

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JULY 17, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 77

HOUSE OF REPRESENTATIVES

The House convened at 9:30 a.m., e.d.t.

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

PRAYER

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.

Let us pray together:

Holy God, You are our stronghold and refuge in whom we trust. Teach us to work with greater faithfulness. May pleasing You become our primary focus as You place a song in our heart and wisdom in our minds for each burden on our shoulders. Guide our lawmakers and staff today. Lead them to Your fortress of love, patience, and kindness. Remind them that any success alien to Your way is worse than failure and that any failure in Your spirit is better than gold.

Let Your benediction rest upon our Representatives, Senators, and Governor, and may they bring their stewardship in line with the destiny You desire for their lives. Make them channels of Your grace and coworkers in the building of Your kingdom. We pray in Your wonderful name.

And, O Lord, P.S.: Hallelujah, the budget is passed. And all of God's people said, amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, July 16, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests for leaves of absence. There are no requests.

Members will report to the floor.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

Mr. SURRA. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. SURRA. I would like to place Representative GEORGE on leave temporarily. He is at a PENNVEST meeting.

The SPEAKER. Without objection, Representative George will be on leave.

MASTER ROLL CALL CONTINUED

The following roll call was recorded:

PRESENT—202

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
Barrar	Geist	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Sipthroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb

Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

George

LEAVES ADDED—3

Costa Dermody Tangretti

LEAVES CANCELED—1

George

The SPEAKER. A quorum being present, the House will proceed to conduct business.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair has been informed of a troubling e-mail from Mercer County. Apparently Guy Brooks is very distressed that he and his wife cannot be together on their 25th wedding anniversary. Would you please join the Chair in wishing Representative Michele Brooks a happy 25th anniversary.

The Chair recognizes Representative Brooks. Guy wishes you were home, and we hope to accommodate him by the end of today. Happy anniversary.

Mrs. BROOKS. Thank you, Mr. Speaker, and thank you to my colleagues.

He always beats me to the punch. I was going to ask to be recognized under unanimous consent and wish him a happy 25th anniversary. Thank you, Mr. Speaker.

The SPEAKER. I believe that was his intent, and he did it again. He was successful.

Mr. SURRA. Mr. Speaker?

The SPEAKER. For what purpose does Representative Surra rise?

Mr. SURRA. I did not think you were allowed to get married when you were 9 years old in Pennsylvania.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome, as the guest of the minority leader, Representative Sam Smith, Geoff Peterson, who is working on the Republican research staff this summer. He is the senior class president at Oberlin College, and he is seated to the left of the Speaker. Would you please rise and be recognized.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1590, PN 2342**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS
TO SENATE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1295, PN 2349**.

SENATE MESSAGE

HOUSE AMENDMENTS
NONCONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has nonconcurred in the amendments made by the House of Representatives to **SB 246, PN 1326**, and has authorized the President Pro Tempore to appoint a committee of conference on behalf of the Senate to confer with a similar committee of the House of Representatives if the House of Representatives shall appoint such committee on the subject of the differences existing between the two Houses in relation to said bill.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 413, PN 1276; SB 466, PN 1329; SB 548, PN 1299; SB 929, PN 1312; SB 930, PN 1313; SB 934, PN 1314; SB 947, PN 1315; SB 953, PN 1316; SB 954, PN 1317; SB 955, PN 1318; SB 956, PN 1319; SB 957, PN 1320; SB 958, PN 1321; and SB 959, PN 1322**.

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 1295, PN 2349

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for Commonwealth employees group life insurance; further providing for the State System of Higher Education and for budget implementation; providing for general budget implementation and for 2007-2008 budget implementation and restrictions on appropriations for funds and accounts; and making a related repeal.

SB 116, PN 1323

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for proportional reduction of certain county court reimbursements; further providing for senior judge operational support grants; providing for the adoption of guidelines for fines; further providing for selection of prospective jurors; providing for statewide jury information system; and further providing for no limitation applicable.

SB 413, PN 1276

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment of signs and sign structures; and making related repeals.

SB 466, PN 1329

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, for changes in the Uniform Construction Code and for exemptions.

SB 548, PN 1299

An Act amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

SB 623, PN 1324

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "corrections officer"; further providing for use of force in law enforcement; in theft and related offenses, defining "firearm"; and providing for firearm tracing.

SB 929, PN 1312

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such

appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 930, PN 1313

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh—Commonwealth Act, making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

SB 934, PN 1314

An Act making appropriations to the Trustees of the University of Pennsylvania.

SB 939, PN 1122

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

SB 947, PN 1315

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

SB 953, PN 1316

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

SB 954, PN 1317

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

SB 955, PN 1318

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

SB 956, PN 1319

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

SB 957, PN 1320

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

SB 958, PN 1321

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

SB 959, PN 1322

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

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

RULES COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Rules Committee.

RECESS

The SPEAKER. The House will stand in recess to the call of the Chair. It should be no longer than 10 or 15 minutes.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(JOSEPH PRESTON, JR.) PRESIDING****LEAVE OF ABSENCE CANCELED**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. George, being on the floor. He will be added to the master roll call.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 1590, PN 2342**

By Rep. DeWEESE

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for minority and women-owned business participation; authorizing local taxation for public transportation assistance; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; consolidating the Turnpike Organization, Extension and Toll Road Conversion Act; providing for Turnpike Commission standards of conduct; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80, for application, for lease of Interstate 80, for payments, for other interstate highways, for fund distribution, for impact, for financial plan and for nonperformance; in taxes for highway maintenance and construction, providing for definitions; further providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; and making related repeals.

RULES.**HB 1631, PN 2345**

By Rep. DeWEESE

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

RULES.**SB 97, PN 1327**

By Rep. DeWEESE

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

for definitions, for exclusions, for assessment and for refund; in personal income tax, further providing for operational provisions and for assessment; in corporate net income tax, further providing for assessments; in bank and trust company shares tax, further providing for ascertainment of taxable amount and exclusion of United States obligations; in realty transfer tax, further providing for assessment and notice; providing for a film production tax credit and conferring powers and duties upon the Department of Community and Economic Development and providing for a resource enhancement and protection tax credit; in neighborhood assistance tax credit, further providing for definitions, for tax credit and for grant of tax credit and providing for pass-through entities; in malt beverage tax, further providing for departmental assessment; and providing for powder metallurgy parts.

RULES.

The SPEAKER pro tempore. Those bills will be placed on the supplemental calendar.

HB 1422 RECONSIDERED

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by Mr. Sam Smith and Mr. Argall, who move that the vote by which HB 1422, PN 2293, was passed on the 16th of July be reconsidered.

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

The SPEAKER pro tempore. On the motion, the Chair recognizes Mr. Vitali. What does he rise for?

Mr. VITALI. Thank you, Mr. Speaker.

Could we have a brief explanation of what we are being asked to reconsider?

Mr. S. SMITH. Mr. Speaker, this is the bill that had to do with food safety, and it is just a matter of a couple people wanting to correct the vote on the record. That is common courtesy that is provided in this House.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs

Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS-0

NOT VOTING-0

EXCUSED-0

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1422, PN 2293**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, codifying the Public Eating and Drinking Place Law and the Food Act; providing for the protection of public health and for regulations; requiring licensing; further providing for food employee certification and for farmers' market; providing for penalties; and making related repeals.

On the question recurring,
Shall the bill pass finally?

(Bill analysis was read.)

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-125

Adolph	George	McI. Smith	Schroder
Bastian	Gerber	McIlhattan	Seip
Belfanti	Gibbons	Melio	Shapiro
Bennington	Goodman	Micozzie	Shimkus

Beyer	Grucela	Miller	Siptroth
Bianucci	Hanna	Milne	Smith, K.
Bishop	Harhart	Moul	Smith, M.
Blackwell	Harkins	Mundy	Solobay
Boback	Helm	Mustio	Staback
Brennan	Hennessey	Myers	Sturla
Buxton	Hershey	Nickol	Surra
Caltagirone	Hornaman	O'Brien, M.	Tangretti
Carroll	James	Oliver	Taylor, J.
Civera	Josephs	Parker	Taylor, R.
Cohen	Keller, W.	Pashinski	Thomas
Conklin	Kenney	Payne	Vitali
Costa	Kessler	Payton	Vulakovich
Cruz	Killion	Peifer	Wagner
Curry	King	Perzel	Walko
Daley	Kirkland	Petrone	Wansacz
Dally	Kula	Preston	Waters
DeLuca	Leach	Quinn	Watson
DePasquale	Lentz	Ramaley	Wheatley
Dermody	Levdansky	Raymond	White
DeWeese	Maher	Reichley	Williams
Donatucci	Mahoney	Roebuck	Wojnaroski
Eachus	Manderino	Ross	Youngblood
Evans, D.	Mann	Rubley	Yudichak
Fabrizio	Markosek	Sabatina	
Frankel	Marshall	Samuelson	O'Brien, D.,
Freeman	McCall	Santoni	Speaker
Galloway	McGeehan	Scavello	

NAYS-77

Argall	Fleck	Longietti	Rapp
Baker	Gabig	Mackereth	Readshaw
Barrar	Geist	Major	Reed
Bear	Gergely	Mantz	Roae
Benninghoff	Gillespie	Marsico	Rock
Boyd	Gingrich	Mensch	Rohrer
Brooks	Godshall	Metcalfe	Sainato
Cappelli	Grell	Millard	Saylor
Casorio	Haluska	Moyer	Smith, S.
Causer	Harhai	Murt	Sonney
Clymer	Harper	Nailor	Stairs
Cox	Harris	O'Neill	Steil
Creighton	Hess	Perry	Stern
Cutler	Hickernell	Petrarca	Stevenson
Denlinger	Hutchinson	Petri	Swanger
DiGirolo	Kauffman	Phillips	True
Ellis	Keller, M.	Pickett	Turzai
Evans, J.	Kortz	Pyle	Vereb
Everett	Kotik	Quigley	Yewcic
Fairchild			

NOT VOTING-1

Pallone

EXCUSED-0

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

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

VOTE CORRECTIONS

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

Mr. J. TAYLOR. Mr. Speaker, would it be appropriate at this time to correct the record?

