearts that our efforts in this place will not be in vain but will serve the greater good. Now, as we move forward, may we be confident in hope, strong in our faith in one another, sustained by our faith in God, who created us, and striving always to serve His purpose. 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 Friday, November 12, 2004, will be postponed until printed.

JOURNAL APPROVED

The SPEAKER. The following Journal is in print: Tuesday, June 29, 2004. Without objection, the Journal will be approved.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2994 By Representatives CALTAGIRONE, FABRIZIO, GEORGE, LAUGHLIN, BASTIAN, GOODMAN and YOUNGBLOOD

An Act authorizing State investment tax credits for qualified animal waste recycling facilities; further authorizing limited sales and use tax exemption; and establishing the Animal Waste Recycling Fund.

Referred to Committee on FINANCE, November 15, 2004.

No. 2995 By Representatives TURZAI, MUSTIO and T. STEVENSON

An Act amending the act of February 12, 2004 (P.L.73, No.11), known as the Intergovernmental Cooperation Authority Act for Cities of the Second Class, further providing for limit on city borrowing; providing for applicability of other law; and making an appropriation.

Referred to Committee on FINANCE, November 15, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 912 By Representative DIVEN

A Resolution urging Major League Baseball to induct H. Douglas Harvey into baseball's Hall of Fame located in Cooperstown, Ohio.

Referred to Committee on RULES, November 15, 2004.

No. 922 By Representatives BROWNE, BARD, BEBKO-JONES, CAPPELLI, DeWEESE, GEIST, GEORGE, GINGRICH, HARPER, HERSHEY, JAMES, LEACH, MAHER, NICKOL, O'BRIEN, O'NEILL, PALLONE, READSHAW, REICHLEY, ROSS, RUBLEY, SCAVELLO,

TIGUE, TRUE, HERMAN, MANN, R. MILLER, CRAHALLA and PICKETT

A Resolution urging formal acknowledgment from the United States Department of Housing and Urban Development (HUD) that Pennsylvania law precludes Pennsylvania domestic violence counselors and advocates from providing identifying information about victims of domestic violence to any person, institution, organization or government entity and that the confidentiality requirements of the Protection from Abuse Act supersede rules promulgated by HUD requiring disclosure of personally identifying information about victims of domestic violence to HUD's Homeless Management Information System.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, November 15, 2004.

SENATE BILLS FOR CONCURRENCE

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

SB 904, PN 1905

Referred to Committee on JUDICIARY, November 15, 2004.

SB 936, PN 1250

Referred to Committee on JUDICIARY, November 15, 2004.

SB 981, PN 1332

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 15, 2004.

SB 1032, PN 1920

Referred to Committee on JUDICIARY, November 15, 2004.

SB 1167, PN 1926

Referred to Committee on HEALTH AND HUMAN SERVICES, November 15, 2004.

SB 1233, PN 1848

Referred to Committee on LIQUOR CONTROL, November 15, 2004.

COMMUNICATION FROM DEPARTMENT OF PUBLIC WELFARE

The SPEAKER. The Speaker acknowledges, in compliance with Act 63 of 1999, a report from the Department of Public Welfare related to the effectiveness of incentive payments to encourage employment assistance to needy families.

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

BILLS SIGNED BY SPEAKER

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

HB 1487, PN 1877

An Act amending the act of June 25, 1919 (P.L.581, No.274), referred to as the First Class City Government Law, deleting provisions relating to the Department of Public Works and the Department of Supplies and Purchases.

HB 2306, PN 3215

An Act designating a bridge on State Route 11 crossing the Susquehanna River between Great Bend Township and Hallstead Borough, Susquehanna County, Pennsylvania, as the Community Memorial Bridge.

HB 2409, 3404

An Act amending the act of December 20, 1991 (P.L.398, No.45), entitled "An act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge; and designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge," further designating the General Thomas R. Morgan Bridge.

HB 2655, PN 3954

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for grading of theft offenses.

HB 2826, PN 4354

An Act designating the bridge on State Route 522 crossing the Black Log Creek, just south of Orbisonia, Cromwell Township, Huntingdon County, as the Huntingdon County World War II Veterans Memorial Bridge.

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

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 off the table: SB 584.

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:

SB 584, PN 1928.

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: SB 584.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence, and the Chair recognizes the majority whip, who moves for a leave of absence for the gentelady from York, Mrs. MACKERETH, for November 15 through November 17; the gentleman from Cumberland, Mr. NAILOR, for November 15 through November 19; and the gentleman from Warren, Mr. LYNCH, for the day. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the following members: the gentleman from Cambria, Mr. WOJNAROSKI, for today; the gentleman from Clearfield, Mr. GEORGE, for today; the gentleman from Allegheny, Mr. LEVDANSKY, for today; and the gentleman from Allegheny, Mr. GERGELY, for today. Without objection, those leaves will be granted.

CALENDAR**RESOLUTION PURSUANT TO RULE 35**

Mr. S. SMITH called up HR 912, PN 4599, entitled:

A Resolution urging Major League Baseball to induct H. Douglas Harvey into baseball's Hall of Fame located in Cooperstown, Ohio.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 912, PN 4599, be recommitted to the Committee on Rules.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2761, PN 4544, entitled:

An Act providing for dispute resolution procedures relating to residential construction defects between contractors and homeowners or members of associations; and prescribing penalties.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2761, PN 4544, be recommitted to the Committee on Appropriations.

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and notes a leave of absence for the gentleman from Lackawanna, Mr. STABACK. Without objection, that leave will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Egolf	Lescovitz	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Maher	Santoni
Armstrong	Fabrizio	Maitland	Sather
Baker	Fairchild	Major	Saylor
Baldwin	Feese	Manderino	Scavello
Bard	Fichter	Mann	Schroder
Barrar	Fleagle	Markosek	Scrimenti
Bastian	Flick	Marsico	Semmel
Bebko-Jones	Forcier	McCall	Shaner
Belardi	Frankel	McGeehan	Smith, B.
Belfanti	Freeman	McGill	Smith, S. H.
Benninghoff	Gabig	McIlhattan	Solobay
Biancucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	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
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	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	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak

DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rublely	Perzel,
Eachus	Leh	Ruffing	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

George	Levdansky	Mackereth	Staback
Gergely	Lynch	Nailor	Wojnaroski

LEAVES ADDED—3

Godshall	Major	Sather
----------	-------	--------

LEAVES CANCELED—1

Gergely

RESOLUTIONS PURSUANT TO RULE 35

Ms. WASHINGTON called up **HR 917, PN 4698**, entitled:

A Resolution recognizing the contributions of the members of the United States Armed Forces who are or have returned from serving in Operation Iraqi Freedom and calling upon the Department of Defense to ensure the care and support of wounded veterans who have returned home and the families of fallen soldiers.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	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	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rublely	Perzel,
Eachus	Leh	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

George	Levdansky	Mackereth	Staback
Gergely	Lynch	Nailor	Wojnaroski

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

Ms. WASHINGTON called up **HR 918, PN 4699**, entitled:

A Resolution congratulating Bernard Hopkins on once again becoming the undisputed middleweight boxing champion after the biggest fight of his career.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—194

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

Cappelli	Haluska	Myers	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
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	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	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	Perzel,
Eachus	Leh	Ruffing	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

George	Levdansky	Mackereth	Staback
Gergely	Lynch	Nailor	Wojnaroski

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 941, PN 4480**, entitled:

An Act establishing the Enhanced Senior Services Demonstration Program; and conferring powers and imposing duties on the Department of Aging, the Department of Public Welfare and the Pennsylvania Housing Finance Agency.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

Adolph	Egolf	Lescovitz	Sainato
Allen	Evans, D.	Lewis	Samuelson
Argall	Evans, J.	Maher	Santoni
Armstrong	Fabrizio	Maitland	Sather

Baker	Fairchild	Major	Saylor
Baldwin	Feeze	Manderino	Scavello
Bard	Fichter	Mann	Schroder
Barrar	Fleagle	Markosek	Scrimenti
Bastian	Flick	Marsico	Semmel
Bebko-Jones	Forcier	McCall	Shaner
Belardi	Frankel	McGeehan	Smith, B.
Belfanti	Freeman	McGill	Smith, S. H.
Benninghoff	Gabig	McLhattan	Solobay
Biancucci	Gannon	McLhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	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
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	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	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	Perzel,
Eachus	Leh	Ruffing	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

George	Levdansky	Mackereth	Staback
Gergely	Lynch	Nailor	Wojnaroski

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.

GUEST INTRODUCED

The **SPEAKER**. The Chair would like to welcome to the hall of the House Ben Heiland as a guest page. Ben is a 10th grade student at Northeastern High School in Manchester, PA. Ben is working on his Eagle Scout award. He is today the guest of Representative Keith Gillespie. He is in the front of the Speaker. Would Ben please rise and be recognized.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman, for a Local Government announcement.

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

There will be an immediate meeting of the House Local Government Committee in the rear of the chamber upon the first call of the recess.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be an immediate meeting of the Local Government Committee in the rear of the hall at the recess.

VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Semmel.

Mr. SEMMEL. Thank you, Mr. Speaker.

Also on the call of the recess, the Veterans Affairs and Emergency Preparedness Committee will meet in the rear of the hall of the House.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a Veterans Affairs and Emergency Preparedness Committee meeting in the rear of the hall at the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, the majority Appropriations Committee chairman.

Mr. ARGALL. Thank you, Mr. Speaker.

The Appropriations Committee will meet at 1:45 in room 245.

The SPEAKER. The Chair thanks the gentleman.

There will be an Appropriations Committee meeting at 1:45 in room 245.

RULES COMMITTEE MEETING

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

STATEMENT BY MR. MARKOSEK

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

Mr. MARKOSEK. Mr. Speaker, to request to speak on personal privilege at the appropriate time.

The SPEAKER. Under unanimous consent, the Chair recognizes the gentleman.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, as the unofficial chairman of the Notre Dame caucus, which includes Representative LaGrotta, Representative Pat Browne, Representative Mike Turzai, and Representative Dave Levdansky, I would like to congratulate the University of Pittsburgh on their great win over the weekend. A close game; a good game.

Many of us here had the opportunity to go out to the most beautiful campus in the world, the University of Notre Dame, to see the game. It was a beautiful day. Pitt deserves all the accolades that they can get. They beat a tough team. It was a great game.

And on behalf of my colleagues in the Notre Dame caucus, I want to congratulate the students, the administration, and the employees of the University of Pittsburgh, particularly those who live in my legislative district.

Thank you, Mr. Speaker.

The SPEAKER. The Chair would like to note that your Steelers are not doing that bad either.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1152, PN 4379

By Rep. S. SMITH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions for juvenile diabetes cure research.

RULES.

SB 137, PN 1921

By Rep. S. SMITH

An Act amending the act of February 13, 1970 (P.L.19, No.10), entitled "An act enabling certain minors to consent to medical, dental and health services, declaring consent unnecessary under certain circumstances," further providing for consent to treatment; providing for release of medical records and requiring a report by the Legislative Budget and Finance Committee.

RULES.

REPUBLICAN CAUCUS

The SPEAKER. Are there caucus announcements?

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a Republican majority caucus immediately following the recess.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Are there any further announcements?
This chamber is recessed until 3 p.m.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING**

JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. O'Brien, for a committee announcement.

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

There will be a meeting of the Judiciary Committee immediately in room 245.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For the edification of the members, I will repeat that announcement. The chairman, Representative O'Brien, has called for an immediate meeting of the Judiciary Committee in the Appropriations conference room.

BILLS REREPORTED FROM COMMITTEE

HB 2368, PN 4714 (Amended) By Rep. ARGALL

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for funding for charter schools.

APPROPRIATIONS.

HB 2732, PN 4119 By Rep. ARGALL

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment limits on counties of the second class.

APPROPRIATIONS.

HB 2844, PN 4660 By Rep. ARGALL

An Act providing for the issuance of identification cards for retired law enforcement officers; and providing for the powers and duties of law enforcement agencies and the Pennsylvania State Police.

APPROPRIATIONS.

HB 2865, PN 4416 By Rep. ARGALL

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, providing authorization for alternate amortization schedules to accommodate extraordinary events.

APPROPRIATIONS.

HB 2917, PN 4535 By Rep. ARGALL

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, authorizing appropriations to watershed associations.

APPROPRIATIONS.

HB 2931, PN 4566 By Rep. ARGALL

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to execute a corrective deed to revise a deed restriction on certain real estate conveyed to the Northumberland County Historical Society, situate in the Township of Upper Augusta, County of Northumberland, Commonwealth of Pennsylvania; and making a repeal.

APPROPRIATIONS.

HB 2980, PN 4689 By Rep. ARGALL

An Act amending the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, further defining "municipality"; further providing for authorization of county departments of health, for dissolution of and withdrawal from county departments of health and for establishment of county departments of health; and providing for municipalities with intergovernmental cooperation agreements.

APPROPRIATIONS.

SB 95, PN 1939 (Amended) By Rep. ARGALL

An Act amending Titles 20 (Decedents, Estates and Fiduciaries) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for right of surviving spouse to elective share; further defining "separate and apart" for purposes of divorce; providing for premarital agreements; further providing for decree of court in actions for divorce; further defining "marital property" for purposes of certain property rights; and further providing for equitable division of marital property, for disposition of property to defeat obligations and for statement of reasons for distribution.

APPROPRIATIONS.

SB 356, PN 1887 By Rep. ARGALL

An Act amending Titles 18 (Crimes and Offenses) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons not to possess, use, manufacture, control, sell or transfer firearms, for general regulations relating to dissemination of criminal history record information, for responsibilities of law enforcement agencies and for information relating to prospective child-care personnel.

APPROPRIATIONS.

SB 432, PN 1901 By Rep. ARGALL

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for the Wireless E-911 Emergency Services Fund.

APPROPRIATIONS.

SB 871, PN 1940 (Amended) By Rep. ARGALL

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, further providing for appointment by nonprofit corporations; providing for humane society police officers' appointment, qualifications, authority and discipline; conferring powers and duties on the Department of Agriculture; establishing the Humane Society Police Officer Advisory Board; and making a related repeal.

APPROPRIATIONS.

SB 931, PN 1929

By Rep. ARGALL

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs; and further providing for National Guard eligibility.

APPROPRIATIONS.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 981, PN 1332**

By Rep. SEMMEL

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for Educational Assistance Program definitions; and establishing the Educational Assistance Program Fund.

VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS.**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the remainder of the week for Representative GODSHALL and requests a leave of absence for the day for the gentleman, Representative SATHER. Without objection, the leaves will be granted.

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 2502, PN 4715 (Amended)**

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, defining "cost of instruction" for purposes of charter schools; further providing for cyber charter school requirements and prohibitions and for consideration by General Assembly of State System of Higher Education requests to dispose of real property; and providing for undergraduate student consumer information for institutions of higher education.

EDUCATION.

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2678 be removed from the table.

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 2678, PN 4001.**BILL RECOMMITTED**

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2678 be recommitted to the Appropriations Committee.

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

ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of HB 2865, PN 4416, actuarial note.

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 927, PN 1941 (Amended)**

By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of a third class county convention center authority; and further defining "market area" with respect to certain counties.

LOCAL GOVERNMENT.

FINANCE COMMITTEE MEETING

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Leh, rise?

Mr. LEH. Mr. Speaker, for the purpose of announcing a committee meeting.

I would like to announce that at the break there will be a Finance Committee meeting in the rear of the chamber. It should be brief.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be a Finance Committee meeting in the rear of the House at the break.

**HEALTH AND HUMAN SERVICES
COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Kenney, for a committee announcement.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, at the break the Health and Human Services Committee will meet in the rear of the House.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be a Health and Human Services Committee meeting in the rear of the House at the break.

CONSUMER AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Flick, rise?

Mr. FLICK. For the purposes of a meeting notice, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. FLICK. Thank you, Mr. Speaker.

While we are in recess, I would like to call an immediate meeting of the Consumer Affairs Committee in the rear of the House to consider several bills.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Will the gentleman please come to the rostrum. Thank you.

The gentleman, Mr. Flick, is recognized.

Mr. FLICK. Thank you, Mr. Speaker.

With the understanding that if the Judiciary Committee walks through the doors and session were to commence, we will recess our meeting so that we can get along with business.

Thank you.

I am calling now for an immediate meeting of the Consumer Affairs Committee in the rear of the House.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be an immediate meeting of the Consumer Affairs Committee in the rear of the House.

AGRICULTURE AND RURAL AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. For what purpose does the gentleman, Mr. Hershey, rise?

Mr. HERSHEY. Thank you, Mr. Speaker.

I want to announce an Ag Committee meeting tomorrow morning at 9:30 in room 148. We sent the messages out, but just a reminder to get the people on their schedule. An Agriculture meeting tomorrow morning at 9:30, room 148.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be an Agriculture and Rural Affairs Committee meeting tomorrow at 9:30 a.m. in room 148.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 936, PN 1250

By Rep. O'BRIEN

An Act providing for the Pennsylvania Amber Alert System; authorizing and directing the Pennsylvania State Police to establish and

maintain the Pennsylvania Amber Alert System; assessing costs; and providing for immunity and penalties.

JUDICIARY.

SB 1032, PN 1920

By Rep. O'BRIEN

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, consolidating provisions on judicial procedure for name changes; further providing for name change by order of court; and making a repeal related to judicial procedure for name changes.

JUDICIARY.

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1152, PN 4379**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions for juvenile diabetes cure research.

On the question,

Will the House concur in Senate amendments?

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

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-192

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

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

NAYS-0

NOT VOTING-0

EXCUSED-10

George	Levdansky	Nailor	Staback
Gergely	Lynch	Sather	Wojnaroski
Godshall	Mackereth		

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.

POINT OF ORDER

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

Mr. VITALI. A point of order, Mr. Speaker.

I just walked from the Judiciary Committee meeting. They are still conducting their business, they are still discussing an amendment, and I am wondering the propriety of either us voting while they are conducting their business or them voting while we are voting.

The SPEAKER. We relied on the information that the meeting was done, because we received the bills and we read the reports from the committee.

Mr. VITALI. I can assure you, that is not the case, because I just came from that meeting and they were discussing an amendment to a bill. I do not know whether that is going to end up in a vote, but they were discussing that amendment just prior to my walking here and seeing this vote being taken.

The SPEAKER. The Chair thanks the gentleman.

We will wait until the Judiciary Committee is done.

SUPPLEMENTAL CALENDAR B

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2865, PN 4416, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, providing authorization for alternate amortization schedules to accommodate extraordinary events.

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

Mr. NICKOL offered the following amendment No. A4064:

Amend Sec. 1 (Sec. 209), page 2, line 2, by inserting after "enhancement" granted prior to January 1, 2004, and

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

The SPEAKER. Does the gentleman, Mr. Vitali, wish to be recognized?

Mr. VITALI. Would the maker of the amendment give a brief explanation, Mr. Speaker?

