

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 17, 2006

SESSION OF 2006

190TH OF THE GENERAL ASSEMBLY

No. 59

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

PRAYER

REV. DR. THOMAS E. RICHARDS, JR., Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O God, You indeed are the creator of all things, the Lord of all history, shepherd of all humanity, the savior of the nations.

You have blessed our Commonwealth with great resources and great people. For all these blessings, we give You our heartfelt thanks and pray that You would help us to be faithful stewards of all that You have entrusted to our care.

We pray especially this day for those who serve in our State government, in the legislative, executive, and judicial branches. May those who have been elected to public office realize the great privilege and responsibility that has been entrusted to their care.

May the people of Pennsylvania be aware of their responsibility as citizens. May those who hold public office be people of integrity who will be wise enough to make the right decisions that will serve the public good and be brave enough to withstand and stand up for what is right, what is just, what is fair, and what will serve the best interests of our people.

May those who walk in these halls be committed to serving the best interests of all Pennsylvanians, especially those who are innocent, helpless, and marginalized. May they lead us in working for unity and harmony among all of our citizens. May those who serve the people of Pennsylvania in government work so that fairness, justice, equality, and prosperity may flourish, and in those times when our elected officials are faced with the temptation to serve the desires of special interest groups or to be self-serving, help them to remember their calling to serve the best interests of all the people of Pennsylvania.

Protect all of us from greed, corruption, and indifference, and remind those who serve in elected positions that they are a very important part of Your plan for creation. Keep them ever mindful that You have called them to serve You first, the people of Pennsylvania second, and themselves last.

Lord God, hear and answer our prayer this day. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the Journal for Monday, October 16, 2006, will be postponed until printed.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome the following guests of Representative Josh Shapiro who are seated in the gallery. They are Pat Conroy and Marge Sexton. Would they please rise and be recognized by the House.

Representative Pallone has several visitors from Indiana University of Pennsylvania. They are the legal process class. The students are seated in the gallery. Would they please rise and be recognized.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2910 By Representatives McILHINNEY, BALDWIN, BARRAR, BENNINGHOFF, BUNT, CALTAGIRONE, COHEN, CREIGHTON, FAIRCHILD, FLEAGLE, FREEMAN, GEORGE, GOODMAN, HARHART, HENNESSEY, HERSHEY, MANN, McILHATTAN, PHILLIPS, SIPTROTH, E. Z. TAYLOR, TRUE, WATSON and WRIGHT

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for instruction of voters; and providing for right to use paper ballots.

Referred to Committee on STATE GOVERNMENT, October 17, 2006.

No. 2929 By Representatives ROHRER, DENLINGER, QUIGLEY, YEWIC, LEH, WILT, ARGALL, BAKER, BALDWIN, BARRAR, BASTIAN, BIRMELIN, BUNT, CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, FLEAGLE, FORCIER, GABIG, GILLESPIE, GOODMAN, HALUSKA, HARRIS, HENNESSEY, HERSHEY, KAUFFMAN, MACKERETH, MAITLAND, MARSICO, McILHATTAN, S. MILLER, MUSTIO, PICKETT, PYLE, ROBERTS, SANTONI, SATHER, SAYLOR, SCHRODER, SEMMEL, STEIL, STERN and T. STEVENSON

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for tax levies and information related to taxes; authorizing the imposition of a personal income tax or an earned income tax by a school district subject to voter approval; * * *; providing for certain rebates and assistance to senior citizens; and repealing certain provisions of The Local Tax Enabling Act, sales and use tax provisions of the Tax Reform Code of 1971, the Senior Citizens Rebate and Assistance Act and the Homeowner Tax Relief Act.

Referred to Committee on APPROPRIATIONS, October 17, 2006.

No. 3007 By Representatives SEMMEL, B. SMITH, STABACK, HARHART, REICHLEY, DALLY, S. MILLER, HERSHEY, BAKER, BEBKO-JONES, BOYD, CALTAGIRONE, CAPPELLI, CRAHALLA, FAIRCHILD, GOODMAN, GRUCELA, HESS, HUTCHINSON, McILHATTAN, R. MILLER, MUSTIO, NAILOR, O'NEILL, PHILLIPS, RUBLEY, SONNEY, R. STEVENSON, SURRA, E. Z. TAYLOR, YOUNGBLOOD, JAMES, HENNESSEY and CREIGHTON

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability of landowners toward recreational users, persons or property for acts or acts of omission by recreational users.

Referred to Committee on GAME AND FISHERIES, October 17, 2006.

No. 3008 By Representatives WILT, BENNINGHOFF, CALTAGIRONE, CRAHALLA, FABRIZIO, FLAHERTY, FREEMAN, GINGRICH, KOTIK, LEDERER, MAJOR, MILLARD, SCAVELLO, SONNEY, R. STEVENSON, TIGUE, TRUE, YOUNGBLOOD, SCHRODER and DeWEESE

An Act establishing the State Board of Tattoo Artists; providing for licensure of tattoo artists, for discipline for practice without a license and for registration of apprentice tattoo artists; authorizing investigations and hearings by the board; imposing criminal and civil penalties; providing for the adoption of regulations; and making an appropriation.

Referred to Committee on PROFESSIONAL LICENSURE, October 17, 2006.

No. 3009 By Representatives KENNEY, GINGRICH, REICHLEY, ROSS, SONNEY, BEBKO-JONES, BISHOP, JAMES, LEDERER, MANDERINO, BAKER, BUXTON, CALTAGIRONE, CAPPELLI, CAWLEY, COHEN, CRAHALLA, DeLUCA, FREEMAN, GEORGE, GRUCELA, HARHAI, HERSHEY, HESS, KILLION, LEACH, MANN, MARKOSEK, MICOZZIE, MILLARD, MUNDY, PETRONE, PICKETT, PYLE, READSHAW, REED, RUBLEY, SATHER, SCAVELLO, B. SMITH, SOLOBAY, SURRA, E. Z. TAYLOR, TIGUE, WALKO, YOUNGBLOOD, YUDICHAK and GEIST

An Act providing for the Low-Income Weatherization Assistance Program and for an evaluation of the program; and authorizing additional funding for the program through interfund transfers.

Referred to Committee on CONSUMER AFFAIRS, October 17, 2006.

No. 3010 By Representatives McCALL, ARGALL, BAKER, BALDWIN, BASTIAN, BEBKO-JONES, BELARDI, BELFANTI, BEYER, BISHOP, BOYD, BUNT, BUXTON, CALTAGIRONE, CAPPELLI, CAUSER, COHEN, CORNELL, CORRIGAN, CRAHALLA, CREIGHTON, CRUZ, DALEY, DeLUCA, DeWEESE, EACHUS, FAIRCHILD, FICHTER, FLAHERTY, FLEAGLE, FLICK, GEIST, GEORGE, GILLESPIE, GINGRICH, GODSHALL, GOOD, GOODMAN, GRUCELA, HALUSKA, HARHART, HENNESSEY, HERSHEY, HESS, JOSEPHS, KILLION, LEACH, LEDERER, LEH, MAHER, MAJOR, MANDERINO, MANN, MARKOSEK, McGEEHAN, McGILL, McILHATTAN, METCALFE, S. MILLER, MUNDY, MUSTIO, NAILOR, O'NEILL, PALLONE, PETRI, PETRONE, PHILLIPS, PISTELLA, RAMALEY, RAPP, READSHAW, REED, REICHLEY, ROBERTS, ROHRER, ROSS, RUBLEY, SAINATO, SANTONI, SATHER, SCAVELLO, B. SMITH, SOLOBAY, SONNEY, STABACK, STERN, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, TRUE, TURZAI, VEON, WATSON, WILT, WOJNAROSKI, YOUNGBLOOD, JAMES, FRANKEL, BENNINGHOFF, McILHINNEY, THOMAS, BARRAR, STURLA and PARKER

An Act designating September 11 of each year as "Pennsylvania Emergency Responders' Day."

Referred to Committee on STATE GOVERNMENT, October 17, 2006.

No. 3011 By Representative McILHATTAN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for special registration plates for branches of the armed forces.

Referred to Committee on TRANSPORTATION, October 17, 2006.

No. 3012 By Representatives R. MILLER, BOYD, BUNT, FAIRCHILD, GEORGE, GRUCELA, MACKERETH, McILHATTAN, PAYNE, PICKETT, REICHLEY, SATHER, SAYLOR, B. SMITH, STABACK, STAIRS, R. STEVENSON, SURRA, E. Z. TAYLOR, BENNINGHOFF, HENNESSEY, McILHINNEY, GILLESPIE and BARRAR

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for application.

Referred to Committee on LOCAL GOVERNMENT, October 17, 2006.

No. 3013 By Representatives WATSON, ADOLPH, BASTIAN, BOYD, CALTAGIRONE, CLYMER, DALLY, FABRIZIO, FLAHERTY, FREEMAN, GEORGE, GINGRICH, GOOD, GRELL, GRUCELA, HERSHEY, JAMES, KOTIK, LEACH, McILHATTAN, PETRI, REICHLEY, RUBLEY, B. SMITH, E. Z. TAYLOR, THOMAS, TIGUE, VITALI,

WALKO, WRIGHT, YOUNGBLOOD, YUDICHAK, McILHINNEY and BARRAR

An Act amending the act of December 3, 1959 (P.L.1688, No.621), known as the Housing Finance Agency Law, establishing an energy-efficient home assistance program.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 17, 2006.

No. 3014 By Representatives NICKOL, BENNINGHOFF, CALTAGIRONE, CREIGHTON, GINGRICH, GODSHALL, HERSHEY, JAMES, NAILOR, REICHLEY, ROSS, RUBLEY, SAYLOR, SCHRODER, STERN, E. Z. TAYLOR, TIGUE, TURZAI and YOUNGBLOOD

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, further providing for removal of directors in business corporations.

Referred to Committee on COMMERCE, October 17, 2006.

No. 3015 By Representatives McGILL, ADOLPH, BAKER, BOYD, CALTAGIRONE, CAPPELLI, CREIGHTON, DeWEESE, FABRIZIO, FICHTER, FREEMAN, GEIST, GEORGE, GOOD, GRUCELA, HERSHEY, KILLION, KOTIK, MARKOSEK, McILHATTAN, R. MILLER, PETRI, REICHLEY, RUBLEY, B. SMITH, E. Z. TAYLOR, THOMAS, WALKO, WRIGHT, YOUNGBLOOD, YUDICHAK and McILHINNEY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for exclusions from tax.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 17, 2006.

No. 3016 By Representatives McGILL, PETRI, SCHRODER and BARRAR

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 district superintendents and assistant district superintendents.

Referred to Committee on EDUCATION, October 17, 2006.

No. 3017 By Representatives McGILL, CALTAGIRONE, CREIGHTON, DALEY, DALLY, FICHTER, FLAHERTY, GRUCELA, HARPER, JAMES, MYERS, PALLONE, E. Z. TAYLOR and YOUNGBLOOD

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for disclosure of fees; and making editorial changes.

Referred to Committee on CONSUMER AFFAIRS, October 17, 2006.

No. 3018 By Representatives GANNON, READSHAW, GRUCELA, GINGRICH, PETRI, DeLUCA, KOTIK, CALTAGIRONE, CRAHALLA, GOODMAN, RUBLEY, YOUNGBLOOD, CAWLEY, REICHLEY, HUTCHINSON and THOMAS

An Act establishing the Storm Water Best Management Practices and Improvement Tax Credit Program for the stewardship of agricultural lands and riparian corridors; promoting opportunities for private investment in best management practices and riparian corridors; establishing a sponsorship program; authorizing the transferability of the tax credits; and imposing powers and duties on the Department of Revenue, Department of Environmental Protection and the State Conservation Commission.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 17, 2006.

No. 3019 By Representatives TURZAI, CAPPELLI, DALLY, ALLEN, BAKER, BOYD, CALTAGIRONE, CIVERA, CREIGHTON, DeWEESE, DIVEN, FAIRCHILD, GABIG, GEIST, GINGRICH, GODSHALL, GOODMAN, GRELL, GRUCELA, HARHART, HERSHEY, KAUFFMAN, KILLION, KOTIK, MARKOSEK, MARSICO, McILHATTAN, MICOZZIE, MUSTIO, O'NEILL, PETRI, PICKETT, PYLE, QUIGLEY, REED, REICHLEY, RUBLEY, SCHRODER, SONNEY, STEIL, R. STEVENSON, SURRA, E. Z. TAYLOR, TIGUE, WALKO, WILT and YUDICHAK

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for taxation exemptions and special provisions.

Referred to Committee on FINANCE, October 17, 2006.

No. 3020 By Representative CALTAGIRONE

An Act amending the act of July 5, 1947 (P.L.1217, No.498), known as the State Public School Building Authority Act, further providing for purposes and powers of the authority.

Referred to Committee on EDUCATION, October 17, 2006.

No. 3021 By Representative CALTAGIRONE

An Act requiring the Department of Education to manage collective bargaining for school district personnel and to prepare a plan for consolidation of school districts.

Referred to Committee on EDUCATION, October 17, 2006.

No. 3022 By Representative CALTAGIRONE

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for administration.

Referred to Committee on STATE GOVERNMENT, October 17, 2006.

No. 3023 By Representative CALTAGIRONE

An Act requiring certain actions or payments by municipalities when the providing of municipal waste collection by private firms is being terminated.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 17, 2006.

No. 3024 By Representatives LEACH, CALTAGIRONE, COHEN, FABRIZIO, FAIRCHILD, FLAHERTY, FREEMAN, GEORGE, GRUCELA, JAMES, KOTIK, McGEEHAN,

PARKER, B. SMITH, STURLA, THOMAS, VITALI, WALKO and YOUNGBLOOD

An Act establishing a lending program in Commonwealth libraries for electricity meters; creating a grant; and making an appropriation.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 17, 2006.

No. 3025 By Representative WRIGHT

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further defining “unfair methods of competition” and “unfair or deceptive acts or practices.”

Referred to Committee on INSURANCE, October 17, 2006.

No. 3026 By Representatives BENNINGHOFF, BASTIAN, BOYD, CALTAGIRONE, CREIGHTON, FABRIZIO, GEIST, GINGRICH, GOOD, GRUCELA, HARHART, HERSHEY, KOTIK, LEACH, MARKOSEK, McILHATTAN, PYLE, RAPP, RUBLEY, E. Z. TAYLOR, THOMAS, WATSON, WRIGHT, YOUNGBLOOD, YUDICHAK, McILHINNEY and BARRAR

An Act establishing the Pennsylvania Energy Freedom Support Account within the Energy Development Fund; and providing for the Federal Government Research Support Program, for the Municipal Energy Freedom Grant Program and for the powers and duties of the Energy Development Authority.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 17, 2006.

No. 3027 By Representatives BENNINGHOFF, BEBKO-JONES, CALTAGIRONE, DeLUCA, HENNESSEY, JAMES, MANDERINO, McGEEHAN, O’NEILL, PETRARCA, PHILLIPS, PISTELLA, READSHAW, SCAVELLO, E. Z. TAYLOR, TIGUE, WILT, YOUNGBLOOD, CIVERA, BARRAR and STURLA

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 reimbursement for costs related to school crossing guards.

Referred to Committee on EDUCATION, October 17, 2006.

No. 3028 By Representatives BASTIAN, BENNINGHOFF, BALDWIN, BOYD, CAPPELLI, CAUSER, CLYMER, CREIGHTON, DALLY, DeWEESE, J. EVANS, FAIRCHILD, GEIST, GILLESPIE, HALUSKA, HANNA, HARPER, HERSHEY, HICKERNELL, HUTCHINSON, M. KELLER, McCALL, McGILL, McILHATTAN, MILLARD, R. MILLER, MUSTIO, PERZEL, PICKETT, PYLE, RAPP, ROSS, SAYLOR, SCAVELLO, SHANER, SONNEY, STABACK, STERN, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE, WATSON, WILT, YUDICHAK and QUIGLEY

An Act amending the act of February 2, 1965 (P.L.1860, No.586), entitled “An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts,” further providing for definitions; and providing for attorney fees and costs in certain civil actions.

Referred to Committee on JUDICIARY, October 17, 2006.

No. 3029 By Representatives MCGILL, BALDWIN, BEBKO-JONES, CALTAGIRONE, CORNELL, CRAHALLA, GEIST, GEORGE, GINGRICH, GOODMAN, KOTIK, LEDERER, NAILOR, READSHAW, RUBLEY, SANTONI, SCAVELLO, SOLOBAY, R. STEVENSON, BUNT, BARRAR, GILLESPIE, BOYD, REED, B. SMITH, CAPPELLI, FABRIZIO, GRUCELA, WILT, CLYMER, CASORIO and PHILLIPS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for no limitation applicable.

Referred to Committee on JUDICIARY, October 17, 2006.

No. 3030 By Representatives ROSS, BENNINGHOFF, CALTAGIRONE, CAPPELLI, CIVERA, CRAHALLA, DALEY, FRANKEL, GEORGE, GINGRICH, GOOD, HERSHEY, MUNDY, RUBLEY, SATHER, SCHRODER, E. Z. TAYLOR, THOMAS, WATSON, WRIGHT, YUDICHAK and BARRAR

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for duties of electric distribution companies.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 17, 2006.

No. 3031 By Representatives J. TAYLOR, PETRONE, BAKER, BALDWIN, BUNT, CALTAGIRONE, CAWLEY, CRAHALLA, DeLUCA, DeWEESE, GEIST, GINGRICH, MANDERINO, McILHATTAN, PISTELLA, SANTONI, SCAVELLO, E. Z. TAYLOR, THOMAS, WATSON, BOYD, PYLE, YUDICHAK, CAPPELLI, CORNELL, FABRIZIO and GRUCELA

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a youth employment incentive tax credit.

Referred to Committee on FINANCE, October 17, 2006.

No. 3032 By Representatives VITALI, CALTAGIRONE, CLYMER, CRAHALLA, DeLUCA, FAIRCHILD, HARPER, McILHATTAN, NAILOR, PETRARCA, PETRONE, RUBLEY, SCAVELLO and TIGUE

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, deleting provisions relating to supplier licenses.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, October 17, 2006.

No. 3033 By Representatives BARRAR, BAKER, BALDWIN, BEBKO-JONES, BOYD, CALTAGIRONE, CAPPELLI, CAWLEY, CORRIGAN, DeLUCA, FAIRCHILD, GEIST, GINGRICH, GOOD, GOODMAN, HICKERNELL, KILLION, MANN, McILHATTAN, R. MILLER, NAILOR, O’NEILL, PISTELLA, PYLE, READSHAW, RUBLEY,

SCAVELLO, E. Z. TAYLOR, TIGUE, TRUE, WRIGHT, CASORIO, GRUCELA and CLYMER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of sexual crimes against mentally disabled youth.

Referred to Committee on JUDICIARY, October 17, 2006.

No. 3034 By Representatives BARRAR, GRUCELA, HARPER, HENNESSEY, KILLION, SONNEY, THOMAS, TIGUE and STURLA

An Act amending the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law, providing for the definition of "public protection subjects"; and further providing for powers of the board and for issuance and renewal of certificates.

Referred to Committee on PROFESSIONAL LICENSURE, October 17, 2006.

No. 3035 By Representatives BARRAR, E. Z. TAYLOR, TRUE and GRUCELA

An Act amending the act of July 2, 1993 (P.L.345, No.48), entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," defining "discipline" and "victim"; further providing for additional powers of the boards and commissions within the Bureau of Professional and Occupational Affairs; and providing for mandatory restitution and mandatory repayment of cost of prosecution.

Referred to Committee on PROFESSIONAL LICENSURE, October 17, 2006.

No. 3036 By Representatives O'BRIEN, CORNELL, CREIGHTON, GILLESPIE, GINGRICH, GOODMAN, GRELL, GRUCELA, HARPER, KILLION, MACKERETH, MANN, McILHATTAN, MICOZZIE, O'NEILL, PETRI, PYLE, REICHLEY, SCAVELLO, TRUE, WATSON and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, October 17, 2006.

No. 3037 By Representatives BELFANTI, GOODMAN, GEORGE, CALTAGIRONE, CAWLEY, COHEN, GRUCELA, KOTIK, TANGRETTI and THOMAS

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, imposing a penalty for failure by the agency to notify local officials about impending or occurring disasters and emergencies affecting the local municipality.

Referred to Committee on LOCAL GOVERNMENT, October 17, 2006.

No. 3038 By Representatives BELFANTI, GOODMAN, COHEN, CAWLEY, CALTAGIRONE, GRUCELA, KOTIK, TANGRETTI and THOMAS

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, imposing a penalty for failure of local officials of a municipality to notify municipality residents of impending or occurring disasters and emergencies affecting the local municipality.

Referred to Committee on LOCAL GOVERNMENT, October 17, 2006.

No. 3039 By Representatives BELFANTI, GOODMAN, GEORGE, TIGUE, CALTAGIRONE, CAWLEY, COHEN, DALEY, GRUCELA, KOTIK, TANGRETTI and THOMAS

An Act requiring State agencies to notify local officials of a political subdivision before beginning a project within the political subdivision's boundaries.

Referred to Committee on STATE GOVERNMENT, October 17, 2006.

No. 3040 By Representatives MUSTIO, BALDWIN, BELFANTI, BOYD, CALTAGIRONE, CAPPELLI, CIVERA, CRAHALLA, CREIGHTON, GINGRICH, GOOD, HARHART, HERSHEY, MARSICO, PYLE, RAPP, REICHLEY, ROSS, SAYLOR, STERN, THOMAS, TURZAI, WALKO, WHEATLEY, WRIGHT, YOUNGBLOOD, YUDICHAK and BARRAR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, authorizing the Neighborhood Energy Assistance Tax Credit.

Referred to Committee on FINANCE, October 17, 2006.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 893 By Representative TURZAI

A Concurrent Resolution resolving that it is the intent of the Pennsylvania General Assembly to appropriate no additional funds for the construction of the North Shore Connector, the twin tunnels which are slated to be built under the Allegheny River in Pittsburgh.

Referred to Committee on LOCAL GOVERNMENT, October 17, 2006.

No. 896 By Representatives DALLY, BELFANTI, BENNINGHOFF, CAPPELLI, DENLINGER, FABRIZIO, GEIST, GRUCELA, HARRIS, HENNESSEY, KOTIK, READSHAW, ROBERTS, SAYLOR and SIPTROTH

A Resolution urging the Congress of the United States to enact the Federal Consent Decree Fairness Act to ensure that Federal consent decrees are narrowly drafted, limited in duration and respectful of state and local interests and policy judgments.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, October 17, 2006.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Aaron Kaufer, a senior at Wyoming Valley West High School, serving as a guest page; also Aaron's mother, Lorinda Kaufer. He is serving, again, as the guest of Representative Phyllis Mundy. The guest page is in the front of the Speaker; the other guest is in the balcony. Would they please rise and be recognized.