The SPEAKER pro tempore. The gentleman is so in order.

Mr. J. TAYLOR. Thank you, Mr. Speaker.

On HB 1287, Mr. Speaker, the concurrence vote, I was in my seat and I was not recorded. I wish to be recorded in the affirmative.

The SPEAKER pro tempore. The gentleman's vote will be recorded, and the remarks will be spread upon the record.

For what purpose does the gentleman from Westmoreland County, Mr. Pallone, rise?

Mr. PALLONE. Thank you, Mr. Speaker.

To correct the record.

The SPEAKER pro tempore. The gentleman is so in order and may.

Mr. PALLONE. Thank you.

On the last bill that was just up, 1422, for whatever reason, my voting button malfunctioned. I am not recorded as voting at all, and I wanted to be recorded in the negative.

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

Mr. PALLONE. Thank you, Mr. Speaker.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 874, PN 2261, entitled:

An Act providing for umbilical cord blood banking; requiring health care facilities and providers to give pregnant patients information regarding umbilical cord blood banking; and requiring health care facilities to permit pregnant patients to arrange for umbilical cord blood donations.

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.

(Bill analysis was read.)

The SPEAKER pro tempore. 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—203

Table listing names of members who voted 'YEAS' (203 total): Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Bianucci, Bishop, Blackwell, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Rohrer, Ross, Rubley, Sabatina, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus.

Table listing names of members who did not vote 'YEAS': Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Frankel, Freeman, Haluska, Hanna, Harhai, Harhart, Harkins, Harper, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Mann, Mantz, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Peifer, Perry, Perzel, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Roebuck, Siproth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, J., Taylor, R., Thomas, True, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnarowski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—0

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 SB 798, PN 1311, entitled:

An Act providing for the capital budget for the fiscal year 2007-2008; itemizing public improvement projects and furniture and equipment projects to be constructed or acquired or assisted by the Department of General Services, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services; stating the estimated useful life of the projects; providing for special provisions for certain projects; and making appropriations.

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

MOTION TO SUSPEND RULES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Representative Eachus, who makes a motion to suspend the rules for the purpose of offering amendment A03142, which the clerk will read.

The clerk read the following amendment No. **A03142**:

Amend Sec. 14, page 14, line 30; page 15, lines 1 through 7; by striking out "NOTWITHSTANDING THE PROVISIONS OF 62 P.A.C.S. §" in line 30, page 14, all of lines 1 through 6, and "REQUIREMENTS OF THE SEPARATIONS ACT." In line 7, page 15

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

The SPEAKER pro tempore. The gentleman, Mr. Eachus, is recognized to give an explanation of the amendment.

Mr. EACHUS. Thank you, Mr. Speaker.

I am asking that we revert to PN 923, and I would also like to make this in the form of a motion, Mr. Speaker. I move that rules 21 and 24 be suspended so that we can offer PN 923 and that rule 24 further be suspended so that the bill can be immediately voted on final passage as this amendment is adopted.

Thank you, Mr. Speaker. We will be reverting.

The SPEAKER pro tempore. The House will be at ease for a moment.

Will the gentleman please approach.

(Conference held at Speaker's podium.)

MOTION WITHDRAWN

The SPEAKER pro tempore. The Chair is rescinding the statement of the gentleman from Luzerne of offering the amendment A03142. He is going to be recognized to be able to make a motion.

RULES SUSPENDED

The SPEAKER pro tempore. The gentleman from Luzerne is so recognized.

Mr. EACHUS. Thank you, Mr. Speaker. Let me restate my motion, if I may.

I would like to make a motion to revert to the prior printer's number, No. 923, and suspend rules 21 and 24 so that this bill can go directly to the Governor's desk for signature, Mr. Speaker, and this would be an agreed-to amendment. I have been working with the gentleman, Mr. Argall, in the Republican leadership.

The SPEAKER pro tempore. The gentleman, Mr. Eachus, makes a motion to suspend the rules to revert to a prior printer's number and also to suspend rules 21 and 24 so that an amendment can be offered and the bill can be signed and go to the Governor today, to be voted on on final passage today.

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

The SPEAKER pro tempore. On the motion, the gentleman, Mr. Vitali, is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

Perhaps would the maker stand for brief interrogation?

The SPEAKER pro tempore. The gentleman has indicated he will. So ordered.

Mr. VITALI. Thank you.

I just want, prior to voting on this— There is some controversy here. The administration does oppose it. It would, I understand, cause delay in construction of a prison. My question is, I have been contacted by the Department of Corrections on this. Could you thresh out what exactly this does, just so we are clear about what we are voting on here.

Mr. EACHUS. Yes; sure; happy to do that, Mr. Speaker.

Let me be clear, the prisons that you referred to are authorized in another bill, so there was a separate authorization in a separate appropriations bill that will take care of the prisons. There was a key issue exposed in this. It was a change to what we call the Separations Act, which allows for trades to be able to divide the work contractually. The form of the amendment, the original form of the amendment, which was going to be voted on, or actually, the language in 798 as it was reported from Appropriations changed the methodology.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman is asking about the amendment and is not addressing the issue to suspend.

Mr. VITALI. Well, what I am actually— If I may, I am trying to get an explanation of the amendment, which I think the rules— I am not speaking on this, but I am asking, I am asking for a fuller explanation because it is an important issue and I just want members to be aware. So I am really just asking for a—

The SPEAKER pro tempore. The gentleman will suspend.

On the motion to suspend, the motion to suspend under rule 77, the debate may be debated by the majority leader, the minority leader, the maker of the motion, the maker of the amendment under consideration, and the prime sponsor of the bill under consideration.

PARLIAMENTARY INQUIRIES

Mr. VITALI. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is so recognized.

Mr. VITALI. I understand that the rule does not allow debate, but does it allow interrogation?

The SPEAKER pro tempore. At this point it is very limited. The gentleman is not in order at this time. Upon the suspension of the rules, then you would be so in order.

Mr. VITALI. Okay. A further parliamentary inquiry?

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. VITALI. Will the approval of this motion in effect suspend one of the rules we worked on in the reform caucus which was to require a day's notice after you amend substantively on third consideration?

The SPEAKER pro tempore. The gentleman has asked to suspend rule 24, which is explanatory within itself, and that is what the gentleman's motion will do.

Mr. VITALI. It will suspend one of the provisions we made during the reform caucus?

The SPEAKER pro tempore. It will allow the bill to go directly to the Governor, to be voted on on final passage.

Mr. VITALI. May I speak on unanimous consent?

The SPEAKER pro tempore. We are on the motion to suspend. The gentleman would not be recognized.

Mr. VITALI. Okay. I might simply then ask that some floor leader who has the authority to speak maybe thresh this out a little bit. Thank you.

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

Mr. MARSHALL. Thank you, Mr. Speaker.

Only on the motion to suspend.

The SPEAKER pro tempore. The gentleman is not in order.

On the motion to suspend—

Mr. S. SMITH. Mr. Speaker?

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

Mr. S. SMITH. Mr. Speaker, I believe that – a parliamentary inquiry – I believe I am allowed to defer to one of my respective members to speak on this in my place. Am I not?

The SPEAKER pro tempore. No.

Mr. S. SMITH. Mr. Speaker, I want to ask you to reconsider that, but I thought, as a parliamentary inquiry, I thought leaders were always allowed to speak on these motions and that we had the opportunity to defer to another member to speak on the motion. Are you saying I am not allowed to do that?

Mr. EACHUS. Mr. Speaker, may I interject on behalf—

The SPEAKER pro tempore. Will the House be at ease for a moment.

Mr. EACHUS. Of course.

The SPEAKER pro tempore. The gentleman from Beaver is so recognized and may speak.

Mr. MARSHALL. Thank you, Mr. Speaker.

Mr. Speaker, on the motion to suspend, Mr. Speaker, I would just like to say that I agree with the gentleman from Luzerne and that I would ask my colleagues to support this motion to suspend the rules.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—136

Adolph	Freeman	Markosek	Sainato
Argall	George	Marshall	Santoni
Barrar	Gerber	McCall	Seip
Belfanti	Gergely	McGeehan	Shapiro
Bennington	Gibbons	McI. Smith	Shimkus
Beyer	Godshall	Melio	Siptroth
Bianucci	Goodman	Mensch	Smith, K.
Bishop	Grucela	Micozzie	Smith, M.
Blackwell	Haluska	Milne	Smith, S.
Brooks	Hanna	Moyer	Solobay
Buxton	Harhai	Mundy	Sonney
Caltagirone	Harhart	Mustio	Staback
Casorio	Harkins	Myers	Stairs
Civera	Harper	Nickol	Stevenson
Clymer	Hickernell	O'Brien, M.	Sturla
Cohen	Hornaman	O'Neill	Surra

Conklin	James	Oliver	Tangretti
Costa	Josephs	Parker	Taylor, J.
Cruz	Keller, W.	Pashinski	Taylor, R.
Curry	Kenney	Payton	Thomas
Daley	Kessler	Perzel	Vereb
DeLuca	Killion	Petrarca	Vitali
Denlinger	King	Petri	Wagner
DePasquale	Kirkland	Petrone	Walko
Dermody	Kortz	Preston	Wansacz
DeWeese	Kotik	Quigley	Waters
DiGirolamo	Kula	Quinn	Watson
Donatucci	Leach	Ramaley	Wheatley
Eachus	Lentz	Raymond	White
Evans, D.	Levdansky	Readshaw	Williams
Evans, J.	Longiatti	Reichley	Wojnaroski
Everett	Maher	Roebuck	Yewcic
Fabrizio	Manderino	Ross	Youngblood
Frankel	Mann	Sabatina	Yudichak

NAYS—64

Baker	Gabig	Major	Rapp
Bastian	Galloway	Mantz	Reed
Bear	Geist	Marsico	Roae
Benninghoff	Gillespie	McIlhattan	Rock
Boback	Gingrich	Metcalfe	Rohrer
Boyd	Grell	Millard	Rubley
Cappelli	Harris	Miller	Samuelson
Carroll	Helm	Moul	Saylor
Causer	Hennessey	Nailor	Scavello
Cox	Hershey	Pallone	Schroder
Creighton	Hess	Payne	Steil
Cutler	Hutchinson	Peifer	Stern
Dally	Kauffman	Perry	Swanger
Ellis	Keller, M.	Phillips	True
Fairchild	Mackereth	Pickett	Turzai
Fleck	Mahoney	Pyle	Vulakovich

NOT VOTING—3

Brennan	Murt	O'Brien, D., Speaker
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EXCUSED—0

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

**BILL REVERTED TO
PRIOR PRINTER'S NUMBER**

The SPEAKER pro tempore. The Chair now recognizes the gentleman, Mr. Eachus, from Luzerne County.