The SPEAKER. The gentleman indicates that he will give a brief explanation.

Mr. NICKOL. Thank you, Mr. Speaker.

This amendment effectively limits the remedies contained in HB 2865 to the city of York by restricting the proposal to any pension benefit enhancements granted by an arbiter prior to January 1, 2004. My understanding is, Mr. Speaker, that the sponsor of the bill has agreed to the amendment.

Thank you.

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

The following roll call was recorded:

YEAS-192

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

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

NAYS-0

NOT VOTING-0

EXCUSED-10

George	Levdansky	Nailor	Staback
Gergely	Lynch	Sather	Wojnaroski
Godshall	Mackereth		

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Vitali.

Mr. VITALI. Mr. Speaker, a brief explanation of the bill, please.

The SPEAKER. The gentleman, Mr. Stetler?

The gentleman, Mr. Stetler, indicates that he will stand and give an explanation.

Mr. STETLER. Thank you, Mr. Speaker.

Mr. Speaker, the city of York, due to an issue that came up in 1973 in labor agreements, experienced a deficit in its pension bill. This would allow the city of York to refinance through a bond issue a pension deficit, and it will allow it to pay it out over a longer period of time, having less of an impact on its operating budget.

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-192

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

NAYS-0

NOT VOTING-0

EXCUSED-10

George	Levdansky	Nailor	Staback
Gergely	Lynch	Sather	Wojnaroski
Godshall	Mackereth		

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.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Gergely. His name will be added to the master roll.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2980, PN 4689**, entitled:

An Act amending the act of August 24, 1951 (P.L.1304, No.315), known as the Local Health Administration Law, further defining "municipality"; further providing for authorization of county departments of health, for dissolution of and withdrawal from county departments of health and for establishment of county departments of health; and providing for municipalities with intergovernmental cooperation agreements.

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-193

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

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

NAYS-0

NOT VOTING-0

EXCUSED-9

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdansky			

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

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

RULES SUSPENDED

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

Mr. PHILLIPS. Mr. Speaker, I move for an immediate suspension of the rules for consideration of HB 2931, PN 4566.

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

The following roll call was recorded:

YEAS-193

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

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

NAYS-0

NOT VOTING-0

EXCUSED-9

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdansky			

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 2931, PN 4566**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Pennsylvania Historical and Museum Commission and the Governor, to execute a corrective deed to revise a deed restriction on certain real estate conveyed to the Northumberland County Historical Society, situate in the Township of Upper Augusta, County of Northumberland, Commonwealth of Pennsylvania; and making a repeal.

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-193			
Adolph	Egolf	Lescovitz	Sainato				
Allen	Evans, D.	Lewis	Samuelson				
Argall	Evans, J.	Maher	Santoni				
Armstrong	Fabrizio	Maitland	Saylor				
Baker	Fairchild	Major	Scavello				
Baldwin	Feese	Manderino	Schroder				
Bard	Fichter	Mann	Scrimenti				
Barrar	Fleagle	Markosek	Semmel				
Bastian	Flick	Marsico	Shaner				
Bebko-Jones	Forcier	McCall	Smith, B.				
Belardi	Frankel	McGeehan	Smith, S. H.				
Belfanti	Freeman	McGill	Solobay				
Benninghoff	Gabig	McIlhattan	Stairs				
Bianucci	Gannon	McIlhinney	Steil				
Birmelin	Geist	McNaughton	Stern				
Bishop	Gergely	Melio	Stetler				
Blaum	Gillespie	Metcalfe	Stevenson, R.				
Boyd	Gingrich	Micozzie	Stevenson, T.				
Browne	Good	Millard	Sturla				
Bunt	Goodman	Miller, R.	Surra				
Butkovitz	Grucela	Miller, S.	Tangretti				
Buxton	Gruitza	Mundy	Taylor, E. Z.				
Caltagirone	Habay	Mustio	Taylor, J.				
Cappelli	Haluska	Myers	Thomas				
Casorio	Hanna	Nickol	Tigue				
Causer	Harhai	O'Brien	Travaglio				
Cawley	Harhart	Oliver	True				
Civera	Harper	O'Neill	Turzai				
Clymer	Harris	Pallone	Vance				
Cohen	Hasay	Payne	Veon				
Coleman	Hennessey	Petrarca	Vitali				
Cornell, S. E.	Herman	Petri	Walko				
Corrigan	Hershey	Petrone	Wansacz				
Costa	Hess	Phillips	Washington				
Crahalla	Hickernell	Pickett	Waters				
Creighton	Horsey	Pistella	Watson				
Cruz	Hutchinson	Preston	Weber				
Curry	James	Raymond	Wheatley				
Dailey	Josephs	Readshaw	Williams				
Daley	Keller	Reed	Wilt				
Dally	Kenney	Reichley	Wright				
DeLuca	Killion	Rieger	Yewcic				
Denlinger	Kirkland	Roberts	Youngblood				
Dermody	Kotik	Roebuck	Yudichak				
DeWeese	LaGrotta	Rohrer	Zug				
DiGirolamo	Laughlin	Rooney					
Diven	Leach	Ross					
Donatucci	Lederer	Rubley	Perzel,				
Eachus	Leh	Ruffing	Speaker				

NAYS-0

NOT VOTING-0

EXCUSED-9

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdansky			

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

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

BILL 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 1152, PN 4379

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for contributions for juvenile diabetes cure research.

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 296, PN 311**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for court orders relating to adoption records.

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

The **SPEAKER**. It is the understanding of the Chair that the amendments have all been withdrawn.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—0

NOT VOTING—0

EXCUSED—9

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdansky			

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

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

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1208, PN 1852**.

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:

SB 1208, PN 1852

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Frenchcreek Township, Venango County, approximately 65.36 acres which includes the sewage treatment facilities, conveyance system, all improvements

thereon and easements, at Polk Center in Polk Borough, Venango County.

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

The SPEAKER. The House will be temporarily at ease. Mr. Raymond, please come to the rostrum. Mr. Raymond.

LIQUOR CONTROL COMMITTEE MEETING

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

Mr. RAYMOND. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call an immediate meeting of the House Liquor Committee in the rear of the House.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Liquor Committee in the rear of the House.

CONSUMER AFFAIRS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Chester, Mr. Flick.

Mr. FLICK. Thank you, Mr. Speaker.

The Consumer Affairs Committee meeting which was recessed earlier this afternoon, I would like to reconvene it in the rear of the House, in the center of the rear of the House, so we are not interfering with the Liquor Committee.

Thank you, Mr. Speaker.

That would be an immediate meeting.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Consumer Affairs Committee in the center of the rear of the House.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House, to the left of the Speaker, Ernest Parker from the Pennsylvania National Guard and his father, Dave Parker. Ernest will be leaving for Iraq on 11/22/04. They are the guests today of Representative Bebko-Jones. They are standing to the left. Welcome.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2795, PN 4289**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for serious drug trafficking and violent repeat offenders not to possess, use, manufacture, control, sell or transfer firearms.

On the question,

Will the House agree to the bill on third consideration?

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

Mr. D. EVANS. Mr. Speaker, basically, this is an issue, in fact, all across the Commonwealth of Pennsylvania, about violence; a young child by the name of Faheem Thomas-Childs. Representative Jewell Williams and I together are trying to do something about the question of violence all across the Commonwealth. I would hope members could support it.

Basically, it tries to give responsibility in terms of the issues around guns. I hope I can get your support on it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. I just want to alert the members, Mr. Speaker, if any member has a problem with mandatory minimum sentencing, this bill involves mandatory minimum sentences of 5 and 10 years.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

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

Daley	Keller	Readshaw	Wilt
Dally	Kenney	Reed	Wright
DeLuca	Killion	Reichley	Yewcic
Denlinger	Kirkland	Rieger	Youngblood
Dermody	Kotik	Roberts	Yudichak
DeWeese	LaGrotta	Roebuck	Zug
DiGirolamo	Laughlin	Rohrer	
Diven	Leach	Rooney	Perzel,
Donatucci	Lederer	Ross	Speaker
Eachus			

NAYS—2

Shaner Vitali

NOT VOTING—0

EXCUSED—9

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski.
Levdansky			

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

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Argall, the chairman of the Appropriations Committee.

Mr. ARGALL. Thank you, Mr. Speaker.

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

The SPEAKER. The Chair thanks the gentleman.

There will be an Appropriations Committee meeting in room 245 at the recess.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be an immediate Republican majority caucus following the announcement for recess. The caucus will take up the gaming bill.

The SPEAKER. The Chair thanks the gentledady.

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the Democrats will also caucus immediately upon the call of the recess. I assume our subject matter will also include the gaming legislation.

VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Fayette, Mr. Shaner.

Mr. SHANER. Mr. Speaker, I would like to change my vote on HB 2795. I was voted in the negative. I wish to be voted in the positive.

Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

JUDICIARY COMMITTEE MEETING

The SPEAKER. Does the gentleman, Mr. O'Brien, seek recognition? Mr. O'Brien.

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

The Judiciary Committee meeting will continue in recess until 10:30 a.m. tomorrow in room 148, Main Capitol.

The SPEAKER. The Chair thanks the gentleman.

There will be a meeting of the Judiciary Committee tomorrow at 10:30 a.m. in room 148, Main Capitol.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Berks, Mr. Leh.

Mr. LEH. Mr. Speaker, I would just like to remind the members of the Finance Committee, we do have a Finance Committee meeting immediately upon the break.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a Finance Committee meeting at the break.

Are there any further notices?

RECESS

The SPEAKER. This House is recessed until 5:15 p.m.

AFTER RECESS

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

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 2714, PN 4722 (Amended)

By Rep. FLICK

An Act amending the act of April 14, 1949 (P.L.482, No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," further providing for shutting off water if sewer

charge not paid and notice and statement of defense; and requiring certain procedures to be followed in residential buildings.

CONSUMER AFFAIRS.

SB 79, PN 1944 (Amended)

By Rep. FLICK

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, expanding the scope of the act; further providing for definitions; providing for establishment of the Print Media Access System Program; further providing for establishment of dual party relay service; and making editorial changes.

CONSUMER AFFAIRS.

SB 677, PN 1283

By Rep. FLICK

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the Office of Trial Staff and for bureaus and offices; providing for consumer protection and information and for expiration of alternative telecommunications services; and making a repeal.

CONSUMER AFFAIRS.

SB 844, PN 1922

By Rep. ARGALL

An Act providing for the highway capital budget project itemization for the fiscal year 2003-2004 and for the additional capital budget transportation assistance project itemization for the fiscal year 2003-2004.

APPROPRIATIONS.

SB 921, PN 1326

By Rep. LEH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for delivery sales of cigarettes.

FINANCE.

SB 1233, PN 1848

By Rep. RAYMOND

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for general powers of the Pennsylvania Liquor Control Board, for sales by Pennsylvania Liquor Stores and for unlawful acts relative to liquor, malt and brewed beverages.

LIQUOR CONTROL.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and a leave of absence is being requested by the majority whip for the gentlelady from Susquehanna, Miss Sandra MAJOR, for today and tomorrow. Without objection, that leave will be granted.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 844 be taken off the table.

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 that HB 2799 be taken off the table.

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 2799, PN 4293.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2799 be recommitted to the Committee on Appropriations.

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION POSTPONED

The House proceeded to third consideration of **SB 1209, PN 1885**, on third consideration postponed, entitled:

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for local land use preemption, for public official financial interest, for enforcement, for penalties and for corrupt organizations; and making related repeals.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith, who withdraws amendment 4451 and replaces it with amendment A4714.

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

Mr. S. SMITH offered the following amendment No. A4714:

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting

Amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records, for slot machine licensee financial fitness and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for establishment of State Gaming Fund and net slot machine revenue distribution, for transfers from State Gaming Fund, for multiple slot machine license prohibition, for local land use preemption, for public official financial interest, for enforcement, for penalties, for background checks, for fingerprints and for corrupt organizations; and making related repeals.

Amend Bill, page 1, lines 15 through 19; pages 2 through 27, lines 1 through 30; page 28, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "controlling interest," "institutional investor," "licensed facility" and "supplier" in section 1103 of Title 4 of the Pennsylvania Consolidated Statutes, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding a definition to read:

§ 1103. Definitions.

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

"Controlling interest." A person shall be deemed to have [the ability to control a publicly traded corporation, or to elect] a controlling interest in an entity if the person's sole voting rights, as provided by applicable State law or corporate articles or bylaws, entitle the person to elect or appoint one or more of the members of its board of directors [, if such holder] or other governing body or if the person owns or beneficially holds 5% or more of the securities of [such] a publicly traded domestic or foreign corporation[,] or holds 5% or more ownership or voting interest in a partnership, limited liability company or any other form of legal entity, unless such presumption of control or ability to elect is rebutted by clear and convincing evidence. [A person who is a holder of securities of a privately held domestic or foreign corporation, partnership, limited liability company or any other form of legal entity shall be deemed to possess a controlling interest unless such presumption of control is rebutted by clear and convincing evidence.]

"Institutional investor." Any retirement fund administered by a public agency for the exclusive benefit of Federal, State or local public employees, investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, banking and other chartered or licensed lending institution[, investment advisor registered under The Investment Advisors Act of 1940 (54 Stat. 847, 15 U.S.C. § 80b-1 et seq.)] and such other comparable persons as the Pennsylvania Gaming Control Board may [determine] establish by regulation consistent with this part.

"Licensed facility." The physical land-based location and associated areas at which a licensed gaming entity is authorized to

place and operate slot machines. The term does not include a nonprimary location.

"Member." An individual appointed to the Pennsylvania Gaming Control Board pursuant to section 1201(b) (relating to Pennsylvania Gaming Control Board).

"Supplier." A person that sells, leases, offers or otherwise provides, distributes or services any slot machine in this Commonwealth. The term does not include a person who sells slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems.

Section 2. Section 1201 heading and (f)(3), (h)(7) and (l) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding paragraphs to read:

§ 1201. Pennsylvania Gaming Control Board [established].

(f) Qualified majority vote.—

(3) Notwithstanding any other provision [to the contrary] of this part or 65 Pa.C.S. § 1103(j) (relating to restricted activities), a member shall disclose the nature of his disqualifying interest, disqualify himself and abstain from voting in a proceeding in which his or her impartiality may be reasonably questioned, including, but not limited to, instances where he or she knows that they possess a substantial financial interest in the subject matter of the proceeding or any other interest that could be substantially affected by the outcome of the proceeding. In such circumstances in which it is a legislative appointee member that has disqualified himself or herself, the qualified majority shall consist of the remaining three legislative appointees and at least two gubernatorial appointees.

(h) [Qualifications and restrictions] Restrictions.—

[(7) At the time of appointment and annually thereafter, each member shall disclose the existence of all ownership interests in licensed facilities and all securities in any licensed entity or applicant, its affiliates or subsidiaries held by the member, the member's spouse and any minor or unemancipated children and must divest such ownership interests in licensed facilities or securities prior to an appointment becoming final. A member may not acquire any security in any licensed entity, its affiliates or subsidiaries during the member's tenure. The disclosure statement shall be filed with the executive director of the board and with the appointing authority for such member and shall be open to inspection by the public at the office of the board during the normal business hours of the board during the tenure of the member and for two years after the member leaves office.]

(7) (i) At the time of appointment, and annually thereafter, each member of the board shall disclose the existence of any financial interests and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the member or the immediate family of the member. The disclosure statement shall be filed with the executive director of the board and with the appointing authority of the member. The disclosure statement shall be open to inspection by the public at the office of the board during the normal business hours of the board during the member's term on the board and continuing for two years after the member leaves office. Prior to the member's appointment becoming final, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license

applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the member or the immediate family of the member must be divested. During the member's term and continuing for one year thereafter, the member and the immediate family of the member may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

(7.1) (i) At the time of employment, and annually thereafter, each employee or contract employee of the board shall disclose the existence of any financial interest and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the employee or contract employee or the immediate family of the employee or contract employee. The disclosure statement shall be filed with the executive director of the board. The disclosure statement shall be open to inspection by the public at the office of the board during normal business hours of the board during the employee's or contract employee's employment with the board and continuing for two years after the employee or contract employee terminates employment with the board. Prior to commencing employment, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the employee or contract employee or the immediate family of the employee or contract employee must be divested. During the employee's or contract employee's employment and continuing for one year thereafter, the employee or contract employee and the immediate family of the employee or contract employee may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

* * *

(13) No person may be employed, whether as an employee or a contract employee, by the board until the board receives a background investigation conducted on the person in accordance with this part.

(14) No member shall hold or campaign for any other public office, hold office in any political party or political committee or actively participate in any political campaign.

(15) No employee of the board shall hold or campaign for public office, hold office in any political party or political committee or actively participate in or contribute to any political campaign.

* * *

[(I) Disclosure statements.—Members and employees of the board are subject to the provisions of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.]

Section 3. Title 4 is amended by adding sections to read:

§ 1201.1. Applicability of other statutes.

The following shall apply:

(1) The following acts shall apply to the board, its members and employees:

(i) Act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(ii) Act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

(iii) The provisions of 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11 (relating to ethics standards and financial disclosure).

(2) The board shall be considered an "independent agency" for the purposes of all of the following:

(i) Act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(ii) The provisions of 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(3) The board shall be considered an "agency" for the purposes of all of the following:

(i) Act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) Act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

§ 1201.2. Review of deeds, leases and contracts.

(a) Timing.—Review of a deed, lease or contract of the board by the Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, must be completed within 30 days of delivery of the deed, lease or contract by the board to the Attorney General.

(b) Limitation.—An issue not raised by the Attorney General during the review period required by subsection (a) is deemed waived.

Section 4. Sections 1202 heading and (a), 1203 and 1206(a), (d) and (f) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1202. [General and specific powers] Powers and duties.

(a) General powers.—The board shall have general jurisdiction over all gaming activities or related activities as described in this part. The board shall be responsible to ensure the integrity of the acquisition and operation of slot machines and associated equipment and shall have jurisdiction over every aspect of the authorization and operation of slot machines. The board shall employ an executive director, chief counsel, deputies, secretaries, officers, hearing officers and agents as it may deem necessary, who shall serve at the board's pleasure. The board shall also employ other employees as it deems appropriate whose duties shall be determined by the board. The board shall establish and publish in the Pennsylvania Bulletin and on its Internet website a classification of its employees. The classification shall include the scope of the background investigations required by section 1201(h)(13) (relating to Pennsylvania Gaming Control Board) for each class of employees and contract employees of the board. In order to ensure the ability of the board to recruit and retain individuals necessary to

execute its responsibilities under this part, the board shall set the classification and compensation of its employees and shall not be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as to classification and compensation for its employees and conduct its activities consistent with the practices and procedures of Commonwealth agencies. [For the purposes of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the board shall not be considered an executive or independent agency.] The board shall have such other powers and authority necessary to carry out its duties and the objectives of this part.