Please welcome, as guests of Representative Mario Scavello, today's Guest Chaplain, Rev. Dr. Thomas Richards of St. Paul Lutheran Church located in Tannersville, Monroe County, and his wife, Sandra, is seated in the well of the hall of the House. Also please welcome the members of the St. Paul Lutheran Church, along with Claudette Seagear, the treasurer of Monroe County. Those guests are seated in the gallery. Would they all please rise and be recognized.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 884, PN 1264**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for spending limitations on the State and for disposition of surplus funds.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 884 be placed upon 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 SB 884 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 956, PN 4166**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing power.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 956 be placed upon 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 956 be taken off the table.

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

* * *

The House proceeded to third consideration of **HB 1215, PN 3322**, entitled:

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, defining "independent contractor"; further providing for liability to independent contractors, for subcontracting with independent contractors and for proof of insurance; providing for registration of independent contractors and for presumptions relating to independent contractors; imposing duties upon the Department of Labor and Industry; and further providing for offenses.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1215 be placed upon 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 1215 be taken off the table.

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

* * *

The House proceeded to third consideration of **SB 810, PN 1021**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that SB 810 be placed upon 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 SB 810 be taken off the table.

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

RESOLUTION

Mr. S. SMITH called up **HR 804, PN 4288**, entitled:

A Resolution urging the Department of Public Welfare to file a State Medicaid plan amendment with the Department of Health and Human Services under Title XIX of the Social Security Act for the purpose of establishing a State Long-Term Care Partnership Program.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 804 be placed upon the table.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 804 be taken off the table.

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

RULES COMMITTEE MEETING

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 1285, PN 4714**

By Rep. S. SMITH

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for administrative practice and procedure; further providing for period of revocation or suspension of operating privilege; and abrogating a regulation.

RULES.

HB 1813, PN 4619

By Rep. S. SMITH

An Act providing for the allocation of funds to county mental health and mental retardation programs.

RULES.

HB 2472, PN 4580

By Rep. S. SMITH

An Act establishing a farmers' market development grant program to develop or expand farmers' markets; conferring powers and duties on the Department of Agriculture; and providing for funding.

RULES.

HB 2631, PN 4639

By Rep. S. SMITH

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "commercial property"; and further providing for disclosure at initial interview.

RULES.

SB 63, PN 1988

By Rep. S. SMITH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing an exception to the oral examination for members of the active military, reserves or Pennsylvania National Guard who are currently deployed in an active military operation or national emergency; and further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

RULES.

**RESOLUTION REREPORTED
FROM COMMITTEE****HR 883, PN 4740**

By Rep. S. SMITH

A Concurrent Resolution commending the civic initiative of the dental profession for establishing the Donated Dental Services program; and urging the participation of all dentists in the program.

RULES.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****HB 2839, PN 4358**

By Rep. GEIST

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for metropolitan transportation authority powers relating to alternative means of raising revenue or reducing expenses.

TRANSPORTATION.

HB 2887, PN 4533

By Rep. GEIST

An Act designating a bridge crossing the Catawissa Creek in Catawissa Borough, Columbia County, Pennsylvania, as the William F. Gittler, Sr. Memorial Bridge.

TRANSPORTATION.

SB 557, PN 2172 (Amended)

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of violence against a law enforcement officer; further providing for weapons or implements for escape and for contraband; and making a conforming amendment.

JUDICIARY.

SB 669, PN 2173 (Amended)

By Rep. O'BRIEN

An Act amending Titles 2 (Administrative Law and Procedure) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for court and administrative proceeding interpreters; and repealing related provisions.

JUDICIARY.

SB 703, PN 2170 (Amended)

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for junior driver's license, for learners' permits and for suspension of operating privilege; extending the expiration provision for automated red light enforcement systems in first class cities; and further providing for the offense of careless driving and for restraint systems.

TRANSPORTATION.

SB 935, PN 2174 (Amended)

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of violence against a law enforcement officer and for the offense of failure to provide identification to law enforcement authorities.

JUDICIARY.

SB 1025, PN 1523

By Rep. GEIST

An Act limiting the authority of the Environmental Quality Board over the Pennsylvania Clean Vehicles Program; establishing the Pennsylvania Clean Vehicles Program; imposing duties and responsibilities on the Department of Transportation and the Department of Environmental Protection; and abrogating a regulation.

TRANSPORTATION.

SB 1115, PN 1639

By Rep. O'BRIEN

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, further providing for liquefied ammonia gas, precursors and chemicals.

JUDICIARY.

SB 1116, PN 2175 (Amended)

By Rep. O'BRIEN

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, defining "mobile retail vendor"; further providing for prohibited acts and penalties; and providing for reporting, for confidentiality and for false statements or misrepresentation.

JUDICIARY.

SB 1119, PN 1826

By Rep. O'BRIEN

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for environmental costs.

JUDICIARY.

BILL REREPORTED FROM COMMITTEE**SB 798, PN 1360**

By Rep. O'BRIEN

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

JUDICIARY.

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

The clerk of the Senate, being introduced, returned **HB 1813, PN 4619**; and **HB 2631, PN 4639**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE**RECESS RESOLUTION
FOR CONCURRENCE**

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

In the Senate,
October 16, 2006

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the Senate recesses this week, it reconvene on Monday, November 20, 2006, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses this week, it reconvene on Monday, October 23, 2006, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of October 23rd, it reconvene on Monday, November 13, 2006, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Regular Session of the House of Representatives recesses the week of November 13th, it reconvene on Monday, November 20, 2006, unless sooner recalled by the Speaker of the House of Representatives.

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

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

BILLS REMOVED FROM TABLE

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

HB 2973;
SB 506; and
SB 983.

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

BILLS ON SECOND CONSIDERATION

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

SB 506, PN 2110; SB 983, PN 2112; and HB 2973, PN 4695.

BILLS RECOMMITTED

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

SB 506, PN 2110;
SB 983, PN 2112; and
HB 2973, PN 4695.

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

GUESTS INTRODUCED

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

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

If I could have the members' attention very briefly, I would like to introduce some folks from my district.

The SPEAKER. The gentleman is correct. Please, please keep the noise levels down.

Mr. Wilt.

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

It is my pleasure today to welcome four eighth grade students from my legislative district, St. Michael School. This is a special group for me. They were classmates of my son's for a number of years when he attended St. Mike's. They are seated in front of the Speaker, and they are Haley Nottingham, Sarah O'Malley, Lauren McCrillis, and Sam Giegel. They are standing, and up in the gallery we have Sam's father, John Giegel, and Sarah's father, John O'Malley, and their eighth grade teacher, Mrs. Nancy Kremm. They are standing, if you would please welcome them.

Thank you very much, Mr. Speaker.

FORMER MEMBER WELCOMED

The SPEAKER. I see a former House member up there also, Mr. John Wozniak, who is now a Senator from the State of Pennsylvania. Mr. Wozniak, welcome to the House.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence. The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Northampton, Mr. DALLY, for the day. Without objection, that leave will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. EVANS, for the day, and the gentleman from Allegheny, for the week, Mr. RUFFING. Without objection, those leaves 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—196

Adolph	Flaherty	Major	Sabatina
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Birmelin	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Haluska	Myers	Stern
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causer	Harper	O'Neill	Surra
Cawley	Harris	Oliver	Tangretti
Civera	Hasay	Pallone	Taylor, E.Z.
Clymer	Hennessey	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Corrigan	Hess	Petri	True
Costa	Hickernell	Petrone	Turzai
Crahalla	Hutchinson	Phillips	Veon
Creighton	James	Pickett	Vitali
Cruz	Josephs	Pistella	Walko
Curry	Kauffman	Preston	Wansacz
Daley	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	
Feese	Maher	Rubley	Perzel,
Fichter	Maitland		Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Bishop	Evans, D.	Rieger	Ruffing
Dally	Gruitza		

LEAVES ADDED—7

Armstrong	Maitland	Rohrer	True
Feese	Roebuck	Santoni	

LEAVES CANCELED—2

Dally	Evans, D.		
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SUPPLEMENTAL CALENDAR A

RESOLUTIONS PURSUANT TO RULE 35

Mr. ELLIS called up **HR 886, PN 4765**, entitled:

A Resolution designating the month of October 2006 as "Automotive Career Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Flaherty	Major	Sabatina
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Birmelin	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Haluska	Myers	Stern
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causer	Harper	O'Neill	Surra
Cawley	Harris	Oliver	Tangretti
Civera	Hasay	Pallone	Taylor, E.Z.
Clymer	Hennessey	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Corrigan	Hess	Petri	True
Costa	Hickernell	Petrone	Turzai
Crahalla	Hutchinson	Phillips	Veon
Creighton	James	Pickett	Vitali
Cruz	Josephs	Pistella	Walko
Curry	Kauffman	Preston	Wansacz
Daley	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	
Feese	Maher	Rubley	Perzel,
Fichter	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop Evans, D. Rieger Ruffing
Dally Gruitza

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

* * *

Mr. SATHER called up **HR 887, PN 4766**, entitled:

A Resolution designating the week of October 15 through 21, 2006, as “Juvenile Detention Centers Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Flaherty	Major	Sabatina
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Birmelin	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Haluska	Myers	Stern
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causar	Harper	O'Neill	Surra
Cawley	Harris	Oliver	Tangretti
Civera	Hasay	Pallone	Taylor, E.Z.
Clymer	Hennessey	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Corrigan	Hess	Petri	True
Costa	Hickernell	Petrone	Turzai
Crahalla	Hutchinson	Phillips	Veon
Creighton	James	Pickett	Vitali
Cruz	Josephs	Pistella	Walko
Curry	Kauffman	Preston	Wansacz
Daley	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kennedy	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	

Feese Maher Rubley Perzel,
Fichter Maitland Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop Evans, D. Rieger Ruffing
Dally Gruitza

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

* * *

Mr. EACHUS called up **HR 890, PN 4769**, entitled:

A Resolution designating the month of October 2006 as “Ethics Awareness Month” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Flaherty	Major	Sabatina
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Birmelin	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Haluska	Myers	Stern
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causar	Harper	O'Neill	Surra
Cawley	Harris	Oliver	Tangretti
Civera	Hasay	Pallone	Taylor, E.Z.
Clymer	Hennessey	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Corrigan	Hess	Petri	True
Costa	Hickernell	Petrone	Turzai
Crahalla	Hutchinson	Phillips	Veon
Creighton	James	Pickett	Vitali
Cruz	Josephs	Pistella	Walko
Curry	Kauffman	Preston	Wansacz
Daley	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kennedy	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt

DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	
Feese	Maher	Rubley	Perzel,
Fichter	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Evans, D.	Rieger	Ruffing
Dally	Gruitza		

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

* * *

Mr. CURRY called up **HR 894, PN 4773**, entitled:

A Resolution observing October 19, 2006, as “Victory at Yorktown Day” in Pennsylvania and encouraging Pennsylvanians to learn more about and to reflect on the sacrifices made by American patriots 225 years ago.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Flaherty	Major	Sabatina
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Birmelin	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Haluska	Myers	Stern
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causar	Harper	O'Neill	Surra
Cawley	Harris	Oliver	Tangretti
Civera	Hasay	Pallone	Taylor, E.Z.
Clymer	Hennessey	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Corrigan	Hess	Petri	True

Costa	Hickernell	Petrone	Turzai
Crahalla	Hutchinson	Phillips	Veon
Creighton	James	Pickett	Vitali
Cruz	Josephs	Pistella	Walko
Curry	Kauffman	Preston	Wansacz
Daley	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	
Feese	Maher	Rubley	Perzel,
Fichter	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Evans, D.	Rieger	Ruffing
Dally	Gruitza		

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

* * *

Mr. HASAY called up **HR 895, PN 4774**, entitled:

A Resolution recognizing the week of October 15 through 21, 2006, as “Credit Union Week” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Flaherty	Major	Sabatina
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Siptroth
Beyer	Gillespie	Metcalfe	Smith, B.
Biancucci	Gingrich	Micozzie	Smith, S.
Birmelin	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Haluska	Myers	Stern
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.

Casorio	Harhart	O'Brien	Sturla
Causar	Harper	O'Neill	Surra
Cawley	Harris	Oliver	Tangretti
Civera	Hasay	Pallone	Taylor, E.Z.
Clymer	Hennessey	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Corrigan	Hess	Petri	True
Costa	Hickernell	Petrone	Turzai
Crahalla	Hutchinson	Phillips	Veon
Creighton	James	Pickett	Vitali
Cruz	Josephs	Pistella	Walko
Curry	Kauffman	Preston	Wansacz
Daley	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermoddy	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnaroski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	
Feese	Maher	Rubley	Perzel,
Fichter	Maitland		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-6

Bishop	Evans, D.	Rieger	Ruffing
Dally	Gruitza		

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Dr. Sue Martin's legislative process class from Indiana University of Pennsylvania. They are seated in the gallery, and they are the guests today of Representative David Reed. Would they please rise and be recognized.

HARRISBURG LEGISLATIVE LEAVE

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

Mr. COHEN. Mr. Speaker, I rise to seek Capitol leave for the gentleman from Lawrence, Mr. LaGROTTA.

The SPEAKER. Without objection, that leave will be granted.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Riley McCall, a cousin of our Representative Keith McCall; Kayla Zurawa; Joelle Snyder; Jade Kozuch; Nathan Halenar. They are Marian Catholic High School students shadowing Representative Keith McCall for the day.

They are seated to the left of the Speaker. Would they please rise and be recognized.

RESOLUTION PURSUANT TO RULE

Mr. PHILLIPS called up **HR 892, PN 4771**, entitled:

A Resolution in memoriam of Private First Class Justin Dreese of the 1st Battalion, 325th Infantry Regiment, 82nd Airborne Division, United States Army, for his heroic service to our nation which culminated in the tragic loss of his life while serving in Iraq.

On the question,
Will the House adopt the resolution?

The SPEAKER. The Chair at this time recognizes Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I rise to offer our condolences on the loss of a fellow soldier, Pfc. Justin Dreese of Snyder County, and to ask members' support for this House resolution.

Many times this session we have paused for a few moments to honor fallen men and women from Pennsylvania who have so nobly served our country for the cause of liberty and freedom. They have protected our country as well as the people overseas they were sworn to keep safe, and Private Dreese was certainly no exception. Through his tours of duty in Afghanistan, El Salvador, and Iraq, he was an accomplished paratrooper and completed many dangerous missions.

Although he was only in Iraq for 3 weeks before he was killed by mortar fire, I know he made a tremendous difference in the lives of the soldiers he served with and the people he protected.

His family and friends tell us of Justin's fun-loving nature, who was devoted to his family and wanted to make the military a full-time and lifetime career.

Justin was truly an American patriot, believing in America and its missions to protect those who could not yet protect themselves. Those are the types of individuals who make great soldiers. Justin will be sadly missed by all, mostly by his family and his many friends.

As I was putting together my thoughts for today, I came across numerous Internet Web sites dedicated to making sure that we continue to remember our fallen heroes. Many of them have links to Justin's photo and personal information, all in an effort to ensure that we will never forget him. We will never forget his personal dedication to his country, and we will never forget the ultimate sacrifice he paid.

Most touching to me was seeing the notes of sympathy to his family. Many of the notes were from people in our area in Snyder, Union, and Northumberland Counties, but there were also notes from people all over the country - Illinois, Virginia, and Arizona, to name a few States. These individuals never knew Justin. They just knew he was fighting for our freedom, and they just wanted to show in some small way they care and were truly sorry for a soldier's and a family's loss.

Mr. Speaker, I ask the members join with Representative Phillips and me in honoring the memory of this fine soldier by unanimously passing this resolution.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

Today Representative Fairchild and I rise with great sadness but with great pride to honor a brave soldier who died while in the line of duty in Iraq just a few weeks ago.

Pfc. Justin Dreese of Northumberland, who turned 21 just 3 weeks before his death, was the first soldier from Snyder County killed during Operation Enduring Freedom and the seventh from the Upper Susquehanna Valley to pay the ultimate price for our freedom.

During his military career, he was a member of the 1st Battalion, 325th Airborne Infantry Regiment, 2d Brigade Combat Team, 82d Airborne Division stationed at Fort Bragg, North Carolina. He achieved the mark of 22 jumps from various aircrafts, including helicopters earlier this year in El Salvador. He was deployed in 2005 to Afghanistan and in early 2006 to El Salvador and in July to Iraq.

Private First Class Dreese, who graduated from Selinsgrove Area High School in 2004, was in a group of soldiers on a rooftop in the enemy territory when they came under mortar fire on September 2. One of the rounds hit the group, killing Private First Class Dreese and his sergeant. Several others were wounded.

Although Justin was taken at such a young age, he was a terrific role model for his peers. He was very active in high school, participating in soccer, pole vaulting, chorus, and the honors choir. He loved to hunt, fish, ride four-wheelers, and just loved to be outdoors.

Justin enjoyed spending time with his family; his dog, Mercedes; and friends both at home and at Fort Bragg.

As we stand here today and honor the memory of Private First Class Dreese, I am personally thankful that there are still young men and young women who share the sense of national duty and patriotism by willingly serving their country. They put their lives on the line to defend our freedoms and that of the people around the world.

Private First Class Dreese was a man of honor, and I am sure he will forever be remembered for the ultimate gift he gave to our country.

FAMILY INTRODUCED

Mr. PHILLIPS. Mr. Speaker, we share in the grief of Private First Class Dreese's family – his mother and stepfather, Kathryn and Gregory Shaffer, and his father and stepmother, Wesley and Carolyn Dreese. With us today are his mother and stepfather, Kathryn and Gregory Shaffer, and his grandfather, Robert Dreibelbies. I would like them to stand and be recognized, if they would please.

Mr. Speaker, I ask that all members join me in honoring Private First Class Dreese with a moment of silence and voting in support of HR 892.

Thank you, Mr. Speaker.

(A moment of silence was observed.)

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Flaherty	Major	Sabatina
Allen	Fleagle	Manderino	Sainato
Argall	Flick	Mann	Samuelson
Armstrong	Forcier	Markosek	Santoni
Baker	Frankel	Marsico	Sather
Baldwin	Freeman	McCall	Saylor
Barrar	Gabig	McGeehan	Scavello
Bastian	Gannon	McGill	Schroder
Bebko-Jones	Geist	McIlhattan	Semmel
Belardi	George	McIlhinney	Shaner
Belfanti	Gerber	McNaughton	Shapiro
Benninghoff	Gergely	Melio	Sipiroth
Beyer	Gillespie	Metcalfe	Smith, B.
Bianucci	Gingrich	Micozzie	Smith, S.
Birmelin	Godshall	Millard	Solobay
Blackwell	Good	Miller, R.	Sonney
Blaum	Goodman	Miller, S.	Staback
Boyd	Grell	Mundy	Stairs
Bunt	Grucela	Mustio	Steil
Buxton	Haluska	Myers	Stern
Caltagirone	Hanna	Nailor	Stevenson, R.
Cappelli	Harhai	Nickol	Stevenson, T.
Casorio	Harhart	O'Brien	Sturla
Causer	Harper	O'Neill	Surra
Cawley	Harris	Oliver	Tangretti
Civera	Hasay	Pallone	Taylor, E.Z.
Clymer	Hennessey	Parker	Taylor, J.
Cohen	Herman	Payne	Thomas
Cornell	Hershey	Petrarca	Tigue
Corrigan	Hess	Petri	True
Costa	Hickernell	Petrone	Turzai
Crahalla	Hutchinson	Phillips	Veon
Creighton	James	Pickett	Vitali
Cruz	Josephs	Pistella	Walko
Curry	Kauffman	Preston	Wansacz
Daley	Keller, M.	Pyle	Waters
DeLuca	Keller, W.	Quigley	Watson
Denlinger	Kenney	Ramaley	Wheatley
Dermody	Killion	Rapp	Williams
DeWeese	Kirkland	Raymond	Wilt
DiGirolamo	Kotik	Readshaw	Wojnarowski
Diven	LaGrotta	Reed	Wright
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood
Ellis	Leh	Roebuck	Yudichak
Evans, J.	Lescovitz	Rohrer	Zug
Fabrizio	Levdansky	Rooney	
Fairchild	Mackereth	Ross	
Feese	Maher	Rublely	Perzel,
Fichter	Maitland		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Evans, D.	Rieger	Ruffing
Dally	Gruitza		

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

The SPEAKER. Let the record reflect that the resolution was unanimously adopted.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Mr. and Mrs. Frank Gromlich and Mr. and Mrs. John Stickler. They are the guests of Representative Jerry Birmelin. They are located in the balcony. Would they please rise and be recognized.

FINANCE COMMITTEE MEETING

The SPEAKER. The Chair at this time recognizes Representative Dennis Leh for the purpose of an announcement.
Mr. LEH. Thank you, Mr. Speaker.

For the purpose of announcing a committee meeting, the House Finance Committee will hold a committee meeting immediately upon the call of the break. That meeting will be in room 205 of the Matthew Ryan Building, and because of the rain outside, I would advise the members that they go underground.

The SPEAKER. The Chair thanks the gentleman.

The Finance Committee will meet immediately in the Matthew Ryan Office Building, room 205.

INSURANCE COMMITTEE MEETING

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

Mr. WRIGHT. Thank you.

I am announcing a meeting for the House Insurance Committee. The House Insurance Committee will be meeting at the back of the hall upon the break to take up HB 2997.

The SPEAKER. The Chair thanks the gentleman.

At the break the Insurance Committee will meet in the rear of the House.

TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

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

Mr. GODSHALL. Thank you, Mr. Speaker.

The House Tourism Committee is going to have a real brief meeting in the back of the hall of the House to move HB 331, and it will take less than 5 minutes. So please, everybody come back as soon as you can, and we will get that meeting over with.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

There will be a brief meeting of the Tourism Committee in the back of the hall of the House.

COMMERCE COMMITTEE MEETING

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

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting of the House Commerce Committee in room G-50 in the Irvis Office Building. The House Commerce Committee will meet at the break in room G-50 of the Irvis Office Building.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Commerce Committee will meet at the break in room G-50 of the Irvis Office Building.

REPUBLICAN CAUCUS

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

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be a meeting of the caucus at 12:15; 12:15, a meeting of the caucus.

Thank you very much.

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 House Democratic Caucus will meet immediately upon the call of the recess. We will have formal and informal discussions. In all likelihood, the formal discussions will begin at 12:15 or later.

The SPEAKER. The Chair thanks the gentleman.

Are there any further announcements?

RECESS

The SPEAKER. This House is in recess until 1:30.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.

AFTER RECESS

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

RULES COMMITTEE MEETING

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Lycoming, Mr. Feese, who calls for an immediate meeting of the Appropriations Committee.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 655, PN 2171 (Amended)

By Rep. GANNON

An Act amending the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, further providing for general powers of the State Registration

Board for Professional Engineers, Land Surveyors and Geologists; and providing for continuing education requirements.