Mr. EACHUS. Mr. Speaker, I see members rising to correct the record. May I—

The SPEAKER pro tempore. Could we have some order, please. Members, please be seated. Thank you.

Mr. EACHUS. Mr. Speaker, I rise in order to revert to the prior printer's number 923 and suspend rules 21 and 24, Mr. Speaker. Oh; excuse me. We just suspended those rules, but I would like to revert to the prior printer's number 923.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has moved that we revert to the prior printer's number 923.

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

VOTE CORRECTION

The SPEAKER pro tempore. On the motion, the gentleman, Mr. Murt, is so recognized.

Mr. MURT. Mr. Speaker, on the last vote, I should be recorded as an affirmative vote. Due to a malfunction, I believe that I was not recorded at all on the last vote, Mr. Speaker.

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

Mr. MURT. Thank you, Mr. Speaker.

**BILL REVERTED TO
PRIOR PRINTER'S NUMBER
CONTINUED**

The SPEAKER pro tempore. The gentleman, Mr. Schroder.

Mr. SCHRODER. Mr. Speaker, is it proper to do a brief interrogation of the member making the motion?

The SPEAKER pro tempore. The gentleman has agreed to stand for interrogation. The gentleman is so in order.

Mr. SCHRODER. Mr. Speaker, I was just wondering, in reverting to a prior printer's number, presumably that will take an amendment or something out of the bill and could take projects out of the bill, perhaps? I am just wondering if that is correct, and if we do that, what are we changing in this bill? Does anyone have an answer?

Mr. EACHUS. Thank you, Mr. Speaker. I am happy to answer your question.

It reverts to an earlier printer's number that was before the Appropriations Committee. It does change some projects in the scheme, but remember what I said, the authorization bill on the projects was done in a separate vehicle. This merely allows the debt which will allow the Commonwealth to pay its bills.

Mr. SCHRODER. So this is only affecting, this is affecting debt then?

Mr. EACHUS. Yes, Mr. Speaker. It allows us to pay our bills and make sure the Commonwealth meets its obligations.

Mr. SCHRODER. And we are going from what level of debt to what level? What are the numbers?

Mr. EACHUS. Okay. Mr. Speaker, last year we had \$1 billion of debt we authorized. This year it is \$752 million. It is less.

Mr. SCHRODER. My question, though, Mr. Speaker, is, what is the level of debt in the current printer's number of the bill compared to where you want to go?

Mr. EACHUS. No change.

Mr. SCHRODER. Then perhaps I am missing why we are reverting to a prior printer's number then.

Mr. EACHUS. Mr. Speaker – not to interrupt your interrogation – as I said earlier, this is an essential bill that allows the Commonwealth to pay its debt obligations. On all the capital projects that we have ongoing, if we do not have this debt bill authorized and sent directly to the Governor, we will not be able to meet our obligations.

Mr. SCHRODER. Okay. Then am I to understand that to revert will send it directly to the Governor as opposed to sending it to the Senate, who has left town?

Mr. EACHUS. Yes, Mr. Speaker. As you know, the other chamber decided to leave the building, so we have got to get this straight to the Governor's desk and allow these projects to

proceed. They are important. They are correction projects and many other projects in our communities.

Mr. SCHRODER. All right. I understand the point, and I appreciate the explanation.

Mr. EACHUS. Thank you, Mr. Speaker.

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

The SPEAKER. Representative DiGirolamo.

Mr. DiGIROLAMO. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion to revert to the prior printer's number. For the information of the members, this is an important issue not only for the building trades across the State of Pennsylvania but also for many of the major construction associations.

So I am asking the members to vote "yes" to revert to the prior printer's number. Thank you, Mr. Speaker.

The SPEAKER. Representative Brennan.

Mr. BRENNAN. Thank you, Mr. Speaker.

To correct the record.

The SPEAKER. The Chair will come back to the gentleman for his correction of the record.

Representative Vitali. The gentleman waives off.

Does anyone else seek recognition?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—172

Adolph	Geist	McCall	Sabatina
Argall	George	McGeehan	Sainato
Baker	Gerber	McI. Smith	Samuelson
Barrar	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Scavello
Bennington	Gingrich	Mensch	Schroder
Beyer	Godshall	Micozzie	Seip
Biancucci	Goodman	Miller	Shapiro
Bishop	Grucela	Milne	Shimkus
Blackwell	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harper	Myers	Sonney
Carroll	Helm	Nickol	Staback
Casorio	Hershey	O'Brien, M.	Stairs
Civera	Hess	O'Neill	Stern
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	James	Parker	Swanger
Costa	Josephs	Pashinski	Tangretti
Cruz	Keller, W.	Payne	Taylor, J.
Curry	Kenney	Payton	Taylor, R.
Daley	Kessler	Peifer	Thomas
Dally	Killion	Perzel	Vereb
DeLuca	King	Petrarca	Vitali
Denlinger	Kirkland	Petri	Vulakovich
DePasquale	Kortz	Petrone	Wagner
Dermody	Kotik	Phillips	Walko
DeWeese	Kula	Preston	Wansacz
DiGirolamo	Leach	Pyle	Waters
Donatucci	Lentz	Quigley	Watson
Eachus	Levdansky	Quinn	Wheatley
Ellis	Longiatti	Ramaley	White

Evans, D.	Mackereth	Raymond	Williams
Evans, J.	Maher	Readshaw	Wojnaroski
Everett	Mahoney	Reed	Yewcic
Fabrizio	Major	Reichley	Youngblood
Fairchild	Manderino	Roebuck	Yudichak
Fleck	Mann	Rohrer	
Frankel	Markosek	Ross	O'Brien, D.,
Freeman	Marshall	Rubley	Speaker
Galloway	Marsico		

NAYS—31

Bastian	Cutler	Keller, M.	Roae
Bear	Gabig	Mantz	Rock
Benninghoff	Gillespie	Metcalfe	Saylor
Boback	Grell	Millard	Steil
Boyd	Harris	Nailor	Stevenson
Causser	Hennessey	Perry	Turzai
Cox	Hutchinson	Pickett	
Creighton	Kauffman	Rapp	

NOT VOTING—0

EXCUSED—0

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

On the question,

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

Bill as amended was agreed to.

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

(Bill analysis was read.)

The SPEAKER. 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—162

Adolph	Galloway	Marsico	Sainato
Argall	Geist	McCall	Samuelson
Barrar	George	McGeehan	Santoni
Belfanti	Gerber	McI. Smith	Scavello
Bennington	Gergely	McIlhattan	Seip
Beyer	Gibbons	Melio	Shapiro
Bianucci	Gingrich	Mensch	Shimkus
Bishop	Godshall	Micozzie	Siptroth
Blackwell	Goodman	Milne	Smith, K.
Brennan	Grucela	Moyer	Smith, M.
Brooks	Haluska	Mundy	Smith, S.
Buxton	Hanna	Murt	Solobay
Caltagirone	Harhai	Mustio	Sonney
Cappelli	Harkins	Myers	Staback
Carroll	Harper	Nailor	Stairs
Casorio	Helm	O'Brien, M.	Stern
Civera	Hershey	O'Neill	Stevenson
Clymer	Hess	Oliver	Sturla
Cohen	Hickernell	Pallone	Surra
Conklin	Hornaman	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cruz	Josephs	Payne	Taylor, J.
Curry	Keller, W.	Payton	Taylor, R.

Daley	Kenney	Perzel	Thomas
DeLuca	Kessler	Petrarca	Vereb
Denlinger	Killion	Petri	Vitali
DePasquale	King	Petrone	Wagner
Dermody	Kirkland	Phillips	Walko
DeWeese	Kortz	Preston	Wansacz
DiGirolamo	Kotik	Pyle	Waters
Donatucci	Kula	Quinn	Watson
Eachus	Leach	Ramaley	Wheatley
Ellis	Lentz	Rapp	White
Evans, D.	Levdansky	Raymond	Williams
Evans, J.	Longiotti	Readshaw	Wojnaroski
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Youngblood
Fairchild	Manderino	Roebuck	Yudichak
Fleck	Mann	Ross	
Frankel	Markosek	Rubley	O'Brien, D.,
Freeman	Marshall	Sabatina	Speaker

NAYS—41

Baker	Gabig	Major	Quigley
Bastian	Gillespie	Mantz	Roae
Bear	Grell	Metcalfe	Rock
Benninghoff	Harhart	Millard	Rohrer
Boback	Harris	Miller	Saylor
Boyd	Hennessey	Moul	Schroder
Causser	Hutchinson	Nickol	Steil
Cox	Kauffman	Peifer	True
Creighton	Keller, M.	Perry	Turzai
Cutler	Mackereth	Pickett	Vulakovich
Dally			

NOT VOTING—0

EXCUSED—0

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

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

VOTE CORRECTIONS

The SPEAKER. The Chair recognizes Representative Brennan.

Mr. BRENNAN. Thank you, Mr. Speaker.

To correct the record.

The SPEAKER. The gentleman is in order.

Mr. BRENNAN. On the gentleman, Mr. Eachus's motion to suspend to revert to a prior printer's number, I was not recorded. I was in my seat. I wish to be recorded in the affirmative.

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

For what purpose does Representative Kula rise?

Mrs. KULA. To correct the record, Mr. Speaker.

On SB 798 to revert back to the prior printer's number, I believe my vote was in the affirmative. I wish it to be in the negative.