§ 1203. Temporary regulations.

(a) Promulgation.—[Notwithstanding any other provision of law to the contrary and in] In order to facilitate the prompt implementation of this part, [regulations promulgated by the board during the two years following the effective date of this part shall be deemed temporary regulations which shall expire no later than three years following the effective date of this part or upon promulgation of regulations as generally provided by law. The temporary regulations shall not be] the board may promulgate regulations not subject to:

(1) Sections 201 [through 205], 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) Expiration.—[The authority provided to the board to adopt temporary regulations in] Regulations promulgated in accordance with subsection (a) shall expire [two] ~~three~~ years from the effective date of this section. [Regulations adopted after the two-year period shall be promulgated as provided by law.]

§ 1206. Board minutes and records.

[(a) Open proceedings and records.—The proceedings of the board shall be conducted in accordance with the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings). The board shall be an agency for purposes of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. Notwithstanding any provision of law to the contrary, confidential documents relative to personal background information provided to the board pursuant to this part and any closed deliberations of the board, including disciplinary proceedings, shall be confidential and considered in closed executive session pursuant to subsection (f).]

(d) Applicant information.—

(1) The board shall [keep and] maintain a list of [all] applicants for licenses and [permits under this part together with] permits. The list shall include a record of all actions taken with respect to [the applicants, which file and record] each applicant. The list shall be open to public inspection during normal business hours of the board.

(2) Information under paragraph (1) regarding any applicant whose license or permit has been denied, revoked or not renewed shall be removed from such list after seven years from the date of the action.

(f) Confidentiality of information.—[All information contained in the application process pursuant to section 1310(a) (relating to slot machine license application character requirements) and the report of an applicant's] An applicant's proprietary information, trade secrets, architecture and engineering plans, security and surveillance systems and background investigation, furnished to or obtained by the board or the bureau from any source shall be considered confidential, [and shall be withheld from public disclosure in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency or shall be released to the public, in whole or in part, to the extent that such release is requested by an applicant and does not otherwise contain confidential

information about another person. The board may not require any applicant to waive any confidentiality provided for in this subsection as a condition for the approval of a license or any other action of the board. Any person who violates this subsection shall be administratively disciplined by discharge, suspension or other formal disciplinary action as the board deems appropriate.]

Section 4.1. Section 1313 of Title 4 is amended by adding a subsection to read:

§ 1313. Slot machine license application financial fitness requirements.

(b.1) Financial backer exclusion.—

(1) Except as set forth in paragraph (2), the financial backers of an applicant or licensee may not include a retirement fund established for the benefit of employees and retirees of:

(i) the Commonwealth;

(ii) any public authority, commission, board or agency, established by the Commonwealth; or

(iii) a political subdivision of the Commonwealth or a public authority established by a political subdivision of the Commonwealth.

(2) Paragraph (1) does not apply to the extent that the financial backing from the retirement fund arises from securities which are:

(i) registered with the Securities and Exchange Commission; and

(ii) purchased by the retirement fund in the secondary market.

Section 4.2. Section 1317 of Title 4, added July 5, 2004 (P.L.572, No.71), is amended to read:

§ 1317. Supplier [and manufacturer] licenses [application].

(a) Application.—[Any] A person seeking to provide slot machines or associated equipment to a slot machine licensee within this Commonwealth [or to manufacture slot machines for use in this Commonwealth] shall apply to the board for [either] a supplier [or manufacturer] license. No person, its affiliate, intermediary, subsidiary or holding company who has applied for or is a holder of a manufacturer or slot machine license shall be eligible to apply for or hold a supplier license. A supplier licensee shall establish a principle place of business in this Commonwealth within one year of issuance of its supplier license and maintain such during the period in which the license is held. [No slot machine licensee shall enter into any sale, lease, contract or any other type of agreement providing slot machines, progressive slot machines, parts or associated equipment for use or play with any person other than a supplier licensed pursuant to this section. Slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems are excluded from any requirements that they be provided through a licensed supplier as set forth in this part.]

(b) Requirements.—[The application for a supplier or manufacturer license shall include, at a minimum:] The application for a supplier license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant[,] and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of [the applicant] each business; and a list of employees and their positions within [the] each business, as well as any financial information required by the board.

(1.1) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(2) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all

information necessary for the completion of the background investigation.

(3) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(4) The type of goods and services to be supplied [or manufactured] and whether those goods and services will be provided through purchase, lease, contract or otherwise.

(5) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a supplier license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a supplier license, a supplier licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's supplier license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the supplier license, the supplier license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No person may provide slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a supplier license under this section.

(2) No slot machine licensee may acquire, purchase or lease slot machines or associated equipment from a person unless the person has been issued a supplier license under this section.

Section 5. Title 4 is amended by adding a section to read:

§ 1317.1. Manufacturer licenses.

(a) Application.—A person seeking to manufacture slot machines for use in this Commonwealth shall apply to the board for a manufacturer license.

(b) Requirements.—The application for a manufacturer license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of each business; and a list of employees and their positions within each business, as well as any financial information required by the board.

(2) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(3) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all information necessary for the completion of the background investigation.

(4) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(5) The type of slot machines or associated equipment to be manufactured and supplied and whether those slot machines or associated equipment will be provided through purchase, lease, contract or otherwise.

(6) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a manufacturer license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a manufacturer license, a manufacturer licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's manufacturer license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the manufacturer license, the manufacturer license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—No person may manufacture slot machines or associated equipment for use within this Commonwealth by a slot machine licensee unless the person has been issued a manufacturer license under this section. Slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems are excluded from any requirements that they be manufactured by a licensed manufacturer pursuant to this section.

Section 6. Sections 1318, 1330, 1403, 1408(e), 1506 and 1512 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read: § 1318. Occupation [permit application] permits.

(a) Application.—[Any person] An individual who desires to be a gaming employee and has a bona fide offer of employment from a licensed gaming entity shall apply to the board for an occupation permit. [A person may not be employed as a gaming employee unless and until that person holds an appropriate occupation permit issued under this section. The board may promulgate regulations to reclassify a category of nongaming employees or gaming employees upon a finding that the reclassification is in the public interest and consistent with the objectives of this part.]

(b) Requirements.—[The application for an occupation permit shall include, at a minimum:] The application for an occupation permit shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and home address of the [person] individual.

(2) The previous employment history of the [person] individual.

(3) The criminal history record of the [person] individual, as well as the [person's] individual's consent for the Pennsylvania State Police to conduct a background investigation.

(4) A photograph and handwriting exemplar of the [person] individual.

(5) Evidence of the offer of employment and the nature and scope of the proposed duties of the [person] individual, if known.

(6) The details of any occupation permit or similar license granted or denied to the permit applicant in other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to obtain copies of applications submitted or permits or licenses issued in connection therewith.

(7) Any other information determined by the board to be appropriate.

[(c) Prohibition.—No slot machine licensee may employ or permit any person under 18 years of age to render any service whatsoever in any area of its licensed facility at which slot machines are physically located.]

(c.1) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve

the application and grant the permit applicant an occupation permit consistent with all of the following:

(1) The occupation permit shall be for a period of one year.

Upon expiration, an occupation permit may be renewed in accordance with subsection (d).

(2) The occupation permit shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of an occupation permit, an individual holding an occupation permit and seeking renewal of the occupation permit shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the occupation permit. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the occupation permit, the occupation permit shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No slot machine licensee may employ or permit any person under 18 years of age to render any service in any area of its licensed facility at which slot machines are physically located.

(2) No slot machine licensee may employ an individual as a gaming employee unless the individual has been issued an occupation permit under this section.

[§ 1330. Multiple slot machine license prohibition.

No slot machine licensee, its affiliate, intermediary, subsidiary or holding company may possess an ownership or financial interest that is greater than 33.3% of another slot machine licensee or person eligible to apply for a Category 1 license, its affiliate, intermediary, subsidiary or holding company. The board shall approve the terms and conditions of any divestiture under this section. Under no circumstances shall any such divestiture be approved by the board if the compensation for the divested interest in a person eligible to apply for a Category 1 license exceeds the greater of the original cost of the interest, the book value of the interest or an independently assessed value of the interest one month prior to the effective date of this part and, in the case of a person eligible to apply for a Category 1 license, unless the person acquiring the divested interest is required to continue conducting live racing at the location where live racing is currently being conducted in accordance with section 1303 (relating to additional Category 1 slot machine license requirements) and be approved for a Category 1 slot machine license. No such slot machine license applicant shall be issued a slot machine license until the applicant has completely divested its ownership or financial interest that is in excess of 33.3% in another slot machine licensee or person eligible to apply for a Category 1 license, its affiliate, intermediary, subsidiary or holding company.]

§ 1403. Establishment of State Gaming Fund and net slot machine revenue distribution.

(a) Fund established.—There is hereby established the State Gaming Fund within the State Treasury.

(b) Slot machine tax.—The department shall determine and each slot machine licensee shall pay a daily tax of 34% and a local share assessment of 4% of its daily gross terminal revenue from the slot machines in operation at its facility into the fund.

(c) Transfers and distributions.—[The] Subject to the provisions of subsection (d), the department shall:

(1) Transfer the slot machine tax and assessment imposed in subsection (b) to the fund.

(2) From the local share assessment established in subsection (b) make quarterly distributions among the counties hosting a licensed facility in accordance with the following schedule:

(i) If the licensed facility is a Category 1 licensed facility that is located at a harness racetrack and the county, including a home rule county, in which the licensed facility is located is:

(A) A county of the first class: 4% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. Notwithstanding any other provision to the contrary, funds from licensed gaming entities located within a county of the first class shall not be distributed outside of a county of the first class.

(B) A county of the second class: 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(C) A county of the second class A: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(D) A county of the third class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants for health, safety and economic development projects to municipalities within the county where the licensed facility is located. Municipalities that are contiguous to the municipality hosting such licensed facility shall be given priority by the Department of Community and Economic Development in the award of such grants.

(E) A county of the fourth class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations within the county or redevelopment authorities within the county for grants for economic development projects, job training, community improvement projects, other projects in the public interest and reasonable administrative costs. Notwithstanding the provisions of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(F) Counties of the fifth through eighth classes: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county.

(G) Any county not specifically enumerated in clauses (A) through (F), 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(ii) If the licensed facility is a Category 1 licensed facility and is located at a thoroughbred racetrack and the county in which the licensed facility is located is:

(A) A county of the first class: 4% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. Notwithstanding any other provision to the contrary, funds from licensed gaming entities located within the county of the first class shall not be distributed outside of a County of the first class.

(B) A county of the second class: 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(C) A county of the second class A: 1% of the gross terminal revenue to the county hosting the

licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(D) A county of the third class: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(E) A county of the fourth class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations within the county or redevelopment authorities within the county for grants for economic development projects, community improvement projects, job training, other projects in the public interest and reasonable administrative costs. Notwithstanding the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(F) Counties of the fifth through eighth classes: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county.

(G) Any county not specifically enumerated in clauses (A) through (F), 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(iii) If the facility is a Category 2 licensed facility and if the county in which the licensed facility is located is:

(A) A county of the first class: 4% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. Notwithstanding any other provision to the contrary, funds from licensed gaming entities located within the county of the first class shall not be distributed outside of a County of the first class.

(B) A county of the second class: 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(C) A county of the second class A: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(D) A county of the third class: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(E) A county of the fourth class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations

within the county or redevelopment authorities within the county for grants for economic development projects, community improvement projects, job training, other projects in the public interest and reasonable administrative costs. Notwithstanding the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(F) Counties of the fifth through eighth classes: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to contiguous counties, to economic development authorities or organizations within the county or contiguous counties or redevelopment authorities within the county or contiguous counties for grants for economic development projects, community improvement projects, other projects in the public interest and reasonable administrative costs. Notwithstanding the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(G) Any county not specifically enumerated in clauses (A) through (F), 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(iv) If the facility is a Category 3 licensed facility, 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations within the county or redevelopment authorities within the county for grants for economic development projects and community improvement projects.

(v) Unless otherwise specified, for the purposes of this paragraph money designated for municipal grants within a county, other than a county of the first class, in which a licensed facility is located shall be used to fund grants to the municipality in which the licensed facility is located, to the county in which the licensed facility is located and to the municipalities which are contiguous to the municipality in which the licensed facility is located and which are located within the county in which the licensed facility is located. Grants shall be administered by the county through its economic development or redevelopment authority in which the licensed facility is located. Grants shall be used to fund the costs of human services, infrastructure improvements, facilities, emergency services, health and public safety expenses associated with licensed facility operations. If at the end of a fiscal year uncommitted funds exist, the county shall pay to the economic development or redevelopment authority of the county in which the licensed facility is located the uncommitted funds.

(vi) If the licensed facility is located in more than one county, the amount available shall be distributed on a pro rata basis determined by the percentage of acreage located in each county to the total acreage of all counties occupied by the licensed facility.

(vii) The distributions provided in this paragraph shall be based upon county classifications in effect on the effective date of this section. Any reclassification of counties as a result of a Federal decennial census which shows an increase in population or of a State statute shall [not] apply to this subparagraph[.] for every succeeding State fiscal year. Any reclassification of counties as a result of a Federal decennial

census which shows a decrease in population or of a State statute shall not apply to this subparagraph.

(viii) If any provision of this paragraph is found to be unenforceable for any reason, the distribution provided for in the unenforceable provision shall be made to the county in which the licensed facility is located for the purposes of grants to municipalities in that county, including municipal grants as specified in subparagraph (v).

(ix) Nothing in this paragraph shall prevent any of the above counties from entering into intergovernmental cooperative agreements with other jurisdictions for sharing these money.

(3) From the local share assessment established in subsection (b), make quarterly distributions among the municipalities, including home rule municipalities, hosting a licensed facility in accordance with the following schedule:

(i) To a city of the second class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that city. In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this paragraph, the licensed gaming entity operating the licensed facility or facilities in the city shall remit the difference to the municipality.

(ii) To a city of the second class A hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that city.[subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining moneys shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the city shall remit the difference to the municipality.

(iii) To a city of the third class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that city subject, however, to the budgetary limitation in this subparagraph. However, the foregoing limitations shall not apply, notwithstanding any provision to the contrary, if the licensed facility or facilities have executed a written agreement with the city prior to the effective date of this part to provide additional compensation to the city in excess of the difference between 2% of the gross terminal revenue and \$10,000,000. [The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor,

Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining moneys shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the city shall remit the difference to the municipality.

(iv) To a township of the first class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in the township.[subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the township shall remit the difference to the municipality.

(v) To a township of the second class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in the township.[subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the township shall remit the difference to the municipality.

(vi) To a borough hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that borough.[subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been

officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the borough shall remit the difference to the municipality.

(vii) To an incorporated town hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in the town.[subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the town shall remit the difference to the municipality.

(viii) To a municipality of any class hosting a Category 3 facility, 2% of the gross terminal revenue from the Category 3 licensed facility located in the municipality.[subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.]

(ix) Any municipality not specifically enumerated in subparagraphs (i) through (viii), 2% of the gross terminal revenue to the municipality hosting the licensed facility from each such licensed facility.

(x) If the licensed facility is located in more than one municipality, the amount available shall be distributed on a pro rata basis determined by the percentage of acreage located in each municipality to the total acreage of all municipalities occupied by the licensed facility.

(xi) If the licensed facility is located at a resort which is also an incorporated municipality, such municipality shall not be eligible to receive any distribution under this paragraph. The distribution it would have otherwise been entitled to under this paragraph shall instead be distributed in accordance with paragraph (2) based upon the county where the licensed facility is located.

(xii) The distributions provided in this paragraph shall be based upon municipal classifications in effect on the

effective date of this section. For the purposes of this paragraph, any reclassification of municipalities as a result of a Federal decennial census or of a State statute shall not apply to this paragraph.

(xiii) If any provision of this paragraph is found to be unenforceable for any reason, the distribution provided for in such unenforceable provision shall be made to the municipality in which the licensed facility is located.

(xiv) Nothing in this paragraph shall prevent any of the above municipalities from entering into intergovernmental cooperative agreements with other jurisdictions for sharing this money.

(xv) Notwithstanding any other law, agreement or provision in this part to the contrary, all revenues provided, directed or earmarked under this section to or for the benefit of a city of the second class in which an intergovernmental cooperation authority has been established and is in existence pursuant to the act of February 12, 2004 (P.L.73, No.11), known as the Intergovernmental Cooperation Authority Act for Cities of the Second Class, shall be directed to and under the exclusive control of such intergovernmental cooperation authority to be used:

(A) to reduce the debt of the second class city;

(B) to increase the level of funding of the municipal pension funds of the second class city; or

(C) for any other purposes as determined to be in the best interest of the second class city by such intergovernmental cooperation authority. Such revenues shall not be directed to or under the control of such city of the second class or any coordinator appointed pursuant to the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, for such city of the second class.

(d) Priority transfer for preservation of funding level for State Lottery Fund.—

(1) Prior to making any transfer or distribution under this section or section 1408 (relating to transfers from State Gaming Fund), the department shall annually determine the balance in the State Lottery Fund after payment, under section 311 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, of lottery prizes and operating expenses of the department relating thereto for the prior fiscal year and shall make the transfer under paragraph (2), if applicable.

(2) If such balance is less than the balance from the prior fiscal year determined in the same manner, the department shall transfer an amount equal to the difference between the balances from the State Gaming Fund to the State Lottery Fund.

§ 1408. Transfers from State Gaming Fund.

(e) Transfer to Property Tax Relief Fund.—[Monthly] Annually, the State Treasurer shall transfer the remaining balance in the State Gaming Fund which is not otherwise transferred under section 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) and allocated in subsections (a), (b), (c) and (d) to the Property Tax Relief Fund established in section 1409 (relating to Property Tax Relief Fund).

§ 1506. [Local land use preemption] Preemption.

[The conduct of gaming as permitted under this part, including the physical location of any licensed facility,] (a) Regulation.—Gaming authorized by this part shall not be prohibited or otherwise regulated by any ordinance, home rule charter provision, resolution, rule or regulation of any [political subdivision or any local or State instrumentality or authority that relates to zoning or land use to the extent that the licensed facility has been approved by the board.] municipality.

(b) Land use.—Any zoning and land use ordinances, home rule charter provisions, resolutions, rules or regulations of any municipality shall not apply to property upon which a licensed facility or licensed

racetrack is or will be located. The board may [in its discretion consider such] consider local zoning ordinances when considering an application for a slot machine license.

(c) Local impact.—

(1) The board shall provide the [political subdivision] municipality, within which an applicant for a slot machine license has proposed to locate a licensed [gaming] facility, a 60-day comment period prior to the board's final approval, condition or denial of approval of [its] the application for a slot machine license. The [political subdivision] municipality may make written recommendations to the board for improvements to the applicant's proposed site plans that take into account the impact on the local community[, including, but not limited to, land use and transportation impact. This section shall also apply to any proposed racetrack or licensed racetrack.]