PROFESSIONAL LICENSURE.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Appropriations Committee is meeting immediately in room 245; immediately in room 245.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 331, PN 4813 (Amended) By Rep. GODSHALL

An Act amending the act of October 30, 1996 (P.L.732, No.131), known as the Pennsylvania Innkeepers' Rights Act, providing for prospective employee background checks; and requiring deadbolt locks in hotels.

TOURISM AND RECREATIONAL DEVELOPMENT.

HB 2997, PN 4742 By Rep. MICOZZIE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for new diesel technology.

INSURANCE.

SB 812, PN 1787 By Rep. LEH

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for property held by courts and public officers and agencies.

FINANCE.

SB 1139, PN 2176 (Amended) By Rep. LEH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for new diesel technology.

FINANCE.

COMMUNICATION FROM PHILADELPHIA PARKING AUTHORITY

The SPEAKER. The Speaker acknowledges receipt of the Philadelphia Parking Authority report for fiscal year 2006, submitted pursuant to section 6 of Act 94 of 2004.

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

LEAVE OF ABSENCE

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

The gentleman, Mr. Argall, come to the rostrum. Mr. Argall.

BILL ON CONCURRENCE REREPORTED FROM COMMITTEE

SB 862, PN 2186 (Amended) By Rep. S. SMITH

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; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for temporary regulations, for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for reports of board, for license or permit prohibition, for Category 2 slot machine licenses, for Category 3 slot machine licenses, for order of initial license issuance, for number of slot machine licenses, for applications for license or permit, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals and for licensing of key employees; further providing for slot machine license application financial fitness requirements and for supplier and manufacturer licenses; providing for manufacturer licenses; further providing for occupation permit application, for central control computer system, for license or permit issuance, for nontransferability of licenses, for gross terminal revenue deductions, for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for local land use preemption and for transfers from State Gaming Fund; providing for clean indoor air; further providing for compulsive and problem gambling program, for public official financial interest, for political influence and for enforcement; providing for conduct of public officials and employees; further providing for prohibited acts and penalties; providing for detention and for interception of oral communications; further providing for duty to provide and for submission of fingerprints; providing for repayments to State Gaming Fund; further providing for corrupt organizations; and making related repeals.

RULES.

The SPEAKER. Would Matthew Good please come to the rostrum. Matthew.

The House will be at ease.

BILLS REREPORTED FROM COMMITTEE

HB 2551, PN 4363 By Rep. FEESE

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for meetings of auditors and for audit of accounts by auditors and financial report to Department of Community Affairs.

APPROPRIATIONS.

HB 2729, PN 4151 By Rep. FEESE

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans Affairs, to grant and convey to the Borough of Mansfield certain lands situate in the Borough of Mansfield, Tioga County.

APPROPRIATIONS.

HB 2774, PN 4708 By Rep. FEESE

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations.

APPROPRIATIONS.

HB 2973, PN 4695

By Rep. FEESE

An Act designating SR 263 in Hatboro, Montgomery County, as the Roy W. Cornell Memorial Highway.

APPROPRIATIONS.

SB 972, PN 2098

By Rep. FEESE

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing, in Health Care Provider Retention Program, for the definition of "emergency physician," for abatement program and for expiration.

APPROPRIATIONS.

SB 1158, PN 2125

By Rep. FEESE

An Act providing for a tax credit to encourage property owners to include visitability design features on their properties.

APPROPRIATIONS.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1305, PN 2114

By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for transfers of appropriations and for notice of transfers and loans between funds.

APPROPRIATIONS.

LEAVE OF ABSENCE CANCELED

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

SUPPLEMENTAL CALENDAR C

RESOLUTION

Mr. KENNEY called up HR 883, PN 4740, entitled:

A Concurrent Resolution commending the civic initiative of the dental profession for establishing the Donated Dental Services program; and urging the participation of all dentists in the program.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Fichter	Maitland	Sabatina
Allen	Flaherty	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni

Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Sipthoth
Beyer	Gergely	Melio	Smith, B.
Bianucci	Gillespie	Metcalfe	Smith, S.
Birmelin	Gingrich	Micozzie	Solobay
Blackwell	Godshall	Millard	Sonney
Blaum	Good	Miller, R.	Staback
Boyd	Goodman	Miller, S.	Stairs
Bunt	Grell	Mundy	Steil
Buxton	Grucela	Mustio	Stern
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	O'Brien	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Oliver	Taylor, E.Z.
Clymer	Hasay	Pallone	Taylor, J.
Cohen	Hennessey	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	True
Costa	Hess	Petri	Turzai
Crahalla	Hickernell	Petrone	Veon
Creighton	Hutchinson	Phillips	Vitali
Cruz	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
Dermody	Killion	Rapp	Wilt
DeWeese	Kirkland	Raymond	Wojnaroski
DiGirolo	Kotik	Readshaw	Wright
Diven	LaGrotta	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	
Fairchild	Mackereth	Rublely	Perzel
Feese	Maher		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—6

Bishop	Gruitza	Roebuck	Ruffing
Evans, D.	Rieger		

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The Chair recognizes at this time the gentleman, Mr. Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

I would like to place the gentleman from Greene County, Mr. DeWEESE, on Capitol leave.

The SPEAKER. The Chair thanks the gentleman. Without objection, the leave will be granted.

FAREWELL ADDRESS BY MRS. TAYLOR

The SPEAKER. The Chair at this time would like to welcome to the podium the gentlelady from Chester, Mrs. E. Z. Taylor.

Mrs. TAYLOR. Thank you, Mr. Speaker. Maybe if I stayed around here long enough, you know, I would give you a run for your money.

You know, this is the day the Lord hath made; let us rejoice and be glad in it.

For me, the first time I set foot in this great House 30 years ago, there were three Republican women and six Democratic women, and we have increased our numbers, but we have increased our numbers not because of our gender but we have increased our numbers because we come ready to serve on the committees, let our voices be known. We do not need to have a caucus for that; we just need to have our women on different committees, showing what they can do and how they can make a difference.

You know, for me, this is a bittersweet moment and it is time for me to go, and I want to tell you, those of you who are looking forward to the golden years, golden years are not for sissies.

I would never stand here alone. You do not see all these people around me – you will see some of them today – but certainly my family and my late husband have been great supporters of mine, and without their trust and without their love and without their support, you know, I could have never done my job.

I have in my district office Sarah Finnaren, who has been with me for 28 years, and she has provided that office with constituent-excellent service, and not only that, but it has been very consistent. She knows the area and she knows that Elinor Taylor takes every small issue, small problem of her constituency, just as serious as the big ones.

And then I have with me today Jennifer Harrison, and Jennifer has been with me for a long, long time. She is my friend. She is an excellent, excellent administrator. She knows this House and how it works as well as many of you, and for that, Jennifer, and that hard work and that friendship that you have shown me, I thank you.

And then the one I want to recognize next is Jessica Gray. Now, those of you who are in the Republican Caucus know that these two work together very, very well. Jessica sees that our members are prepared, and she has been with me ever since, I think I took her on as a graduate from Penn State.

And then Tricia. Tricia writes for me. She writes for all of you. One weakness, I think, of mine, Tricia, has always been the PR, so she has had to prod me along on those issues.

And then Pat McIlvaine, who has been a friend, has been my driver for the last couple of years, and I hope you will all help me give those fine people a hand.

And certainly I could not say remarks without reminding you all that, well, maybe not you all, but those of you who have served for a while, that Carmel Sirianni, who served the 111th District, was a person who showed me the ropes.

She knew the politics of this House, and for me, she was a great person to rely upon as to what— Sometimes, you know, you have to act as a representative, a representative of your community, and then sometimes you have to act like a statesman or a stateswoman and do what is right for the Commonwealth as a whole.

And the second person I would like to talk about is Pat Vance. Senator Vance has been in my life, not only my friend, but she is the one who knows the issues. There is not anybody that can talk on issues in depth as Senator Vance, and I thank her for her friendship. And really, I guess you could call her my mentor.

So with that, let me say that, again, it is a bittersweet moment, but you guys carry on out there and you do not forget that this is a wonderful, wonderful institution and we are the people's house. Thank you.

I just told John, I know how to use this, right, caucus?

STATEMENT BY MAJORITY LEADER

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

As many members that are making ostensibly farewell speeches come and go through the podium over the next few days of session, I did want to just comment on the previous speaker, Mrs. Taylor's remarks. She was here when I got here and she served for some time with my dad, and she mentioned Carmel Sirianni, and I know— Well, Carmel was actually here when I first got here, so I knew her a little bit. But my dad always told me to pay attention to Carmel, much like what Mrs. Taylor just made reference to, and he also told me, of course, that Carmel had put him in place a few times, and I just wanted to tell Mrs. Taylor that while we will miss her, I will not miss her putting me in my place from time to time over the legislative years, and we appreciate the spirit and vitality that you have always brought to this job of being a legislator.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

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

THE SPEAKER PRO TEMPORE (JERRY BIRMELIN) PRESIDING

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1249**, **PN 4735**, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for uniform environmental covenants.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Maher	Sabatina
Allen	Flaherty	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siptroth
Beyer	Gergely	Melio	Smith, B.
Bianucci	Gillespie	Metcalfe	Smith, S.
Birmelin	Gingrich	Micozzie	Solobay
Blackwell	Godshall	Millard	Sonney
Blaum	Good	Miller, R.	Staback
Boyd	Goodman	Miller, S.	Stairs
Bunt	Grell	Mundy	Steil
Buxton	Grucela	Mustio	Stern
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	O'Brien	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Oliver	Taylor, E.Z.
Clymer	Hasay	Pallone	Taylor, J.
Cohen	Hennessey	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	True
Costa	Hess	Petri	Turzai
Crahalla	Hickernell	Petrone	Veon
Creighton	Hutchinson	Phillips	Vitali
Cruz	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kaufman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
Dermody	Killion	Rapp	Wilt
DeWeese	Kirkland	Raymond	Wojnaroski
DiGirolamo	Kotik	Readshaw	Wright
Diven	LaGrotta	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Lvdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

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

* * *

The House proceeded to third consideration of **HB 2634, PN 4227**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for procedure for conveyance of established projects.

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

Mr. **CLYMER** offered the following amendment No. **A09538**:

Amend Sec. 1 (Sec. 5624), page 2, line 30; page 3, lines 1 through 5, by striking out "MEETING TO EXPLAIN THE RATIONALE FOR" in line 30, page 2, all of lines 1 through 4 and "PROVIDED BY THE AUTHORITY" in line 5, page 3 and inserting forum on the acquisition or dissolution to explain the rationale for such action as prescribed in paragraph (1)

Amend Sec. 1 (Sec. 5624), page 3, line 6, by striking out "EACH OF THE OTHER" and inserting all

Amend Sec. 1 (Sec. 5624), page 3, line 10, by striking out "MEETING" and inserting forum

Amend Sec. 1 (Sec. 5624), page 3, line 11, by striking out "EACH OF THE OTHER" and inserting all

Amend Sec. 1 (Sec. 5624), page 3, line 19, by inserting a period after "RECOMMENDATION"

Amend Sec. 1 (Sec. 5624), page 3, lines 19 and 20, by striking out "in a" in line 19 and all of line 20 and inserting The result of the nonbinding vote and rationale for its recommendation shall be transmitted to the incorporating municipality within 48 hours of the vote. This nonbinding vote shall

Amend Sec. 1 (Sec. 5624), page 4, lines 24 and 25, by striking out all of line 24 and "INCORPORATING MUNICIPALITY" in line 25 and inserting

(c) Assets.—Following the transfer to an incorporating municipality that has dissolved such authority or acquired its established project in accordance with this section

Amend Sec. 1 (Sec. 5624), page 4, line 28, by inserting after "REVENUE"

, except in the case of a sale or conveyance as described under subsection (b),

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

The SPEAKER pro tempore. Mr. Clymer, are you seeking recognition? The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, my amendment, this is a technical amendment that was requested by the Pennsylvania Chapter of the National Association of Water Companies as a condition of its support for the bill itself. The amendment clarifies the differences between the first and second public meeting required by the bill and ensures that any private water company that may take over and dissolve the authority in the future may use future revenue generated by water or sewer services to conduct its businesses.

This amendment is supported by the Municipal Authorities Association and other local government groups that have worked with us on this bill, and I ask for support of amendment 9538.

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

The following roll call was recorded:

YEAS—194

Adolph	Feese	Mackereth	Sabatina
Allen	Fichter	Maher	Sainato
Argall	Flaherty	Major	Samuelson
Armstrong	Fleagle	Manderino	Santoni
Baker	Flick	Mann	Sather
Baldwin	Forcier	Markosek	Saylor
Barrar	Frankel	Marsico	Scavello
Bastian	Freeman	McCall	Schroder
Bebko-Jones	Gabig	McGeehan	Semmel
Belardi	Gannon	McGill	Shaner
Belfanti	Geist	McIlhattan	Shapiro
Benninghoff	George	McNaughton	Siptroth
Beyer	Gerber	Melio	Smith, B.
Biancucci	Gergely	Metcalfe	Smith, S.
Birmelin	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	Miller, S.	Stairs
Bunt	Goodman	Mundy	Steil
Buxton	Grell	Mustio	Stern
Caltagirone	Grucela	Myers	Stevenson, R.
Cappelli	Haluska	Nailor	Stevenson, T.
Casorio	Hanna	Nickol	Sturla
Causar	Harhai	O'Brien	Surra
Cawley	Harhart	O'Neill	Tangretti
Civera	Harper	Oliver	Taylor, E.Z.
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Hennessey	Payne	Tigue
Corrigan	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGiroloamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Rohrer	Zug
Evans, J.	Leh	Rooney	
Fabrizio	Lescovitz	Ross	Perzel,
Fairchild	Levdansky	Rubley	Speaker

NAYS—1

McIlhinney

NOT VOTING—0

EXCUSED—7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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?

HARRISBURG LEGISLATIVE LEAVES

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who wishes to place a member on leave of absence. Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Please add the gentlemen, Mr. FICHTER, Mr. BUNT, and Mr. GODSHALL, to Capitol leave.

The SPEAKER pro tempore. The Chair thanks the gentleman. They will be added to the leave.

CONSIDERATION OF HB 2634 CONTINUED

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

Mr. DALEY offered the following amendment No. **A09700**:

Amend Sec. 1 (Sec. 5624), page 1, lines 13 through 16, by striking out “which, in either case,” in line 13, all of lines 14 and 15 and “municipality in line 16

Amend Sec. 1 (Sec. 5624), page 4, line 17, by striking out “such” and inserting

an

Amend Sec. 1 (Sec. 5624), page 4, line 20, by striking out “such” and inserting

that

Amend Sec. 1 (Sec. 5624), page 5, line 5, by striking out “WATER OR SEWER”

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

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

Mr. DALEY. Thank you, Mr. Speaker.

Regarding HB 2634, amendment 09700, what we are trying to do with this amendment is very simple. HB 2634 has ways of dissolving water and sewer authorities, and what my amendment does, it takes out the language regarding water and sewer authorities and places in, with the removal of that

language, it places in the opportunity for other authorities to be able to dissolve in Pennsylvania.

What we have in the Mon Valley in southwestern Pennsylvania is a multicounty, multimunicipal authority known as the Mon Valley Health & Welfare Authority. Now, that authority is now basically for all intents and purposes no longer in existence, but we have a \$6 million building and we have about approximately \$1 million in the bank and we cannot dissolve this authority. I believe that the process that Representative Clymer wants to do is a good process, but we need other authorities to have the same process to be able to be dissolved in Pennsylvania.

There are all kinds of authorities other than water and sewer-line authorities that we have in our municipalities, from airports to housing and so forth. The Mon Valley Health & Welfare Authority was an authority that was established under the late great Jim Manderino in Monessen, Pennsylvania, but it services Washington, Fayette, and Westmoreland Counties and the communities around there with health and human services needs through a facility that was built through funding from this House of Representatives. That facility is no longer being used, that authority no longer needs that facility, and I ask that this amendment be passed and approved by this House of Representatives.

The SPEAKER pro tempore. The gentleman, Mr. Vitali, were you seeking recognition? The gentleman waives off. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I sympathize with Representative Daley in his efforts to want to move his amendment forward, but the problem we have is that under HB 2634, we have worked well over 6 to 8 months with different authorities and associations trying to make sure that this is narrowly drawn to a specific situation, and his amendment would just incorporate more problems and more concerns and we would not get the support that we now have for my bill. For instance, the Pennsylvania Municipal Authorities Association, the Pennsylvania Chapter of the National Association of Water Companies, the League of Cities and Municipalities, and the Pennsylvania State Association of Boroughs do not support his legislation, which means my bill then would not be supported by them as well.

So while I have the greatest respect for my colleague and I understand his concern, I would ask at this time for a “no” vote, and maybe we can work together to get his on a separate piece of legislation. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Harhai, from Westmoreland County.

Mr. HARHAI. Thank you, Mr. Speaker.

I rise in support of Representative Daley’s amendment, solely for the simple reason that this just happened within the last several months or we would have jumped in to be a part of that process with Representative Clymer.

To reiterate what Representative Daley said, it covers the four-county area of Westmoreland, Fayette, Greene, and Washington, services a lot of people. They have assets, they have structures, and we want to be assistive to them if we can. Also, as Representative Daley said, this goes back to the late Jim Manderino, who spearheaded this cause for this particular building and these services. It was a one-stop human service shop, and we would like to see it continue in that frame, but without this, we do not have the tool or mechanism to carry on.

And I think it is also, as Representative Daley mentioned earlier, for housing authorities and other authorities.

But I do applaud what you have done to this degree, but we are focusing on this one issue, mainly because it just occurred within the last several months. So I would appeal for a “yes” vote on behalf of that. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Clymer, is recognized for the second time.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I just want to reiterate that, again, I am very sympathetic to the points made by the previous speaker, and again, I am more than willing to work with any of those individuals to try and put their legislation through on a separate bill. But at this point in time I would just ask for a “no” vote on the Daley amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Daley, for the second time.

Mr. DALEY. Thank you, Mr. Speaker.

With all due respect to Representative Clymer, who I think is a great guy and we work tremendously well together on other legislation that we are dealing with, I checked Mason’s Manual, and I have not seen anywhere in Mason’s Manual where this House of Representatives cannot amend a bill. Now, I know that he has gone through the process of having all those people line up to support this, but we make the final decision. We are the arbiters. We are the ones that place amendments in bills, not only do the committees. It rests in our hands for the final decision on what goes in legislation and what does not go in legislation. I have not seen that changed, and I hope it does not change today. What I am asking here is we need help also. Representative Harhai, this is in his district. This is both Representative Harhai’s and my amendment, and we are asking for help. Unfortunately, we were not able to come to Mr. Clymer’s committee; we did not know this was going to happen.

I think the legislature, I think the House, can adopt an amendment to a piece of legislation. We are not injuring this legislation; we are expanding the legislation. It does not make it worse; it actually makes it better. So I ask for an affirmative vote, Mr. Speaker. Thank you very much.

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

The following roll call was recorded:

YEAS—92

Bebko-Jones	Eachus	Mackereth	Sabatina
Belardi	Fabrizio	Manderino	Sainato
Belfanti	Flaherty	Mann	Santoni
Beyer	Frankel	Markosek	Shaner
Biancucci	Freeman	Marsico	Shapiro
Blackwell	George	McCall	Siproth
Blaum	Gerber	McGeehan	Solobay
Buxton	Gergely	McNaughton	Staback
Caltagirone	Goodman	Melio	Sturla
Casorio	Grucela	Mundy	Surra
Cawley	Haluska	Myers	Tangretti
Civera	Hanna	Oliver	Thomas
Cohen	Harhai	Pallone	Tigue
Corrigan	Herman	Parker	Veon
Costa	James	Petrarca	Walko
Cruz	Keller, W.	Petrone	Wansacz
Curry	Kirkland	Pistella	Waters

Daley	Kotik	Preston	Wheatley
DeLuca	LaGrotta	Ramaley	Williams
Dermody	Leach	Raymond	Wojnaroski
DeWeese	Lederer	Readshaw	Yewcic
Diven	Lescovitz	Roberts	Youngblood
Donatucci	Levdansky	Rooney	Yudichak

NAYS—103

Adolph	Flick	Major	Samuelson
Allen	Forcier	McGill	Sather
Argall	Gabig	McIlhattan	Saylor
Armstrong	Gannon	McIlhinney	Scavello
Baker	Geist	Metcalfe	Schroder
Baldwin	Gillespie	Micozzie	Semmel
Barrar	Gingrich	Millard	Smith, B.
Bastian	Godshall	Miller, R.	Smith, S.
Benninghoff	Good	Miller, S.	Sonney
Birmelin	Grell	Mustio	Stairs
Boyd	Harhart	Nailor	Steil
Bunt	Harper	Nickol	Stern
Cappelli	Harris	O'Brien	Stevenson, R.
Causar	Hasay	O'Neill	Stevenson, T.
Clymer	Hennessey	Payne	Taylor, E.Z.
Cornell	Hershey	Petri	Taylor, J.
Crahalla	Hess	Phillips	True
Creighton	Hickernell	Pickett	Turzai
Dally	Hutchinson	Pyle	Vitali
Denlinger	Josephs	Quigley	Watson
DiGirolo	Kauffman	Rapp	Wilt
Ellis	Keller, M.	Reed	Wright
Evans, J.	Kenney	Reichley	Zug
Fairchild	Killion	Rohrer	
Feese	Leh	Ross	Perzel,
Fichter	Maher	Rubley	Speaker
Fleagle			

NOT VOTING—0

EXCUSED—7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Would the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Clymer, indicates he is willing to stand for interrogation. You may begin.

Mr. VITALI. Obviously I am a member of the committee and I have some familiarity with this, but I think it would be beneficial to sort of lay out, if you would, the process of

public hearings and other procedures necessary to dissolve an authority under this bill.

The SPEAKER pro tempore. The gentleman, Mr. Clymer, you have already been recognized to be interrogated, so you may begin to answer that question.

Mr. CLYMER. Mr. Speaker, let me preface my remarks by just going back and giving you some background on this issue.

HB 2634 applies only to sewer and water authorities in which at least 25 percent of the customer base resides outside the incorporating municipality. The following steps must be taken prior to dissolution or acquisition: The incorporating municipality must announce and provide background and rationale for the dissolution at a public hearing. Secondly, the incorporating municipality must hold at least one more public hearing at which comments from customers, representatives of other municipalities, because there are 25 percent that feed into the main municipality, main water and sewer authority, they must have testimony from the authority members and other interested parties that are involved. Each affected municipality must take a nonbinding vote on the proposed dissolution and transmit the result of the vote to the incorporating municipality. So we are giving all those involved in the process an opportunity to present their views at these public hearings.