The SPEAKER. The lady's remarks will be spread upon the record.

SUPPLEMENTAL CALENDAR A

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1590, PN 2342**, entitled:

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for minority and women-owned business participation; authorizing local taxation for public transportation assistance; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; consolidating the Turnpike Organization, Extension and Toll Road Conversion Act; providing for Turnpike Commission standards of conduct; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80, for application, for lease of Interstate 80, for payments, for other interstate highways, for fund distribution, for impact, for financial plan and for nonperformance; in taxes for highway maintenance and construction, providing for definitions; further providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; and making related repeals.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Washington County, Representative Solobay, who makes a motion to suspend the rules for the purpose of offering amendment A03120, which the clerk will read.

The clerk read the following amendment No. **A03120**:

Amend Title, page 1, line 22, by inserting after "NONPERFORMANCE";

in liquid fuels and fuels tax, further providing for definitions;

Amend Bill, page 273, by inserting between lines 23 and 24 Section 7.1. Section 9002 of Title 75 is amended to read:

§ 9002. Definitions.

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

"Alternative fuels." Natural gas, compressed natural gas (CNG), liquified natural gas (LNG), liquid propane gas and liquified petroleum gas (LPG), alcohols, gasoline-alcohol mixtures containing at least 85% alcohol by volume, hydrogen, hythane, electricity and any other fuel used to propel motor vehicles on the public highways which is not taxable as fuels or liquid fuels under this chapter.

"Alternative fuel dealer-user." Any person who delivers or places alternative fuels into the fuel supply tank or other device of a vehicle for use on the public highways.

"Association." A partnership, limited partnership or any other form of unincorporated enterprise owned by two or more persons.

"Average wholesale price." The average wholesale price per gallon of all taxable liquid fuels and fuels, excluding the Federal excise tax and all liquid fuels taxes, as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be

set. In no case shall the average wholesale price be less than 90¢ nor more than [\$1.25] \$1.75 per gallon.

"Cents-per-gallon equivalent basis." The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning every January 1 and shall be published as a notice in the Pennsylvania Bulletin no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

"Corporation." A corporation or joint stock association organized under the laws of this Commonwealth, the United States or any other state, territory or foreign country or dependency.

"Dealer." Any person engaged in the retail sale of liquid fuels or fuels.

"Department." The Department of Revenue of the Commonwealth.

"Diesel fuel." Any liquid, other than liquid fuels, which is suitable for use as a fuel in a diesel-powered highway vehicle. The term includes kerosene.

"Distributor." Any person that:

(1) Produces, refines, prepares, blends, distills, manufactures or compounds liquid fuels or fuels in this Commonwealth for the person's use or for sale and delivery in this Commonwealth.

(2) Imports or causes to be imported from any other state or territory of the United States or from a foreign country liquid fuels or fuels for the person's use in this Commonwealth or for sale and delivery in and after reaching this Commonwealth, other than in the original package, receptacle or container.

(3) Imports or causes to be imported from any other state or territory of the United States liquid fuels or fuels for the person's use in this Commonwealth or for sale and delivery in this Commonwealth after they have come to rest or storage in the other state or territory, whether or not in the original package, receptacle or container.

(4) Purchases or receives liquid fuels or fuels in the original package, receptacle or container in this Commonwealth for the person's use or for sale and delivery in this Commonwealth from any person who has imported them from a foreign country.

(5) Purchases or receives liquid fuels or fuels in the original package, receptacle or container in this Commonwealth for the person's use in this Commonwealth or for sale and delivery in this Commonwealth from any person who has imported them from any other state or territory of the United States if the liquid fuels or fuels have not, prior to purchase or receipt, come to rest or storage in this Commonwealth.

(6) Receives and uses or distributes liquid fuels or fuels in this Commonwealth on which the tax provided for in this chapter has not been previously paid.

(7) Owns or operates aircraft, aircraft engines or facilities for delivery of liquid fuels to aircraft or aircraft engines and elects, with the permission of the Secretary of Revenue, to qualify and obtain a permit as a distributor,

(8) Exports liquid fuels or fuels other than in: the fuel supply tanks of motor vehicles,

"Dyed diesel fuel." Any liquid, other than liquid fuels, which is suitable for use as a fuel in a diesel-powered highway vehicle and which is dyed pursuant to Federal regulations issued under section 4082 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 4082) or which is a dyed fuel for purposes of section 6715 of the Internal Revenue Code of 1986 (26 U.S.C. § 6.715).

"Export." Accountable liquid fuels or fuels delivered out of State by or for the seller constitutes an export by the seller. Accountable 3 liquid fuels or fuels delivered out of State by or for the purchaser constitutes an export by the purchaser.

"Fuels." Includes diesel fuel and all combustible gases and liquids used for the generation or power in aircraft or aircraft engines or used in an internal combustion engine for the generation of power to propel vehicles on the public highways. The term, does not include liquid fuels or dyed diesel fuel.

"Gallon equivalent basis." The amount of any alternative fuel as determined by the department to contain 114,500 BTU's. The rate of tax on the amount of each alternative fuel as determined by the department under the previous sentence shall be the current liquid fuels tax and oil company franchise tax applicable to one gallon of gasoline.

"Highway." Every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel.

"Import." Accountable liquid fuels or fuels delivered into this Commonwealth from out of State by or for the seller constitutes an import by the seller. Accountable liquid fuels or fuels delivered into this Commonwealth from out of State by or for the purchaser constitutes an import by the purchaser.

"Liquid fuels." All products derived from petroleum, natural gas, coal, coal tar, vegetable ferments and other oils. The term includes gasoline, naphtha, benzol, benzine or alcohols, either alone or when blended or compounded, which are practically and commercially suitable for use in internal combustion engines for the generation of power or which are prepared, advertised, offered for sale or sold for use for that purpose. The term does not include kerosene, fuel oil, gas oil, diesel fuel, tractor fuel by whatever trade name or technical name known having an initial boiling point of not less than 200 degrees fahrenheit and of which not more than 95% has been recovered at 464 degrees fahrenheit (ASTM method D-86), liquified gases which would not exist as liquids at a temperature of 60 degrees fahrenheit and pressure of 14.7 pounds per square inch absolute or naphthas and benzols and solvents sold for use for industrial purposes.

"Magistrate." An officer of the minor judiciary. The term includes a magisterial district judge.

"Mass transportation systems." Persons subject to the jurisdiction of the Pennsylvania Public Utility Commission and municipality authorities that transport persons on schedule over fixed routes and derive 90% of their intrastate scheduled revenue from scheduled operations within the county in which they have their principal place of business or with contiguous counties.

"Permit." A liquid fuels permit or a fuels permit.

"Person." Every natural person, association or corporation. Whenever used in any provision prescribing and imposing a fine or imprisonment, the term as applied to associations means the partners or members and as applied to corporations means the officers thereof.

"Sale" and "sale and delivery." Includes the invoicing or billing of liquid fuels or fuels free of tax as provided in section 9005 (relating to taxpayer) from one distributor to another regardless of whether the purchasing distributor is an accommodation party for purposes of taking title or takes actual physical possession of the liquid fuels or fuels.

"Secretary," The Secretary of Revenue of the Commonwealth. Section 7.2. Title 75 is amended by adding sections to read:

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

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes Representative Solobay on the motion to suspend.

Mr. SOLOBAY. Thank you, Mr. Speaker.

In light of the situation and the Senate already departing, we are going to withdraw that amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the question, the Chair recognizes Representative McIlhattan.

Mr. McILHATTAN. Thank you, Mr. Speaker.

Will the maker stand for a brief interrogation, please?

The SPEAKER. The gentleman indicates that he will. The gentleman is in order and may proceed.

Mr. McILHATTAN. Thank you, Mr. Speaker.

I have a couple questions relating to really the integrity of process and the integrity of product, which I think are important when we deal here. Would you concede that this is a major way in changing the way in which we fund public transportation in the Commonwealth of Pennsylvania, Mr. Speaker? I mean, this is not naming a road or a bridge. This is monumental. Is it not?

Mr. MARKOSEK. It is a significant change, Mr. Speaker, in the way we fund public mass transit, public transportation, roads and bridges.

Mr. McILHATTAN. Okay.

Mr. MARKOSEK. This bill will establish a public-public partnership which has not been done in a significant way here in Pennsylvania where we will have a public entity. The Turnpike Commission will lease from another public entity, PENNDOT, the Route I-80 corridor, and that will be toll.

Mr. McILHATTAN. Okay.

Mr. MARKOSEK. We also have changed the mass transit funding fund. We have taken an eclectic group of various ways that we have traditionally funded mass transit and various sources and put them all into one fund that is more manageable and more predictable. Those are just some of the major changes that will occur.

Mr. McILHATTAN. Okay. Let me ask you a little bit if you could take me around the corner. What is the genesis of this legislation, and the reason I ask that is, for the last few months, we all have been sort of focusing on this public-private partnership and leasing the turnpike and all of that, and just a few weeks ago, that whole picture changed. That was thrown off the table and this was whisked in front of us. Is this your idea? Is this the Governor's idea? Is this the Secretary of Transportation's idea? Who had this idea, Mr. Speaker?

Mr. MARKOSEK. The Governor in February of course came in here before the body and with his budget address came up with the idea of a lease/sale of the turnpike. I did not and I think most of us did not hear a lot of enthusiasm for that. So my staff and the staff of the Transportation Committee got together with the turnpike. The turnpike came to us and said that they felt that they could make things happen, kind of do the same thing, have the same end result, but we would not have to sell the turnpike. So they came to us with this plan. We obviously thought it was something that could work. We looked out into the milieu here of which we are dealing with, where most of us do not want to have any tax increases. We do not want to have any fuel tax increases. So we thought that this was the next best thing under the circumstances that would raise sufficient funds to help us get through this crisis without actually selling a huge State asset, such as the turnpike.

Mr. McILHATTAN. Okay, Mr. Speaker. So we have never taken, I do not think, an interstate system in Pennsylvania to

toll, have we? This is a whole new concept. Am I correct or not; enact an interstate system to toll?