(2) Within 30 days following the expiration of the 60-day comment period provided in paragraph (1), the board shall provide the municipality with a written response to each written recommendation received from the municipality during the comment period.

(3) A municipality shall have the right to appeal any response of the board that a majority vote of the governing body of the municipality determines fails to adequately address the impact that the granting of the proposed slot machine license will have on the local community and that the board's failure to do so will result in serious negative impact to the local community. The appeal of the municipality shall be made in accordance with this section. The procedures set forth in this section shall constitute the exclusive mode for securing review of any decision of the board relating to the impact final approval may have on the local community.

(4) Within ten days following receipt of the written response of the board required by paragraph (2), the municipality shall notify the board whether the municipality intends to file an appeal should the board grant final approval to the slot machine license applicant. Failure to provide notice as required by this subsection shall be deemed a waiver of any right to seek judicial review of the impact that the final approval of the board will have on the local community. The notice required by this subsection shall include specific objections to the response of the board and shall list the grounds on which the municipality intends to appeal and specific recommendations to minimize any negative impact on the local community. The notice shall be accompanied by the official vote of the governing authority of the municipality authorizing the appeal should final approval be granted.

(5) Notwithstanding any other provision of law, an appeal filed by a municipality relating to the impact that the final approval of the board will have on the local community shall be taken to the Commonwealth Court. An appeal to Commonwealth Court by a municipality pursuant to this section shall be filed within ten days of the board's final approval and shall be accompanied by a request for an expedited hearing before the court. The filing in Commonwealth Court shall state specific objections to the response of the board and shall list the grounds on which the governing authority of the municipality believes the final approval of the board will result in serious negative impact to the local community and shall include specific recommendations to minimize any negative impact final approval will have on the local community. The filing shall be accompanied by a certified copy of the official vote of the governing authority of the municipality authorizing that the appeal be taken.

(6) Upon filing of an appeal by a municipality pursuant to this section, the Commonwealth Court shall forthwith send to the board, by registered or certified mail, a copy of the appeal, together with a writ of certiorari commanding the board, within 20 days after receipt thereof, to certify to the court items and information in the possession of the board and subject to disclosure, which relate to the grounds on which the governing

authority of the municipality believes the final approval of the board will result in serious negative impact to the local community and to the governing authority's specific recommendations to minimize any negative impact final approval will have on the local community.

(7) The filing of an appeal by a municipality pursuant to this section shall not stay the board's final approval, but the municipality may petition the court for a stay. Whether or not a stay is sought by the municipality, the board may petition the court to order the municipality to post a bond as a condition to proceeding with the appeal. After the petition for posting a bond is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the board to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for posting a bond. The right to petition the court to order the municipality to post a bond may be waived by the board, but such waiver may be revoked by the board if an appeal is taken from a final determination of the court. The question of the amount of the bond shall be within the sound discretion of the court. An order denying a petition for a bond shall be interlocutory. An order directing the municipality to post a bond shall be interlocutory.

(8) If an appeal is taken by the municipality to the petition for a bond from an order of the court dismissing an appeal for refusal to post a bond, and the Supreme Court sustains the petition for a bond, upon motion of the board and after hearing in the Commonwealth Court, the municipality shall be liable for all reasonable costs, expenses and attorney fees incurred by the board.

(9) Within 30 days first following the filing of an appeal by a municipality pursuant to this section, the licensee that was granted final approval by the board may intervene by filing a notice of intervention, accompanied by proof of service of the same, upon the board and the municipality.

(10) If, upon motion, it is shown that proper consideration of the appeal requires the presentation of additional evidence, the Commonwealth Court may hold a hearing to receive additional evidence. If the information provided to the court pursuant to paragraph (6) includes findings of fact made by the board, or the appeal is reviewed by the court without taking additional evidence, the findings of the board shall not be disturbed by the court if supported by the evidence. If the information provided to the court pursuant to paragraph (6) does not include findings of fact made by the board or if additional evidence is taken, the court may make its own findings of fact based on the information provided and the additional evidence presented.

(11) In an appeal filed by a municipality pursuant to this section, the Commonwealth Court shall have power to recommend that the board alter its final approval to minimize serious negative impact on the local community, but the court shall not have power to prevent the board from granting final approval. Serious negative impact shall be proven by clear and convincing evidence.

(12) Upon an order of the Commonwealth Court recommending that the board alter its final approval to minimize serious negative impact on the local community, the board shall consider the recommendations of the court and within 30 days after the final approval as the board deems appropriate, final approval by the board following an appeal shall not be subject to appeal.

§ 1512. [Public official financial interest] Financial interests and complimentary services and discounts.

[(a) General rule.—Except as may be provided by rule or order of the Pennsylvania Supreme Court, no executive-level State employee, public official, party officer or immediate family member thereof shall have, at or following the effective date of this part, a financial interest

in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company, thereof, or any such applicant, nor solicit or accept, directly or indirectly, any complimentary service or discount from any licensed racing entity or licensed gaming entity which he or she knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances during his or her status as an executive-level State employee, public official or party officer and for one year following termination of the person's status as an executive-level State employee, public official or party officer.]

(a) Financial interests.—An executive-level State employee, public official or party officer, or an immediate family member thereof, shall not do any of the following:

(1) Intentionally or knowingly hold, whether directly or indirectly, a financial interest in any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or in any holding, affiliate, intermediary or subsidiary company thereof while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) Intentionally or knowingly hold, whether directly or indirectly, a financial interest in any applicant for a slot machine license, manufacturer license, supplier license or racetrack or in any holding, affiliate, intermediary or subsidiary company of the applicant while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(a.1) Employment.—

(1) An executive-level State employee, public official or party officer shall not be employed, whether directly or indirectly, by any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) An immediate family member of an executive-level State employee, public official or party officer shall not be employed to provide services for any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the executive-level State employee, public official or party officer of the immediate family member is an executive-level State employee, public official or party officer.

(a.2) Complimentary services and discounts.—No executive-level State employee, public official or party officer, or an immediate family member thereof, shall solicit or accept, whether directly or indirectly, any complimentary service or discount from any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or from an affiliate, intermediary, subsidiary or holding company thereof which the executive-level State employee, public official or party officer, or an immediate family member thereof, knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances while the individual is an executive-level State employee, public official or party officer.

(a.3) Grading.—An individual who violates this section commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(a.4) Divestiture.—An executive-level State employee, public official or party officer, or an immediate family member thereof, who holds a financial interest prohibited by this section shall divest the

financial interest within three months of the effectuation of the restrictions set forth in subsection (a), as applicable.

(a.5) List of applicants.—The board shall publish monthly in the Pennsylvania Bulletin and on its Internet website a list of applicants for slot machine licenses, supplier licenses, manufacturer licenses and of the affiliates, intermediaries, subsidiaries and holding companies of the applicants.

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

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office executive staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business, with respect to any matter covered by this part or any executive employee who by virtue of his job function could influence the outcome of such a decision.

"Financial interest." Owning or holding, or being deemed to hold, debt or equity securities [exceeding 1% of the equity or fair market value of the licensed racing entity or licensed gaming entity, its holding company, affiliate, intermediary or subsidiary business] or other ownership interest or profits interest. A financial interest shall not include any [such stock that is held in a blind trust over which the executive-level State employee, public official, party officer or immediate family member thereof may not exercise any managerial control or receive income during the tenure of office and the period under subsection (a).] debt or equity security, or other ownership interest or profits interest, which is held or deemed to be held in any of the following manners:

(1) A blind trust over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

(2) A defined benefit pension plan, a defined contribution benefit pension plan or another retirement plan, over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

(3) A tuition account plan organized and operated pursuant to section 529 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(4) A mutual fund where the interest owned by the mutual fund in a licensed entity does not amount to control of the licensed entity as defined by the Investment Company Act of 1940 54 Stat. 789, 15 U.S.C. § 80a-1 et seq.).

(5) Any other manner over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

"Immediate family." A [parent,] spouse, minor child or unemancipated child[, brother or sister].

"Party officer." A member of a national committee; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee; a county chairman, vice chairman, counsel, secretary or treasurer of a county committee; or a city chairman, vice chairman, counsel, secretary or treasurer of a city committee.

"Public official." Any person elected by the public or elected or appointed by a governmental body directly receiving revenue under this part or an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof directly receiving revenue under this part, provided that it shall not include members of school boards or members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the

Commonwealth or any political subdivision [or commissioner of any authority or joint-state commission].

Section 7. Section 1517(d) of Title 4, added July 5, 2004 (P.L.572, No.71), is amended and the section is amended by adding subsections to read:

§ 1517. Enforcement.

(c.1) Powers and duties of Attorney General.—Within the Office of Attorney General, the Attorney General shall establish a gaming division. The division shall investigate and institute criminal proceedings as authorized by subsection (d).

(d) Criminal action.—

(1) The district attorneys of the several counties shall have authority to investigate and to institute criminal proceedings for [any] a violation of this part.

(2) In addition to the authority conferred upon the Attorney General [by] under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and, following consultation with the appropriate district attorney, to institute criminal proceedings for [any] a violation of this part. [or any series of such violations involving any county of this Commonwealth and another state. No] A person charged with a violation of this part by the Attorney General shall not have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(d.1) Regulatory action.—Nothing contained in subsection (d) shall be construed to limit the existing regulatory or investigative authority of a department or agency of the Commonwealth whose functions relate to persons or matters falling within the scope of this part.

Section 7.1. Sections 1518(a) and (b), 1801 and 1802 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1518. Prohibited acts; penalties.

(a) Criminal offenses.—

(1) The provisions of 18 Pa.C.S. § 4902 (relating to perjury), 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities) shall apply to any person providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General, as required by this part.

(2) It [is] shall be unlawful for a person to willfully:

(i) fail to report, pay or truthfully account for and pay over any license fee, tax or assessment imposed under this part; or

(ii) attempt in any manner to evade or defeat any license fee, tax or assessment imposed under this [party] part.

(3) It [is] shall be unlawful for any licensed entity, gaming employee, key employee or any other person to permit a slot machine to be operated, transported, repaired or opened on the premises of a licensed facility by a person other than a person licensed or permitted by the board pursuant to this part.

(4) It [is] shall be unlawful for any licensed entity or other person to manufacture, supply or place slot machines into play or display slot machines on the premise of a licensed facility without the authority of the board.

(5) Except as provided for in section 1326 (relating to license renewals), it [is] shall be unlawful for a licensed entity or other person to manufacture, supply, operate, carry on or expose for play any slot machine after the person's license has expired and prior to the actual renewal of the license.

(6) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual while on the premises of a

licensed facility to knowingly use currency other than lawful coin or legal tender of the United States or a coin not of the same denomination as the coin intended to be used in the slot machine[.] with the intent to cheat or defraud a licensed gaming entity or the Commonwealth or damage the slot machine.

(ii) In the playing of a slot machine, it [is] shall be lawful for an individual to use gaming billets, tokens or similar objects issued by the licensed gaming entity which are approved by the board.

(7) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual [on the premises of a licensed facility] to use or possess a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers at a licensed facility.

(ii) An authorized employee of a licensee or an employee of the board may possess and use a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers [only] in performance of the duties of employment.

(iii) As used in this paragraph, the term "cheating or thieving device" includes, but is not limited to, a device to facilitate the alignment of any winning combination or to remove from any slot machine money or other contents. The term includes, but is not limited to, a tool, drill, wire, coin or token attached to a string or wire and any electronic or magnetic device.

(8) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual to knowingly possess or use while on the premises of a licensed facility a key or device designed for the purpose of and suitable for opening or entering any slot machine or coin box which is located on the premises of the licensed facility.

(ii) An authorized employee of a licensee or a member of the board may possess and use a device referred to in subparagraph (i) [only] in the performance of the duties of employment.

(9) It [is] shall be unlawful for a person or licensed entity to possess any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of the provisions of this part[.] with the intent to use the device, equipment or material as though it had been manufactured, distributed, sold, tampered with or serviced pursuant to this part.

(9.1) It shall be unlawful for a person to sell, offer for sale, represent or pass off as lawful any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of this part.

(10) It [is] shall be unlawful for an individual to work or be employed in a position the duties of which would require licensing or permitting under the provisions of this part without first obtaining the requisite license or permit [as provided for in] issued under the provisions of this part.

(11) It [is] shall be unlawful for a licensed gaming entity that is a licensed racing entity and that has lost the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission under the Race Horse Industry Reform Act or that has had that license suspended to operate slot machines at the racetrack for which its slot machine license was issued unless the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission will be subsequently reissued or reinstated within 30 days after the loss or suspension.

(12) It [is] shall be unlawful for a licensed entity to employ or continue to employ an individual in a position the duties of

which require a license or permit under the provisions of this part if the individual:

(i) [An individual] Is not licensed or permitted under the provisions of this part.

(ii) [An individual who is] Is prohibited from accepting employment from a licensee.

(13) It [is] shall be unlawful for any person under 18 years of age to be permitted in the area of a licensed facility where slot machines are operated.

(b) Criminal penalties and fines.—

(1) (i) A person [that violates subsection (a)(1) commits an offense to be graded in accordance with 18 Pa.C.S. § 4902, 4903 or 4904, as applicable, for a first conviction.] who commits a first offense in violation of 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits an offense to be graded in accordance with the applicable section violated. A person that is convicted of a second or subsequent violation of [subsection (a)(1)] 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits a felony of the second degree.

(ii) A person that violates subsection (a)(2) through (12) commits a misdemeanor of the first degree. A person that is convicted of a second or subsequent violation of subsection (a)(2) through (12) commits a felony of the second degree.

(2) (i) For a first violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$75,000 nor more than \$150,000 if the person is an individual;

(B) not less than \$300,000 nor more than \$600,000 if the person is a licensed gaming entity; or

(C) not less than \$150,000 nor more than \$300,000 if the person is a licensed manufacturer or supplier.

(ii) For a second or subsequent violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$150,000 nor more than \$300,000 if the person is an individual;

(B) not less than \$600,000 nor more than \$1,200,000 if the person is a licensed gaming entity; or

(C) not less than \$300,000 nor more than \$600,000 if the person is a licensed manufacturer or supplier.

§ 1801. Duty to provide.

Notwithstanding the provisions of the Race Horse Industry Reform Act or this part, the Pennsylvania State Police shall, at the request of the commissions or the board, provide criminal history background investigations, which shall include records of criminal arrests [or] and convictions, no matter where occurring, including Federal criminal history record information, on applicants for licensure and permit applicants by the respective agencies pursuant to the Race Horse Industry Reform Act or this part. Requests for criminal history background investigations may, at the direction of the commissions or the board, include, but not be limited to, officers, directors and stockholders of licensed corporations, key employees, financial backers, gaming employees, horse owners, trainers, jockeys, drivers and other persons participating in thoroughbred or harness horse meetings and other persons and vendors who exercise their occupation or employment at such meetings, licensed facilities or licensed [racetrack] racetracks. For the purposes of this [chapter] part, the board and commissions may receive and retain information

otherwise protected by 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

§ 1802. Submission of fingerprints and photographs.

[Applicants] Appointees, employees and prospective employees engaged in the service of the commissions or the board, and applicants under this part shall submit to fingerprinting and photographing by the Pennsylvania State Police[,] or by a local law enforcement agency capable of submitting fingerprints and photographs electronically to the Pennsylvania State Police utilizing the Integrated Automated Fingerprint Identification System and the Commonwealth Photo Imaging Network or in a manner and in such form as may be provided by the Pennsylvania State Police. Fingerprinting pursuant to this part shall require, at a minimum, the submission of a full set of fingerprints. Photographing pursuant to this part shall require submission to photographs of the face and any scars, marks or tattoos for purposes of comparison utilizing an automated biometric imaging system. The Pennsylvania State Police shall submit [the] fingerprints [if necessary] as required by this part or when requested by the commissions or the board to the Federal Bureau of Investigation for purposes of verifying the identity of the applicants and obtaining records of criminal arrests and convictions in order to prepare criminal history background investigations under section 1801 (relating to duty to provide). [The] Fingerprints and photographs obtained pursuant to this part may be maintained by the commissions, the board and the Pennsylvania State Police for use pursuant to this part and for general law enforcement purposes. In addition to any other fee or cost assessed by the commissions or the board, an applicant shall pay for the cost of fingerprinting and photographing.

Section 8. Section 911(h)(1) of Title 18 is amended to read:

§ 911. Corrupt organizations.

(h) Definitions.—As used in this section:

(1) "Racketeering activity" means all of the following:

(i) [any] An act which is indictable under any of the following provisions of this title:

Chapter 25 (relating to criminal homicide)

Section 2706 (relating to terroristic threats)

Chapter 29 (relating to kidnapping)

Chapter 33 (relating to arson, etc.)

Chapter 37 (relating to robbery)

Chapter 39 (relating to theft and related offenses)

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)

Section 4109 (relating to rigging publicly exhibited contest)

Section 4117 (relating to insurance fraud)

Chapter 47 (relating to bribery and corrupt influence)

Chapter 49 (relating to falsification and intimidation)

Section 5111 (relating to dealing in proceeds of unlawful activities)

Section 5512 through 5514 (relating to gambling)

Chapter 59 (relating to public indecency).

(ii) [any] An offense indictable under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act (relating to the sale and dispensing of narcotic drugs)[.];

(iii) [any] A conspiracy to commit any of the offenses set forth in subparagraphs (i) [and (ii) of this paragraph; or], (ii) or (v).

(iv) [the] The collection of any money or other property in full or partial satisfaction of a debt which arose as the result of the lending of money or other property at a rate of interest exceeding 25% per annum or the equivalent rate for a longer or shorter period, where not otherwise authorized by law.

(v) An offense indictable under 4 Pa.C.S. Pt. II (relating to gaming).

[Any] An act which otherwise would be considered racketeering activity by reason of the application of this paragraph, shall not be excluded from its application solely because the operative acts took place outside the jurisdiction of this Commonwealth, if such acts would have been in violation of the law of the jurisdiction in which they occurred.

Amend Sec. 10, page 28, line 14, by striking out all of said lines and inserting

Section 10. This act shall take effect as follows:

(1) The amendment of 4 Pa.C.S. § 1403(c)(3) shall take effect in 60 days.

(2) 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. Smith.

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

Mr. Speaker, this is an amendment which I believe addresses some of the concerns that were raised. Obviously, there is no perfect solution, at least as I could see it.

I think that the amendment clearly addresses the concerns that were raised relative to the ownership issue, with family outside of your immediate household, people that you cannot really control. It deals with, obviously, the agreed-to part of the RICO (Racketeer Influenced and Corrupt Organizations) statute, the Attorney General being involved in the enforcement of the laws relative to the gaming statute. It also attempts to strike a little different compromise relative to local zoning issues and reverts the distributorship language back closer to what was in current law.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, could I have a 2-minute sidebar with the majority leader here?