Mr. VITALI. Okay. Let me ask you a question, because my main concern here is that authorities are a creation of a municipality, and my concern is making it difficult for a municipality to dissolve something that is created. So having said that, is there anything in here that requires PUC (Public Utility Commission) approval to have an authority dissolved once a municipality creates it?

Mr. CLYMER. Mr. Speaker, the question to that is yes, and the PUC would have oversight in order to make sure that there was some oversight over that municipality that was taking over the authority, and in this case it is the water and sewer authority. So the answer is yes.

Mr. VITALI. Just to be clear, this would be a change in existing law. Right now, for a municipality to dissolve an authority it created, it would not need PUC approval, but if this bill passes, for a municipality to dissolve an authority it created, it would need PUC approval? Is that correct?

Mr. CLYMER. Yes. It is not approval for the dissolution; it is an approval to provide oversight on the water service itself that is being provided. It is to make sure that the municipality which has now taken over the authority conducts its business in a very standard way, following procedures. But it does not have oversight on the dissolution itself.

Mr. VITALI. But it makes the decision whether it can be dissolved?

Mr. CLYMER. No.

Mr. VITALI. Okay.

Mr. CLYMER. No.

Mr. VITALI. Your bill as it currently stands, have any of the associations that represent municipalities – the township supervisors or the county commissioners or the first-class commissioners or whatever – have any of them taken a position on this bill as it currently stands?

Mr. CLYMER. Yes. When I provided my amendment, I mentioned a few. Let me give you a few more. This is supported, and this is after we had the meetings over a period of time, making these adjustments, reducing the original language. It is the Pennsylvania Municipal Authorities Association – these have approved it – the Pennsylvania Chapter—

Mr. VITALI. No, not the authorities but the municipalities.

Mr. CLYMER. The Pennsylvania Chapter of the National Association of Water Companies, the League of Cities and Municipalities, the Pennsylvania State Association of Township Supervisors, and the Pennsylvania State Association of Boroughs. They all have signed off on my legislation.

Mr. VITALI. Thank you.

The SPEAKER pro tempore. Are there any other members seeking recognition?

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—194

Adolph	Feese	Mackereth	Sabatina
Allen	Fichter	Maher	Sainato
Argall	Flaherty	Major	Samuelson
Armstrong	Fleagle	Manderino	Santoni
Baker	Flick	Mann	Sather
Baldwin	Forcier	Markosek	Saylor
Barrar	Frankel	Marsico	Scavello
Bastian	Freeman	McCall	Schroder
Bebko-Jones	Gabig	McGeehan	Semmel
Belardi	Gannon	McGill	Shaner
Belfanti	Geist	McIlhattan	Shapiro
Benninghoff	George	McNaughton	Siptroth
Beyer	Gerber	Melio	Smith, B.
Biancucci	Gergely	Metcalfe	Smith, S.
Birmelin	Gillespie	Micozzie	Solobay
Blackwell	Gingrich	Millard	Sonney
Blaum	Godshall	Miller, R.	Staback
Boyd	Good	Miller, S.	Stairs
Bunt	Goodman	Mundy	Steil
Buxton	Grell	Mustio	Stern
Caltagirone	Grucela	Myers	Stevenson, R.
Cappelli	Haluska	Nailor	Stevenson, T.
Casorio	Hanna	Nickol	Sturla
Causar	Harhai	O'Brien	Surra
Cawley	Harhart	O'Neill	Tangretti
Civera	Harper	Oliver	Taylor, E.Z.
Clymer	Harris	Pallone	Taylor, J.
Cohen	Hasay	Parker	Thomas
Cornell	Hennessey	Payne	Tigue
Corrigan	Herman	Petrarca	True
Costa	Hershey	Petri	Turzai
Crahalla	Hess	Petrone	Veon
Creighton	Hickernell	Phillips	Vitali
Cruz	Hutchinson	Pickett	Walko
Curry	James	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGiroilamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Rohrer	Zug
Evans, J.	Leh	Rooney	
Fabrizio	Lescovitz	Ross	Perzel,
Fairchild	Levdansky	Rubley	Speaker

NAYS—1

McIlhinney

NOT VOTING—0

EXCUSED—7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

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

SUPPLEMENTAL CALENDAR B

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1285, PN 4714**, entitled:

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for administrative practice and procedure; further providing for period of revocation or suspension of operating privilege; and abrogating a regulation.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Geist, that the House concur in the amendments inserted by the Senate.

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

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

Would the gentleman, Mr. McCall, stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. McCall, indicates he is willing to do so. You may proceed.

Mr. GEIST. Thank you, Mr. Speaker.

I am pleased the House and Senate administration were able to work out this amendment. I fully support this bill and would like to ask one question: As I understand the Senate's amendments, it states that PENNDOT may not – and I stress “not” – use its own employees to conduct administrative credit hearings. However, it does not state who or from where the employees will come from to conduct these hearings. Can you indicate to me what your understanding of this is for the record?

Mr. McCALL. Yes, Mr. Speaker.

Mr. Speaker, originally when the bill left the House of Representatives, it was amended with language that said the Department of Transportation would have to hire administrative law judges. The Senate amended that language out, basically kept the same concept, but said that they would have to hire attorneys and/or individuals that were non-PENNDOT employees. So the Office of Chief Counsel would appoint those individuals, and they have to be nonemployees of the Department of Transportation. And they come from a pool, because there are other agencies that do use administrative law judges and administrative officers to review cases in other departments and agencies in the Commonwealth. So the

Office of Chief Counsel would assign or ask for those individuals that are under State employ, not employees of PENNDOT, to do those hearings.

Mr. GEIST. Thank you, Mr. Speaker.
May I be recognized?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. GEIST. Thank you, Mr. Speaker.

I would like to praise Representative McCall for his work on this and would urge that the House do concur in the House bill. Thank you very much.

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

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Maher	Sabatina
Allen	Flaherty	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhatten	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siptroth
Beyer	Gergely	Melio	Smith, B.
Bianucci	Gillespie	Metcalfe	Smith, S.
Birmelin	Gingrich	Micozzie	Solobay
Blackwell	Godshall	Millard	Sonney
Blaum	Good	Miller, R.	Staback
Boyd	Goodman	Miller, S.	Stairs
Bunt	Grell	Mundy	Steil
Buxton	Grucela	Mustio	Stern
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causar	Harhart	O'Brien	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Oliver	Taylor, E.Z.
Clymer	Hasay	Pallone	Taylor, J.
Cohen	Hennessey	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	True
Costa	Hess	Petri	Turzai
Crahalla	Hickernell	Petrone	Veon
Creighton	Hutchinson	Phillips	Vitali
Cruz	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
Dermody	Killion	Rapp	Wilt
DeWeese	Kirkland	Raymond	Wojnaroski
DiGirolo	Kotik	Readshaw	Wright
Diven	LaGrotta	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1813, PN 4619**, entitled:

An Act providing for the allocation of funds to county mental health and mental retardation programs.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Kenney, that the House concur in the amendments inserted by the Senate.

The Chair recognizes the gentleman, Mr. Kenney.
Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, the Senate made two minor changes. Rather than have the Secretary of the Department of Public Welfare submit a budget submission on the MH/MR (mental health/mental retardation) programs, the Secretary of the Budget would include the COLA (cost-of-living adjustment) in their budget submission.

And the other one. In the bill were both mental health and mental retardation programs, and the Senate added early intervention programs.

They were the two changes made.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you.

Will the gentleman stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Kenney, indicates he is willing to do so. You may proceed.

Mr. VITALI. I am just trying to understand what this does, and I am struggling to understand what impact it might have. This basically says that the department, in presenting its budget, has to build in increases in its presentation every year? What it proposes has to be increased every year?

Mr. KENNEY. At the beginning of each fiscal year, the Department of Public Welfare will allocate to the county MH/MR and early intervention programs the total amount of funds. That includes the prior year's allocation plus the full funding of the prior year's initiatives, and then you add a COLA on top of that.

Mr. VITALI. Right. But what I am trying to get at is, does this require the legislature to give more money to mental health/mental retardation, or does it just require the department to propose more each year?

Mr. KENNEY. This would require the proposals made in each budget submission for that year, then it works its way through the legislative process.

Mr. VITALI. So if we just say, we appreciate your increase proposal but we choose not to fund it, then that is on us.

Mr. KENNEY. Right. That would be— Yes, to answer your question.

Mr. VITALI. Okay. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Monroe County, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I want to thank my good friend, Representative George Kenney, for his great work on HB 1813. This legislation is crucial to our community-based mental health professionals providing care and early intervention for children and adults who are mentally retarded or mentally ill. These health-care workers are a driving force in our communities and devote their lives to providing an essential service for those individuals with mental health disabilities while also providing support services to families as well.

These community programs and services assure that the people served by MH/MR providers have access to all the programs the communities have to offer. Let us do this for the children who are in need of care. MH/MR workers provide therapies and service to infants, toddlers, and preschoolers, support parents in advocating for their child, and focus on assisting children to reach their full potential by working to integrate them into the local community – schools, playgrounds, and neighborhoods. They introduce activities and provide resources so mentally disabled children can interact with children their own age. It is about time we finally address this initiative and enact a COLA to ensure that these hardworking and essential MH/MR workers are appropriately compensated for their skills and for what they give back to our community, and I urge the members to vote “yes.”

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Are there any other members seeking recognition? Mr. Kenney, are you seeking recognition?

Mr. KENNEY. Yes, Mr. Speaker.

The SPEAKER pro tempore. You are in order. You may proceed.

Mr. KENNEY. Thank you.

I ask my colleagues to support concurrence in HB 1813. This legislation will assure that funding for our community-based mental health and mental retardation and early intervention programs includes a cost of living. As you know, it is becoming more difficult to find a stable work force to serve this most needy population, and we believe, working with people like Mario Scavello of Monroe County – I appreciate his work and input – we have to set a bar where we begin to look out for these clients throughout Pennsylvania. This bill sets in motion a plan to ensure that the population that will continue to grow, the population of those with mental disabilities, ensure that they are serviced throughout Pennsylvania, and this bill takes that step, and I thank my colleagues for their support.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Maher	Sabatina
Allen	Flaherty	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Sipthoth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalfe	Smith, S.
Birmelin	Gingrich	Micozzie	Solobay
Blackwell	Godshall	Millard	Sonney
Blaum	Good	Miller, R.	Staback
Boyd	Goodman	Miller, S.	Stairs
Bunt	Grell	Mundy	Steil
Buxton	Grucela	Mustio	Stern
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	O'Brien	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Oliver	Taylor, E.Z.
Clymer	Hasay	Pallone	Taylor, J.
Cohen	Hennessey	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	True
Costa	Hess	Petri	Turzai
Crahalla	Hickernell	Petrone	Veon
Creighton	Hutchinson	Phillips	Vitali
Cruz	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
Dermody	Killion	Rapp	Wilt
DeWeese	Kirkland	Raymond	Wojnaroski
DiGirolamo	Kotik	Readshaw	Wright
Diven	LaGrotta	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rublely	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2472, PN 4580**, entitled:

An Act establishing a farmers' market development grant program to develop or expand farmers' markets; conferring powers and duties on the Department of Agriculture; and providing for funding.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Hershey, that the House concur in the amendments inserted by the Senate.

Mr. Hershey, do you seek recognition? The gentleman, Mr. Hershey, is recognized.

Mr. HERSHEY. The only change – thank you, Mr. Speaker – the only change the Senate made, due to the delay of the time, they changed the starting date of when this would be available.

Thank you. I would appreciate your vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, who moves that the gentleman, Mr. MYERS, be put on Capitol leave. Without objection, that leave is granted.

CONSIDERATION OF HB 2472 CONTINUED

The SPEAKER pro tempore. Are there any members seeking recognition on this particular bill?

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

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

The following roll call was recorded:

YEAS—195

Adolph	Fichter	Maher	Sabatina
Allen	Flaherty	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavello
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siptroth
Beyer	Gergely	Melio	Smith, B.
Bianucci	Gillespie	Metcalfe	Smith, S.
Birmelin	Gingrich	Micozzie	Solobay
Blackwell	Godshall	Millard	Sonney
Blaum	Good	Miller, R.	Staback
Boyd	Goodman	Miller, S.	Stairs
Bunt	Grell	Mundy	Steil
Buxton	Grucela	Mustio	Stern
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	O'Brien	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Oliver	Taylor, E.Z.
Clymer	Hasay	Pallone	Taylor, J.

Cohen	Hennessey	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	True
Costa	Hess	Petri	Turzai
Crahalla	Hickernell	Petrone	Veon
Creighton	Hutchinson	Phillips	Vitali
Cruz	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
Dermody	Killion	Rapp	Wilt
DeWeese	Kirkland	Raymond	Wojnaroski
DiGirolamo	Kotik	Readshaw	Wright
Diven	LaGrotta	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker
Feese			

NAYS—0

NOT VOTING—0

EXCUSED—7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2631, PN 4639**, entitled:

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "commercial property"; and further providing for disclosure at initial interview.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Gannon, that the House concur in the amendments inserted by the Senate.

The gentleman, Mr. Gannon, is recognized.
Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, as amended by the Senate, HB 2631 provides that notice will be given in commercial transactions when the buyer or lessee is an individual. In practical terms, this means that if the buyer or lessee is a corporation, notice will not be provided at the initial interview.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Delaware, Mr. Vitali, is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER pro tempore. The gentleman, Mr. Gannon, indicates he is willing to do so. You may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I am trying to get at what this bill does. I believe it deals, if I am reading the pre-session report correctly, notice requirements in real estate transactions that realtors are required to give buyers. Is that correct?

Mr. GANNON. Consumers. Yes, Mr. Speaker, that is correct. For consumers.

Mr. VITALI. Okay. And right now under current law, those consumers are required in commercial real estate transactions to get certain information to put them on notice, and this, for example, this pre-session report talks about 11 different categories of things; you know, for example, disclosure of the relationship of the broker, and on and on. So right now under current law, there are at least 11 different things that realtors are required to tell consumers. Is that correct?

Mr. GANNON. Mr. Speaker, the bill addresses those notices only at the initial interview. The notices would be provided later on at the sale transaction.

Mr. VITALI. Okay. So as I understand this, and again, if this summary is correct, what your bill would do would be to eliminate notice requirements to consumers. In other words, information they are currently getting with regard to the real estate agent/broker now, your bill would eliminate those requirements. Is that accurate?

Mr. GANNON. That is not correct, Mr. Speaker.

Mr. VITALI. Okay. Could you explain that, because there is a disconnect between our summary and what you are saying.

Mr. GANNON. Notice to consumers would be at the first interview, but please bear in mind, Mr. Speaker, this does not eliminate the notice requirement entirely. It only deals with the notice requirement at the initial interview, and it does not eliminate the notice requirement to consumers in residential transactions, Mr. Speaker.

Mr. VITALI. I am trying to get at what policy is being furthered by eliminating some notice requirements. Why are we doing this?

Mr. GANNON. This would eliminate the notice requirements at the initial interview in commercial transactions.

Mr. VITALI. Would they be when the contractual relationship between, let us say, the real estate agent and the buyer or the real estate agent and the seller are made?

Mr. GANNON. Mr. Speaker, this would apply where there was an initial contact with respect to an interest in the sale, or I should say the purchase of a property where an agent or a broker represented a principal. It does not necessarily apply to where an agent, a real estate agent, is undertaking to represent someone in the sale of a piece of property.

Mr. VITALI. And again, I do not want to beat a dead horse, I think my questions are coming to an end, but what policy are we furthering by eliminating or delaying notices to consumers?

Mr. GANNON. Well, first of all, as I said before, this does not deal with eliminating notices to consumers. Consumers of retail properties – that is, a purchaser of a residential property – would still get notice at the initial interview. So let us stop using the word “consumer,” because it seems to be confusing.

Mr. VITALI. I am sorry; that was your word, though.

Mr. GANNON. Well, I wanted to differentiate, and I apologize. It was confusing. We are talking about commercial transactions. In most instances those transactions involve corporations, moving property back and forth, and in fact, the

Senate language clarified that to state that this exemption only apply in commercial transactions.

Mr. VITALI. Okay, that—

Mr. GANNON. And even— Excuse me, Mr. Speaker. Just for further clarification. Even in a commercial transaction where the purchaser is an individual, that individual would still get notice at the initial interview. If that purchaser was a corporation, they would not be required to provide the notice at the initial interview but they would receive those notices as the transaction evolved, later in the transaction. We are only talking about the initial interview here.

Mr. VITALI. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, we worked rather long and hard on this piece of legislation, the Professional Licensure Committee, and the product that we have back on concurrence I believe gives protection to those individuals that might be in a first-time transaction on a commercial property but allows for those entities that have sophisticated operations, that would otherwise have to get some approval from or a signature from someone in a different State because of the corporate structure that they have or those types of things, from not having to get those types of notifications and signatures required on that. So I would encourage the members to vote for concurrence here on this piece of legislation.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Are there any other members seeking recognition on this bill?

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

Adolph	Feese	Mackereth	Rubley
Allen	Fichter	Maher	Sabatina
Argall	Flaherty	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
Baker	Flick	Mann	Santoni
Baldwin	Forcier	Markosek	Sather
Barrar	Frankel	Marsico	Saylor
Bastian	Freeman	McCall	Scavello
Bebko-Jones	Gabig	McGeehan	Schroder
Belardi	Gannon	McGill	Semmel
Belfanti	Geist	McIlhattan	Shaner
Benninghoff	George	McIlhinney	Shapiro
Beyer	Gerber	McNaughton	Siptroth
Biancucci	Gergely	Melio	Smith, B.
Birmelin	Gillespie	Metcalfe	Smith, S.
Blackwell	Gingrich	Micozzie	Solobay
Blaum	Godshall	Millard	Sonney
Boyd	Good	Miller, R.	Staback
Bunt	Goodman	Miller, S.	Stairs
Buxton	Grell	Mundy	Stern
Caltagirone	Grucela	Mustio	Stevenson, R.
Cappelli	Haluska	Myers	Stevenson, T.
Casorio	Hanna	Nailor	Sturla
Causar	Harhai	Nickol	Surra
Cawley	Harhart	O'Brien	Tangretti

Civera	Harper	O'Neill	Taylor, E.Z.
Clymer	Harris	Oliver	Taylor, J.
Cohen	Hasay	Pallone	Thomas
Cornell	Hennessey	Parker	Tigue
Corrigan	Herman	Payne	True
Costa	Hershey	Petrarca	Turzai
Crahalla	Hess	Petri	Veon
Creighton	Hickernell	Petrone	Vitali
Cruz	Hutchinson	Phillips	Walko
Curry	James	Pickett	Wansacz
Daley	Josephs	Pistella	Waters
Dally	Kauffman	Preston	Watson
DeLuca	Keller, M.	Pyle	Wheatley
Denlinger	Keller, W.	Quigley	Williams
Dermody	Kenney	Ramaley	Wilt
DeWeese	Killion	Rapp	Wojnaroski
DiGirolamo	Kirkland	Raymond	Wright
Diven	Kotik	Readshaw	Yewcic
Donatucci	LaGrotta	Reed	Youngblood
Eachus	Leach	Reichley	Yudichak
Ellis	Lederer	Roberts	Zug
Evans, J.	Leh	Rohrer	
Fabrizio	Lescovitz	Rooney	Perzel,
Fairchild	Levdansky	Ross	Speaker

NAYS-1

Steil

NOT VOTING-0

EXCUSED-7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR D

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 63, PN 1988**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing an exception to the oral examination for members of the active military, reserves or Pennsylvania National Guard who are currently deployed in an active military operation or national emergency; and further providing for, in child protective services, investigation of reports and for county agency requirements for general protective services.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Smith, that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS-195

Adolph	Fichter	Maher	Sabatina
Allen	Flaherty	Major	Sainato
Argall	Fleagle	Manderino	Samuelson
Armstrong	Flick	Mann	Santoni
Baker	Forcier	Markosek	Sather
Baldwin	Frankel	Marsico	Saylor
Barrar	Freeman	McCall	Scavallo
Bastian	Gabig	McGeehan	Schroder
Bebko-Jones	Gannon	McGill	Semmel
Belardi	Geist	McIlhattan	Shaner
Belfanti	George	McIlhinney	Shapiro
Benninghoff	Gerber	McNaughton	Siproth
Beyer	Gergely	Melio	Smith, B.
Biancucci	Gillespie	Metcalfe	Smith, S.
Birmelin	Gingrich	Micozzie	Solobay
Blackwell	Godshall	Millard	Sonney
Blaum	Good	Miller, R.	Staback
Boyd	Goodman	Miller, S.	Stairs
Bunt	Grell	Mundy	Steil
Buxton	Grucela	Mustio	Stern
Caltagirone	Haluska	Myers	Stevenson, R.
Cappelli	Hanna	Nailor	Stevenson, T.
Casorio	Harhai	Nickol	Sturla
Causer	Harhart	O'Brien	Surra
Cawley	Harper	O'Neill	Tangretti
Civera	Harris	Oliver	Taylor, E.Z.
Clymer	Hasay	Pallone	Taylor, J.
Cohen	Hennessey	Parker	Thomas
Cornell	Herman	Payne	Tigue
Corrigan	Hershey	Petrarca	True
Costa	Hess	Petri	Turzai
Crahalla	Hickernell	Petrone	Veon
Creighton	Hutchinson	Phillips	Vitali
Cruz	James	Pickett	Walko
Curry	Josephs	Pistella	Wansacz
Daley	Kauffman	Preston	Waters
Dally	Keller, M.	Pyle	Watson
DeLuca	Keller, W.	Quigley	Wheatley
Denlinger	Kenney	Ramaley	Williams
Dermody	Killion	Rapp	Wilt
DeWeese	Kirkland	Raymond	Wojnaroski
DiGirolamo	Kotik	Readshaw	Wright
Diven	LaGrotta	Reed	Yewcic
Donatucci	Leach	Reichley	Youngblood
Eachus	Lederer	Roberts	Yudichak
Ellis	Leh	Rohrer	Zug
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth	Rubley	Speaker
Feese			

NAYS-0

NOT VOTING-0

EXCUSED-7

Bishop	Gruitza	Rieger	Ruffing
Evans, D.	Maitland	Roebuck	

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

Ordered, That the clerk inform the Senate accordingly.

HOUSE SCHEDULE

The SPEAKER pro tempore. The Chair would like to announce for the members what the schedule is going to be in the next few hours. I knew that would get your attention.

The House is going to recess now and will reconvene sharply – those are not my words; I was instructed to say those – sharply at 7:30. So members will have the opportunity to have dinner, but keep in mind that we will be doing the gaming legislation, and we will be back at 7:30 this evening.

RECESS

The SPEAKER pro tempore. This House now stands in recess.