Mr. MARKOSEK. PENNDOT has had studies relative to tolling interstates such as I-80. The Governor's Funding and Reform Commission report also suggested that this would be an option, and so this is really nothing totally new. There is a portion of I-80 that was actually built when it was originally built 40 years ago or so that was built with the intention that it would be a toll road at some point. So the idea of tolling some additional interstates such as I-80 is nothing new.

Mr. McILHATTAN. Okay. The concept is certainly new here before the legislature for a vote today, and you mentioned this is a monumental change and you mentioned your folks over there got together and had this idea.

Now, how did the bill get to the floor here today? Something this monumental and this important and this groundbreaking I would assume you talked about. Have you had hearings in your committee? Have the people out across the fruited plain where I live and are affected by Interstate 80, have they had an opportunity to listen to this concept and sort of weigh in and let you know what they think? I mean, something this monumental I assume has been pretty well talked out by all the stakeholders. Am I correct, Mr. Speaker, or not? I would like to know the answer to that question, because I think it is paramount here today.

Mr. MARKOSEK. Well, of course, as you may recall, the bill came out of committee and was here on the floor and was amended by Representative McCall, the so-called McCall amendment, which we debated at length one night here about a month ago. It was sent over to the Senate, where they have had it now for over a month and they have made some changes and it is sent back here. So that is the simple answer to your question of how it got here today. It is like every other piece of legislation how it gets here.

But we also have established not in the legislation but we have a letter from the turnpike establishing a committee made up of all of the members here, both in the House and Senate, who have districts that encompass I-80, and that committee will be made up of those particular members, both Senators and House members, and they will have input on a host of items such as the rebuilding of the highway and where some of the toll spots are put and the traffic studies, et cetera, all along that corridor.

Mr. McILHATTAN. I think what you are trying to say and trying to skirt and I think it is important for everybody to realize that we are doing something very monumental here today, Mr. Speaker, as far as I am concerned as it relates to the interstate system.

We either draw the line in the sand here today and say our interstate system in Pennsylvania will be free-riding roads, as they always have been, or we are going to say, no, they are no longer that way and they are going to be tolled. This is not just about I-80. Once that door opens, Mr. Speaker, it is I-79, it is I-95, it is I-83. I think we need to be careful what we are doing here today.

And as the gentleman said, we have had no public input. This side of the aisle has not had any input, the people of Pennsylvania, the people along Interstate 80. I represent Clarion County. We have six exits on the interstate. No one has come to that part of the world. No one has come to northwestern Pennsylvania and had hearings on this project, Mr. Speaker.

If it is the greatest thing since sliced bread, why do we not let the sun shine on it before we take action on such a monumental change, Mr. Speaker? You are talking about these committees and stuff that are going to be formed after we do this, not before, and I am puzzled about that. Do you care to make any comment?

Mr. MARKOSEK. At first it did not sound like a question. It sounded like a speech, but that is okay.

Mr. McILHATTAN. Well, okay.

Mr. MARKOSEK. That is okay. I did hear the question at the end.

You know, we have not had a formal hearing on this, and, yes, you are right; it is in some ways a monumental change, but, you know, I became the chairman of the committee at least on our side of the aisle 6 months ago. We were handed a report at that time, and the Governor had one plan and some of us in the room had some other plans, and by the time we got the whole thing distilled down to something that we could live with and pass, we have come up with this.

So I think on any piece of legislation, we can always have more hearings. That is always the case. But certainly I think most of the members of the Transportation Committee were pretty familiar with a lot of the details of all of these plans in here. We have worked with the staff, both sides have worked together, and staff in the Senate. So I think this has been pretty well vetted amongst certainly most of us here and the leadership and the committees that had the responsibility to do this.

Mr. McILHATTAN. Now, you said – and I want to make sure I understand – the staff on both sides. So the Republican staff and the Democrat staff sat down and had input into this legislation in a monumental way. Is that correct, Mr. Speaker, or not? I want to know the answer to that.

Mr. MARKOSEK. I know our staff has met with their staff on numerous occasions, and we have always tried to take their suggestions, and where we felt we could, we would add them.

Mr. McILHATTAN. Okay. Let me go to the only study that I know of on Interstate 80, and that is the one back in February of 2005, which I am sure you are familiar with. And if I go to page 15, and this is a question, Mr. Speaker, and you might have a good answer for this and you might not, I looked at the conclusion and it says, "Based on the long timetable to realize benefits, the high cost of converting the road to toll, and the fact that a financial break-even point is decades away, it is recommended" – and I point this out – "is recommended that converting I-80 to a toll road not be pursued at this time." Now, that is the conclusion I get from reading the report. What has changed so drastically in 2 years that all of a sudden this conclusion is wrong and the conclusion that we have come to real quickly here without any hearings or input from the people in Pennsylvania is where we ought to be? I am just confused about that, Mr. Speaker.

Mr. MARKOSEK. I believe the study you are referring to was written prior to the Federal government changing the way that they look at these toll roads and changing the regs relative to allowing States to take them over as we are going to do here today. So that study was somewhat out of date.

Mr. McILHATTAN. So this is out of date; 2 years is out of date. Okay.

To talk a little about that, let us talk about the Federal government a little bit, because we are talking about a financial scheme here, Mr. Speaker, that is a little confusing to me. I guess the Pennsylvania Turnpike Commission is going to lease

Interstate 80 from the Department of Transportation and they are going to pay them so much a year to lease this, \$300 or \$400 or \$500 million a year, and they hope they are going to get enough tolls back to pay for that, but we know that, if I read the report correctly – moving along – we are not going to just turn a switch on and toll I-80 tomorrow if we pass this bill. It is going to take some time, is it not, Mr. Speaker? And how much time is that going to take?

Mr. MARKOSEK. It should take between 18 months and 3 years to actually get the tolling up and running on I-80.

Mr. McILHATTAN. So 18 months to 3 years.

Mr. MARKOSEK. Yes, sir.

Mr. McILHATTAN. But the money is going to flow right away. So the Turnpike Commission is going to sell bonds. Is that correct, Mr. Speaker?

Mr. MARKOSEK. Yes. The Turnpike Commission as it exists now will float additional bonds and also use some additional money that they get from their current cash flows, which are over \$600 million a year, to fund bonds and to get us up to that point where we start seeing revenue actually coming from I-80.

Mr. McILHATTAN. But if I understand you correctly, this is all based on a hope that the Federal government will give us permission to toll I-80. Am I correct that we have to get that permission and we do not have it now and we do not know if it is forthcoming? We think it might be, we hope it might be, but we do not really know. Is that correct, Mr. Speaker?

Mr. MARKOSEK. No, not totally. We have correspondence from Federal officials indicating that this is going to be a doable procedure.

Mr. McILHATTAN. So you feel comfortable that you are going to get that approved. Is that what you are telling me?

Mr. MARKOSEK. Yes, sir; very confident.

Mr. McILHATTAN. What would happen, though, if your presumption did not take place? I mean, what impact would that have on, let us say, the Turnpike Commission? Any detriment on that? Will they have to raise tolls? I assume since they are not going to have I-80 tolls to pay off the bonds, if that would happen, they would have to get the money somewhere else, and I assume they would get it from the riding public going across the turnpike. Is that correct, Mr. Speaker?

Mr. MARKOSEK. In the unlikely event that that would happen, the turnpike would continue to make payments on the current bonds that they have issued.

Mr. McILHATTAN. Okay. Thank you very much.

Well, Mr. Speaker, I think there are a lot of questions that need answered here yet. We talked about a bill coming to the floor of the House that is going to drastically change the way we fund transportation. It is a bill that has to do with how we are going to toll or not toll our interstate system.

The SPEAKER. The gentleman will suspend.

Has the gentleman finished his interrogation?

Mr. McILHATTAN. On the bill.

The SPEAKER. The gentleman is recognized to make comments on the bill.

Mr. McILHATTAN. Thank you, Mr. Speaker.

As I said, we have a bill before us that had really little or no input from this side of the aisle, a bill that is going to change the way we fund public transportation in Pennsylvania and especially our interstate system. We have had no public hearings on it, and no stakeholders have had an opportunity to participate in it, and we do not know what impact it is going to

have on other people that are located along the interstate like people in my district, Mr. Speaker. There are just a lot of unanswered questions here.

To me, the process is flawed, the product is questionable, Mr. Speaker, and back where I come from, this dog will not hunt.

Thank you very much.

The SPEAKER. Representative Maher.

Mr. MAHER. Mr. Speaker, if the prime sponsor might receive some questions?

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

Mr. MAHER. Thank you, Mr. Speaker.

Last evening when we adjourned at 11 p.m., the Senate was debating this bill. It now runs to 297 pages. I have read it as quickly as I could, but I am afraid I do have some questions to ensure that I am understanding the volume correctly.

Is it correct that this bill provides for new taxes in Allegheny County on alcohol sales at retail?

Mr. MARKOSEK. This bill provides enabling language that allows Allegheny County to institute either a poured-drink tax up to 10 percent and/or a car rental tax up to \$2 per day, and it is just for Allegheny County, and it is just enabling legislation. So the legislation does not enact any taxes.

Mr. MAHER. But would it be fair to say Allegheny County could not enact these new taxes without the permission of this legislation?

Mr. MARKOSEK. That is correct.

Mr. MAHER. Now, with this alcohol tax, I want to make sure I am understanding the parameters. You had said it is a poured-drink tax, but the language I am reading in the bill – and maybe I am not reading the right place – on page 9 it talks about "A TAX ON THE SALE AT RETAIL OF LIQUOR AND MALT AND BREWED BEVERAGES...." It does not restrict the sort of retail sale in any obvious way. Is there some restriction that I am not seeing?

Mr. MARKOSEK. Mr. Speaker, it is similar to what Philadelphia County already has. It is at the retail level, and I am not aware of a restriction or perhaps do not understand the question.

Mr. MAHER. Well, let me ask you this: If someone goes to a beer distributor and buys a case of beer, a retail sale – that is, a sale at retail of a brewed beverage – Allegheny County could tax that?

Mr. MARKOSEK. No. My understanding is that is not a poured-drink tax.