The SPEAKER. The gentleman is in order.

The House will be at ease.

Does the gentleman, Mr. Veon, wish to be recognized?
Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does not have everything that the vast majority of the House Democrats agree with and in fact has some provisions that we clearly do not agree with, but in order to move this process along, we are going to support this amendment, send this bill to the Senate. Our hope is that as a matter of process, we can get this bill into a conference committee and come back to the House and the Senate with a bill that we in fact can support and can agree on.

So I would ask for an affirmative vote on this amendment,
Mr. Speaker.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the reason for the sidebar was that I have two amendments that have been drawn. I was waiting for those to come forth.

Obviously, we have to vote on this amendment that is now before us, and there are some things that I certainly am very much encouraged that we put in this legislation to deal with the 1-percent financial interest, to provide the Attorney General with the powers that he needs to have oversight on this huge gambling operation. When you are talking 61,000 addictive slot machines and the impact that is going to have on Pennsylvania families, you certainly need to have the Attorney General there to provide the protection for many wrongdoings that occur, as we have witnesses from other States across this great nation of ours, and so that is a step in the right direction.

Protecting the lottery – I am surprised that we were able to get that provision in there, and I think that is important. And there are a few other things that are also certainly ones that can encourage us to support this bill.

My amendments hopefully will be here shortly, and then I will have amendments to this bill. I am going to support this proposal.

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

YEAS—183

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

DiGirolamo Diven Donatucci	Laughlin Leach	Rooney Ross	Perzel, Speaker
----------------------------------	-------------------	----------------	--------------------

NAYS-9

Curry Freeman Josephs	Melio Mundy	Solobay Tigue	Vitali Yudichak
-----------------------------	----------------	------------------	--------------------

NOT VOTING-0

EXCUSED-10

George Godshall Levdansky	Lynch Mackereth Major	Nailor Sather	Staback Wojnarowski
---------------------------------	-----------------------------	------------------	------------------------

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?

STATEMENT BY MR. TIGUE

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

Mr. TIGUE. Mr. Speaker, as you know, you just cut me off, so it is too late, but I would like to rise just to say a few words. Personal privilege, please.

The SPEAKER. The gentleman is in order.

Mr. TIGUE. What we just did was ridiculous, to begin with.

Secondly, I am surprised that those of you who are against this gambling voted to do this, because now you know you have killed the 1 percent as well as the zoning stuff.

This bill was ridiculous, the amendment we just voted on. If we are going to continue to do business like we just did, without allowing people to speak on this, this next week, I guarantee you, all of you, will be a long, drawn-out week.

Thank you, Mr. Speaker.

The SPEAKER. Mr. Tigue, that is not really fair to this body. We looked around this room for anyone to speak, and we waited for quite some time to see if anyone wished to speak, and to be honest with you, nobody stood up, with the exception of Mr. Clymer, Mr. Veon, and Mr. DeWeese, along with Mr. Smith. So if we missed you, it was an error. There was no intent to cut anybody on this floor's debate rights off.

It is the Chair's understanding that all the other filed amendments are withdrawn, or out of order.

AMENDMENT A4714 RECONSIDERED

The SPEAKER. The Chair recognizes the gentleman, Mr. Tigue, who immediately moves that the vote by which amendment 4714 was passed to SB 1209, PN 1885, on the 15th day of November 2004 be reconsidered; cosigned by the gentleman, Mr. Cawley.

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

The following roll call was recorded:

YEAS-192

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

NAYS-0

NOT VOTING-0

EXCUSED-10

George Godshall Levdansky	Lynch Mackereth Major	Nailor Sather	Staback Wojnarowski
---------------------------------	-----------------------------	------------------	------------------------

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

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

The clerk read the following amendment No. A4714:

Amend Title, page 1, lines 1 through 12, by striking out all of said lines and inserting

Amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records, for slot machine licensee financial fitness and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for establishment of State Gaming Fund and net slot machine revenue distribution, for transfers from State Gaming Fund, for multiple slot machine license prohibition, for local land use preemption, for public official financial interest, for enforcement, for penalties, for background checks, for fingerprints and for corrupt organizations; and making related repeals.

Amend Bill, page 1, lines 15 through 19; pages 2 through 27, lines 1 through 30; page 28, lines 1 through 10, by striking out all of said lines on said pages and inserting

Section 1. The definitions of "controlling interest," "institutional investor," "licensed facility" and "supplier" in section 1103 of Title 4 of the Pennsylvania Consolidated Statutes, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding a definition to read:

§ 1103. Definitions.

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

"Controlling interest." A person shall be deemed to have [the ability to control a publicly traded corporation, or to elect] a controlling interest in an entity if the person's sole voting rights, as provided by applicable State law or corporate articles or bylaws, entitle the person to elect or appoint one or more of the members of its board of directors [, if such holder] or other governing body or if the person owns or beneficially holds 5% or more of the securities of [such] a publicly traded domestic or foreign corporation[,] or holds 5% or more ownership or voting interest in a partnership, limited liability company or any other form of legal entity, unless such presumption of control or ability to elect is rebutted by clear and convincing evidence. [A person who is a holder of securities of a privately held domestic or foreign corporation, partnership, limited liability company or any other form of legal entity shall be deemed to possess a controlling interest unless such presumption of control is rebutted by clear and convincing evidence.]

"Institutional investor." Any retirement fund administered by a public agency for the exclusive benefit of Federal, State or local public employees, investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.), collective investment trust organized by banks under Part Nine of the Rules of the Comptroller of the Currency, closed-end investment trust, chartered or licensed life insurance company or property and casualty insurance company, banking and other chartered or licensed lending institution[, investment advisor registered under The Investment Advisors Act of 1940 (54 Stat. 847, 15 U.S.C. § 80b-1 et seq.)] and such other comparable persons as the Pennsylvania Gaming Control Board may [determine] establish by regulation consistent with this part.

"Licensed facility." The physical land-based location and associated areas at which a licensed gaming entity is authorized to

place and operate slot machines. The term does not include a nonprimary location.

"Member." An individual appointed to the Pennsylvania Gaming Control Board pursuant to section 1201(b) (relating to Pennsylvania Gaming Control Board).

"Supplier." A person that sells, leases, offers or otherwise provides, distributes or services any slot machine in this Commonwealth. The term does not include a person who sells slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems.

Section 2. Section 1201 heading and (f)(3), (h)(7) and (l) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended and the section is amended by adding paragraphs to read:

§ 1201. Pennsylvania Gaming Control Board [established].

(f) Qualified majority vote.—

(3) Notwithstanding any other provision [to the contrary] of this part or 65 Pa.C.S. § 1103(j) (relating to restricted activities), a member shall disclose the nature of his disqualifying interest, disqualify himself and abstain from voting in a proceeding in which his or her impartiality may be reasonably questioned, including, but not limited to, instances where he or she knows that they possess a substantial financial interest in the subject matter of the proceeding or any other interest that could be substantially affected by the outcome of the proceeding. In such circumstances in which it is a legislative appointee member that has disqualified himself or herself, the qualified majority shall consist of the remaining three legislative appointees and at least two gubernatorial appointees.

(h) [Qualifications and restrictions] Restrictions.—

(7) At the time of appointment and annually thereafter, each member shall disclose the existence of all ownership interests in licensed facilities and all securities in any licensed entity or applicant, its affiliates or subsidiaries held by the member, the member's spouse and any minor or unemancipated children and must divest such ownership interests in licensed facilities or securities prior to an appointment becoming final. A member may not acquire any security in any licensed entity, its affiliates or subsidiaries during the member's tenure. The disclosure statement shall be filed with the executive director of the board and with the appointing authority for such member and shall be open to inspection by the public at the office of the board during the normal business hours of the board during the tenure of the member and for two years after the member leaves office.]

(7) (i) At the time of appointment, and annually thereafter, each member of the board shall disclose the existence of any financial interests and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the member or the immediate family of the member. The disclosure statement shall be filed with the executive director of the board and with the appointing authority of the member. The disclosure statement shall be open to inspection by the public at the office of the board during the normal business hours of the board during the member's term on the board and continuing for two years after the member leaves office. Prior to the member's appointment becoming final, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license

applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the member or the immediate family of the member must be divested. During the member's term and continuing for one year thereafter, the member and the immediate family of the member may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

(7.1) (i) At the time of employment, and annually thereafter, each employee or contract employee of the board shall disclose the existence of any financial interest and any property, leasehold or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, which are held by the employee or contract employee or the immediate family of the employee or contract employee. The disclosure statement shall be filed with the executive director of the board. The disclosure statement shall be open to inspection by the public at the office of the board during normal business hours of the board during the employee's or contract employee's employment with the board and continuing for two years after the employee or contract employee terminates employment with the board. Prior to commencing employment, any financial interest and any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility and in any holding companies, affiliates, intermediaries or subsidiary businesses thereof, owned or held by the employee or contract employee or the immediate family of the employee or contract employee must be divested. During the employee's or contract employee's employment and continuing for one year thereafter, the employee or contract employee and the immediate family of the employee or contract employee may not acquire by purchase, gift, exchange or otherwise, any financial interest nor any property, leasehold, ownership or other beneficial interest in any slot machine license applicant, manufacturer license applicant, supplier license applicant, licensed entity or licensed facility or in any holding companies, affiliates, intermediaries or subsidiary businesses thereof.

(ii) As used in this paragraph, the following words and phrases shall have the meanings given to them in this subparagraph:

"Financial interest." Owning or holding or being deemed to hold debt or equity securities or other ownership interest or profits interest.

"Immediate family." The term shall have the same meaning given to it in section 1512 (relating to public official financial interest).

* * *

(13) No person may be employed, whether as an employee or a contract employee, by the board until the board receives a background investigation conducted on the person in accordance with this part.

(14) No member shall hold or campaign for any other public office, hold office in any political party or political committee or actively participate in any political campaign.

(15) No employee of the board shall hold or campaign for public office, hold office in any political party or political committee or actively participate in or contribute to any political campaign.

* * *

(l) Disclosure statements.—Members and employees of the board are subject to the provisions of 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) and the act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.]

Section 3. Title 4 is amended by adding sections to read:

§ 1201.1. Applicability of other statutes.

The following shall apply:

(1) The following acts shall apply to the board, its members and employees:

(i) Act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law.

(ii) Act of July 19, 1957 (P.L.1017, No.451), known as the State Adverse Interest Act.

(iii) The provisions of 65 Pa.C.S. Chs. 7 (relating to open meetings) and 11 (relating to ethics standards and financial disclosure).

(2) The board shall be considered an "independent agency" for the purposes of all of the following:

(i) Act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(ii) The provisions of 62 Pa.C.S. Pt. I (relating to Commonwealth Procurement Code).

(3) The board shall be considered an "agency" for the purposes of all of the following:

(i) Act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(ii) Act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

§ 1201.2. Review of deeds, leases and contracts.

(a) Timing.—Review of a deed, lease or contract of the board by the Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, must be completed within 30 days of delivery of the deed, lease or contract by the board to the Attorney General.

(b) Limitation.—An issue not raised by the Attorney General during the review period required by subsection (a) is deemed waived.

Section 4. Sections 1202 heading and (a), 1203 and 1206(a), (d) and (f) of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1202. [General and specific powers] Powers and duties.

(a) General powers.—The board shall have general jurisdiction over all gaming activities or related activities as described in this part. The board shall be responsible to ensure the integrity of the acquisition and operation of slot machines and associated equipment and shall have jurisdiction over every aspect of the authorization and operation of slot machines. The board shall employ an executive director, chief counsel, deputies, secretaries, officers, hearing officers and agents as it may deem necessary, who shall serve at the board's pleasure. The board shall also employ other employees as it deems appropriate whose duties shall be determined by the board. The board shall establish and publish in the Pennsylvania Bulletin and on its Internet website a classification of its employees. The classification shall include the scope of the background investigations required by section 1201(h)(13) (relating to Pennsylvania Gaming Control Board) for each class of employees and contract employees of the board. In order to ensure the ability of the board to recruit and retain individuals necessary to

execute its responsibilities under this part, the board shall set the classification and compensation of its employees and shall not be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, as to classification and compensation for its employees and conduct its activities consistent with the practices and procedures of Commonwealth agencies. [For the purposes of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the board shall not be considered an executive or independent agency.] The board shall have such other powers and authority necessary to carry out its duties and the objectives of this part.

§ 1203. Temporary regulations.

(a) Promulgation.—[Notwithstanding any other provision of law to the contrary and in] In order to facilitate the prompt implementation of this part, [regulations promulgated by the board during the two years following the effective date of this part shall be deemed temporary regulations which shall expire no later than three years following the effective date of this part or upon promulgation of regulations as generally provided by law. The temporary regulations shall not be] the board may promulgate regulations not subject to:

(1) Sections 201 [through 205], 202 and 203 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(2) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(b) Expiration.—[The authority provided to the board to adopt temporary regulations in] Regulations promulgated in accordance with subsection (a) shall expire [two] three years from the effective date of this section. [Regulations adopted after the two-year period shall be promulgated as provided by law.]

§ 1206. Board minutes and records.

(a) Open proceedings and records.—The proceedings of the board shall be conducted in accordance with the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings). The board shall be an agency for purposes of the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. Notwithstanding any provision of law to the contrary, confidential documents relative to personal background information provided to the board pursuant to this part and any closed deliberations of the board, including disciplinary proceedings, shall be confidential and considered in closed executive session pursuant to subsection (f).]

(d) Applicant information.—

(1) The board shall [keep and] maintain a list of [all] applicants for licenses and [permits under this part together with] permits. The list shall include a record of all actions taken with respect to [the applicants, which file and record] each applicant. The list shall be open to public inspection during normal business hours of the board.

(2) Information under paragraph (1) regarding any applicant whose license or permit has been denied, revoked or not renewed shall be removed from such list after seven years from the date of the action.

(f) Confidentiality of information.—[All information contained in the application process pursuant to section 1310(a) (relating to slot machine license application character requirements) and the report of an applicant's] An applicant's proprietary information, trade secrets, architecture and engineering plans, security and surveillance systems and background investigation, furnished to or obtained by the board or the bureau from any source shall be considered confidential, and shall be withheld from public disclosure in whole or in part, except that any information shall be released upon the lawful order of a court of competent jurisdiction or, with the approval of the Attorney General, to a duly authorized law enforcement agency or shall be released to the public, in whole or in part, to the extent that such release is requested by an applicant and does not otherwise contain confidential

information about another person. The board may not require any applicant to waive any confidentiality provided for in this subsection as a condition for the approval of a license or any other action of the board. Any person who violates this subsection shall be administratively disciplined by discharge, suspension or other formal disciplinary action as the board deems appropriate.]

Section 4.1. Section 1313 of Title 4 is amended by adding a subsection to read:

§ 1313. Slot machine license application financial fitness requirements.

(b.1) Financial backer exclusion.—

(1) Except as set forth in paragraph (2), the financial backers of an applicant or licensee may not include a retirement fund established for the benefit of employees and retirees of:

(i) the Commonwealth;

(ii) any public authority, commission, board or agency, established by the Commonwealth; or

(iii) a political subdivision of the Commonwealth or a public authority established by a political subdivision of the Commonwealth.

(2) Paragraph (1) does not apply to the extent that the financial backing from the retirement fund arises from securities which are:

(i) registered with the Securities and Exchange Commission; and

(ii) purchased by the retirement fund in the secondary market.

Section 4.2. Section 1317 of Title 4, added July 5, 2004 (P.L.572, No.71), is amended to read:

§ 1317. Supplier [and manufacturer] licenses [application].

(a) Application.—[Any] A person seeking to provide slot machines or associated equipment to a slot machine licensee within this Commonwealth [or to manufacture slot machines for use in this Commonwealth] shall apply to the board for [either] a supplier [or manufacturer] license. No person, its affiliate, intermediary, subsidiary or holding company who has applied for or is a holder of a manufacturer or slot machine license shall be eligible to apply for or hold a supplier license. A supplier licensee shall establish a principle place of business in this Commonwealth within one year of issuance of its supplier license and maintain such during the period in which the license is held. [No slot machine licensee shall enter into any sale, lease, contract or any other type of agreement providing slot machines, progressive slot machines, parts or associated equipment for use or play with any person other than a supplier licensed pursuant to this section. Slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems are excluded from any requirements that they be provided through a licensed supplier as set forth in this part.]

(b) Requirements.—[The application for a supplier or manufacturer license shall include, at a minimum:] The application for a supplier license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant[,] and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of [the applicant] each business; and a list of employees and their positions within [the] each business, as well as any financial information required by the board.

(1.1) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(2) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all

information necessary for the completion of the background investigation.

(3) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(4) The type of goods and services to be supplied [or manufactured] and whether those goods and services will be provided through purchase, lease, contract or otherwise.

(5) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a supplier license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a supplier license, a supplier licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's supplier license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the supplier license, the supplier license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No person may provide slot machines or associated equipment to a slot machine licensee within this Commonwealth unless the person has been issued a supplier license under this section.

(2) No slot machine licensee may acquire, purchase or lease slot machines or associated equipment from a person unless the person has been issued a supplier license under this section.

Section 5. Title 4 is amended by adding a section to read:

§ 1317.1. Manufacturer licenses.

(a) Application.—A person seeking to manufacture slot machines for use in this Commonwealth shall apply to the board for a manufacturer license.

(b) Requirements.—The application for a manufacturer license shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and business address of the applicant and the applicant's affiliates, intermediaries, subsidiaries and holding companies; the directors and owners of each business; and a list of employees and their positions within each business, as well as any financial information required by the board.

(2) A statement that the applicant or an affiliate, intermediary, subsidiary or holding company of the applicant is not a slot machine licensee.

(3) The consent to a background investigation of the applicant, its officers, directors, owners, key employees or other persons required by the board and a release to obtain any and all information necessary for the completion of the background investigation.

(4) The details of any equivalent license granted or denied by other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to acquire copies of applications submitted or licenses issued in connection therewith.

(5) The type of slot machines or associated equipment to be manufactured and supplied and whether those slot machines or associated equipment will be provided through purchase, lease, contract or otherwise.

(6) Any other information determined by the board to be appropriate.

(c) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve the application and grant the applicant a manufacturer license consistent with all of the following:

(1) The license shall be for a period of one year. Upon expiration, a license may be renewed in accordance with subsection (d).

(2) The license shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of a manufacturer license, a manufacturer licensee seeking renewal of its license shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the licensee's manufacturer license. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the manufacturer license, the manufacturer license shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—No person may manufacture slot machines or associated equipment for use within this Commonwealth by a slot machine licensee unless the person has been issued a manufacturer license under this section. Slot monitoring systems, casino management systems, player tracking systems and wide-area progressive systems are excluded from any requirements that they be manufactured by a licensed manufacturer pursuant to this section.