AFTER RECESS

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

VOTE CORRECTION

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

Mr. FREEMAN. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. Well, we are really busy right now, but I think we can fit you in. The gentlemen is in order and may proceed.

Mr. FREEMAN. On HB 2631, which was voted on earlier this evening, it was a vote on concurrence. I was recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

Mr. FREEMAN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2042, PN 3962**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of

Representatives to Senate amendments by further amending House amendments to **SB 157, PN 1989**.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 126, PN 4579**; and **HB 632, PN 4757**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of Representative Evans from Philadelphia County and asks the clerk to return him to the master roll call.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members, please report to the floor of the House. We are about to begin the House business for the evening. Members, please report to the floor of the House. Members are urged to come to the floor of the House. We will very shortly be debating and voting on the gaming legislation, SB 862. So, members, please, come to the floor of the House as quickly as possible.

HARRISBURG LEGISLATIVE LEAVES CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence in the hall of the House of Representative Godshall and asks that he be added to the master roll. The gentleman was on Capitol leave.

The Chair notes the presence of Representative Fichter on the floor, who was previously on Capitol leave.

The Chair also notes the presence of Representative DeWeese on the floor. His name will be canceled from legislative leave.

SUPPLEMENTAL CALENDAR E

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to House amendments to the following **SB 862, PN 2186**, as further amended by the House Rules Committee:

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; providing for applicability of other statutes; further providing for powers and duties of board; providing for code of conduct; further providing for temporary regulations, for licensed entity application appeals from board, for license or permit application hearing process, for board minutes and records, for collection of fees and fines, for reports of board, for license or permit prohibition, for Category 2 slot machine licenses, for Category 3 slot machine licenses, for order of initial license issuance, for number of slot machine licenses, for applications for license or permit, for slot machine license application and for slot machine license application business entity requirements; providing for licensing of principals and for licensing of key employees; further providing for slot machine license application financial fitness requirements and for supplier and manufacturer licenses; providing for manufacturer licenses; further providing for occupation permit application, for central control computer system, for license or permit issuance, for nontransferability of licenses, for gross terminal revenue deductions, for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for local land use preemption and for transfers from State Gaming Fund; providing for clean indoor air; further providing for compulsive and problem gambling program, for public official financial interest, for political influence and for enforcement; providing for conduct of public officials and employees; further providing for prohibited acts and penalties; providing for detention and for interception of oral communications; further providing for duty to provide and for submission of fingerprints; providing for repayments to State Gaming Fund; further providing for corrupt organizations; and making related repeals.

On the question,

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

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair diverts its attention for a moment to instruct the clerk to add the following members to leave for the remainder of the day: Representative FEESE, Representative ROHRER, and Representative TRUE. Without objection, the leaves are granted.

CONSIDERATION OF SB 862 CONTINUED

On the question recurring,

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Smith, that the House concur in these amendments.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair again diverts its attention and asks that the gentleman, Mr. SANTONI, be placed on leave for the balance of the day.

CONSIDERATION OF SB 862 CONTINUED

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

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

Mr. Speaker, I just wanted to take a couple of minutes and outline or discuss with the membership just what is in this bill, some of the comparisons between the bill as it was sent to us from the Senate 2 weeks ago versus how it is amended and how

it reads now. In just a short point of reference, obviously this legislation has a high level of interest. It is something that everybody in this building I think is interested in, you know, putting on the Governor's desk and resolving this issue.

This piece of legislation had been sent back to the Senate this spring. Two weeks ago the Senate amended it. The consistent things that are in this legislation that had been carried through, pretty much with a lot of agreement from the beginning, are the issues that have to do with law enforcement relative to tying the Attorney General and the RICO (Racketeer Influenced and Corrupt Organizations) statutes into the law enforcement side of gaming. The prohibition on a public official's ownership, in particular as it addressed the controversial 1-percent ownership provision, that has been carried forward. There is language that deals with the restrictions on the activities of board members, language that deals with the board member recusal. That is something that we did change a little bit from the Senate version, but clearly it states the process under which a board member who might be faced with a conflict would recuse themselves of a vote. There are restrictions in this legislation as it relates to a gaming facility being located in a KOZ (keystone opportunity zone). I think there was some pretty strong consensus that that is not something that we were intending or condoning, that a casino would not be the beneficiary of the economic stimulus components that KOZs represent. Those were all things, Mr. Speaker, that more or less have been carried forward in similar fashion from the earlier versions of the bill.

To some of the issues that are a little more heated and controversial, things that have been talked about a lot over the past couple of months: Number one, this legislation, somewhat consistent with the earlier Senate version, would eliminate the middlemen suppliers. The Senate version of this bill, Mr. Speaker, set up a fund based on a \$500 tax that would have provided some kind of a payout fund for potentially aggrieved suppliers. Mr. Speaker, I think the concerns are that we wanted to phase out the suppliers as of the end of their licensing period, which would be July of 2007, and that to set aside any pot of money I think is just begging for someone to come and try to dip their hand into it. I think it would have turned into a veritable slush fund and not necessarily in the best interest of, not in the best interest of putting together this legislation.

Also of a controversial nature, Mr. Speaker, was the manufacturers' cap issue that was the requirement in the Senate version of this bill that would limit the percentage of machines that any one casino could purchase. It would have forced them to buy slot machines from multiple manufacturers. I think the prevailing wisdom, and I will state it this way, Mr. Speaker, that if the goal of this legislation originally, of Act 71, was to provide money, slots revenues, in order to minimize or reduce real estate taxes in Pennsylvania, if that is the stated goal of the Commonwealth, then the Commonwealth and the Gaming Board have a fiduciary responsibility to try to raise the revenues in the most efficient way and with the most integrity and safety for the citizenry as possible. To suggest that a casino would be required to buy a certain amount of machines from one manufacturer to another I think contradicts the open marketplace. The thought that the casino owner-operator would want to have their own free will to purchase the machines that they see fit, if they think they can most efficiently generate revenue by buying all of their machines from one manufacturer, so be it. I think that that is a decision that they should make and

that would be in the best interest of what the Commonwealth's stated goal is relative to this legislation.

Mr. Speaker, another issue area is the local zoning. This is something that while the administration had sought to have a zoning preemption statewide, there were, I think, always concerns with that issue certainly statewide. However, some parallel concerns have been raised. So what this bill as amended would do is, the local zoning ordinances that exist across the Commonwealth would remain intact, would be applied to a casino developer.

In the city of Philadelphia and the city of Pittsburgh, their respective zoning ordinances would prevail. However, the enforcement arm and the entity that would actually apply those rules would be shifted to the Gaming Control Board so that we are not preempting local zoning but in two instances we are shifting the authority who would be, like I say, enforcing or basically administering those zoning requirements. Any person who might feel aggrieved or that the zoning, local zoning rules were not applied properly would still have their redress through the court system so that the due process would be in place.

The Senate-passed bill, Mr. Speaker, also tried to deal with the issue of riparian rights along the Delaware River. In many people's opinion, it somewhat circumvented the normal process by which riparian rights might be transferred; riparian rights, you know, being basically the real estate, the ground underneath the water. What this legislation did as amended is to remove that riparian rights language, Mr. Speaker, and therefore a successful casino applicant at such time as they go to construct their facility, they would need to come back through the Commonwealth to acquire those riparian rights in the same fashion that those types of land transfers have been done in the past as opposed to the kind of circumvented, short-circuit version that was in the Senate version of 862, Mr. Speaker.

A couple of other issues. We tried to address several of the issues of the local distribution of funds, that being the local share of money that goes to municipalities or counties. There were a couple of those concerns that were raised that were addressed in the Senate version, which we retained, as well as a couple of additional ones where we have tried to phase in a more equitable distribution of that local share of money.

The last two issues, Mr. Speaker, of significant importance, not that there might be others that members might be interested in, is the issue of liquor control. This legislation would require the LCB (Liquor Control Board) to promulgate emergency regulations that would be in effect for 1 year. Within that 1-year period, this legislature would have to come back and statutorily institute through the Liquor Code, presumably, the more permanent law which would determine the manner in which alcohol would be served within the casinos.

The final issue, Mr. Speaker, is the smoking ban. The Senate legislation provided for a statewide ban, or a statewide preemption of any local smoking ordinances. This legislation would carry that forward. So in other words, Mr. Speaker, if a local county or municipality has a public-place smoking ban, that would not apply in the instance of a licensed gambling casino.

These, Mr. Speaker, are the changes and to a great degree the comparisons between SB 862 as it was sent to us by the Senate a couple weeks ago.

And just as a personal observation, Mr. Speaker, I would say that while we certainly respect and understand some of the provisions that were in this legislation as sent to us by the

Senate, I believe that what we have before us now, Mr. Speaker, is a much more comprehensive reform bill. I think that it has more of the issues straight up on the table; more transparent. I think that it is a legislative proposal that will allow the Gaming Control Board to streamline their activities in terms of doing the job that has been set forth for them to tackle.

The bottom line is, Mr. Speaker, I feel very strongly that this legislation is a major improvement over not only the current gaming law that is in place, Act 71, but I think this is also a significant improvement over the various previous versions of SB 862, and I would urge the members to concur on this legislation.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Philadelphia County, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I rise to ask for a "no" vote on concurrence in SB 862 as amended by the Senate as amended by the House Rules Committee, for two reasons. The first one is procedural.

I would agree with the prior speaker that the amendments in the House Rules Committee made some very significant improvements, but I disagree with the fact that those amendments were made in the House Rules Committee in a way that then shuts out the rank-and-file members of this body of having any further input. That same amendment could have been offered on the floor of the House tonight and we could have voted on that same substance, and while we were doing that, we could have been in position to consider the 28 other amendments, and many of them probably would not have to have been offered because many of them were probably covered by that amendment that happened in Rules. But there were 28 other amendments that members had issues that they were concerned about, and the process that we are using here tonight once again shuts out the good-government process of letting rank-and-file members bring their issue to the floor in a full and fair debate, and that is a disappointment to me.

My second point goes to the substance. There were a lot of things in the legislation, both as it left the House the first time and as it was amended in the Senate, that were detrimental to the city of Philadelphia, and in particular, which took away rights from the city of Philadelphia and its residents that every other resident of this Commonwealth in every other municipality of this Commonwealth has under this bill.

Some of those rights were repaired by the amendment that happened in the House Rules, but not all of them, and as the bill stands now, zoning issues in Philadelphia will not be decided by our zoning board as they will in every other municipality across this Commonwealth that might have a gaming licensed facility. Rather, those zoning decisions will be made by the casino control board. That is just plain wrong for the citizens of Philadelphia, and that is enough reason for me, and I hope many others, to vote "no."

Philadelphia deserves the same right as any municipality for local control, and it is a shame that that is preempted by this amendment and that the process by which this amendment was put into the Rules Committee, knocked out several amendments that were prepared to be offered tonight in order to grant Philadelphia the opportunity that every other municipality has, and so for those reasons, I plan to vote "no" on SB 862 concurrence vote and I hope my other colleagues will stand for local control and vote "no" with me.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader articulated very well some of the major differences between the omnibus amendment that we received from the Senate and the very necessary changes that we put into the bill, yet at the same time keeping those provisions that were good government, such as the 1-percent removal of ownership by legislators, the Attorney General, reinforcing the Ethics Code on the Pennsylvania Gaming Control Board, dealing with nepotism, the fact that public employees, employees could not participate as employees with casinos until 1 year after they left employment, and so the list goes on of things that are very important to bringing honesty and integrity to this very, very important issue, and that is gambling in Pennsylvania.

The other thing that I need to mention as well, and again, the majority leader touched upon it, is the fact that those riverfront neighborhoods, some of the problems that they encountered, in addition to the riparian rights, were also wondering why utilities could be hooked up, that is the casino could hook up their utilities with the city of Philadelphia at no cost. And then we had the issue with the associated land. We had problems with the proximity of flashing lights in close proximity with the neighborhoods and a whole litany of things there that would have impacted very negatively on those riverfront neighborhoods. All of that has been removed, and so we have really done what I think is an outstanding job in trying to bring some kind of commonsense approach to this very, like I said, very important issue.

And so as I conclude my remarks, I also want to thank the members on the other side of the aisle, those who have a passion for their neighborhoods and understood the problems that the Senate amendment was bringing to their territory, for their input, for their support, and of course for the members here in the Republican Caucus, for their concern and for their support as well.

And so, Mr. Speaker, I ask that we do concur on this amendment, and I thank the members for their attention.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the lady from Philadelphia, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am one of the people the lady, the other lady from Philadelphia, made reference to who had amendments. I would like to briefly describe amendment 9669 and ask for a suspension of the rules and reserve my right to speak on final passage after we have dealt with this matter.

The SPEAKER pro tempore. The lady, Ms. Josephs, moves that we suspend the rules for the purpose of offering an amendment. Would you repeat the number, please.

Ms. JOSEPHS. 09669.

On the question,

Will the House agree to the motion?

The SPEAKER pro tempore. Does Ms. Josephs have a copy of that for the desk here? We do not have that.

Ms. JOSEPHS. I did forward it. I have a copy I have written on. It was given to the proper people 20 minutes ago. I do not know anything else about it.

The SPEAKER pro tempore. We do not have a copy of it, so we are going to have to try to track one down. If you could help us by— Did you contact the amendment clerk? Is that where you submitted that, Ms. Josephs? Ms. Josephs, we do have a copy of the amendment, but it is addressing the wrong print number. Ms. Josephs, we are in receipt of your amendment, but it was drafted to the wrong printer's number; it was drafted to the wrong printer's number.

Ms. JOSEPHS. That is why I want a suspension of the rules.

The SPEAKER pro tempore. You are not allowed to do that. Would you come to the desk, please, Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, I know this was drafted to the wrong printer's number, and that is why I want a suspension of the rules, because I also object to the procedure in which the Rules Committee— I thought the voters told us, very recently, they do not care for this kind of procedure.

The SPEAKER pro tempore. Ms. Josephs? Ms. Josephs?

Ms. JOSEPHS. Me neither.

The SPEAKER pro tempore. Ms. Josephs, please come to the desk.

(Conference held at Speaker's podium.)

The SPEAKER pro tempore. The Chair recognizes for a brief explanation of her amendment, which the Chair will then rule out of order, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

My amendment, which would have been in order, aside from the very faulty procedure which the constituents have already told us they do not like, would have eliminated all of the preemptions, some of which affected Philadelphia, some of which affected Philadelphia and Allegheny County, including the preemption of clean indoor air in casinos and the preemption of local zoning in Philadelphia County.

I would like a suspension of the rules because I think these are extraordinarily important issues not only for Philadelphia County and Allegheny County but for the entire State, because it is a very bad precedent, and I would appreciate a positive vote on the suspension of the rules.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Smith, the majority leader.

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

Mr. Speaker, I would ask the members to vote against the suspension of the rules, for a couple of reasons. First, Mr. Speaker—

The SPEAKER pro tempore. The Chair would like to interrupt you just to let you know that the Chair is going to rule that the amendment is out of order. There will not be a vote to suspend the rules, unless the decision of the Chair is challenged by a member. You may not need to make that speech, in other words.

Mr. S. SMITH. Then, Mr. Speaker, I will defer till your ruling.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MOTION WITHDRAWN

The SPEAKER pro tempore. Ms. Josephs, your amendment has been ruled out of order because it was drafted to the wrong printer's number. Ms. Josephs, do you still seek recognition?

Ms. JOSEPHS. Please. Thank you for a prompt ruling. I do not agree, but it was prompt, it was clear, and it again illustrates the kind of procedure that our voters do not want.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Speaker thanks you.

On the question recurring,

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I rise in support of the concurrence after the amendment, and I want to thank both the majority leader, Sam Smith, and Paul Clymer, who has been so persistent on this. This is a true reform bill, a true gambling reform bill. And amongst the very important points that it covers, it has broad Attorney General jurisdiction. It essentially eliminates the suppliers. Many of us would have liked to have never seen suppliers put in, in the first place, but to the extent that they are in there, this absolutely is the best way to approach it. It eliminates the 1-percent public ownership interest. It makes sure that riparian rights, or to the layperson, water rights, are in effect let up to the market. Everybody has to make the same deal. There are no special deals for the gambling industry. No juveniles get to buy into, under trust relationships, gambling interests. It has eliminated the nepotism issues. It is clearly a bill that promotes an arm's length relationship in every sector or factor of this expanded gambling. Now, I would have liked to have not seen expanded gambling, but at a minimum, we have to have a bill that brings back trust to this process, and this bill as amended will do exactly that.

I would like to respond to my colleague from Philadelphia County who says to oppose this bill on the basis of, you know, whether a particular jurisdiction in the case of Philadelphia or Pittsburgh versus the State determining the location of these entities. Look, the fact of the matter is, no matter who is doing it, by bringing gambling entities beyond the racetracks, beyond destination gambling, into the inner cities, you are invading and going to be, in fact, negating or demoralizing, making worse, the fabric of people's lives in those particular cities.

If anybody was really concerned about those individuals in those cities and how they would have been affected, they would have been against the gambling expansion bill in the first place. So I think it is somewhat disingenuous to say that somehow saying who gets to pick the zoning or who gets to pick the locations of this, that there are going to be some protections. The fact of the matter is, if you are bought into gaming, you are bought into the fact that you are not all that concerned about how it is affecting people's lives in the city. The best way to protect at this point, given the fact that we have gambling, the best way to protect the trust and integrity and arm's length transactions, is to vote and concur in this bill as amended by this House.

Thank you very, very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the Democratic leader, Mr. DeWeese.

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

I rise to endorse concurrence, and I do it for three reasons; very quickly.

One, the 1-percent ownership that was allegedly a part of the dynamics earlier in this process has been forever eliminated. We did it by House rule. This does it by statute. It is incontrovertible. It is in cement. No public official, no legislator will have anything to do with these casinos.

Number two, our Attorney General will be up to his or her eyeballs in the enforcement of these statutes. We have the Attorney General, a Republican Attorney General at this juncture, actively involved in the gaming process. I think that is for a healthier gaming law in the State.

Number three, and finally, thanks to Jake Wheatley, Representative Wheatley of Pittsburgh and others, there is more money for gambling addiction, three or four times more than in previous statutes.

So for those three reasons, Mr. Speaker, those three reasons – no 1 percent by any public official, more Attorney General oversight, more gaming addiction money – for those three reasons, Mr. Speaker, I would advocate a positive vote on concurrence. Thank you.

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

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TAYLOR. Thank you, Mr. Speaker.

While I join with some of my colleagues from Philadelphia who would rather see no mention of zoning in Philadelphia in this bill, I am certainly supporting this version of 862 and would thank our leadership for the willingness, because this bill was on concurrence, to open it up and put what they heard were the problems for many members and put this in an amendment. I think certainly that this version of the bill is better for Philadelphia, better for the State in general, and in particular, better for those members of this body that represent areas where these facilities may be located.

What the prior version of this bill did was systematically strip any leverage in any way from the city of Philadelphia and its residents. They would have no input and no ability to negotiate a whole number of things in terms of traffic and special service districts and police coverage and the like. What we were able to do is strip out, really, deletion of the riparian rights that we had here for 300 years and all the particular language that dictated things like billboards and parking spots and really stripped us of any input whatsoever in zoning.

The current version of this zoning only changes those people that make the decision in Philadelphia on zoning at this point. It does not change the process. An individual can go in and argue just as he would or she would in front of the zoning board of adjustment, can take an appeal to that decision, and have the same input as they would if the zoning board had these properties under their jurisdiction.

So I would ask for us to concur in this. Again, it is not exactly what many of us wanted, but it is a far more positive

version than it left this House the last time we dealt with this. So thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BLAUM. Thank you, Mr. Speaker.

I think there is enough good and bad in this piece of legislation that many members may have difficulty making up their mind. I will probably end up supporting it based on the fact of the increase and concurrent jurisdiction that the Attorney General will have throughout the Commonwealth in the whole industry of gaming.

I do not think any of us should leave here tonight, and certainly those returning next session must understand the need for continued vigilance on this issue. Already we are seeing in various newspapers where slot operators hope to obtain State grants, our economic development grants, to help with their development costs and construction costs. Now, think of that, Mr. Speaker. We are creating gaming in Pennsylvania to lower property taxes for all the people of Pennsylvania, so we have slot money coming into the Commonwealth to lower property taxes and at the same time slot operators via local municipalities hope to obtain State grants out the back door. That is something that I hope that the members of this General Assembly in the future will be vigilant about and prevent.

It is an obscene shell game, the fact that we would dare create this industry to lower property taxes while at the same time now we see slot operators trying to get economic development grants out the back door. These people will be making money hand over fist and still trying to obtain our grant money for other needs throughout Pennsylvania and in all of our districts.

So while I will be voting “yes” because I think the Attorney General must keep a sharp eye on all of this nonsense, I doubt that there is any administration that would be complicit in providing these grant moneys to any slot operator, but still, we cannot prevent the applications from coming in. So I hope my good friend, Mr. Clymer, and all the members of the General Assembly will be ever vigilant in the future to protect the Commonwealth’s economic development funds from this.

So I welcome the concurrent jurisdiction of the Attorney General, and I will be voting “yes.” Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Philadelphia, Ms. Josephs, for the second time.

Ms. JOSEPHS. Thank you, Mr. Speaker.

It is true, as several speakers have said before, that this bill that we have before us with an amendment that was added in Rules Committee is better, is an improvement, is more positive than the bill that the Senate sent us before the amendment was added in Rules. However, it is not good enough.

It is true that, among other things, the bill before us with the amendment added in Rules ups the amount of money that will go to compulsive gambling treatment from a little over \$1 million to \$4 million. It eliminates, this amendment, the bill we have before us, eliminates the 1-percent financial ownership provision that elected officials were able to take advantage of. It does also, the bill we have before us, direct the Attorney General to establish a gambling unit – I keep saying gambling, even though the word that we are officially using is

“gaming”; it is gambling – to investigate, and he has or she has concurrent jurisdiction.

Violations of the gambling law will also be violations of racketeering law. That is also good. The amendment before us does not allow any ex parte – that is communications where only one party is in the room – does not allow these ex parte communications or any off-the-record communications regarding any pending matter before the board to parties who are not employees of the board, State Police, or other officials.

There is no blind trust for elected officials. The loophole where minors became owners has been very well eliminated. It has been cleared up that if a casino should be located in a keystone opportunity zone, a KOZ, the casino could not reap any of the benefits that other businesses will reap. The amendment that is before us requires the Gaming Board to cooperate with the Liquor Control Board, which means that there will be no liquor served in these places between 2 a.m. and 7 a.m. Riparian rights which were taken away from the General Assembly, the conveyance of those has been restored to the General Assembly. Some of the preemptions of local zoning, which were declared unconstitutional by our Supreme Court, have been taken care of. That is good. It is good that we require now at least one public input hearing in every municipality where a facility is proposed to be located. Philadelphia’s control over signage is restored. That is good, too. And the budget for the Gaming Board, the board in charge of gambling, is not now under their control but under our control.