Mr. MAHER. Can you show me in the bill where the parameters restrict this to poured drinks?

Mr. MARKOSEK. Mr. Speaker, it is in the Philadelphia legislation, and I believe our legislation refers to that.

Mr. MAHER. Well, this legislation talks about it being modeled on the Philadelphia thing, but it does not have any particular requirements, and that is why I think it is important to understand what this bill permits.

Would this bill permit Allegheny County to tax retail sales at State stores?

Mr. MARKOSEK. It is my interpretation, Mr. Speaker, that the legislation says "modeled," referring to the Philadelphia legislation, which does not include taxing on the retail level as you suggest.

Mr. MAHER. Fine. I understand your, perhaps, hope, but I would ask you the question, would it be fair to say that

HB 1590, as it is before us today, is modeled on HB 1590 as it was a week or so ago, yet it is very different in important respects, but it is still modeled on it?

Mr. MARKOSEK. Mr. Speaker, we can only deal with what is before us currently.

Mr. MAHER. Exactly, Mr. Speaker, and what is before us currently does not prohibit Allegheny County from levying alcohol taxes, as I read it, on sales at— Well, I will move on; I will move on.

The distribution formula for transit funding, I want to make sure I am following that correctly. As I understand it, 25 percent of funding for transit will be distributed based upon the number of passengers, 10 percent based upon the number of seniors, 35 percent based on the number of revenue vehicle hours, and 30 percent based upon revenue vehicle miles. Now, if I understand these terms of art, a revenue vehicle hour would be a bus or a trolley or a train that is running a route and able to receive and discharge passengers. Is that correct?

Mr. MARKOSEK. Mr. Speaker, it is very difficult to hear, and I would ask if we could have some order and that the gentleman would please repeat his question, please.

The SPEAKER. The gentleman is correct. The Chair will ask the members to please take their seats. Conversations in the rear of the House and in the well of the House will break up.

Mr. MAHER. Thirty-five percent of funding for transit is to be distributed based upon revenue vehicle hours. Is it correct that a revenue vehicle hour would be an hour of operation of a bus, train, trolley, incline when it is available to accept, transport, and discharge passengers?

Mr. MARKOSEK. It is the sum of all of the vehicles in the fleet or other modalities in the fleet. It is the sum of all of those hours.

Mr. MAHER. All the hours that they are operating in passenger service.

Mr. MARKOSEK. Correct.

Mr. MAHER. Whether there is a passenger on board or not?

Mr. MARKOSEK. My understanding is that is correct, sir.

Mr. MAHER. Thank you, sir.

And the 30 percent of the award that would be based upon the number of revenue vehicle miles, is that the sum total of the miles in the system where passengers are served or is that the number of miles driven, and I guess I am saying to you, do you get that by adding up miles on a map or do you get that by adding up the actual odometer experience?

Mr. MARKOSEK. I want to make sure I understand the question, so would you please repeat it, sir.

Mr. MAHER. I am trying to get a definition of "revenue vehicle miles." I am assuming that is for passenger service, and the question is, is that the total miles traveled? Like if we ran all the odometers and all the buses and trains and trolleys and inclines, is that the number of miles they travel in total for passenger service or is that looking at a map and saying, our system serves these routes; these routes add up to X miles?

Mr. MARKOSEK. Sir, on page 186 of the bill, line 29, is the definition of "revenue vehicle hours," and on page 187, line 5, is the definition of "revenue vehicle miles."

Mr. MAHER. Thank you, Mr. Speaker. That is quite helpful.

Now, if I understand then correctly, 65 percent, 65 percent of the funding for transit will be distributed without regard to whether any passengers are actually being served but just whether wheels are turning. Is that correct?

Mr. MARKOSEK. The new formula, sir, is based part on performance and part on need.

Mr. MAHER. But for that 65 percent of revenue vehicle hours and revenue vehicle miles, is it correct it does not matter if there are any passengers actually on board as long as you have got the wheels turning?

Mr. MARKOSEK. My understanding is that is correct.

Mr. MAHER. Thank you, sir.

On page 203 it talks about the local match, and if I understand correctly – I am looking at lines 8 following down to 10 and 11 – if I am understanding correctly, the local match excludes any revenue from actual operations. Is that correct?

Mr. MARKOSEK. Yes, sir.

Mr. MAHER. So we are encouraging local support but we are telling the systems that what they collect from their passengers does not count as local support. Is that correct?

Mr. MARKOSEK. Yes, sir. That is exactly how we are doing it now, and we did not want State money to be an incentive for folks to lower the fares. So we want the transit operations locally to fund as much as they can through fares and local match.

Mr. MAHER. Well, how does this reward them for funding as much as they can from fares?

Mr. MARKOSEK. By not having the fares factored into the local match.

Mr. MAHER. Well, if there was a match attached to fares and the collection of fares increased, that would trigger an additional match. It would reward services that are geared towards incentivizing passengers to ride and pay a fare.

Mr. MARKOSEK. I think the word "if" that you started your question with is the key word. If that were written in the bill, perhaps you would be correct, but it is not the way it is written.

Mr. MAHER. And one other question on the match. The match that is on page 202 is now 15 percent. When this bill was here before, I think that was 20 percent. Is that correct?

Mr. MARKOSEK. Yes, sir.

Mr. MAHER. And this is not really 15 percent of the total. This is \$15 compared to \$100. So it is like 15 of a total of 115. So it is maybe 13 percent?

Mr. MARKOSEK. It is 15 percent of what the State provides.

Mr. MAHER. So 15 to 100 is the ratio really?

Mr. MARKOSEK. Yes.

Mr. MAHER. Can you reconcile for me how this would be an increase in local support when the Governor's study commission reported statewide that the existing level of support is actually 20 percent? How is 15 percent an increase compared to the status quo of 20 percent?

Mr. MARKOSEK. Well, it previously had been 13 percent. The bill we sent over to the Senate was 20. The Senate reduced it to 15.

Mr. MAHER. So then that study commission that the gentleman from Carbon County played an important role in was simply wrong?

Mr. MARKOSEK. Well, the study commission offered a number of ideas, including raising the gas tax 12 cents a gallon, but we certainly are not accepting that either. So, you know, we did not accept everything in the study commission report, as well done as I think it was.

Mr. MAHER. All right. I thank the gentleman.

That concludes my inquiries, and, Mr. Speaker, I would like to speak on the bill's amendments from the Senate.

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

Mr. MAHER. For my friends from Allegheny County and surrounding counties, it is a special opportunity that is presented to you. You get to be the only county in the State that is going to have higher taxes this year. And while you may have caucused on something being a tax on poured drinks, if you read the plain language of the bill, it does not stop there.

If you pass this bill, you will be permitting Allegheny County to impose not just a 10-percent tax on a drink in a restaurant, not just a 10-percent tax on a beer at a VFW (Veterans of Foreign Wars) or American Legion, not just a 10-percent tax on a beer at a volunteer fire company, not just a 10-percent tax on alcohol at a charitable event, but you are also permitting a 10-percent tax on sales at retail. That includes beer distributors. That includes, oddly enough, the State stores. Now, I am not sure that we have too much precedent for localities imposing taxes on transactions from State agencies, so you are making history here with this new tax increase.

Rental cars. Heaven forbid that you need a rental car if your car is in the shop or if you lease a car or if you have got friends coming into the airport. Let us create one more reason for people not to do business in Allegheny County.

The formula for funding discriminates against Allegheny County as well. The Allegheny County Port Authority has finally been moving forward with steps to refine its system route, refine its scheduling. So instead of running empty buses over empty miles, it is aiming to actually deliver service to where passengers are. If Allegheny County's Port Authority succeeds in having more paying passengers, they will not be rewarded under this funding formula; that will be ignored. More importantly, if they cut pointless hours of operation, if they cut pointless miles of operation, they will be penalized. Their State funding will be decreased for their seeking efficiency.

Now, if you claim you would like to see efficiency at the Port Authority or at SEPTA (Southeastern Pennsylvania Transportation Authority), this formula is contrary to efficiency. It rewards running empty buses; it rewards running routes on miles where no one uses the service. That is exactly backward what our mission was.

The concerns about I-80 are well-founded, the concerns about the Mon-Fayette Expressway, Southern Beltway. I know my friends from the southwest share my desire that that road be completed.

Back in the early seventies, I-81 was creeping north from the Maryland line. I-81 now goes diagonally all the way for its entire route. The Mon-Fayette Expressway and Southern Beltway had its groundbreaking about the same time. Those roads are not finished, they are not nearly finished, and all the money that would be for those roads is being removed from the Turnpike Commission and being sent to transit agencies.

Now, I understand that some piece of correspondence may have been recently produced expressing someone's fond intent to finish these roads, but I, with much regret, suggest that if there was a genuine intent to complete those roads in these 300 pages as amended by the Senate, someone would have found the ink, and the extra sheet of paper would have been required to put the Mon-Fayette Expressway in here and the Southern Beltway in here. It is not here; it is not here.

Over the next decade \$5 billion is going to go to SEPTA, Pittsburgh, and other transit agencies around the State, and those of you who are with me in the southwest, the Mon-Fayette

Expressway and Southern Beltway will not be finished. You are guaranteeing it will not be finished.

The turnpike's current revenue annually is \$612 million. That is every nickel it collects. After paying operating costs and maintaining the road, it has a cash flow of \$74 million, according to its audited financial statements.

Now, somehow or another from the \$74 million of free cash flow, which could have been used to finish the Mon-Fayette Expressway and Southern Beltway, the turnpike is going to be on the hook for delivering somewhere in the neighborhood of \$700 million a year, if I am understanding the amendments correctly. Now, what does that do to fares? Well, if you do not live or use the turnpike and if you do not live nearby or use I-80, I guess that is not much of a concern. But for those who use those roads and serve communities that use those roads, for those who are concerned about commerce in this State and the prospects for sending commerce south to I-68 in Maryland, it should be a concern, because to generate \$700 million a year, the turnpike will have to ultimately double fares, double, and when it costs more for turnpike tolls to run a truck down the highway than you are paying the driver, when it costs more for turnpike tolls than it costs to put the diesel fuel in the rig, you will find that those rigs and those drivers will be someplace else. They will not be in our State.