Section 6. Sections 1318, 1330, 1403, 1408(e), 1506 and 1512 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1318. Occupation [permit application] permits.

(a) Application.—[Any person] An individual who desires to be a gaming employee and has a bona fide offer of employment from a licensed gaming entity shall apply to the board for an occupation permit. [A person may not be employed as a gaming employee unless and until that person holds an appropriate occupation permit issued under this section. The board may promulgate regulations to reclassify a category of nongaming employees or gaming employees upon a finding that the reclassification is in the public interest and consistent with the objectives of this part.]

(b) Requirements.—[The application for an occupation permit shall include, at a minimum:] The application for an occupation permit shall be on the form required by the board, accompanied by the application fee and shall include all of the following:

(1) The name and home address of the [person] individual.

(2) The previous employment history of the [person] individual.

(3) The criminal history record of the [person] individual, as well as the [person's] individual's consent for the Pennsylvania State Police to conduct a background investigation.

(4) A photograph and handwriting exemplar of the [person] individual.

(5) Evidence of the offer of employment and the nature and scope of the proposed duties of the [person] individual, if known.

(6) The details of any occupation permit or similar license granted or denied to the permit applicant in other jurisdictions where gaming activities as authorized by this part are permitted and consent for the board to obtain copies of applications submitted or permits or licenses issued in connection therewith.

(7) Any other information determined by the board to be appropriate.

[(c) Prohibition.—No slot machine licensee may employ or permit any person under 18 years of age to render any service whatsoever in any area of its licensed facility at which slot machines are physically located.]

(c.1) Review and approval.—Upon being satisfied that the requirements of subsection (b) have been met, the board may approve

the application and grant the permit applicant an occupation permit consistent with all of the following:

(1) The occupation permit shall be for a period of one year. Upon expiration, an occupation permit may be renewed in accordance with subsection (d).

(2) The occupation permit shall be nontransferable.

(3) Any other condition established by the board.

(d) Renewal.—Six months prior to expiration of an occupation permit, an individual holding an occupation permit and seeking renewal of the occupation permit shall submit a renewal application accompanied by the renewal fee to the board. If the renewal application satisfies the requirements of subsection (b), the board may renew the occupation permit. If the board receives a complete renewal application but fails to act upon the renewal application prior to the expiration of the occupation permit, the occupation permit shall continue in effect for an additional six-month period or until acted upon by the board, whichever occurs first.

(e) Prohibitions.—

(1) No slot machine licensee may employ or permit any person under 18 years of age to render any service in any area of its licensed facility at which slot machines are physically located.

(2) No slot machine licensee may employ an individual as a gaming employee unless the individual has been issued an occupation permit under this section.

[§ 1330. Multiple slot machine license prohibition.

No slot machine licensee, its affiliate, intermediary, subsidiary or holding company may possess an ownership or financial interest that is greater than 33.3% of another slot machine licensee or person eligible to apply for a Category 1 license, its affiliate, intermediary, subsidiary or holding company. The board shall approve the terms and conditions of any divestiture under this section. Under no circumstances shall any such divestiture be approved by the board if the compensation for the divested interest in a person eligible to apply for a Category 1 license exceeds the greater of the original cost of the interest, the book value of the interest or an independently assessed value of the interest one month prior to the effective date of this part and, in the case of a person eligible to apply for a Category 1 license, unless the person acquiring the divested interest is required to continue conducting live racing at the location where live racing is currently being conducted in accordance with section 1303 (relating to additional Category 1 slot machine license requirements) and be approved for a Category 1 slot machine license. No such slot machine license applicant shall be issued a slot machine license until the applicant has completely divested its ownership or financial interest that is in excess of 33.3% in another slot machine licensee or person eligible to apply for a Category 1 license, its affiliate, intermediary, subsidiary or holding company.]

§ 1403. Establishment of State Gaming Fund and net slot machine revenue distribution.

(a) Fund established.—There is hereby established the State Gaming Fund within the State Treasury.

(b) Slot machine tax.—The department shall determine and each slot machine licensee shall pay a daily tax of 34% and a local share assessment of 4% of its daily gross terminal revenue from the slot machines in operation at its facility into the fund.

(c) Transfers and distributions.—[The] Subject to the provisions of subsection (d), the department shall:

(1) Transfer the slot machine tax and assessment imposed in subsection (b) to the fund.

(2) From the local share assessment established in subsection (b) make quarterly distributions among the counties hosting a licensed facility in accordance with the following schedule:

(i) If the licensed facility is a Category 1 licensed facility that is located at a harness racetrack and the county, including a home rule county, in which the licensed facility is located is:

(A) A county of the first class: 4% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. Notwithstanding any other provision to the contrary, funds from licensed gaming entities located within a county of the first class shall not be distributed outside of a county of the first class.

(B) A county of the second class: 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(C) A county of the second class A: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(D) A county of the third class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants for health, safety and economic development projects to municipalities within the county where the licensed facility is located. Municipalities that are contiguous to the municipality hosting such licensed facility shall be given priority by the Department of Community and Economic Development in the award of such grants.

(E) A county of the fourth class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations within the county or redevelopment authorities within the county for grants for economic development projects, job training, community improvement projects, other projects in the public interest and reasonable administrative costs. Notwithstanding the provisions of the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(F) Counties of the fifth through eighth classes: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county.

(G) Any county not specifically enumerated in clauses (A) through (F), 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(ii) If the licensed facility is a Category 1 licensed facility and is located at a thoroughbred racetrack and the county in which the licensed facility is located is:

(A) A county of the first class: 4% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. Notwithstanding any other provision to the contrary, funds from licensed gaming entities located within the county of the first class shall not be distributed outside of a County of the first class.

(B) A county of the second class: 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(C) A county of the second class A: 1% of the gross terminal revenue to the county hosting the

licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(D) A county of the third class: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(E) A county of the fourth class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations within the county or redevelopment authorities within the county for grants for economic development projects, community improvement projects, job training, other projects in the public interest and reasonable administrative costs. Notwithstanding the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(F) Counties of the fifth through eighth classes: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county.

(G) Any county not specifically enumerated in clauses (A) through (F), 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(iii) If the facility is a Category 2 licensed facility and if the county in which the licensed facility is located is:

(A) A county of the first class: 4% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. Notwithstanding any other provision to the contrary, funds from licensed gaming entities located within the county of the first class shall not be distributed outside of a County of the first class.

(B) A county of the second class: 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(C) A county of the second class A: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(D) A county of the third class: 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility. An additional 1% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility for the purpose of municipal grants within the county in which the licensee is located.

(E) A county of the fourth class: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations

within the county or redevelopment authorities within the county for grants for economic development projects, community improvement projects, job training, other projects in the public interest and reasonable administrative costs. Notwithstanding the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(F) Counties of the fifth through eighth classes: 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to contiguous counties, to economic development authorities or organizations within the county or contiguous counties or redevelopment authorities within the county or contiguous counties for grants for economic development projects, community improvement projects, other projects in the public interest and reasonable administrative costs. Notwithstanding the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

(G) Any county not specifically enumerated in clauses (A) through (F), 2% of the gross terminal revenue to the county hosting the licensed facility from each such licensed facility.

(iv) If the facility is a Category 3 licensed facility, 2% of the gross terminal revenue from each such licensed facility shall be deposited into a restricted account established in the Department of Community and Economic Development to be used exclusively for grants to the county, to economic development authorities or organizations within the county or redevelopment authorities within the county for grants for economic development projects and community improvement projects.

(v) Unless otherwise specified, for the purposes of this paragraph money designated for municipal grants within a county, other than a county of the first class, in which a licensed facility is located shall be used to fund grants to the municipality in which the licensed facility is located, to the county in which the licensed facility is located and to the municipalities which are contiguous to the municipality in which the licensed facility is located and which are located within the county in which the licensed facility is located. Grants shall be administered by the county through its economic development or redevelopment authority in which the licensed facility is located. Grants shall be used to fund the costs of human services, infrastructure improvements, facilities, emergency services, health and public safety expenses associated with licensed facility operations. If at the end of a fiscal year uncommitted funds exist, the county shall pay to the economic development or redevelopment authority of the county in which the licensed facility is located the uncommitted funds.

(vi) If the licensed facility is located in more than one county, the amount available shall be distributed on a pro rata basis determined by the percentage of acreage located in each county to the total acreage of all counties occupied by the licensed facility.

(vii) The distributions provided in this paragraph shall be based upon county classifications in effect on the effective date of this section. Any reclassification of counties as a result of a Federal decennial census which shows an increase in population or of a State statute shall [not] apply to this subparagraph[.] for every succeeding State fiscal year. Any reclassification of counties as a result of a Federal decennial

census which shows a decrease in population or of a State statute shall not apply to this subparagraph.

(viii) If any provision of this paragraph is found to be unenforceable for any reason, the distribution provided for in the unenforceable provision shall be made to the county in which the licensed facility is located for the purposes of grants to municipalities in that county, including municipal grants as specified in subparagraph (v).

(ix) Nothing in this paragraph shall prevent any of the above counties from entering into intergovernmental cooperative agreements with other jurisdictions for sharing these money.

(3) From the local share assessment established in subsection (b), make quarterly distributions among the municipalities, including home rule municipalities, hosting a licensed facility in accordance with the following schedule:

(i) To a city of the second class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that city. In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this paragraph, the licensed gaming entity operating the licensed facility or facilities in the city shall remit the difference to the municipality.

(ii) To a city of the second class A hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that city, [subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining moneys shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the city shall remit the difference to the municipality.

(iii) To a city of the third class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that city subject, however, to the budgetary limitation in this subparagraph. However, the foregoing limitations shall not apply, notwithstanding any provision to the contrary, if the licensed facility or facilities have executed a written agreement with the city prior to the effective date of this part to provide additional compensation to the city in excess of the difference between 2% of the gross terminal revenue and \$10,000,000. [The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor,

Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining moneys shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the city shall remit the difference to the municipality.

(iv) To a township of the first class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in the township, [subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the township shall remit the difference to the municipality.

(v) To a township of the second class hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in the township, [subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the township shall remit the difference to the municipality.

(vi) To a borough hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in that borough, [subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been

officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the borough shall remit the difference to the municipality.

(vii) To an incorporated town hosting a licensed facility or facilities, other than a Category 3 licensed facility, 2% of the gross terminal revenue or \$10,000,000 annually, whichever is greater, of all licensed facilities located in the town, [subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.] In the event that the revenues generated by the 2% do not meet the \$10,000,000 minimum specified in this subparagraph, the licensed gaming entity operating the licensed facility or facilities in the town shall remit the difference to the municipality.

(viii) To a municipality of any class hosting a Category 3 facility, 2% of the gross terminal revenue from the Category 3 licensed facility located in the municipality, [subject, however, to the budgetary limitation in this subparagraph. The amount allocated to the designated municipalities shall not exceed 50% of their total budget for fiscal year 2003-2004, adjusted for inflation in subsequent years by an amount not to exceed an annual cost-of-living adjustment calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect. Any remaining money shall be distributed in accordance with paragraph (2) based upon the county where the licensed facility or facilities is located.]

(ix) Any municipality not specifically enumerated in subparagraphs (i) through (viii), 2% of the gross terminal revenue to the municipality hosting the licensed facility from each such licensed facility.

(x) If the licensed facility is located in more than one municipality, the amount available shall be distributed on a pro rata basis determined by the percentage of acreage located in each municipality to the total acreage of all municipalities occupied by the licensed facility.

(xi) If the licensed facility is located at a resort which is also an incorporated municipality, such municipality shall not be eligible to receive any distribution under this paragraph. The distribution it would have otherwise been entitled to under this paragraph shall instead be distributed in accordance with paragraph (2) based upon the county where the licensed facility is located.

(xii) The distributions provided in this paragraph shall be based upon municipal classifications in effect on the

effective date of this section. For the purposes of this paragraph, any reclassification of municipalities as a result of a Federal decennial census or of a State statute shall not apply to this paragraph.

(xiii) If any provision of this paragraph is found to be unenforceable for any reason, the distribution provided for in such unenforceable provision shall be made to the municipality in which the licensed facility is located.

(xiv) Nothing in this paragraph shall prevent any of the above municipalities from entering into intergovernmental cooperative agreements with other jurisdictions for sharing this money.

(xv) Notwithstanding any other law, agreement or provision in this part to the contrary, all revenues provided, directed or earmarked under this section to or for the benefit of a city of the second class in which an intergovernmental cooperation authority has been established and is in existence pursuant to the act of February 12, 2004 (P.L.73, No.11), known as the Intergovernmental Cooperation Authority Act for Cities of the Second Class, shall be directed to and under the exclusive control of such intergovernmental cooperation authority to be used:

(A) to reduce the debt of the second class city;

(B) to increase the level of funding of the municipal pension funds of the second class city; or

(C) for any other purposes as determined to be in the best interest of the second class city by such intergovernmental cooperation authority. Such revenues shall not be directed to or under the control of such city of the second class or any coordinator appointed pursuant to the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act, for such city of the second class.

(d) Priority transfer for preservation of funding level for State Lottery Fund.—

(1) Prior to making any transfer or distribution under this section or section 1408 (relating to transfers from State Gaming Fund), the department shall annually determine the balance in the State Lottery Fund after payment, under section 311 of the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, of lottery prizes and operating expenses of the department relating thereto for the prior fiscal year and shall make the transfer under paragraph (2), if applicable.

(2) If such balance is less than the balance from the prior fiscal year determined in the same manner, the department shall transfer an amount equal to the difference between the balances from the State Gaming Fund to the State Lottery Fund.

§ 1408. Transfers from State Gaming Fund.

(e) Transfer to Property Tax Relief Fund.—[Monthly] Annually, the State Treasurer shall transfer the remaining balance in the State Gaming Fund which is not otherwise transferred under section 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) and allocated in subsections (a), (b), (c) and (d) to the Property Tax Relief Fund established in section 1409 (relating to Property Tax Relief Fund).

§ 1506. [Local land use preemption] Preemption.

[The conduct of gaming as permitted under this part, including the physical location of any licensed facility,] (a) Regulation.—Gaming authorized by this part shall not be prohibited or otherwise regulated by any ordinance, home rule charter provision, resolution, rule or regulation of any [political subdivision or any local or State instrumentality or authority that relates to zoning or land use to the extent that the licensed facility has been approved by the board.] municipality.

(b) Land use.—Any zoning and land use ordinances, home rule charter provisions, resolutions, rules or regulations of any municipality shall not apply to property upon which a licensed facility or licensed

racetrack is or will be located. The board may [in its discretion consider such] consider local zoning ordinances when considering an application for a slot machine license.

(c) Local impact.—

(1) The board shall provide the [political subdivision] municipality, within which an applicant for a slot machine license has proposed to locate a licensed [gaming] facility, a 60-day comment period prior to the board's final approval, condition or denial of approval of [its] the application for a slot machine license. The [political subdivision] municipality may make written recommendations to the board for improvements to the applicant's proposed site plans that take into account the impact on the local community[, including, but not limited to, land use and transportation impact. This section shall also apply to any proposed racetrack or licensed racetrack.]

(2) Within 30 days following the expiration of the 60-day comment period provided in paragraph (1), the board shall provide the municipality with a written response to each written recommendation received from the municipality during the comment period.

(3) A municipality shall have the right to appeal any response of the board that a majority vote of the governing body of the municipality determines fails to adequately address the impact that the granting of the proposed slot machine license will have on the local community and that the board's failure to do so will result in serious negative impact to the local community. The appeal of the municipality shall be made in accordance with this section. The procedures set forth in this section shall constitute the exclusive mode for securing review of any decision of the board relating to the impact final approval may have on the local community.

(4) Within ten days following receipt of the written response of the board required by paragraph (2), the municipality shall notify the board whether the municipality intends to file an appeal should the board grant final approval to the slot machine license applicant. Failure to provide notice as required by this subsection shall be deemed a waiver of any right to seek judicial review of the impact that the final approval of the board will have on the local community. The notice required by this subsection shall include specific objections to the response of the board and shall list the grounds on which the municipality intends to appeal and specific recommendations to minimize any negative impact on the local community. The notice shall be accompanied by the official vote of the governing authority of the municipality authorizing the appeal should final approval be granted.

(5) Notwithstanding any other provision of law, an appeal filed by a municipality relating to the impact that the final approval of the board will have on the local community shall be taken to the Commonwealth Court. An appeal to Commonwealth Court by a municipality pursuant to this section shall be filed within ten days of the board's final approval and shall be accompanied by a request for an expedited hearing before the court. The filing in Commonwealth Court shall state specific objections to the response of the board and shall list the grounds on which the governing authority of the municipality believes the final approval of the board will result in serious negative impact to the local community and shall include specific recommendations to minimize any negative impact final approval will have on the local community. The filing shall be accompanied by a certified copy of the official vote of the governing authority of the municipality authorizing that the appeal be taken.

(6) Upon filing of an appeal by a municipality pursuant to this section, the Commonwealth Court shall forthwith send to the board, by registered or certified mail, a copy of the appeal, together with a writ of certiorari commanding the board, within 20 days after receipt thereof, to certify to the court items and information in the possession of the board and subject to disclosure, which relate to the grounds on which the governing

authority of the municipality believes the final approval of the board will result in serious negative impact to the local community and to the governing authority's specific recommendations to minimize any negative impact final approval will have on the local community.

(7) The filing of an appeal by a municipality pursuant to this section shall not stay the board's final approval, but the municipality may petition the court for a stay. Whether or not a stay is sought by the municipality, the board may petition the court to order the municipality to post a bond as a condition to proceeding with the appeal. After the petition for posting a bond is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the board to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for posting a bond. The right to petition the court to order the municipality to post a bond may be waived by the board, but such waiver may be revoked by the board if an appeal is taken from a final determination of the court. The question of the amount of the bond shall be within the sound discretion of the court. An order denying a petition for a bond shall be interlocutory. An order directing the municipality to post a bond shall be interlocutory.

(8) If an appeal is taken by the municipality to the petition for a bond from an order of the court dismissing an appeal for refusal to post a bond, and the Supreme Court sustains the petition for a bond, upon motion of the board and after hearing in the Commonwealth Court, the municipality shall be liable for all reasonable costs, expenses and attorney fees incurred by the board.

(9) Within 30 days first following the filing of an appeal by a municipality pursuant to this section, the licensee that was granted final approval by the board may intervene by filing a notice of intervention, accompanied by proof of service of the same, upon the board and the municipality.

(10) If, upon motion, it is shown that proper consideration of the appeal requires the presentation of additional evidence, the Commonwealth Court may hold a hearing to receive additional evidence. If the information provided to the court pursuant to paragraph (6) includes findings of fact made by the board, or the appeal is reviewed by the court without taking additional evidence, the findings of the board shall not be disturbed by the court if supported by the evidence. If the information provided to the court pursuant to paragraph (6) does not include findings of fact made by the board or if additional evidence is taken, the court may make its own findings of fact based on the information provided and the additional evidence presented.