But every vote, or every controversial vote that we take on this floor, is a balancing act, and when I put these provisions, which I do concede are an improvement, over against two provisions which were not removed, I am disappointed enough to encourage a “no” vote.

I want to first speak about the fact that in these casinos there will be no guarantee of clean indoor air. Smoking will not be banned. This affects Allegheny County as well as Philadelphia.

California, not a small State; Delaware; Florida; Idaho; Maine; Massachusetts; Montana; New York, not another small State; Rhode Island; South Dakota; Utah; Vermont; Washington; and Puerto Rico prevent people from smoking in their casinos, as do the countries of Canada, New Zealand, Italy, Ireland, Scotland, and Switzerland. Why do we want to put casinos in a noncompetitive position vis-à-vis other entertainment venues by polluting the air for the potential customers?

Eighty-four percent of Pennsylvania adults believe that all Pennsylvania workers should have the right to have clean air in their workplace. Four times as many Pennsylvania adults are nonsmokers as are smokers. Casino workers will use, I have no doubt, the provision in our Constitution which calls for the right, which states the right of the people to breathe clean air and they will sue the board and they will sue us.

And finally, or almost finally, the studies that we have seen that were conducted by the tobacco industry and promoted around by the tobacco industry, they are the only studies that show that clean air in the entertainment venues are bad for the bottom line of those venues. Every other study, every other objective measure shows that these venues do much better when they have clean air. The executives of the tobacco industry had lied to us for years about carcinogenics in their product and their addictive quality. Why would we believe them now?

On the zoning issue, which affects only Philadelphia, I guess it is better that Philadelphia procedures and Philadelphia law will be followed by the members of the gambling board, but it is not good enough. We know, we know that, and it is the Republican philosophy, is it not, local control? Is that not what we are told all the time, local control? And why is it fair? Why is it wise? We are told all the time, those of us from Philadelphia, stand on your own feet. Do not come to us with hat in hand. Do not ask us for more money. Do not ask us for resources to deal with your problems. Deal with your problems yourself.

Well, that is what we want to do. We want to deal with our zoning problems ourselves. Just because it now is in your philosophy, and I speak to my friends on the other side of the aisle, to push this through for the gambling industry does not mean that it is good public policy. It is terrible public policy. Philadelphia needs its own zoning homogeny, and I am not voting for anything that takes that away from our city.

I hope those of you who understand that this is a very bad precedent and is very likely to spread to other communities if their zoning boards do not knuckle under to the gambling board, vote with me, because I see this as a beginning of the destruction of local zoning all over the State.

This is a “no” vote. I hope that people will vote with me. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman from Jefferson, the majority leader, Mr. Smith.

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

Mr. Speaker, I just wanted to respond. I do not normally respond to everything that is said here, obviously, but, Mr. Speaker, to suggest—

The SPEAKER. Would the gentleman suspend.

The gentleman is entitled to be heard. Please keep the noise down.

Mr. Smith.

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

I have got to take a little exception to the prior speaker’s comments. I think, Mr. Speaker, that there are no perfect bills, number one, and there is nothing we can do to make any piece of legislation, make everybody happy. This legislation that we have before us, Mr. Speaker, as many of those have talked about, addresses a myriad of issues. It addresses them in a forthright and upright way, and, Mr. Speaker, just to talk for a minute about procedure.

Number one, Mr. Speaker, the process of amending in Rules on a concurrence vote, when you really examine that procedure, Mr. Speaker, it is merely, it has the effect of what a conference committee does; only we do it piecemeal, house to house. To suggest that there is something nefarious about that, if that is the case, Mr. Speaker, I would look back to where that rule emanated, who instituted the rule first that allowed the House to amend on concurrence.

Secondly, Mr. Speaker, there is no preemption of zoning in this bill as we have amended it. In fact, Mr. Speaker, this legislation goes back almost to what was in HB 2330, which was the legislation that became Act 71. And while I am kind of talking about procedure a little bit, Mr. Speaker, let me just remind the members that that legislation was passed on July 4 of 2004 at 1:39 a.m. Some of the previous speakers who are citing local zoning and smoking preemption as their reasons for opposing this bill today, I might add, voted for a very similar

local zoning procedure. It was section 1506, and it was on page 116 of HB 2330 of that session.

Mr. Speaker, I would also note that that bill that became Act 71 did not prohibit smoking in casinos or at the racetracks.

So what we have before us, Mr. Speaker, with regard to those two particular issues is somewhat consistent, and I say somewhat in that I want to emphasize this point about the zoning. The courts throughout, when this legislation was challenged in the courts, the courts said that our handling of the local zoning issue in Act 71 was improper, not because of the content of it, but the procedure in which that language was drafted. In other words, we did not enumerate exactly what we were doing clearly. We did not tell people exactly what we were eliminating. This legislation that is before you, Mr. Speaker, does not preempt the local zoning rules. It simply shifts the authority to administer and enforce those rules from the local counsel to the State Gaming Board, and I believe, Mr. Speaker, that is in the best interest of the Gaming Board, doing the job that is set forth before them.

So I think it is important to think about the procedures. There is nothing convoluted about the procedures in which this bill is handled. It is before you. It is clearly better than Act 71 is today. It is clearly better than what SB 862 was when it was sent to us by the Senate 2 weeks ago, and that is the choice before you at this moment. Is it perfect? No. Do we have some things that we may disagree on? Obviously that will always be the case, but before you today, Mr. Speaker, is a bill that is very good. It is better than the existing law. It is a major improvement over the existing law, and in my belief, it is a major improvement over the prior printer’s number of 862.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The gentleman from Lancaster, Mr. ARMSTRONG, will be placed on leave for the remainder of the day.

CONSIDERATION OF SB 862 CONTINUED

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I certainly appreciate those kind remarks from my colleague on the other side of the aisle, the gentleman from Luzerne County. He is absolutely right. When the second largest casino in North America comes to Pennsylvania and wants to secure a \$10 million DCED (Department of Community and Economic Development) grant to help them in their construction or however that is to be used, we have got to raise the red flag and say, what is that all about? Why would local government people want to help one of the wealthiest casinos in North America, take taxpayers’ money, hard-earned taxpayers’ money, \$10 million, for that kind of construction and to help them move here into Pennsylvania? I think the very fact that they are moving into Pennsylvania, they ought to be glad about that. They ought to be gratified that they have the opportunity to come to this State, and for them to abuse it is outrageous.

So the gentleman from Luzerne County, I want to tell you that we will be watching, colleagues from the Democratic Caucus, colleagues from the Republican Caucus, to make sure that those casinos do not take the taxpayers' money.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I oppose concurring in SB 862 for two fundamental reasons. First, this bill puts term limits on the casino control commissioners. All casino control commissioners are going to be removed after serving 6 years. Gubernatorial appointees can get two 3-year terms; legislative appointees can get three 2-year terms. The effect of this is that the promises that are made to the current commissioners are not going to be able to be enforced by the current commissioners. The current commissioners will be out of office for the vast majority of the time that the casinos are in operation.

Secondly, guaranteeing the future unemployment of the current commissioners means they will have to seek other employment, and one obvious source of other employment are the casinos themselves. This bill raises from 1 year to 2 years out of office as a casino control commissioner the time that they can seek employment with a casino, but I do not think it fundamentally changes the fact that these commissioners are forced to leave office and probably the greatest market value for their services will be in the area of actually operating casinos or actually working with suppliers who sell to casinos. I think this is a very bad thing in itself.

Secondly, there is massive opposition in Philadelphia to the text of this proposal. I have here a ream of paper of outraged Philadelphians writing in protest against SB 862, and these amendments do not fundamentally deal with the concerns that the Philadelphians who write to me and I am sure to other legislators have about this legislation.

This legislation says that the casino control commission shall have to follow Philadelphia procedures in determining zoning applicability, but the casino control commissioners are hardly experts in Philadelphia zoning law and the casino control commissioners hardly have any experience in Philadelphia zoning law, and the Philadelphia casino control commissioners, as we have said, are going to be leaving office, with very few exceptions, within the next 4 years. They do not have the long-term commitment to the interests of Philadelphia that the zoning board has.

I would like to read you some of the letters that I have gotten from a ream of paper of outraged Philadelphians. One says, "I urge you to vote against this bill. It is one of the most atrocious pieces of legislation I have ever seen."

The second says, "Please oppose and defeat SB 862. A city and its citizens need to have jurisdictional control over its own development and zoning. It's bad enough that the casinos are coming; don't let the state take away our right to deal effectively with them.

"A strong future for Philadelphia does not include letting the rest of the state get control over basic civic rights."

A third says, "Bill 862 goes too far in stripping the rights of the elected representatives of our city to monitor the impact of the casinos on the safety and welfare of the citizens and visitors to our city. The bill should not pass because it is unjust and disrupts the balance of authority that governs local land use."

Another says, "To my elected officials: As an architect practicing in the Philadelphia and New Jersey area I understand how important zoning laws are to the communities in which I build. The reality is if it was not for zoning laws my job would" be "easy. My clients and I could" be "building anything we wanted anywhere with no concern for the community, the height of the building would be unlimited, the setbacks from the edges of the site could be zero. This would prevent local fire officials from having fire road access around the site during a fire. I guess they would just" want to "watch the casino burn to the ground? We could omit proper parking to save costs and fill in wetlands without concern."

Another says, "Please do not allow SB 862 to pass.

"Please VOTE NO – Philadelphia citizens and neighbors deserve better, and I refuse to believe our elected officials want to effectively stifle the rights of the citizens to decide how best to proceed with Casino development.

"This bill is not only bad for us, but it also makes Philly look like a backwater municipality to the rest of" the "world. Again, the citizens deserve better."

Another says, "I am writing to urge you to reject the SB 862. The bill is a cave in to the gaming industry that guts the city's right to control the development of its area, grants favorable tax breaks to the gaming industry, and gives one industry the right to run a valuable strip of property with almost no oversight or control. Philadelphia has a plan in place that can develop the area in a way that benefits the city, and it should be allowed to do so. It is Philadelphia property, after all. This is the wrong bill for the wrong place at the wrong time. Vote against it."

Still another says, "Please don't destroy the amazing resource at our edge, the Delaware River bank, by letting the Gaming entities take control of zoning issues there. It's just wrong!

"Zoning belongs to the neighbors who are impacted; anything less amounts to taxation without representation! Wasn't that an issue Philadelphians stood against before?"

Another says, "Please vote no on this bill and adhere to what the people want!"

Another says, "Please...vote NO on SB 862. We do not want large casinos with autocratic power. We do not want" large "casinos ruling our waterfront. And we certainly don't want casinos pre-empting our zoning laws."

Another says, "I urge you to vote NO on Senate Bill 862. This bill, which takes zoning power away from the communities in which casinos will be placed, and gives it to the Gaming...Board, is a..." bad "idea." It's a "terrible idea," actually the letter says. "It's bad for Philadelphia, bad for Philadelphians, and bad for Pennsylvania. "The only people it will be good for are those running the casinos.

"Despite strong community protests, casinos have been pushed forward in Philadelphia as an answer to the city's and the state's problematic finances. Taking away the zoning rights of communities is akin to robbing the people in those communities not only of their voices, but...of their power."

Another says, "Please vote NO on SB 862. There is no excuse for taking away all rights of the people of the city and the neighborhoods surrounding the Casinos. What can you possibly be thinking if you even consider this? Whose benefiting from this? Please vote NO on SB 862."

Mr. Speaker, those are just about a dozen of roughly 500 e-mails and faxes that I and others have received in the last few days.

This bill has aroused very, very strong opposition within the city of Philadelphia, and the opposition is such that all it is going to lead to is another round of litigation. The whole purpose for giving the casino control commission power instead of the zoning board is to speed things up. It is not going to speed things up. The way to speed things up is to set forth an expedited procedure as we have done with the casino control commission itself, as we have done with the Legislative Reapportionment Commission. It is not to strip people of meaningful input. By stripping people of meaningful input, you force them to resort to the courts. Resorting to the courts takes a lot of time, and it does not really achieve the purpose for which the provisions were written in the first place.

I strongly urge that we do not concur in SB 862.

The SPEAKER. The Chair thanks the gentleman.

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

The gentleman from Philadelphia, Mr. Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

Everyone knows that the gaming bill has been a strange bill from day one. For example, I have always been for the gaming bill and for the benefits it brings. Last week we stood on the stage down at the press center with the gentleman from Bucks who has always been opposed to it.

Tonight I find myself again with the gentlelady from Philadelphia, Ms. Josephs. I agree with her that we should try to suspend the rules and we should try to remove all the preemption from Philadelphia from this bill. I wish we could do that. But the one thing I disagree with her is she says that this is not good enough. Everyone knows every bill we pass here, most of the bills that come out of here are not good enough, but the bill as it stood before us, before the amendments, was a very, very dangerous bill, especially for Philadelphia.

The associated areas where the casinos could just grow exponentially without any checks or balances on them, it has not been changed, it is not good enough, but it has been changed where we would be able to get some control over it.

The riparian rights, where the casino industry could come in and take our legislative process away from the House and all the legislative process in the whole, that has been completely gutted and restored and given it back the way it has been in this House since the House was formed. That is very good. Those are the things that we need in Philadelphia.

We spent the better part of this weekend listening to all the groups that are all along the riverfront, all the community groups along the riverfront. The things that they asked us to look into this bill and to change, with the help of leadership and Mr. Clymer and Mr. Taylor and Mrs. Lederer, we have been able to change this bill for the better that you would not believe. This is not the bill, the dangerous bill, that came over to the House. This bill is much, much better for Philadelphia. All the e-mails that we were getting on our computers were about SB 862 before we made the changes.

We have to get this bill. We have to put this amendment in. We have to concur on this. This is a bill that is much, much better for Philadelphia. We have to do it by degrees. This is the bill we need right now. I encourage everyone to vote for this bill.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, this legislative process has afforded me an opportunity to represent very diverse communities of Philadelphia County, and in the last couple days, my office has been bombarded with letters from Queen Village, Society Hill, Kensington, Northern Liberties, Kensington South, Kensington West, Yorktown, People's Village, Norris Square, Hunting Park, Logan, Feltonville. I received letters from all of those communities, and, Mr. Speaker, what was the tenor of the letters? The letters were, Representative Thomas, how can you ask me to support a publicly driven economic development project with my hard-earned money that I provide through taxes and then tell me I cannot open my mouth about where it goes? Which is a very basic question. Philadelphians who pay taxes are participating in this economic development engine that will create jobs and that will do a whole lot of other things, reduce property taxes for Pennsylvanians, and they have presented me with a very basic question: Why should I pay for that which I have no input in?

And the second question that the residents of Northern Liberties raised to me: Why are the residents of Greene County better than the residents of Philadelphia County? If the gaming commission is a body politic that is in a position to make decisions that are in the best interests of people, then why are the people in Northern Liberties different from the people in Greene County or Luzerne County or Bucks County? Why is it that Philadelphia County needs special treatment as though they have special needs? And that is a very basic question.

I would not go into, I would not come into your house, ask you to help me build a new house, put my money on the table, collaborate with you to build a new house, but then I cannot tell you whether I want two rooms or three rooms; I cannot tell you whether I want a roof or a basement. And the residents, my constituents, have presented a fundamental question. One constituent even said this looks like taxation without representation. You are asking me to participate, you are asking me to put my money on the table, but I cannot participate. But then somebody said— I said to one constituent, Miss, SB 862 is not like it was when it came over. The bill that was amended at least says that you have to comply with what the local zoning ordinances were at the time that the law was adopted. And they would say, well, heck, Mr. Thomas, I have to do that anyway; I have to comply with laws as they are, not as I want them to be. So why is that a blessing for me? It is praiseworthy; yes. You thought about me, but you still kicked me in the behind when it came down to the end. So what did you really do for me? You gave me some sugar, but you put some poison on it.

Mr. Speaker, this zoning issue runs to the heart of who we are, where we are, and where we are planning to go. We represent the most divine, the most excellent democracy in the world. The four corners of our democracy are participation for the people, by the people, with the people. Mr. Speaker, those are the basic tenets of what makes the United States and the Commonwealth of Pennsylvania the great country and great State that it is.

Mr. Speaker, anytime we engage in public policy, shaping public policy, and within that public policy take away, take away from people the ability to have some say-so, it is fundamentally wrong; it is fundamentally wrong, especially when you take away from them the ability to participate, but on the other hand, you are saying I want your money. Taxpayers,

I want you to keep paying taxes because you are a part of this great economic development engine.

Mr. Speaker, this is wrong, w-r-o-n-g; it is wrong. I am convinced that when we go back to our districts, because I do not think districts in Delaware County, Chester County, Elk County, York County, Allegheny County are much different than the 181st Legislative District when we are talking about the fundamental question of whether or not taxpayers should have something to say about tax, publicly driven economic development projects.

Mr. Speaker, there are some other things in this bill which I find extremely troubling, but do you know what? I could live with those crooks in the bill if the foundation of the bill was solid. You know, it is like a marriage that is early in the marriage. You are going to have your bumps, you are going to have your pulling, you are going to have your tugging, but guess what? If the foundation is solid, then the marriage, the relationship, will survive.

Mr. Speaker, the way SB 862 currently exists – and we are asking for concurrence – the foundation, the foundation is weak; it is blighted; it is crooked; it is not solid, and if we are going to go forward with SB 862 with the way that it is, go ask my constituents to pay for it. The residents of Northern Liberties, withhold your taxes; the residents of Kensington, withhold your taxes; the residents of Hunting Park, do not pay your taxes; the residents of Yorktown, do not pay your taxes; the residents of Norris Square, do not pay your taxes. I am not going to ask you to pay for something and then tell you, shut your mouth; you do not have anything to say about it. That is wrong, wrong, wrong.

Vote to nonconcur on SB 862. Thank you, Mr. Speaker.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the majority leader stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates he will stand for interrogation. The gentleman is in order.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to clarify the issue of the requirement of suppliers of slot machines to the casinos, because as I am reading the language in the bill, it appears that it is still in the bill, but you had mentioned in your initial summary that that would be phased out by 2007. So if you could help me understand and assure me that the requirement of a Pennsylvania supplier is going to be phased out next year. Could you talk to me about that?

Mr. S. SMITH. Mr. Speaker, yes, I will try to answer your question. I think I would also refer you to the last page of the bill on the applicability section. I think it might help explain some of what you are looking for. But—

Mr. VITALI. I am looking at that page right now.

Mr. S. SMITH. —I think the answer – I am not sure I understand the question exactly – but the answer is that the suppliers are currently licensed. What we feel is the proper way to eliminate suppliers is to essentially, my words, layman's words, would be to phase them out at the point in time, phase them out as a mandated component at such a point in time that their current license would expire, which would be in July of 2007. At that point in time you may still see the existence of a supplier, but that would be an optional situation where the manufacturer or the casino operator would by their own choice decide to work through a middleman. So in essence, we are not prohibiting them; we are just making them not mandated,

they are not a mandated middle service provider commencing at such a time as their current license expires.

Mr. VITALI. Okay. So you are saying that the language on the last page of this bill takes out that requirement. I am looking at that now. So one of these provisions near the end takes that out. Is that what you are saying?

Mr. S. SMITH. Just a minute, Mr. Speaker. Let me try to get this straight.

The language in the body of the bill, Mr. Speaker, removes the mandate. The language at the end of the bill, the applicability section, provides for when that would take place.

Mr. VITALI. Okay. Just so I understand now, we have authorized roughly 60,000 slot machines, give or take, and casinos will be opening up – none have opened up yet – but they will be opening up presumably next year or the year after, and presumably they have not purchased their equipment yet. Are they going to have to purchase those 60,000 initial slot machines through a supplier that has a Pennsylvania supplier license?

Mr. S. SMITH. Class 2s will not; class 1s may, but that will really be determined more on the timing in which the Gaming Board issues the license and when their construction, you know, the physical construction of the facility takes place and when, you know, their normal business cycle dictates that they purchase machines in which to put on the floor of those facilities. So some licenses may be opened up under the mandated supplier language that is in the current law, Act 71. However, at that point in July and August of '07, any machines that would be purchased after that would not be subject to a mandated middleman supplier provision.

Mr. VITALI. So if casinos wanted to purchase their slot machines before July '07, they would have to go through a licensed Pennsylvania distributor, a supplier?

Mr. S. SMITH. Yes, Mr. Speaker; yes, Mr. Speaker, that is accurate.

Mr. VITALI. Thank you.

That concludes my questions. Thank you.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Washington, Mr. Solobay.

Mr. SOLOBAY. Thank you, Mr. Speaker.

I would like to ask for a suspension of the rules so that I could offer amendment 10024.

The SPEAKER. It is moved by the gentleman, Mr. Solobay, that the rules of the House be suspended for amendment A10024.

On the question,

Will the House agree to the motion?

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

Mr. S. SMITH. Mr. Speaker, I would ask the members to oppose the motion to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—91

Bebko-Jones	Flaherty	Mann	Samuelson
Belardi	Frankel	Markosek	Shaner
Belfanti	Freeman	Marsico	Shapiro
Biancucci	George	McCall	Siptroth
Blackwell	Gerber	McGeehan	Solobay
Blaum	Gergely	McNaughton	Staback
Buxton	Goodman	Melio	Sturla
Caltagirone	Grucela	Mundy	Surra
Casorio	Haluska	Mustio	Tangretti
Cawley	Hanna	Myers	Thomas
Cohen	Harhai	Oliver	Tigue
Corrigan	James	Pallone	Veon
Costa	Josephs	Parker	Vitali
Cruz	Keller, W.	Petrarca	Walko
Curry	Kirkland	Petrone	Wansacz
Daley	Kotik	Pistella	Waters
DeLuca	LaGrotta	Preston	Wheatley
Dermody	Leach	Ramaley	Williams
DeWeese	Lederer	Readshaw	Wojnarowski
Donatucci	Lescovitz	Roberts	Yewcic
Eachus	Levdansky	Rooney	Youngblood
Evans, D.	Maher	Sabatina	Yudichak
Fabrizio	Manderino	Sainato	

NAYS—100

Adolph	Fichter	Leh	Ross
Allen	Fleagle	Mackereth	Rubley
Argall	Flick	Major	Sather
Baker	Forcier	McGill	Saylor
Baldwin	Gabig	McIlhattan	Scavello
Barrar	Gannon	McIlhinney	Schroder
Bastian	Geist	Metcalfe	Semmel
Benninghoff	Gillespie	Micozzie	Smith, B.
Beyer	Gingrich	Millard	Smith, S.
Birmelin	Godshall	Miller, R.	Sonney
Boyd	Good	Miller, S.	Stairs
Bunt	Grell	Nailor	Steil
Cappelli	Harhart	Nickol	Stern
Causer	Harper	O'Brien	Stevenson, R.
Civera	Harris	O'Neill	Stevenson, T.
Clymer	Hasay	Payne	Taylor, E.Z.
Cornell	Hennessey	Petri	Taylor, J.
Crahalla	Herman	Phillips	Turzai
Creighton	Hershey	Pickett	Watson
Dally	Hess	Pyle	Wilt
Denlinger	Hickernell	Quigley	Wright
DiGirolamo	Hutchinson	Rapp	Zug
Diven	Kauffman	Raymond	
Ellis	Keller, M.	Reed	
Evans, J.	Kenney	Reichley	Perzel,
Fairchild	Killion		Speaker

NOT VOTING—0

EXCUSED—11

Armstrong	Gruitza	Roebuck	Santoni
Bishop	Maitland	Rohrer	True
Feece	Rieger	Ruffing	

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

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

MOTION TO SUSPEND RULES

The SPEAKER. For what purpose does the gentledady wish to rise, Ms. Josephs?