Now, on the one hand, that might make driving a bit easier; on the other hand, the commerce that is directly and indirectly related to all that activity will be gone, and you will have plenty more elbow room in Pennsylvania because we will have driven off industries you cannot even imagine.

Mr. Speaker, I had hoped that we could have found a solution for transportation that would not have targeted Allegheny County for punishment, would not have targeted the move towards efficiencies of the Port Authority for punishment, and would not have rewarded resistance to efficiencies, would not have rewarded SEPTA for eliminating transfers. SEPTA is eliminating transfers. There are now higher fares, and this bill does not help you with that.

You know, it seems to me there is something for just about everyone to dislike in this bill. Now, I cannot believe we cannot do better.

I am going to have to be a "no." I am delighted the Senate has stripped out so many of the taxes you already voted for, but what is left, if you are from southwestern PA, what is left is a crime.

Thank you, Mr. Speaker.

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I will be very brief. I just would like the sponsor to stand for a brief interrogation.

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

Mr. BELFANTI. Thank you very much.

Mr. Speaker, is there any language in this bill that could in any way be construed to avoid, exempt, diminish, or otherwise exclude projects of any kind resulting from the bill being covered by the prevailing wage or the Separations Act?

Mr. MARKOSEK. No, Mr. Speaker, there is not.

Mr. BELFANTI. Thank you.

One other question, Mr. Speaker.

On the tolling of Interstate 80, which passes through the northern part of my district, several of many other members' districts, has there been a determination made upon how many

tolling areas there will be? I heard the number 10 on the radio by a Senate Republican. I initially heard there will be 2 to capture that 74 percent of the interstate traffic that is from out of State at the New Jersey and Ohio borders and some numbers between there, ranging from 4 tolling areas to 8 or 10. Has there been a determination or a study done, or who is going to make that determination, and when will the study be done?

Mr. MARKOSEK. Well, Mr. Speaker, the language says that there will be no more than 10. There could be less than that, and I would remind the speaker, as I mentioned to a previous speaker, that we will have an advisory committee made up of members both in the House and Senate who are along the I-80 corridor to have input as to how many of those and where they will go.

Mr. BELFANTI. I was also led to believe that in order to avoid tolling as many local residents who utilize Interstate 80 for a brief period of time – 5 or 10 or 15, 20 miles – to get from their home to work, that these tolling areas would be placed in areas where those employees would not necessarily be captured again, to primarily capture that 74 percent of the interstate users that are out of State that do not pay one penny in tax or toll or anything else and cause about \$300 million worth of damage a year to the interstate. Is the study commission going to look at areas where those individuals can jump on a parallel road and not have to pay a toll and still get to work in roughly the same period of time? Is that one of the goals of the study committee when selecting sites for the tolls?

Mr. MARKOSEK. Mr. Speaker, I would advise the gentleman that the committee that will be formed will have numerous duties, some of which will include looking at the impact on local residents and local businesses, placement of tolling structures, road reconstruction, interchange configuration, service providers, fire and EMS (emergency medical services) coverage, maintenance standards, environmental impacts, and so-called other related issues. So if any of you will be serving on this committee that your districts are near I-80, you will have quite a few responsibilities as well as quite a bit of input into all of these various factors.

Mr. BELFANTI. And just getting back to the figures, again, Mr. Speaker, the numbers that were mentioned by both yourself and I believe Representative McCall, I am not sure if it was last week or 2 weeks ago or 2 months ago – I do not know; we have been here so long – the numbers, are they correct, about \$300 million per annum to repair, or am I off? Was that \$100 million per year?

Mr. MARKOSEK. It is estimated that the amount that PENNDOT will save from maintenance of I-80 the first year I believe is \$116 million. That is for the first year.

Mr. BELFANTI. Okay. That is where I got the \$100 million from.

Mr. MARKOSEK. And if I may, Mr. Speaker, that money then that is freed up from PENNDOT can be used for other purposes that they have, such as their road and bridge program.

Mr. BELFANTI. And the repairs that will be made on Interstate 80, are they to be done immediately and how are they to be funded?

Mr. MARKOSEK. Yes. The rebuilding and the tolling efforts on I-80 will be starting fairly soon after the passage of this legislation, and that will be funded through bonds that will be let through the current Turnpike Commission.

Mr. BELFANTI. Also, just to make sure that this is not different than what we voted upon before the concurrence vote.

The roadside rest issue or the roadside Bob's Big Boys and the Burger King rest areas that we see on the Northeast Extension and many of the other turnpikes in the Commonwealth where people are diverted off onto one of those areas and do not have to pay a toll getting off or getting back on to the turnpike, so they actually have a captive audience, so to speak, if you do not want to pay a toll to get off and a toll to get back on and stop at a local restaurant, if you are going to stop at all for gas or for food, you are going to go into one of these areas, and my understanding is that this legislation on Interstate 80 would preclude – is it preclude? – or not encourage those types of rest areas or food service centers to be constructed?

Mr. MARKOSEK. The language in the legislation prohibits the Turnpike Commission, which will control I-80, from building any rest stops within the right of way of the current Route 80 system, which then would not interfere with any of the private restaurants that are already in existence in that area.

Relative to the tolls again, that would be a matter of this committee as to where and how often they place those tolling gantries.

Mr. BELFANTI. One final question, Mr. Speaker. The amount of money that is anticipated to be generated by the Commonwealth once Interstate 80 is tolled, let us say the third year when the tolling is completed, whether they be 5, 6, 8, or 10 tollbooths, do you have a rough idea, a low ceiling and a high ceiling on what ought to be collected?

Mr. MARKOSEK. It is estimated that the income from the toll system will be about \$900 million per year.

Mr. BELFANTI. \$900 million? And will all of that money be retained to maintain Interstate 80, or will a great deal of that money be spent in other areas of the Commonwealth on other road projects and bridge projects?

Mr. MARKOSEK. I am sorry, Mr. Speaker. Even though we are close by, I am sorry I missed the question.

Mr. BELFANTI. Of the \$900 million anticipated per annum, I understand that Interstate 80 will utilize quite a bit of that to maintain that surface. I do not know what that percentage is and what will be going to other projects in other parts of the State.

Mr. MARKOSEK. I am not sure I quite understood the question, but we are going to save \$116 million by tolling, which then that money would go to other things. So it is currently \$116 million a year, roughly, that PENNDOT spends to maintain I-80.

Mr. Speaker, I am reminded that all of the money collected on I-80 from that tolling apparatus has to be spent on I-80. It cannot be spent elsewhere.

Mr. BELFANTI. So then that just simply frees up transportation funds that are now being spent out of the transportation line item of our budget on Interstate 80 to be utilized in other parts of the State on roads and bridges?

Mr. MARKOSEK. That is correct, Mr. Speaker. That is one of the beauties of this plan.

Mr. BELFANTI. Thank you, Mr. Speaker.

That ends my interrogation.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House, as the guests of Representative Tim Seip, the Brownie Troop 1145 in Pottsville, and they are seated in the

gallery. Please welcome Julie Circelli, Autumn Schaeffer, Destiny Schaeffer, Emily Witmeir, Payton Renninger, Sarah Corse-Campion, Chelsea Balulis. They are here with their leaders, Elizabeth Circelli and Elizabeth Schaeffer. Please stand and be recognized.

CONSIDERATION OF HB 1590 CONTINUED

The SPEAKER. Representative Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise in support of the concurrence of HB 1590.

We have heard discussion about the Mon-Fayette Expressway and the Southern Beltway today, and my good friend from Allegheny and Washington Counties has articulated many times on this floor his concerns, and that is welcome for all of us that represent the areas in which the Mon-Fayette and Southern Beltway touches.

Let me just give you a real quick history lesson. In November of 1973 when I was the 22-year-old mayor of California, then Governor Shapp threw the first charge to set the detonation for the construction of the Mon-Fayette Expressway. That was 1973, and he promised that the road would be built within the next 10 years. Here we are in 2007 and we still do not have a completed highway to the city of Pittsburgh and to the West Virginia border.

There are two major glaring links missing in the Mon-Fayette Expressway – one being the Southern Beltway and the Philly Connector, the road from Route 22 to Route 79, the highway connection from Route 79 to Route 43, Route 43 into Pittsburgh through the Steel Valley, which is known as the Southern Beltway. The second part of that project that is not completed is the connection from Brownsville into Centerville. The Mon-Fayette Expressway has been under construction and is almost completed from the West Virginia border, and the West Virginia officials are completing the last bridge in the 2-mile connection to Interstate 68.

If you travel north, you go to Uniontown, and there is a break in the road in Representative Mahoney's district, and that is called the fly-over; it is an interchange. It is \$52 million. That is not under construction. Then you travel west on U.S. 40, paralleling U.S. 40 for about 15 miles, and then the second break comes, which is known as phase 2 in Representative DeWeese's and my districts, which connects through Fayette County – Luzerne Township, Redstone Township, Centerville Borough – with a bridge over the Monongahela River, and connects the Mon-Fayette Expressway, which runs approximately 27 miles to Route 51.

Mr. Speaker, after the gentleman from Allegheny County had articulated his concerns as well as the concerns that we had being in the southwest in Washington, Fayette, and Greene Counties, and also in Westmoreland County with Representative Harhai, we then met with the Secretary of Transportation last week to discuss this issue, and we talked about our funds in this bill that could complete the Mon-Fayette Expressway. We were of the belief that the bonding power of the Turnpike Commission still had the power to be able to complete parts of that expressway. We found out later after our discussion with the Secretary of Transportation that indeed was not the case.

So this week through our leader, Bill DeWeese, on this side of the aisle, and Keith McCall, we met with the executive

director of the Turnpike Commission and said there are several people on the floor of this House that will not vote for this bill because we believe the Mon-Fayette Expressway is a vital link to help eliminate the poverty in Fayette and Washington and Greene Counties. Second only, second only to the city of Philadelphia is Greene County, and third is Fayette County, where our poverty rate is 28.6 percent, Greene is 28.7 percent, and the city of Philadelphia is 28.8 percent. Over 52 percent of our young people living along this Mon-Fayette Expressway currently where it is not being connected, 52 percent live below the 150-percent poverty limit.