(11) In an appeal filed by a municipality pursuant to this section, the Commonwealth Court shall have power to recommend that the board alter its final approval to minimize serious negative impact on the local community, but the court shall not have power to prevent the board from granting final approval. Serious negative impact shall be proven by clear and convincing evidence.

(12) Upon an order of the Commonwealth Court recommending that the board alter its final approval to minimize serious negative impact on the local community, the board shall consider the recommendations of the court and within 30 days alter the final approval as the board deems appropriate. Final approval by the board following an appeal shall not be subject to appeal.

§ 1512. [Public official financial interest] Financial interests and complimentary services and discounts.

[(a) General rule.—Except as may be provided by rule or order of the Pennsylvania Supreme Court, no executive-level State employee, public official, party officer or immediate family member thereof shall have, at or following the effective date of this part, a financial interest

in or be employed, directly or indirectly, by any licensed racing entity or licensed gaming entity, or any holding, affiliate, intermediary or subsidiary company, thereof, or any such applicant, nor solicit or accept, directly or indirectly, any complimentary service or discount from any licensed racing entity or licensed gaming entity which he or she knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances during his or her status as an executive-level State employee, public official or party officer and for one year following termination of the person's status as an executive-level State employee, public official or party officer.]

(a) Financial interests.—An executive-level State employee, public official or party officer, or an immediate family member thereof, shall not do any of the following:

(1) Intentionally or knowingly hold, whether directly or indirectly, a financial interest in any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or in any holding, affiliate, intermediary or subsidiary company thereof while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) Intentionally or knowingly hold, whether directly or indirectly, a financial interest in any applicant for a slot machine license, manufacturer license, supplier license or racetrack or in any holding, affiliate, intermediary or subsidiary company of the applicant while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(a.1) Employment.—

(1) An executive-level State employee, public official or party officer shall not be employed, whether directly or indirectly, by any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the individual is an executive-level State employee, public official or party officer and for one year following termination of the individual's status as an executive-level State employee, public official or party officer.

(2) An immediate family member of an executive-level State employee, public official or party officer shall not be employed to provide services for any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or racetrack, or an applicant therefor, or by any holding, affiliate, intermediary or subsidiary company thereof, while the executive-level State employee, public official or party officer of the immediate family member is an executive-level State employee, public official or party officer.

(a.2) Complimentary services and discounts.—No executive-level State employee, public official or party officer, or an immediate family member thereof, shall solicit or accept, whether directly or indirectly, any complimentary service or discount from any slot machine licensee, manufacturer licensee, supplier licensee, licensed racing entity or from an affiliate, intermediary, subsidiary or holding company thereof which the executive-level State employee, public official or party officer, or an immediate family member thereof, knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstances while the individual is an executive-level State employee, public official or party officer.

(a.3) Grading.—An individual who violates this section commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 or to imprisonment for not more than one year, or both.

(a.4) Divestiture.—An executive-level State employee, public official or party officer, or an immediate family member thereof, who holds a financial interest prohibited by this section shall divest the

financial interest within three months of the effectuation of the restrictions set forth in subsection (a), as applicable.

(a.5) List of applicants.—The board shall publish monthly in the Pennsylvania Bulletin and on its Internet website a list of applicants for slot machine licenses, supplier licenses, manufacturer licenses and of the affiliates, intermediaries, subsidiaries and holding companies of the applicants.

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

"Executive-level State employee." The Governor, Lieutenant Governor, cabinet members, deputy secretaries, the Governor's office executive staff, any State employee with discretionary powers which may affect the outcome of a State agency's decision in relation to a private corporation or business, with respect to any matter covered by this part or any executive employee who by virtue of his job function could influence the outcome of such a decision.

"Financial interest." Owning or holding, or being deemed to hold, debt or equity securities [exceeding 1% of the equity or fair market value of the licensed racing entity or licensed gaming entity, its holding company, affiliate, intermediary or subsidiary business] or other ownership interest or profits interest. A financial interest shall not include any [such stock that is held in a blind trust over which the executive-level State employee, public official, party officer or immediate family member thereof may not exercise any managerial control or receive income during the tenure of office and the period under subsection (a).] debt or equity security, or other ownership interest or profits interest, which is held or deemed to be held in any of the following manners:

(1) A blind trust over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

(2) A defined benefit pension plan, a defined contribution benefit pension plan or another retirement plan, over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

(3) A tuition account plan organized and operated pursuant to section 529 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.).

(4) A mutual fund where the interest owned by the mutual fund in a licensed entity does not amount to control of the licensed entity as defined by the Investment Company Act of 1940 54 Stat. 789, 15 U.S.C. § 80a-1 et seq.).

(5) Any other manner over which the executive-level State employee, public official or party officer, or an immediate family member thereof, does not exercise managerial or investment control during the tenure of office and the period under subsection (a).

"Immediate family." A [parent,] spouse, minor child or unemancipated child[, brother or sister].

"Party officer." A member of a national committee; a chairman, vice chairman, secretary, treasurer or counsel of a State committee or member of the executive committee of a State committee; a county chairman, vice chairman, counsel, secretary or treasurer of a county committee; or a city chairman, vice chairman, counsel, secretary or treasurer of a city committee.

"Public official." Any person elected by the public or elected or appointed by a governmental body directly receiving revenue under this part or an appointed official in the executive, legislative or judicial branch of this Commonwealth or any political subdivision thereof directly receiving revenue under this part, provided that it shall not include members of school boards or members of advisory boards that have no authority to expend public funds other than reimbursement for personal expense or to otherwise exercise the power of the

Commonwealth or any political subdivision [or commissioner of any authority or joint-state commission].

Section 7. Section 1517(d) of Title 4, added July 5, 2004 (P.L.572, No.71), is amended and the section is amended by adding subsections to read:

§ 1517. Enforcement.

(c.1) Powers and duties of Attorney General.—Within the Office of Attorney General, the Attorney General shall establish a gaming division. The division shall investigate and institute criminal proceedings as authorized by subsection (d).

(d) Criminal action.—

(1) The district attorneys of the several counties shall have authority to investigate and to institute criminal proceedings for [any] a violation of this part.

(2) In addition to the authority conferred upon the Attorney General [by] under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, the Attorney General shall have the authority to investigate and, following consultation with the appropriate district attorney, to institute criminal proceedings for [any] a violation of this part, [or any series of such violations involving any county of this Commonwealth and another state. No] A person charged with a violation of this part by the Attorney General shall not have standing to challenge the authority of the Attorney General to investigate or prosecute the case, and, if any such challenge is made, the challenge shall be dismissed and no relief shall be available in the courts of this Commonwealth to the person making the challenge.

(d.1) Regulatory action.—Nothing contained in subsection (d) shall be construed to limit the existing regulatory or investigative authority of a department or agency of the Commonwealth whose functions relate to persons or matters falling within the scope of this part.

Section 7.1. Sections 1518(a) and (b), 1801 and 1802 of Title 4, added July 5, 2004 (P.L.572, No.71), are amended to read:

§ 1518. Prohibited acts; penalties.

(a) Criminal offenses.—

(1) The provisions of 18 Pa.C.S. § 4902 (relating to perjury), 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities) shall apply to any person providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General, as required by this part.

(2) It [is] shall be unlawful for a person to willfully:

(i) fail to report, pay or truthfully account for and pay over any license fee, tax or assessment imposed under this part; or

(ii) attempt in any manner to evade or defeat any license fee, tax or assessment imposed under this [party] part.

(3) It [is] shall be unlawful for any licensed entity, gaming employee, key employee or any other person to permit a slot machine to be operated, transported, repaired or opened on the premises of a licensed facility by a person other than a person licensed or permitted by the board pursuant to this part.

(4) It [is] shall be unlawful for any licensed entity or other person to manufacture, supply or place slot machines into play or display slot machines on the premise of a licensed facility without the authority of the board.

(5) Except as provided for in section 1326 (relating to license renewals), it [is] shall be unlawful for a licensed entity or other person to manufacture, supply, operate, carry on or expose for play any slot machine after the person's license has expired and prior to the actual renewal of the license.

(6) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual while on the premises of a

licensed facility to knowingly use currency other than lawful coin or legal tender of the United States or a coin not of the same denomination as the coin intended to be used in the slot machine[.] with the intent to cheat or defraud a licensed gaming entity or the Commonwealth or damage the slot machine.

(ii) In the playing of a slot machine, it [is] shall be lawful for an individual to use gaming billets, tokens or similar objects issued by the licensed gaming entity which are approved by the board.

(7) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual [on the premises of a licensed facility] to use or possess a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers at a licensed facility.

(ii) An authorized employee of a licensee or an employee of the board may possess and use a cheating or thieving device, counterfeit or altered billet, ticket, token or similar objects accepted by a slot machine or counterfeit or altered slot machine-issued tickets or vouchers [only] in performance of the duties of employment.

(iii) As used in this paragraph, the term "cheating or thieving device" includes, but is not limited to, a device to facilitate the alignment of any winning combination or to remove from any slot machine money or other contents. The term includes, but is not limited to, a tool, drill, wire, coin or token attached to a string or wire and any electronic or magnetic device.

(8) (i) Except as set forth in subparagraph (ii), it [is] shall be unlawful for an individual to knowingly possess or use while on the premises of a licensed facility a key or device designed for the purpose of and suitable for opening or entering any slot machine or coin box which is located on the premises of the licensed facility.

(ii) An authorized employee of a licensee or a member of the board may possess and use a device referred to in subparagraph (i) [only] in the performance of the duties of employment.

(9) It [is] shall be unlawful for a person or licensed entity to possess any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of the provisions of this part[.] with the intent to use the device, equipment or material as though it had been manufactured, distributed, sold, tampered with or serviced pursuant to this part.

(9.1) It shall be unlawful for a person to sell, offer for sale, represent or pass off as lawful any device, equipment or material which the person or licensed entity knows has been manufactured, distributed, sold, tampered with or serviced in violation of this part.

(10) It [is] shall be unlawful for an individual to work or be employed in a position the duties of which would require licensing or permitting under the provisions of this part without first obtaining the requisite license or permit [as provided for in] issued under the provisions of this part.

(11) It [is] shall be unlawful for a licensed gaming entity that is a licensed racing entity and that has lost the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission under the Race Horse Industry Reform Act or that has had that license suspended to operate slot machines at the racetrack for which its slot machine license was issued unless the license issued to it by either the State Horse Racing Commission or the State Harness Racing Commission will be subsequently reissued or reinstated within 30 days after the loss or suspension.

(12) It [is] shall be unlawful for a licensed entity to employ or continue to employ an individual in a position the duties of

which require a license or permit under the provisions of this part if the individual:

(i) [An individual] Is not licensed or permitted under the provisions of this part.

(ii) [An individual who is] Is prohibited from accepting employment from a licensee.

(13) It [is] shall be unlawful for any person under 18 years of age to be permitted in the area of a licensed facility where slot machines are operated.

(b) Criminal penalties and fines.—

(1) (i) A person [that violates subsection (a)(1) commits an offense to be graded in accordance with 18 Pa.C.S. § 4902, 4903 or 4904, as applicable, for a first conviction.] who commits a first offense in violation of 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits an offense to be graded in accordance with the applicable section violated. A person that is convicted of a second or subsequent violation of [subsection (a)(1)] 18 Pa.C.S. § 4902, 4903 or 4904 in connection with providing information or making any statement, whether written or oral, to the board, the bureau, the department, the Pennsylvania State Police or the Office of Attorney General as required by this part commits a felony of the second degree.

(ii) A person that violates subsection (a)(2) through (12) commits a misdemeanor of the first degree. A person that is convicted of a second or subsequent violation of subsection (a)(2) through (12) commits a felony of the second degree.

(2) (i) For a first violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$75,000 nor more than \$150,000 if the person is an individual;

(B) not less than \$300,000 nor more than \$600,000 if the person is a licensed gaming entity; or

(C) not less than \$150,000 nor more than \$300,000 if the person is a licensed manufacturer or supplier.

(ii) For a second or subsequent violation of subsection (a)(1) through (12), a person shall be sentenced to pay a fine of:

(A) not less than \$150,000 nor more than \$300,000 if the person is an individual;

(B) not less than \$600,000 nor more than \$1,200,000 if the person is a licensed gaming entity; or

(C) not less than \$300,000 nor more than \$600,000 if the person is a licensed manufacturer or supplier.

§ 1801. Duty to provide.

Notwithstanding the provisions of the Race Horse Industry Reform Act or this part, the Pennsylvania State Police shall, at the request of the commissions or the board, provide criminal history background investigations, which shall include records of criminal arrests [or] and convictions, no matter where occurring, including Federal criminal history record information, on applicants for licensure and permit applicants by the respective agencies pursuant to the Race Horse Industry Reform Act or this part. Requests for criminal history background investigations may, at the direction of the commissions or the board, include, but not be limited to, officers, directors and stockholders of licensed corporations, key employees, financial backers, gaming employees, horse owners, trainers, jockeys, drivers and other persons participating in thoroughbred or harness horse meetings and other persons and vendors who exercise their occupation or employment at such meetings, licensed facilities or licensed [racetrack] racetracks. For the purposes of this [chapter] part, the board and commissions may receive and retain information

otherwise protected by 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

§ 1802. Submission of fingerprints and photographs.

[Applicants] Appointees, employees and prospective employees engaged in the service of the commissions or the board, and applicants under this part shall submit to fingerprinting and photographing by the Pennsylvania State Police[,] or by a local law enforcement agency capable of submitting fingerprints and photographs electronically to the Pennsylvania State Police utilizing the Integrated Automated Fingerprint Identification System and the Commonwealth Photo Imaging Network or in a manner and in such form as may be provided by the Pennsylvania State Police. Fingerprinting pursuant to this part shall require, at a minimum, the submission of a full set of fingerprints. Photographing pursuant to this part shall require submission to photographs of the face and any scars, marks or tattoos for purposes of comparison utilizing an automated biometric imaging system. The Pennsylvania State Police shall submit [the] fingerprints [if necessary] as required by this part or when requested by the commissions or the board to the Federal Bureau of Investigation for purposes of verifying the identity of the applicants and obtaining records of criminal arrests and convictions in order to prepare criminal history background investigations under section 1801 (relating to duty to provide). [The] Fingerprints and photographs obtained pursuant to this part may be maintained by the commissions, the board and the Pennsylvania State Police for use pursuant to this part and for general law enforcement purposes. In addition to any other fee or cost assessed by the commissions or the board, an applicant shall pay for the cost of fingerprinting and photographing.

Section 8. Section 911(h)(1) of Title 18 is amended to read:

§ 911. Corrupt organizations.

(h) Definitions.—As used in this section:

(1) "Racketeering activity" means all of the following:

(i) [any] An act which is indictable under any of the following provisions of this title:

Chapter 25 (relating to criminal homicide)

Section 2706 (relating to terroristic threats)

Chapter 29 (relating to kidnapping)

Chapter 33 (relating to arson, etc.)

Chapter 37 (relating to robbery)

Chapter 39 (relating to theft and related offenses)

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly)

Section 4109 (relating to rigging publicly exhibited contest)

Section 4117 (relating to insurance fraud)

Chapter 47 (relating to bribery and corrupt influence)

Chapter 49 (relating to falsification and intimidation)

Section 5111 (relating to dealing in proceeds of unlawful activities)

Section 5512 through 5514 (relating to gambling)

Chapter 59 (relating to public indecency).

(ii) [any] An offense indictable under section 13 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act (relating to the sale and dispensing of narcotic drugs)[.];

(iii) [any] A conspiracy to commit any of the offenses set forth in subparagraphs (i) [and (ii) of this paragraph; or], (ii) or (v).

(iv) [the] The collection of any money or other property in full or partial satisfaction of a debt which arose as the result of the lending of money or other property at a rate of interest exceeding 25% per annum or the equivalent rate for a longer or shorter period, where not otherwise authorized by law.

(v) An offense indictable under 4 Pa.C.S. Pt. II (relating to gaming).

[Any] An act which otherwise would be considered racketeering activity by reason of the application of this paragraph, shall not be excluded from its application solely because the operative acts took place outside the jurisdiction of this Commonwealth, if such acts would have been in violation of the law of the jurisdiction in which they occurred.

* * *

Amend Sec. 10, page 28, line 14, by striking out all of said lines and inserting

Section 10. This act shall take effect as follows:

(1) The amendment of 4 Pa.C.S. § 1403(c)(3) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

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

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment, please.

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

Mr. TIGUE. Mr. Speaker, the first question I would ask is, what are the changes, if any, in this amendment as far as how many licenses a licensee can hold with slot venues?

Mr. S. SMITH. Current law says you can own 1 1/3 license, so you have 1.33; 133 percent, in essence.

Mr. TIGUE. I understand that, Mr. Speaker. What does this amendment change?

Mr. S. SMITH. I am getting to that, Mr. Speaker.

Mr. TIGUE. Okay.

Mr. S. SMITH. Just a second.

Under this amendment, someone could apply for more than one license and they would be eligible to own more than one license if the board were to approve that.

Mr. TIGUE. Mr. Speaker, under this amendment, there is a provision dealing with the lottery which says that if the lottery were to lose, not make as much money, I guess, we would take money from the fund for the tax reduction to replace the lottery. Is that correct?

Mr. S. SMITH. Mr. Speaker, that would be correct. That portion of this amendment is something that is addressing some of the concerns that were expressed over the course of the debate on this issue, to in essence help protect the lottery and the various programs that are funded via the lottery from a loss in revenues, if you will, that could conceivably be engendered by the advancement of slots within Pennsylvania.

Mr. TIGUE. Mr. Speaker, in the bill there was a provision passed in the Senate which would have changed the zoning requirements or what local municipalities would be allowed to do under zoning. It would give them back all their rights under zoning versus what we passed in the existing law. How does this amendment change that?

Mr. S. SMITH. As I would understand it, Mr. Speaker, the bill as passed by the Senate would have proposed to allow for your local zoning boards to have a direct say in the siting of a facility, with the exception of Philadelphia. The amendment removes the local zoning authority and in essence vests that

authority within the State licensing board more or less, which is also part of the current law.

Mr. Speaker, I might add that it also creates another system for, if someone at the local level had concerns about whether a facility, someone who has proposed a facility in their municipality, whether or not they were meeting the intent of their local zoning, they would then have the opportunity to go through the court system to avail themselves of, you know, their grievances or their concerns relative to the local zoning process.

Mr. TIGUE. Mr. Speaker, on that portion of it, does that mean that they are going back to the way the original, the current law is that we passed in July?

Mr. S. SMITH. No, Mr. Speaker.

Mr. TIGUE. Okay. Thank you, Mr. Speaker. I am finished with my interrogation.

I would like to make a statement, please.