Ms. JOSEPHS. The amendment which, Mr. Speaker, I tried to introduce before has now been drawn to the correct printer's number, and I would like an opportunity to describe it briefly again and ask for a suspension of the rules.

The SPEAKER. The gentledady has moved for a suspension of the rules for immediate consideration of amendment A10022.

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

Ms. JOSEPHS. May I say what is in the amendment?

The SPEAKER. A brief explanation is in order.

Ms. JOSEPHS. This amendment replaces, rescinds, repeals all the language in the bill that is in front of us that has to do with preemptions of Philadelphia local power and Pittsburgh local power over the Clean Indoor Act.

I do not know why people continue to pick on us in Philadelphia. I object to it. I hope that I can present this to the body.

Please vote "yes" on suspension of the rules. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

The Chair recognizes the gentleman, the majority leader.

Mr. S. SMITH. Mr. Speaker, I would urge the members to vote against the suspension of the rules, and just briefly, Mr. Speaker, I find it somewhat astonishing that many of the members who have cited their opposition to the bulk of SB 862 as amended is over the Philadelphia language. Interestingly, those same members were all happy to vote for this bill when it was through this House on July 4 of '04, 113 yeas, 88 nays, and 2 excused. I do not understand why that language was so good that night and it is so bad tonight.

Mr. Speaker, this bill as it is before us fairly and accurately treats the cities of this State, the two big cities, it allows their local land use to be in place. It deals with smoking the same as the bill did in Act 71.

I would ask the members to vote against the suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

Mr. Thomas, the gentleman is not entitled to speak on suspension; not on suspension, Mr. Thomas.

Mr. THOMAS. Mr. Speaker, may I get clarification from the majority leader?

The SPEAKER. We are on suspension.

Mr. THOMAS. I know. It is on suspension.

The SPEAKER. No. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—92

Bebko-Jones	Flaherty	Manderino	Samuelson
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Biancucci	George	McCall	Siptroth
Blackwell	Gerber	McGeehan	Solobay

Blaum	Gergely	Melio	Staback
Buxton	Goodman	Mundy	Sturla
Caltagirone	Grucela	Mustio	Surra
Casorio	Haluska	Myers	Tangretti
Cawley	Hanna	O'Brien	Taylor, J.
Cohen	Harhai	Oliver	Thomas
Corrigan	James	Pallone	Tigue
Costa	Josephs	Parker	Veon
Cruz	Keller, W.	Petrarca	Vitali
Curry	Kenney	Petrone	Walko
Daley	Kirkland	Pistella	Wansacz
DeLuca	Kotik	Preston	Waters
Dermody	LaGrotta	Ramaley	Wheatley
DeWeese	Leach	Readshaw	Williams
Donatucci	Lederer	Roberts	Wojnarowski
Eachus	Lescovitz	Rooney	Yewcic
Evans, D.	Levdansky	Sabatina	Youngblood
Fabrizio	Maher	Sainato	Yudichak

NAYS—99

Adolph	Fichter	Leh	Reichley
Allen	Fleagle	Mackereth	Ross
Argall	Flick	Major	Rubley
Baker	Forcier	Marsico	Sather
Baldwin	Gabig	McGill	Saylor
Barrar	Gannon	McIlhattan	Scavello
Bastian	Geist	McIlhinney	Schroder
Benninghoff	Gillespie	McNaughton	Semmel
Beyer	Gingrich	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S.
Boyd	Good	Millard	Sonney
Bunt	Grell	Miller, R.	Stairs
Cappelli	Harhart	Miller, S.	Steil
Causar	Harper	Nailor	Stern
Civera	Harris	Nickol	Stevenson, R.
Clymer	Hasay	O'Neill	Stevenson, T.
Cornell	Hennessey	Payne	Taylor, E.Z.
Crahalla	Herman	Petri	Turzai
Creighton	Hershey	Phillips	Watson
Dally	Hess	Pickett	Wilt
Denlinger	Hickernell	Pyle	Wright
DiGirolo	Hutchinson	Quigley	Zug
Diven	Kauffman	Rapp	
Ellis	Keller, M.	Raymond	Perzel,
Evans, J.	Killion	Reed	Speaker
Fairchild			

NOT VOTING—0

EXCUSED—11

Armstrong	Gruitza	Roebuck	Santoni
Bishop	Maitland	Rohrer	True
Feese	Rieger	Ruffing	

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

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentlelady, Ms. Manderino, for the second time.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I was not going to speak twice on this bill until the last comments of the majority leader, but I hear and I feel the spin and I need to set the record straight.

In March when this bill was before us on first impression, there were several amendments specifically to take out any preemption of Philadelphia local ordinances, and the vast majority, though not all of us from Philadelphia, voted to take those preemptions out.

Now, when this bill was before us in March, it was the first time we as a body were having an opportunity to vote on any aspects of this bill. So it is not surprising that on final passage – although there were, if I am remembering correctly, 20 votes on final passage for a bunch of different reasons – that some may have voted “yes” or some may have voted “no” on final passage because they wanted the “yes” vote on final passage to reflect the 1-percent ownership issue that was addressed in that first version. That is not anything new. The Attorney General enforcement rights, that was in that first version that we saw back in March. That was not anything new. A lot of the things that have been cited tonight, we voted on that as an issue of first impression in this chamber back in March of 2006, and many people voted “yes” because they wanted to be on record of strengthening those provisions. Those provisions were in the first version we had.

Tonight we are talking about the things still not yet fixed, and the thing still not yet fixed that affects my city and affects my residents is the zoning preemption in the city of Philadelphia, and I will not let anybody spin my vote any way than the way it is meant to be, which is standing with the citizens of Philadelphia for their right for their own local control.

The SPEAKER. The gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Mr. Speaker, just so that the record will be clear, in July of 2004 this body voted for preemption statewide, statewide. It did not single out Philadelphia County or the city of Pittsburgh, and at the time those two municipalities were not singled out because the general consensus was that if we are going to preempt local municipalities, then we had to do it across the board for all 14 slot parlors, and so, Mr. Speaker, I think it is important that the record is clear.

I raised the question earlier, what is it about Philadelphia and now Pittsburgh that they require special treatment? They are only getting two slot parlors. So what is it about Philadelphia and Pittsburgh that should be different from Bucks County, Chester County, Delaware County, Elk County, York County, Erie County? What is freakish about those two municipalities? People work hard, they pay their taxes, they support good economic development, they even supported gaming, but they did not under any circumstances at any time say to their Representatives that I am prepared to single you out and decide that something should be done differently with respect to you than anybody else similarly situated, and that is really the issue. That runs to the heart of what SB 862 is all about, because it is reflective of who we are, where we are, and where we are going, and your vote on SB 862 with this amendment will be a testimony to how you feel about the issue of people representation, the issue of whether or not people should participate in this democratic process.

I am saying my issue has always been Philadelphians will be required to pay just like everybody else. They will be required to collaborate, cooperate, communicate, conciliate like everybody else. So why should they be treated differently? Why should they be treated differently? And that is the issue for me; that is the issue.

So if we want to go back to the prior printer's number and do preemption across the board, you might get a "yes" vote from me, but not under these egregious circumstances.

Thank you.

The SPEAKER. The gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the majority leader would stand for interrogation?

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

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I know previously the majority leader spoke about our passage of something similar to this bill back in March. My question is, in that bill that we sent to the Senate back in March, was Pittsburgh included in that bill, the preemption language for Pittsburgh?

Mr. S. SMITH. Mr. Speaker, I am not exactly positive of how that was treated in the bill that went out of this House to the Senate back in March, but I do not believe, I do not believe there was any change in local zoning control that affected Pittsburgh in the bill when it left here in March.

Mr. WHEATLEY. And do you know the rationale, Mr. Speaker? The majority leader spoke about this being fair language that incorporates the two largest cities in Pennsylvania. Do you know how that was determined? How was it determined that Pittsburgh and Philadelphia, out of the other areas, needed to be preempted in their zoning regulations?

Mr. S. SMITH. Mr. Speaker, as the prior speaker accurately pointed out and somewhat, too, diplomatically noting a mistake I previously had made, HB 2330 that ultimately became Act 71 of 2004 provided for what is known as a statewide preemption of local zoning. What is in this bill is language that does not preempt the local zoning rules; it just changes who will enforce and administer those local zoning rules. The rationale that you ask about is centered around trying to provide the Gaming Control Board with some ability to cut through local bureaucracies in terms of citing and dealing with those local zoning issues.

The key point I think here, though, Mr. Speaker, is that it is not a preemption of the zoning rules and ordinances; it is shifting who has the authority to administer and enforce those specific provisions at the local level.

Mr. WHEATLEY. So, Mr. Speaker, if I have this correct, if there is a question of variance that happens around the casinos or the slot parlor in Pittsburgh, would the Gaming Control Board have the power to expand or to grant that variance or would that be the local municipality in the city of Pittsburgh who would have the authority to grant that variance?

Mr. S. SMITH. Essentially it would be the Gaming Control Board, Mr. Speaker, that would take on the role that otherwise would have been at the city level. So they could institute a variance if that is what was required or necessary. However, they would have to go through the same procedures of seeking a variance, and ultimately due process would follow suit, so that if someone were to challenge that either on the substance or procedures, they would have their – you know, a local citizens group, for instance, that may not like or may want to seek a variance – they would have the same due process, essentially the same due process to enter the courts to have their grievance heard.

Mr. WHEATLEY. So, Mr. Speaker, are there some guidelines to how the Gaming Control Board— Would they have to look at, for example, in the city of Pittsburgh, if we have never allowed for a certain variance or over the course of 5 years we have never allowed that type of variance, are there instructions to the Gaming Control Board that they have to look at our pattern of how we grant these things before they would grant them? And the other part of that, Mr. Speaker, a local citizen group that wants to challenge a variance in the city of Pittsburgh, they only have to go downtown to a zoning hearing to intercede in those procedures. Would they have to come to Harrisburg, while their guidance to the Gaming Control Board is that in order for them to grant this type of hearing, they would have to be in the city of Pittsburgh or the city of Philadelphia so the access to their hearings is made easier and convenient for the local citizenry?

Mr. S. SMITH. The exact rules and procedures that apply— Let me start over, Mr. Speaker. Any change in the local zoning rules through a variance process on either side of the ledger would follow the exact same rules that currently exist in the city of Pittsburgh or the city of Philadelphia. In other words, if there are different publication requirements or public hearing requirements that apply in Philadelphia or Pittsburgh, those same rules would apply to the Gaming Board.

In terms of your access to them, they clearly have the authority and would presumably meet in those respective cities. Therefore, I do not believe that someone who wants to challenge or wants to speak, if a public hearing is the process that currently exists in the city of Pittsburgh, those same individual citizens would have the right to call for that public hearing. It would be in the city no different than any other zoning dispute might exist other than that the Gaming Control Board would be the entity administering and enforcing that procedure.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Just so I am clear, there is nothing that mandates that they have to hold those hearings in those municipalities. This is a question: Is there any guidance or guidelines or principles that say that those meetings have to be in those local municipalities?

Mr. S. SMITH. This legislation does not specify that, Mr. Speaker. However, if the current zoning ordinance in the city of Pittsburgh, in your case, requires a hearing within a certain locality or a certain type of municipality or within the neighborhood of the affected area, if that is in the local zoning ordinance that the city of Pittsburgh currently operates under, then the Gaming Control Board would have to follow suit with that.

So while this bill does not specify that they would handle those zoning issues at the site of the particular city, I think that the local zoning ordinance by its nature would necessitate a hearing within or a review within the city of Pittsburgh or Philadelphia.

Mr. WHEATLEY. Mr. Speaker, I have to—

Mr. S. SMITH. Mr. Speaker, just one little addition. The Gaming Board also has offices in each of the two cities, so I think, under very practical terms, they would be available to meet in those locales.

Mr. WHEATLEY. I will try to make this as quick as I can for my colleagues, and I do not want to take them too much more into the night, but the issue I have also with the change – and correct me again, Mr. Speaker – the bill that we sent over to the Senate in March, the dates of when the zoning rules of each

municipality would have to be accepted, does this bill change the date from what we sent over to the Senate in March?

Mr. S. SMITH. Mr. Speaker, I am reasonably sure that the prior versions of this legislation when it left the House in March did not change that date, and I believe the date— And the bill as it is before us does not change that date. It would continue to be what the local zoning rules were as of the enactment of the effective date. It would be when the effective date of Act 71 went into place. That is the trigger, if you will; that is the date of the local zoning ordinances that would be applicable to the process that will ensue when these license applications seek to get their local permits in place.

Mr. WHEATLEY. I have just two more questions, Mr. Speaker, if I may. One, the bill that we sent over in March, to your knowledge, does this bill now change how we look at the 15-year ban on employment? Does this bill change how we look at or the time for the 15-year look-back for employment?

Mr. S. SMITH. Just give me a moment, Mr. Speaker.

The bill as it left here in March was changed by the Senate in some respects relative to that look-back provision for employees, but I am hard pressed at the moment just to tell you off the top of my head exactly what those changes were. If you want to just bear with me for a couple minutes, I will try to get you a more specific answer to that question. Maybe you want to go to your other question while we try to find the answer.

Mr. WHEATLEY. Yes, Mr. Speaker.

Mr. Speaker, the other question was on the supplier issue, the supplier issue, which was, as we all know, a very contested and debated issue when we did this in March, but I believe the bill we sent to the Senate included the supplier issue, and in this amended version, we have taken the supplier issue out. Is that correct?

Mr. S. SMITH. That is correct, Mr. Speaker.

I think that subsequent to that legislation leaving this House in March, there was a lot of public debate and discussion over the necessity of the suppliers as middlemen. And you are correct; what we are proposing here is a reversal from what was at the time in March a decision of the majority voting on the floor the day we passed that. So we are changing that, and I think, Mr. Speaker, I would attribute it to the general public discussion over the merits and necessity of the middlemen suppliers.

Mr. WHEATLEY. Just for the purposes of the second question so we do not drag on, I believe the changes – and I could be corrected at another point if I am wrong – I believe the changes to the 15-year employment was the start of when your 15-year ban would begin. I think the one we sent over to the Senate started from the time of conviction, and I think the one that we are dealing with now – the Senate took out our portion – begins on the time of completion, which means, in my opinion, if I am reading that correctly, basically those individuals, if they had a chance at all to work in the kitchen of one of these facilities or establishments, if they have a restaurant as part of them, with no authority over management or no authority over the machines or direction of those machines, they would not be able to begin that. Even if they had served 3 years and they were out on probation or parole, they would not be able to get those, or even if they had served all of their sentences, they would not be able to get that until the day they finished all of their punishment to the Commonwealth and then another 15 years on top of that instead of the dates of when

they were convicted. So I think that is a drastic policy change in a sense from the one we sent over. So if I am not correct on that—

Mr. S. SMITH. Mr. Speaker, I believe you are interpreting the difference between the bill that left here in March and this bill that is before us. I believe you have characterized it accurately regarding the change of when the look-back provision would start. You have characterized that correctly, I believe.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Can I speak on the bill?

Thank you, Mr. Speaker.

For all those reasons and more that were expanded upon earlier in the debate, I would just encourage— And I do have to agree, there are some things in here that for sure I agree with. One, I think increasing the amount of money that is going to compulsive gambling is something that is a positive step forward. We have not put enough in there, but it is a step forward. There are some other provisions in here they are taking out to try to make sure that our government ensures confidence in the people that elected us that we are not trying to abuse the system or this new industry will not be an industry that is running amuck.

But there are some serious concerns in this bill. I do hear that we do not many times create perfect bills in this chamber, but I do believe, one, there is no rush for us to move on this right now, because as far as my knowledge – and I will sometimes concede, I am not very sure what is running in both of these chambers of Harrisburg – but the Senate has a different opinion about what they sent over and what we will send back to them.

So I just think we have to take more time and to be sure what we are doing is something that is going to improve this new industry and the regulation of this new industry and at the same time not hurt people while we are doing it, not hurt the citizens of Philadelphia and Pittsburgh by taking their ability to be active participants in the direction of what happens in their municipalities, by not hurting individuals whom we are trying to rehabilitate and to try to offer new directions for their lives, and by not taking away opportunity, economic opportunities for companies and people of the Commonwealth by eliminating what we are calling the middleman provision, but it is actually a provision, it is actually something that other States with gambling casinos have; they just have not put them into statute.

I think for all those three reasons and rationales, I would just encourage the members tonight to not vote to concur for SB 862.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I will try and be brief.

There is obviously a lot in this bill that many of us like and dislike, and generally I support it, but there is one aspect of this that I hear about consistently from many of my constituents, and that is the inability of local governments to be able to deal with the issue of smoking in public places in a comprehensive way.

We know from the Surgeon General's report this year that second-hand smoke causes thousands of deaths across this country every single year, and people who work in these environments and in these casinos specifically are exposed to this while they are trying to make a living, and while many of us

are looking at municipalities like Allegheny County who are now prohibiting smoking in many public venues and we are talking about it statewide, local governments ought to be able to prohibit smoking in all public places, including casinos.

I think it is really incumbent upon us to protect the health of the citizens of this Commonwealth, and particularly the people who will be working in these venues. So while we struggle with the issue of a statewide smoking ban, many municipalities, many counties want to deal with this comprehensively today and now to protect their citizens.

I want to deal with that today and allow those municipalities, those counties to deal with this issue in a comprehensive way now while we debate it in the coming year or hopefully months.

MOTION TO SUSPEND RULES

Mr. FRANKEL. So I would like to suspend the rules to offer an amendment to delete the language in SB 862 that would prohibit local governments from eliminating smoking in these casinos across the State at their discretion.

So, Mr. Speaker, I would like to suspend the rules to offer amendment No. 10025.

The SPEAKER. It is moved by the gentleman, Mr. Frankel, that the rules of the House be immediately suspended for amendment No. A10025.

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

The SPEAKER. On that question, the Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

I would ask the members to vote against the motion to suspend the rules.

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

The following roll call was recorded:

YEAS—103

Baker	Flaherty	Maher	Sainato
Bebko-Jones	Frankel	Manderino	Samuelson
Belardi	Freeman	Mann	Shaner
Belfanti	Gabig	Markosek	Shapiro
Biancucci	George	McCall	Siproth
Blackwell	Gerber	McGeehan	Solobay
Blaum	Gergely	McIlhattan	Staback
Buxton	Goodman	Melio	Stern
Caltagirone	Grell	Mundy	Sturla
Casorio	Grucela	Mustio	Surra
Cawley	Haluska	Myers	Tangretti
Cohen	Hanna	Nailor	Thomas
Corrigan	Harhai	Oliver	Tigue
Costa	Harhart	Pallone	Turzai
Cruz	Hutchinson	Parker	Veon
Curry	James	Petrarca	Vitali
Daley	Josephs	Petrone	Walko
Dally	Keller, W.	Pistella	Wansacz
DeLuca	Kenney	Preston	Waters
Dermody	Kirkland	Ramaley	Wheatley
DeWeese	Kotik	Readshaw	Williams
Diven	LaGrotta	Reed	Wojnaroski
Donatucci	Leach	Reichley	Yewcic
Eachus	Lederer	Roberts	Youngblood

Evans, D. Fabrizio	Lescovitz Levdansky	Rooney Sabatina	Yudichak
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NAYS—88

Adolph	Fichter	Major	Rublely
Allen	Fleagle	Marsico	Sather
Argall	Flick	McGill	Saylor
Baldwin	Forcier	McIlhinney	Scavello
Barrar	Gannon	McNaughton	Schroder
Bastian	Geist	Metcalfe	Semmel
Benninghoff	Gillespie	Micozzie	Smith, B.
Beyer	Gingrich	Millard	Smith, S.
Birmelin	Godshall	Miller, R.	Sonney
Boyd	Good	Miller, S.	Stairs
Bunt	Harper	Nickol	Steil
Cappelli	Harris	O'Brien	Stevenson, R.
Causar	Hasay	O'Neill	Stevenson, T.
Civera	Hennessey	Payne	Taylor, E.Z.
Clymer	Herman	Petri	Taylor, J.
Cornell	Hershey	Phillips	Watson
Crahalla	Hess	Pickett	Wilt
Creighton	Hickernell	Pyle	Wright
Denlinger	Kauffman	Quigley	Zug
DiGirolamo	Keller, M.	Rapp	
Ellis	Killion	Raymond	
Evans, J.	Leh	Ross	Perzel,
Fairchild	Mackereth		Speaker

NOT VOTING—0

EXCUSED—11

Armstrong	Gruitza	Roebuck	Santoni
Bishop	Maitland	Rohrer	True
Feese	Rieger	Ruffing	

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

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentledady from Philadelphia, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I would like to offer amendment A10018 and have a suspension of the rules.

This amendment itself addresses the city and the county of the first class, that a slot parlor cannot operate a half a mile from a residential community, a school, a church, or a recreation center.

The SPEAKER. The Chair thanks the gentledady.

The gentledady moves that the rules of the House be immediately suspended for amendment No. A10018.

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

The SPEAKER. On that question, the Chair recognizes the majority leader.

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

I would ask the members to vote against the motion to suspend the rules. Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—95

Bebko-Jones	Frankel	Lescovitz	Sainato
Belardi	Freeman	Levdansky	Samuelson
Belfanti	Gabig	Maher	Shaner
Biancucci	George	Manderino	Shapiro
Blackwell	Gerber	Mann	Siptroth
Blaum	Gergely	Markosek	Solobay
Buxton	Goodman	McCall	Staback
Caltagirone	Grucela	McGeehan	Sturla
Casorio	Haluska	Melio	Surra
Cawley	Hanna	Mundy	Tangretti
Cohen	Harhai	Mustio	Thomas
Corrigan	Harhart	Myers	Tigue
Costa	Hennessey	Oliver	Veon
Cruz	James	Pallone	Vitali
Curry	Josephs	Parker	Walko
Daley	Kauffman	Petrarca	Wansacz
DeLuca	Keller, M.	Petrone	Waters
Dermody	Keller, W.	Pistella	Wheatley
DeWeese	Kenney	Preston	Williams
Donatucci	Kirkland	Ramaley	Wojnaroski
Eachus	Kotik	Readshaw	Yewcic
Evans, D.	LaGrotta	Roberts	Youngblood
Fabrizio	Leach	Rooney	Yudichak
Flaherty	Lederer	Sabatina	

NAYS—95

Adolph	Fairchild	McGill	Rubley
Allen	Fleagle	McIlhattan	Sather
Argall	Flick	McIlhinney	Saylor
Baker	Forcier	McNaughton	Scavello
Baldwin	Gannon	Metcalfe	Schroder
Barrar	Geist	Micozzie	Semmel
Bastian	Gillespie	Millard	Smith, B.
Benninghoff	Gingrich	Miller, R.	Smith, S.
Beyer	Godshall	Miller, S.	Sonney
Birmelin	Good	Nailor	Stairs
Boyd	Grell	Nickol	Steil
Bunt	Harper	O'Brien	Stern
Cappelli	Harris	O'Neill	Stevenson, R.
Causar	Hasay	Payne	Stevenson, T.
Civera	Herman	Petri	Taylor, E.Z.
Clymer	Hershey	Phillips	Taylor, J.
Cornell	Hess	Pickett	Turzai
Crahalla	Hickernell	Pyle	Watson
Creighton	Hutchinson	Quigley	Wilt
Dally	Killion	Rapp	Wright
Denlinger	Leh	Raymond	Zug
DiGirolamo	Mackereth	Reed	
Diven	Major	Reichley	Perzel,
Ellis	Marsico	Ross	Speaker
Evans, J.			

NOT VOTING—1

Fichter

EXCUSED—11

Armstrong	Gruitza	Roebuck	Santoni
Bishop	Maitland	Rohrer	True
Feese	Rieger	Ruffing	

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

On the question recurring,

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

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in my first speech on this subject, I complained very strongly about the preemption language that is inserted in this bill that takes away from the zoning board in Philadelphia the power to administer the zoning provisions of this act. Yes, the casino control commission now has the powers of the Philadelphia zoning board, but very few people in Philadelphia believe that is the same thing as the zoning board having the power to administer the zoning act.

I believe, Mr. Speaker, that any person, corporation, or organization dissatisfied with the decision of the governing body of the city of Philadelphia or the city of Pittsburgh should have the power to appear before that appropriate board and to appeal directly the decision to the Supreme Court. I believe that an expedited procedure allowing citizens to express their grievances is both the fairest way to deal with the problems that citizens perceive and the most likely way to promptly resolve the legal issues. I do not think it is in anyone's interest to have a year or two's worth of litigation over our passage of the bill. While we are litigating it, we could easily be solving the problem of dealing with the concerns of the citizens of Philadelphia.

MOTION TO SUSPEND RULES

Mr. COHEN. I therefore move to suspend the rules of the House of Representatives so that my amendment, amendment A10035, can be considered to set up an expedited procedure for hearing zoning appeals by the Philadelphia zoning board and allowing an immediate appeal by any side dissatisfied to the Pennsylvania Supreme Court.

The SPEAKER. It is moved by the gentleman, Mr. Cohen, that the rules of the House be immediately suspended for amendment A10035.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, the Chair recognizes the majority leader.

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

I again ask the members to oppose the motion to suspend the rules.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-93

Bebko-Jones	Flaherty	Manderino	Samuelson
Belardi	Frankel	Mann	Shaner
Belfanti	Freeman	Markosek	Shapiro
Biancucci	George	McCall	Siptroth
Blackwell	Gerber	McGeehan	Solobay
Blaum	Gergely	Melio	Staback
Buxton	Goodman	Mundy	Sturla
Caltagirone	Grucela	Mustio	Surra
Casorio	Haluska	Myers	Tangretti
Cawley	Hanna	O'Brien	Taylor, J.
Cohen	Harhai	Oliver	Thomas
Corrigan	James	Pallone	Tigue
Costa	Josephs	Parker	Veon
Cruz	Keller, W.	Petrarca	Vitali
Curry	Kennedy	Petrone	Walko
Daley	Kirkland	Pistella	Wansacz
DeLuca	Kotik	Preston	Waters
Dermody	LaGrotta	Ramaley	Wheatley
DeWeese	Leach	Readshaw	Williams
Diven	Lederer	Roberts	Wojnaroski
Donatucci	Lescovitz	Rooney	Yewcic
Eachus	Levdansky	Sabatina	Youngblood
Evans, D.	Maher	Sainato	Yudichak
Fabrizio			

NAYS-98

Adolph	Fichter	Leh	Reichley
Allen	Fleagle	Mackereth	Ross
Argall	Flick	Major	Rubley
Baker	Forcier	Marsico	Sather
Baldwin	Gabig	McGill	Saylor
Barrar	Gannon	McIlhattan	Scavello
Bastian	Geist	McIlhinney	Schroder
Benninghoff	Gillespie	McNaughton	Semmel
Beyer	Gingrich	Metcalfe	Smith, B.
Birmelin	Godshall	Micozzie	Smith, S.
Boyd	Good	Millard	Sonney
Bunt	Grell	Miller, R.	Stairs
Cappelli	Harhart	Miller, S.	Steil
Causer	Harper	Nailor	Stern
Civera	Harris	Nickol	Stevenson, R.
Clymer	Hasay	O'Neill	Stevenson, T.
Cornell	Hennessey	Payne	Taylor, E.Z.
Crahalla	Herman	Petri	Turzai
Creighton	Hershey	Phillips	Watson
Dally	Hess	Pickett	Wilt
Denlinger	Hickernell	Pyle	Wright
DiGirolamo	Hutchinson	Quigley	Zug
Ellis	Kauffman	Rapp	
Evans, J.	Keller, M.	Raymond	Perzel,
Fairchild	Killion	Reed	Speaker

NOT VOTING-0

EXCUSED-11

Armstrong	Gruitza	Roebuck	Santoni
Bishop	Maitland	Rohrer	True
Feese	Rieger	Ruffing	

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

On the question recurring,

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

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

Mr. PALLONE. Thank you, Mr. Speaker.

Will the majority leader stand for brief interrogation?

The SPEAKER. The gentleman, Mr. Smith, indicates he will stand for brief interrogation. The gentleman is in order.

Mr. PALLONE. Thank you, Mr. Speaker.

I only have a couple of questions, but one of them, to go back to this preemption issue, has the act or does this bill change any of the provisions of, I guess it would be Act 71 relative to where the facilities can be licensed in Pennsylvania?

Mr. S. SMITH. Mr. Speaker, I am not sure I heard the last part of the question. Would you please repeat it.

Mr. PALLONE. Yes. Under the original gaming enabling legislation, there was a provision that permitted gaming facilities at all of the horse tracks and a number of standalone facilities plus a couple of resort facilities. Does this bill now as it is amended amend those numbers of licenses?

Mr. S. SMITH. Mr. Speaker, this does not change Act 71 relative to the licenses and the categories of licenses.

Mr. PALLONE. Is my understanding correct then to know that the only two communities that are able to have standalone facilities are Philadelphia County and I think it is Pittsburgh?

Mr. S. SMITH. That is not quite correct, Mr. Speaker.

Mr. PALLONE. If it were 50 miles from Pittsburgh, I believe. Correct?

Mr. S. SMITH. Those, Pittsburgh and Philadelphia essentially, were under the existing law, under Act 71, were the only two municipalities that were in essence guaranteed to have a slots parlor, you know, located within those municipalities. So the way you have said it is not quite accurate.

Mr. PALLONE. Well, the issue of preemption then, does it only apply to those standalone gaming parlors?

Mr. S. SMITH. It would apply to those licenses that will be issued in those two cities, correct. So I guess theoretically, Mr. Speaker, at a prior time, if someone would have looked to locate a racetrack with a slots parlor within those boundaries, they would be subject to that same provision. But that is not how, you know, that is not how the applications were received. So in essence, it would only be affecting those licenses that are being sought for in the cities of Pittsburgh and Philadelphia.

Mr. PALLONE. So then would it be your opinion to agree with me that it is safe to say that the only reason Philadelphia and Pittsburgh have these zoning preemption provisions is because under the current formation and issuance, they will be the only two areas that will have standalone casinos?

Mr. S. SMITH. Those are your words. The fact is that those were the two municipalities that were guaranteed in Act 71 to have standalone casinos. So while I was not as closely a participant in the drafting of the language that made up Act 71, I suspect that that was some of the, you know, the thought behind that process at that time.

Mr. PALLONE. So in other words then, to have a statewide preemption would be moot, because the other 65 counties most likely would not have a facility that the preemption would be necessarily applicable.

Mr. S. SMITH. I think I could agree with that logic, Mr. Speaker.

Mr. PALLONE. Thank you, Mr. Speaker.

Also now to kind of change gears on you a little bit. Act 71 contained a component that specifically addressed, I believe it was economic development funds and the availability that there

would be some sharing of those funds with the host community and some other areas surrounding the different gaming facilities throughout the Commonwealth. Does this bill as amended in any way change the original intent or application of those local economic development funding streams?

Mr. S. SMITH. No.

Mr. PALLONE. Does it expand the service area where those funds would be shared?

Mr. S. SMITH. No.

Mr. PALLONE. Does this amendment then include other counties that will be able to share revenues from either the resort facilities or anywhere else that were not in the original bill from Act 71?

Mr. S. SMITH. Mr. Speaker, you need to distinguish between the funds that are used for, quote, "economic development," you need to distinguish those from the funds that are part of the local share, and the distinction is that that money, the local share money, goes to, you know, the host municipality, the county, you know, and that side of things versus the economic development side. So—

Mr. PALLONE. I am sorry, Mr. Speaker. I kind of lumped them together, and I am assuming, I am making the assumption that the economic development piece and/or the local share, has that been changed in any way to share funds, and is this amended bill different from the original bill that would include either an additional county or additional communities that were not included in the original bill?

Mr. S. SMITH. Okay. Prior you had asked about the economic development portion. That money, the distribution of those funds has not been changed. The distribution of the local share portion of this, of the gaming funds, has been changed. Some of the changes were made by the Senate in the bill that came back to us 2 weeks ago, and we made some additional changes to try to accommodate some concerns that were expressed by members of this body in terms of what people thought was a more equitable and fair distribution of that local share of money.

Mr. PALLONE. What were those changes?

Mr. S. SMITH. Mr. Speaker, the bill as it came back from the Senate had a couple of changes of that local distribution, that local share distribution. In the version of the bill that is before us now, we carried forward those changes made by the Senate as well as additional ones in the Greene, Fayette, Monroe, and Gettysburg area, Adams County.

Mr. PALLONE. Is there any inclusion in the bill as amended to share funds with the contiguous counties of Fayette other than the sharing of the new moneys with Greene County, specifically Westmoreland County?

Mr. S. SMITH. No.

Mr. PALLONE. Okay. Thank you, Mr. Speaker.

On the bill.

The SPEAKER. The gentleman is in order.

Mr. PALLONE. Thank you, Mr. Speaker.

Again, here we are, in the eleventh hour, dealing with a 22-page amendment to the bill that changes the structure of the bill, and there are many, many good points and many not so good points of this particular legislation. And naturally in the Rules Committee we took the liberty to expand the revenue share, specifically in the Fayette-Greene County area; however, we did not even utilize the opportunity to try and reflect a fee share in some of the other contiguous counties like Westmoreland that would be able to share in some of those

funds and could certainly use some of the revenues that are going to be generated here to help that county benefit.

That being said, we know now that the preemption relative to the zoning ordinances most certainly focuses on two, the largest cities in Pennsylvania, primarily because that is where the standalone units will be. The other 65 counties primarily will not have the facilities contained within them. To apply a universal preemption across the Commonwealth, again, would be moot, only because it would not have any direct effect on facilities that cannot be built or will not be located anywhere throughout Pennsylvania.

While there are pieces of this bill that are not good for Pennsylvania, it addresses many issues that we have heard time and time again from our constituencies and from the folks that talk to us every day relative to the ownership interests for any elected official that is removed from the bill. We are not allowed to own and nobody is allowed to own with any specific interest in the gaming field. It includes other issues that we have discussed time and time again, and we have heard the public speak and tell us they do not want this or that in gaming legislation, and we are correcting it there.

While there are pieces of this legislation that I am not satisfied with, the crux of the issue is to do the people's work and to protect the people who will benefit ultimately from gaming legislation in Pennsylvania. I certainly would like to share in some of those revenues in Westmoreland County and Armstrong County like we are going to see the share down in Greene County, but that is not part of this piece of legislation and I will live with that decision. The bottom line is, though, we have responded to the people of Pennsylvania, and we are putting the protections in place that the public has told us they want.

Mr. Speaker, I implore you to support the bill as presented and vote in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Lawrence, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.

I rise to speak on this piece of legislation. I will try to be brief.

What many speakers said, there are a lot of things in this legislation which are good, things that need to be done, but I do want to bring out a point for something that is not good and attempt to change this legislation dealing with standalone casinos and alas horse racing tracks in Pennsylvania. It seems there are some political attempts to make this change, to change it up where the last license, if it is not awarded by the Harness Racing Commission, would be turned into another standalone casino. That concerns me, Mr. Speaker. This legislation, Act 71, is supposed to be about the horse racing industry, the horsemen, and those people. To use it for politics to try to add another standalone casino in this State is wrong, and to move that date up by 1 year, I am hoping that this will be taken care of and things will be done properly.

But this legislation, any attempt to add another standalone casino at the expense of the harness racing industry of the State of Pennsylvania and the farmers of the State of Pennsylvania is wrong, Mr. Speaker. That is what it was supposed to be about when gaming was talked about originally. That is why you had a good coalition of farmers and rural and urban people that supported the legislation, and I did, Mr. Speaker. But to try to make changes to potentially get rid of a harness racing license is

wrong, and that is why I will not be supporting this legislation today.

I do support many provisions in this proposal – the 1 percent, the distributors, changing that – and I am hoping that this can be worked out so I will be able to support this legislation if it comes back from the Senate. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

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

The following roll call was recorded:

YEAS—161

Adolph	Fairchild	Lescovitz	Rooney
Allen	Fichter	Levdansky	Ross
Argall	Flaherty	Mackereth	Rubley
Baker	Fleagle	Major	Samuelson
Baldwin	Flick	Mann	Sather
Barrar	Forcier	Markosek	Saylor
Bastian	Frankel	Marsico	Scavello
Bebko-Jones	Freeman	McCall	Schroder
Belardi	Gannon	McGill	Semmel
Belfanti	Geist	McIlhattan	Shapiro
Benninghoff	George	McNaughton	Siptroth
Beyer	Gerber	Melio	Smith, B.
Biancucci	Gergely	Metcalfe	Smith, S.
Birmelin	Gillespie	Micozzie	Solobay
Blaum	Gingrich	Millard	Sonney
Boyd	Godshall	Miller, R.	Staback
Bunt	Good	Miller, S.	Stairs
Buxton	Goodman	Mundy	Steil
Caltagirone	Grucela	Mustio	Stern
Cappelli	Haluska	Nailor	Stevenson, R.
Casorio	Hanna	Nickol	Stevenson, T.
Causar	Harhai	O'Brien	Sturla
Cawley	Harhart	O'Neill	Surra
Civera	Harper	Pallone	Tangretti
Clymer	Harris	Payne	Taylor, E.Z.
Cornell	Hasay	Petrarca	Taylor, J.
Corrigan	Hennessey	Petri	Tigue
Costa	Herman	Petrone	Turzai
Crahalla	Hershey	Phillips	Walko
Daley	Hess	Pickett	Wansacz
Dally	Hickernell	Pistella	Watson
DeLuca	Hutchinson	Preston	Wilt
Denlinger	Kauffman	Pyle	Wojnaroski
Dermody	Keller, M.	Quigley	Wright
DeWeese	Keller, W.	Ramaley	Yewcic
DiGirolamo	Kenney	Rapp	Yudichak
Diven	Killion	Raymond	Zug
Eachus	Kotik	Readshaw	
Ellis	Leach	Reed	
Evans, J.	Lederer	Reichley	Perzel,
Fabrizio	Leh	Roberts	Speaker

NAYS—30

Blackwell	Grell	McIlhinney	Thomas
Cohen	James	Myers	Veon
Creighton	Josephs	Oliver	Vitali
Cruz	Kirkland	Parker	Waters
Curry	LaGrotta	Sabatina	Wheatley
Donatucci	Maher	Sainato	Williams
Evans, D.	Manderino	Shaner	Youngblood
Gabig	McGeehan		

NOT VOTING—0

EXCUSED—11

Armstrong	Gruitza	Roebuck	Santoni
Bishop	Maitland	Rohrer	True
Feese	Rieger	Ruffing	

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

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

RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE REREPORTED FROM COMMITTEE

SB 157, PN 1989

By Rep. S. SMITH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

RULES.

REPUBLICAN CAUCUS

The SPEAKER. For what purpose does the gentlelady, Mrs. Taylor, rise?

Mrs. TAYLOR. Mr. Speaker, I would like to announce a Republican caucus at 10:30; 10:30, Republican caucus. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady. Mrs. TAYLOR. Tomorrow.

SUPPLEMENTAL CALENDAR F

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 157, PN 1989**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon.

On the question,

Will the House concur in Senate amendments to House amendments?

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

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

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

I would like to rise at this time to ask for a nonconurrence by the House on the Senate amendments to SB 157. As most of you know, the House Finance Committee has worked on the \$52 EMS (emergency and municipal services) tax reform for 18 months now, and here we are again tonight, at the end of another calendar year, and yet there is not a law to require the \$52 EMS tax to be withheld in installments as it was when this House passed the bill to the Senate.

I am asking that the House nonconcur in Senate amendments so we can send the bill to a conference committee and finally provide EMS tax reform. Send this bill to the conference committee to finally vote and provide for mandatory low-income exemption, pay-period withholding of the EMS tax, a definition of "income" that is tied to earned income, and a uniform refund process, and with that I would once again respectfully ask for a nonconurrence.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I concur with Chairman Leh regarding the changes in the Senate. We need to nonconcur and take this to a conference committee and make the corrections that the House passed in previous versions.

So I, too, echo his request for a nonconurrence on SB 157.

The SPEAKER. The gentleman, Mr. Leh, and the gentleman, Mr. Levdansky, both urge a vote in the negative.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—0

NAYS—191

Adolph	Fichter	Mackereth	Rubley
Allen	Flaherty	Maher	Sabatina
Argall	Fleagle	Major	Sainato
Baker	Flick	Manderino	Samuelson
Baldwin	Forcier	Mann	Sather
Barrar	Frankel	Markosek	Saylor
Bastian	Freeman	Marsico	Scavello
Bebko-Jones	Gabig	McCall	Schroder
Belardi	Gannon	McGeehan	Semmel
Belfanti	Geist	McGill	Shaner
Benninghoff	George	McIlhattan	Shapiro
Beyer	Gerber	McIlhinney	Siproth
Biancucci	Gergely	McNaughton	Smith, B.
Birmelin	Gillespie	Melio	Smith, S.
Blackwell	Gingrich	Metcalfe	Solobay
Blaum	Godshall	Micozzie	Sonney
Boyd	Good	Millard	Staback
Bunt	Goodman	Miller, R.	Stairs
Buxton	Grell	Miller, S.	Steil
Caltagirone	Grucela	Mundy	Stern
Cappelli	Haluska	Mustio	Stevenson, R.
Casorio	Hanna	Myers	Stevenson, T.
Causer	Harhai	Nailor	Sturla
Cawley	Harhart	Nickol	Surra

Civera	Harper	O'Brien	Tangretti
Clymer	Harris	O'Neill	Taylor, E.Z.
Cohen	Hasay	Oliver	Taylor, J.
Cornell	Hennessey	Pallone	Thomas
Corrigan	Herman	Parker	Tigue
Costa	Hershey	Payne	Turzai
Crahalla	Hess	Petrarca	Veon
Creighton	Hickernell	Petri	Vitali
Cruz	Hutchinson	Petrone	Walko
Curry	James	Phillips	Wansacz
Daley	Josephs	Pickett	Waters
Dally	Kauffman	Pistella	Watson
DeLuca	Keller, M.	Preston	Wheatley
Denlinger	Keller, W.	Pyle	Williams
Dermody	Kenney	Quigley	Wilt
DeWeese	Killion	Ramaley	Wojnaroski
DiGrolamo	Kirkland	Rapp	Wright
Diven	Kotik	Raymond	Yewcic
Donatucci	LaGrotta	Readshaw	Youngblood
Eachus	Leach	Reed	Yudichak
Ellis	Lederer	Reichley	Zug
Evans, D.	Leh	Roberts	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker
Fairchild			

NOT VOTING—0

EXCUSED—11

Armstrong	Gruitza	Roebuck	Santoni
Bishop	Maitland	Rohrer	True
Feese	Rieger	Ruffing	

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

Ordered, That the clerk inform the Senate accordingly.

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 1285, PN 4714

An Act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for administrative practice and procedure; further providing for period of revocation or suspension of operating privilege; and abrogating a regulation.

HB 1813, PN 4619

An Act providing for the allocation of funds to county mental health and mental retardation programs.

HB 2042, PN 3962

An Act amending the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, further providing for penalties; and providing for limitation on certain actions.

HB 2472, PN 4580

An Act establishing a farmers' market development grant program to develop or expand farmers' markets; conferring powers and duties on the Department of Agriculture; and providing for funding.

HB 2631, PN 4639

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining “commercial property”; and further providing for disclosure at initial interview.

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

DEMOCRATIC CAUCUS

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I am announcing a caucus in 12 hours and 15 minutes, at 10:30 a.m. tomorrow morning; 10:30 a.m., Wednesday morning, the next Democratic caucus.

The SPEAKER. The Chair thanks the gentleman.

VOTE CORRECTION

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

Mr. MARSICO. Thank you, Mr. Speaker. I would like to correct a vote, please.

The SPEAKER. The gentleman is in order.

Mr. MARSICO. On HB 2634, amendment A9700, I was recorded in the positive. I would like to be recorded in the negative.

The SPEAKER. The gentleman’s remarks will be spread across the record.

There will be no further votes on the floor.

Are there any other members seeking recognition?

RECESS

The SPEAKER. This House 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 PRO TEMPORE
(MATTHEW E. BAKER) PRESIDING****BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today’s calendar will be passed over. The Chair hears no objection.

RECESS

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

Mr. KAUFFMAN. Mr. Speaker, I move that this House do now recess until Wednesday, October 18, 2006, at 12 m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:59 a.m., e.d.t., Wednesday, October 18, 2006, the House recessed.