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

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, this amendment that we all— Let us be candid. We all know what is trying to be done here, and I am amazed at those people who supposedly are opposed to gambling for some other reasons. We heard a lot of complaints from constituents about the zoning that was preempted in the original law that we passed as well as what would happen whether or not members owned 1 percent. This bill, SB 1209, which passed the Senate, we can send back right to the Governor and he will sign this. We all know or most of us know who are sitting here, if this amendment passes, this is going back to the Senate, they are not going to concur, and this is not going to become law, and all of you and all of us— I will include myself in this— who have told our constituents we are willing to make changes to try to create a better law will now have undermined what we said we were going to do.

Think about what happened, what has transpired, since July until we are here now. Back in July when we passed this bill, we said that— the majority leader answered the question— we said that a company, an individual, whatever, could own one license. As a result of that, Penn National, which owns Pocono Downs, or The Downs at Pocono, I guess it is called now, up in Luzerne County had to sell, and they did sell. Now this amendment would make it such so that actually one entity— one entity— could own all the tracks. There is nothing in this amendment that would take away any reluctance to do that. So it is interesting to see what is transpiring here, those people who are saying they are against this and we are going too far, et cetera.

The other thing is, one of the questions I asked is, we are taking money from the property reduction plan to replace if any money is lost from the lottery. Why should we not take money from the other plans, the economic development fund or the other funds, before we touch the primary reason that many of us said we support this, and that is for property tax reduction. So again, if there is a problem— and who knows if there will be or not; I do not know— we are going to take that money from the property tax reduction and put it back in the lottery when it should come from another fund.

I appreciate having a second chance or a chance to speak on this with the reconsideration. I sincerely appreciate everybody's support and the Speaker. But I would ask you not to vote for this amendment. The time is now. If we are going to change the 1 percent and we are going to change the zoning requirements, we are going to get it by doing this. If we pass this amendment,

remember what is going to happen. It is going back to the Senate, they are going to nonconcur, and then who do you think is going to be placed on that conference committee: people who are friendly to gambling, people who are antigambling, or people who are in the middle? You just think about what you are going to do.

I would suggest very strongly that each of us vote against this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I think the membership should be aware that the House has adopted a rule which would prohibit us from owning 1 percent or one-millionth of a percent in this potential series of gaming enterprises that will be launched in this State. So for those of us in the General Assembly that were pummeled and buffeted by talk-show hosts over the summertime, we have at least strived in the right direction and we have circumscribed our own ability to own any part of a casino.

The second point I would like to make is, we need to do more, of course, and we are trying to do just that. I have said from this microphone many times and from other podia around the State, one of my favorite phrases from St. Augustine is, we live in a fallen and imperfect world. This Kenney amendment is a fallen and imperfect amendment, but the tactics of the moment inure to the benefit of this proposal being launched to the State Senate, where a conference committee can convene.

There are innumerable things in the proposal that are objectionable, from the progaming and the antigaming cohorts. So in my view, with a very balanced group of people looking at this in the House and the Senate, Democrats and Republicans, liberals and conservatives and moderates, progaming and antigaming, the fact that this proposal, the Kenney amendment, that ostensibly is being supported by hard-core conservative Republican antigaming people can get a few votes from people like myself and my colleague, Mr. Veon, from Beaver County, and others on our side of the aisle who are in favor, who are in favor of the gaming proposal that will hopefully bring in billions of dollars of property tax relief money over the next several decades, we are content to let this flawed proposal go to the State Senate, where it will probably be rejected, go to a conference committee, and we will hammer it out in the tried-and-true fashion of the Pennsylvania General Assembly. The conference committee is something that has inured to the benefit of our chamber since its commencement a couple hundred years ago, and I am confident that a conference committee will work tonight.

So our long-term strategy is to straighten out this proposal, and many of the things that were offered by the gentleman from Luzerne and Monroe are viable and argumentatively worthy of consideration by the conference committee. But I think just to get this thing moving, we on the Democratic side are going to support our Republican brother, Mr. Kenney, at least some of us are, hopefully many of us, as was indicated by the last vote, and keep this process moving.

If some of the more repugnant facets of the bill would somehow make their way to the Governor's desk, he would veto the proposal. The imprimatur of the Rendell administration would be a "no stamp" on the bill, so I think we have nothing to lose.

This has been a very grudging, grudging saga over many, many months – in fact, over a decade – and the gaming proposal was signed into law. There are a few things that need attended to – i.e., the Attorney General's involvement and the 1 percent – and that is being done, and the Kenney amendment will help move it along its way.

I support my Republican floor leader, I support my conservative Republican antigaming colleagues, as we try to move this proposal to a conference committee.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, like many in this chamber, I supported the gaming legislation when it came before us earlier this summer. I still feel it holds out tremendous opportunity to lower school property taxes, which is a noble goal and something we all want to see accomplished.

But I rise today in opposition to amendment A4714. For the reasons enumerated by the gentleman, Mr. Tigue, there are serious flaws in this amendment. It undercuts our efforts to clean up what needed to be cleaned up in the gaming law. SB 1209, when it came to us, offered that opportunity to us and still does if we defeat the Kenney amendment.

SB 1209 addresses the 1-percent issue. It restores the power of zoning to most of the communities, albeit not Philadelphia but most of the communities that would be affected by the siting of a gaming facility. The Kenney amendment takes that away, and if there is one thing which is the most egregious component of what we are dealing with today in this law, it is removing the ability of localities to control their own zoning and planning. Zoning will not prohibit the siting of a facility. Every community that uses zoning has to zone for every conceivable use. They cannot be exclusionary. The courts have been very clear on that throughout the years. But by adopting the Kenney amendment, we take away our last effort to try and reinstate those zoning powers to the local level, and that is simply wrong. They deserve to have that control over their own destinies to ensure that where a gaming facility goes makes sense from a planning standpoint, makes sense from a transportation standpoint, makes sense from a quality-of-life standpoint for their community. By adopting the Kenney amendment, we take away that power of zoning.

So I urge my colleagues to vote "no" on Kenney, support the passage of SB 1209, address the concerns that were raised over the original legislation when it came to zoning and over the 1 percent. We can do that with SB 1209 in its original form, without the Kenney amendment.

I urge a "no" vote.

The SPEAKER. Is there anybody else up that I have not seen up?

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

The following roll call was recorded:

YEAS—170

Adolph	Donatucci	Leach	Ross
Allen	Eachus	Lederer	Rubley
Argall	Egolf	Leh	Ruffing
Armstrong	Evans, D.	Lescovitz	Sainato

Baker	Evans, J.	Lewis	Samuelson
Baldwin	Fabrizio	Maher	Santoni
Bard	Fairchild	Maitland	Saylor
Barrar	Feese	Manderino	Scavello
Bastian	Fichter	Mann	Schroder
Bebko-Jones	Fleagle	Markosek	Scrimenti
Belardi	Flick	Marsico	Semmel
Belfanti	Forcier	McCall	Smith, B.
Benninghoff	Frankel	McGeehan	Smith, S. H.
Biancucci	Gannon	McGill	Stairs
Birmelin	Geist	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Gruitza	Miller, S.	Surra
Buxton	Habay	Mustio	Taylor, E. Z.
Caltagirone	Hanna	Myers	Taylor, J.
Cappelli	Harhai	Nickol	Travaglio
Casorio	Harhart	O'Brien	True
Causar	Harper	Oliver	Turzai
Civera	Harris	O'Neill	Vance
Clymer	Hasay	Payne	Veon
Cohen	Hennessey	Petrarca	Walko
Coleman	Herman	Petri	Wansacz
Cornell, S. E.	Hershey	Petrone	Washington
Corrigan	Hess	Phillips	Waters
Crahalla	Hickernell	Pickett	Watson
Creighton	Horsey	Preston	Weber
Cruz	Hutchinson	Raymond	Wheatley
Dailey	James	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wright
DeLuca	Killion	Rieger	Youngblood
Denlinger	Kirkland	Roberts	Zug
Dermody	Kotik	Roebuck	
DeWeese	LaGrotta	Rohrer	Perzel,
DiGirolamo	Laughlin	Rooney	Speaker

NAYS—22

Cawley	Grucela	Pallone	Thomas
Costa	Haluska	Pistella	Tigue
Curry	Josephs	Shaner	Vitali
Diven	McNaughton	Solobay	Yewcic
Freeman	Melio	Tangretti	Yudichak
Gabig	Mundy		

NOT VOTING—0

EXCUSED—10

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdanský	Major		

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

On the question recurring,

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Clymer, for a motion.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this is the first of two amendments I plan to offer, but I need a suspension of the rules, and it is amendment A4924.

Very briefly, what this legislation does, when SB 1209 came over, it provided opportunity for out-of-State as well as in-State companies to voice their opinions and to try to secure the slot machines wherever they may be coming from — Nevada, Utah. The suppliers and distributorships were allowed to be from any State, and when this amendment came before us, it removed that provision in SB 1209, which passed the Senate by a 49-to-1 vote, and now we are faced with the situation that only Pennsylvania-established suppliers and distributors can deal with these lucrative slot machines.

So I am asking for a suspension here on the House floor for amendment A4924, so I can offer this amendment.

Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

The SPEAKER. The motion is debatable by the floor leaders. Does the gentleman, Mr. Smith, wish to be recognized?

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

Mr. Speaker, I regrettably rise to oppose the motion to suspend the rules. As has been discussed, the bill as amended, while not perfect, is something that I think will get the big issues that we have come here to fix relative to the existing gambling law. I think it puts us in a better position to accomplish those goals, and I would ask the members to oppose the motion to suspend.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. DeWeese.

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

There is no reason for this amendment at this time. The resurgent enthusiasms of the gentleman are laudable, but this Kenney amendment will allow for a momentary lodgment of the bill as amended in a conference committee, and some of the strife and confusion can be dealt with at that setting.

So I would join my Republican floor leader colleague and ask politely, respectfully, for a negative vote on suspension.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—83

Allen	Fairchild	McIlhattan	Saylor
Armstrong	Fleagle	McIlhinney	Schroder
Baker	Flick	McNaughton	Semmel
Baldwin	Forcier	Metcalfe	Smith, B.
Barrar	Freeman	Miller, R.	Stairs
Bastian	Gabig	Miller, S.	Steil
Bebko-Jones	Gingrich	Mustio	Stern
Benninghoff	Grucela	Nickol	Stevenson, R.
Birmelin	Habay	O'Neill	Stevenson, T.
Boyd	Harhart	Petrarca	Taylor, E. Z.
Browne	Harper	Petri	Tigue
Causar	Hennessey	Phillips	True
Cawley	Herman	Pickett	Turzai
Clymer	Hershey	Preston	Vitali
Coleman	Hess	Readshaw	Wansacz

Crahalla	Hickernell	Reed	Watson
Creighton	Hutchinson	Reichley	Weber
Dailey	Leh	Roberts	Wilt
Dally	Maher	Rohrer	Yewcic
Denlinger	Maitland	Rublely	Zug
Egolf	Marsico	Samuelson	

NAYS--108

Adolph	Eachus	Laughlin	Ruffing
Argall	Evans, D.	Leach	Sainato
Bard	Evans, J.	Lederer	Santoni
Belardi	Fabrizio	Lescovitz	Scavello
Belfanti	Feese	Lewis	Scrimenti
Biancucci	Fichter	Manderino	Shaner
Bishop	Frankel	Mann	Smith, S. H.
Blaum	Gannon	Markosek	Solobay
Bunt	Geist	McCall	Stetler
Butkovitz	Gergely	McGeehan	Sturla
Buxton	Gillespie	McGill	Surra
Caltagirone	Good	Melio	Tangretti
Cappelli	Goodman	Micozzie	Taylor, J.
Casorio	Gruitza	Millard	Thomas
Civera	Haluska	Mundy	Travaglio
Cohen	Hanna	Myers	Vance
Cornell, S. E.	Harhai	O'Brien	Veon
Corrigan	Harris	Oliver	Walko
Costa	Hasay	Pallone	Washington
Cruz	Horsey	Payne	Waters
Curry	James	Petrone	Wheatley
Daley	Josephs	Pistella	Williams
DeLuca	Keller	Raymond	Youngblood
Dermody	Kenny	Rieger	Yudichak
DeWeese	Killion	Roebuck	
DiGirolamo	Kirkland	Rooney	
Diven	Kotik	Ross	Perzel,
Donatucci	LaGrotta		Speaker

NOT VOTING-1

Wright

EXCUSED-10

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdansky	Major		

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

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

MOTION TO SUSPEND RULES

The SPEAKER. Does the gentleman, Mr. Clymer, have a further amendment?

Mr. CLYMER. Yes, I do, Mr. Speaker. Unfortunately, the amendment has not come forth out of drafting, so I wonder if I could ask for personal privilege, and we could move the amendment forward. Even though it is not here, I could explain it very simply, if that would be in order.

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

Mr. CLYMER. Oh; it just came in.
The SPEAKER. The Chair recognizes the gentleman, Mr. Clymer, for an explanation of the amendment.

Mr. CLYMER. Mr. Speaker, I do not have a copy of my amendment, but I believe it is up on the board. Here it comes. Thank you.

It is amendment 4917, and I would ask that all the members give attention, especially the last two speakers from the other side of the aisle, my good friends on the Democrat side.

What my amendment would do is revert to the language on the local zoning and land-use ordinances as outlined in SB 1209 when it came over to the House. It would revert back to that language. It would allow local municipalities to have the ability to have input involving certain designated zoning changes, and I think this meets the concerns of those members who were somewhat disturbed that this present amendment did not have that language in there.

So I ask that we suspend the rules to allow me to offer this amendment.

Thank you.

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

The SPEAKER. The motion for a suspension of the rules is only debatable by the floor leaders.

On that question, the Chair recognizes the gentleman from Jefferson, the majority leader, Mr. Smith.

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

Again, Mr. Speaker, for the same reasons I mentioned on the previous suspension, I regretfully ask the membership to vote against the suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

In March and April and May and June and July, we debated this issue. As the honorable gentleman from Bucks knows, if this language were incorporated into the body of the proposal, it would be a deal breaker. The Governor would not sign the proposal.

So for those of us who do not want this proposal to languish in the doldrums, we do not want it to be jeopardized by this gentleman's amendment, then I would ask for a negative vote on suspension of the rules, because the honorable gentleman's effort is a deal breaker -- not that he was a part of the deal; he is an honorable man, and he would not break his deal. He is doing what he should be doing; he is advocating his cause, but his cause is not the cause of the majority of this chamber, and this would cause great mischief, Mr. Speaker, if it were adopted into the proposal.

We debated this ad nauseam during the summer, and the zoning language was adopted by a solid majority of this House. To change it makes no sense to me, and I respectfully would ask that the gentleman's motion to suspend the rules be rejected.

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

The following roll call was recorded:

YEAS-97

Adolph	Fabrizio	Marsico	Samuelson
Allen	Fairchild	McGill	Saylor
Armstrong	Fleagle	McIlhattan	Scavello
Baker	Flick	Mollhinney	Schroder
Baldwin	Forcier	McNaughton	Semmel
Bard	Freeman	Metcalfe	Smith, B.
Barrar	Gabig	Millard	Stairs
Bastian	Geist	Miller, R.	Steil
Bebko-Jones	Gillespie	Miller, S.	Stern
Benninghoff	Gingrich	Mustio	Stevenson, R.
Birmelin	Grucela	Nickol	Stevenson, T.
Boyd	Habay	O'Neill	Tangretti
Browne	Harhart	Payne	Taylor, E. Z.
Bunt	Harper	Petrarca	Tigue
Causer	Hennessey	Petri	True
Cawley	Herman	Petrone	Turzai
Clymer	Hershey	Phillips	Vance
Coleman	Hess	Pickett	Vitali
Cornell, S. E.	Hickernell	Readshaw	Watson
Crahalla	Hutchinson	Reed	Weber
Creighton	Leh	Reichley	Wilt
Dailey	Lewis	Roberts	Wright
Dally	Maher	Rohrer	Yewcic
Denlinger	Maitland	Rubley	Zug
Egolf			

NAYS-95

Argall	Evans, D.	Laughlin	Sainato
Belardi	Evans, J.	Leach	Santoni
Belfanti	Feese	Lederer	Scrimenti
Biancucci	Fichter	Lescovitz	Shaner
Bishop	Frankel	Manderino	Smith, S. H.
Blaum	Gannon	Mann	Solobay
Butkovitz	Gergely	Markosek	Stetler
Buxton	Good	McCall	Sturla
Caltagirone	Goodman	McGeehan	Surra
Cappelli	Gruitza	Melio	Taylor, J.
Casorio	Haluska	Micozzie	Thomas
Civera	Hanna	Mundy	Travaglio
Cohen	Harhai	Myers	Veon
Corrigan	Harris	O'Brien	Walko
Costa	Hasay	Oliver	Wansacz
Cruz	Horsey	Pallone	Washington
Curry	James	Pistella	Waters
Daley	Josephs	Preston	Wheatley
DeLuca	Keller	Raymond	Williams
Dermody	Kenney	Rieger	Youngblood
DeWeese	Killion	Roebuck	Yudichak
DiGirolamo	Kirkland	Rooney	
Diven	Kotik	Ross	Perzel,
Donatucci	LaGrotta	Ruffing	Speaker
Eachus			

NOT VOTING-0

EXCUSED-10

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdansky	Major		

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

On the question recurring,
Will the House agree to the bill on third consideration 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-182

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

NAYS-10

Cawley	Haluska	Solobay	Tigue
Curry	Josephs	Tangretti	Yudichak
Grucela	Mundy		

NOT VOTING-0

EXCUSED-10

George	Lynch	Nailor	Staback
Godshall	Mackereth	Sather	Wojnaroski
Levdansky	Major		

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

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

The SPEAKER. *There will be no further votes.*

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

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

AFTER RECESS

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

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

SENATE BILL FOR CONCURRENCE

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

SB 997, PN 1906

Referred to Committee on JUDICIARY, November 15, 2004.

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

SB 492, PN 1653

By Rep. O'BRIEN

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; and making conforming amendments.

JUDICIARY.

SB 705, PN 1948 (Amended)

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for costs, for the offense of burglary and for certain bullets prohibited.

JUDICIARY.

SB 904, PN 1905

By Rep. O'BRIEN

An Act amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 34 (Game), 42 (Judiciary and Judicial Procedure), 53 (Municipalities Generally), 68 (Real and Personal Property), 71 (State Government), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the name of

"district justice" to "magisterial district judge" and replacing references to "justice of the peace" with "magisterial district judge."

JUDICIARY.

SB 997, PN 1906

By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expenses for district justices; and making a related repeal.

JUDICIARY.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

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

Mr. HICKERNELL. Mr. Speaker, I move that this House do now adjourn until Tuesday, November 16, 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, and at 10:59 a.m., e.s.t., Tuesday, November 16, 2004, the House adjourned.