So we met with the executive director of the Turnpike Commission, and the gentleman from Allegheny County is right. He did give us a letter assuring us that that road would be constructed, but we felt that was not enough. Representative Kula and Representative Mahoney, Representative DeWeese, Representative Markosek, Representative Levdansky, Representative White, Representative Solobay, and I said it is not enough. We received a second letter that says that they have found money in the Turnpike Commission to be able to accumulate the possibility of completing that phase 2 in Fayette County. And we are also looking to the second part of that which is completing that beltway around the city of Pittsburgh, which will be the last city in America of a major urban area that has a circumnavigated route around the city. That project in itself will cost \$4.2 billion.

Mr. Speaker, I think that it is safe to believe and my leader believes as well as our delegation from southwestern Pennsylvania in Washington and Greene and Fayette Counties believe the executive director of the Turnpike Commission. We are going to hold him to his word, because he told us within the next 2 weeks he is going to announce a groundbreaking date to complete phase 2. And I am telling you, for the gentleman from Allegheny and Washington Counties, we would be right with you today if we were not of that belief.

We rise to support and concur on this amendment. We believe that we are going to get that Mon-Fayette Expressway done and thanks to the members of the delegation and also to the Democrats and Republicans that have helped us in this process. I ask for a concurrence vote on this.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Would the gentleman stand for a brief interrogation, please?

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

Mr. DeLUCA. Mr. Speaker, as I heard from a previous speaker, will Allegheny County be the only county that has this drink tax imposed upon it?

Mr. MARKOSEK. It is the only county mentioned in this bill, but Philadelphia already has that ability.

Mr. DeLUCA. Philadelphia already has it?

Mr. MARKOSEK. Philadelphia County already has the ability to have that.

Mr. DeLUCA. Let me ask you this, Mr. Speaker: If we would not give Allegheny County, which is home rule, which has a chief executive which everybody voted for, which has a 15-member council, all we are doing is giving them the enabling legislation to enact this to help out with their matching funds. Am I correct?

Mr. MARKOSEK. That is correct.

Mr. DeLUCA. Now, if they could not make the match, Mr. Speaker, and they needed money to keep our mass transit going for our business community, for individuals that go to work, for people who do not have cars, what other mechanism would there be, Mr. Speaker, to provide the moneys, the match, so that they can tap into the State money here? What other avenues would they have?

Mr. MARKOSEK. Well, I think it is important, Mr. Speaker, for all of us to know that they currently fund that match from the property taxes. The county executive and county council write a check, essentially, for about \$25 million per year out of property taxes, which is probably, in my opinion, and I am sure shared by many, the worst way to fund transit in any county. By giving them some additional powers such as the poured-drink tax as well as the rental car tax, if they choose to enact those ways of raising funds, they would then use that to offset the property taxes that they are currently spending on mass transit and they would be able to use that property tax money then for either a property tax reduction, if that is what they chose to do, or use it for other aspects of the county government, which, as we know in Allegheny County, it is not the best of times and they certainly could use the money.

Mr. DeLUCA. Let me also ask you, Mr. Speaker, for my own knowledge, have the retailers voiced their opposition for this bill in Allegheny County? When I say the retailers, I am not talking about the Tavern Association. I am talking about the retailers who depend on people to go shopping; I am talking about the business community that depends on getting their workers to work. Have they voiced any opposition to this bill, Mr. Speaker?

Mr. MARKOSEK. Mr. Speaker, any opposition that they have had has been directed to other than myself. I did receive I believe it was a fax. I have had no phone calls nor any personal visits from any of their representatives to see me personally. I am aware that they have contacted Chief Executive Onorato and county council members, but that is really the correct area that they should be looking at, because this language does not enact any tax. That only enables the county to help themselves get out from under the property tax burden that they have.

Mr. DeLUCA. And also, Mr. Speaker, I think there is an interpretation between the previous speaker from Allegheny County and what you have stated pertaining to Philadelphia, but I do not— Is he right, in your interpretation, where we are going to be taxing liquor at the State stores?

Mr. MARKOSEK. No, sir. I think—

Mr. DeLUCA. So that is not right.

Mr. MARKOSEK. That is correct.

Mr. DeLUCA. Would I be right in saying that this is just intended for a drink tax?

Mr. MARKOSEK. Yes. This language does not allow us to tax any alcoholic beverages that are already subject to tax. So a poured-drink tax is currently not taxed at the bar level, across the bar perhaps I should say, or at a dinner table, and they would be allowed to tax that but nothing more.

Mr. DeLUCA. And one more question, Mr. Speaker: Would I be right in surmising that we will be able to fix more of our bridges and more of our roads quicker than we have in the past, as we did with the pay-to-go system? Would that be right in that assumption?

Mr. MARKOSEK. Well, the whole purpose of this legislation, of course, is to take care of our very, very serious

and almost sobering transportation problems. We know firsthand what the problems of transit are, because, you know, they make a lot of headlines. But we have a lot of deficient bridges. For example, PENNDOT owns 25,000 bridges, of which almost 6,000 of them are deficient. Over half of them are 50 years old or older and almost a quarter of them are 75 years or older, and they simply do not have the funds to rehabilitate very many of those. So the whole purpose of this legislation is not only to help transit but to also take care of our deteriorating and old and crumbling road and bridge system throughout the Commonwealth.

THE SPEAKER PRO TEMPORE (DAYLIN LEACH) PRESIDING

The SPEAKER pro tempore. The gentleman will suspend.

POINT OF ORDER

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

Mr. GABIG. Point of order, Mr. Speaker.

I certainly appreciate this dialogue between my two good colleagues from Allegheny County, but I think interrogation is supposed to be when you ask questions you do not know the answer to rather than just being able to argue your side. So I do not think they were that close but they seemed to be getting a little close to just more arguing their side of the case rather than to asking questions they did not know the factual answers to. So if they could just sort of move on to more factual questions, I would appreciate it.

Thank you, Mr. Speaker.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. Representative DeLuca.

Mr. DeLUCA. Thank you.

Mr. Speaker, I was trying to educate myself a little bit—

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

Mr. DeLUCA. I was trying to educate myself a little bit like I would hope the other members would be educated on some of these questions I am asking. Now, I certainly do not know all the answers, Mr. Speaker, and maybe my fellow colleague over there knows all the answers, but certainly I am asking the prime sponsor some of the questions that I believe that I have the opportunity to make an informed decision.

The SPEAKER. The Chair acknowledges that the gentleman is in order and may proceed.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, that ends my interrogation.

Mr. Speaker, I rise to concur on HB 1590.

The SPEAKER. The gentleman is in order to speak on concurrence.

Mr. DeLUCA. Thank you.

I rise to concur on HB 1590. I think it is a very important piece of legislation for this House and for this Commonwealth. We needed to take care of our bridges; we needed to take care of our roads. This legislation does it. We need to take care of mass transportation, which we cannot survive in the

Commonwealth without mass transportation, not only for our business communities, for our individuals who have to go to work and people who do not have— Everybody does not have the luxury of owning a car or being able to buy insurance. And certainly to the credit, to the credit of the chief executive in Allegheny County and the workers of the port authority, they are getting their house in order so that we can have a very good transportation system in Allegheny County. It certainly, if anybody here from Allegheny County can tell us that we can survive without mass transportation, then I think you ought to say it right here on the floor today.

I ask for an affirmative vote on HB 1590.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I wonder if the maker of the bill would stand for brief interrogation?

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

Mr. CLYMER. Good afternoon.

Here is my question: One of the members had asked that the total revenue from I-80, when it is properly tolled, will be \$900 million yearly. Is that correct?

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, in the year 2011, which is the first year that the printout has that we will see tolls, the number would be \$411 million. It will move progressively higher as we move forward. It will get to \$540 million in 5 years, for example, and move up from there.

Mr. CLYMER. Yes.

Mr. MARKOSEK. The printout goes, I believe it is about 40 years, so.

Mr. CLYMER. Fine. When this bill was structured, there was a study that was done as to the number of trucks and other passenger cars that would be using I-80. Would that be correct?

Mr. MARKOSEK. Yes. The projections were based on forecast, et cetera, that the experts apparently—

Mr. CLYMER. Okay. So those figures, those yearly income figures, are based on the number of trucks and cars that would be tolled on I-80.

Now, my next question is then, are there any alternatives that the traffic could use on I-80? If they felt they could no longer drive on I-80 for whatever reasons, would there be viable alternative roads that could be used?

Mr. MARKOSEK. Well, you know, if you are riding I-80 in Ohio and you get to about Youngstown, you come to a Y; you can bear to the south and go on the current Pennsylvania Turnpike and, you know, go that way. Or now a lot of those same trucks just, you know, they stay north and go across 80 because it is free, and I think that, you know, part of the beauty of this whole plan is to capture quite a few of those out-of-State trucks and the potential revenue there.

Mr. CLYMER. My concern is that if there are other alternatives, and in particular if the trucking industry decides not to use I-80, then that is going to change the figures that you just related to me as far as income, and they may do that. Would not, if they found alternatives, would not those alternative roadways then suffer deterioration, because I am sure they were never constructed for truck traffic. Would that be a logical assumption?

Mr. MARKOSEK. Well, there is language actually in the bill that requires the Turnpike Commission to conduct traffic impact studies before and within 1 year of the conversion to determine

the extent that traffic is diverted from Interstate 80 to other roadways. So we have actually written into the bill a process to determine that.

Mr. CLYMER. Okay; fine.

In the short time that we had to look at this legislation, I know it is quite a lengthy piece of legislation, and we did not have, I did not have, our caucus did not have as much time as we really needed to discuss the issue in depth because we had to come to the House.

Mr. Speaker, that concludes my interrogation. I would like to make a few remarks.

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, as many members have pointed out, some members, this is landmark legislation. It is going to have a major impact on the way that we have transportation in the Commonwealth of Pennsylvania, and the reason I mentioned the trucking industry and truckers is because the Pennsylvania Truckers Association has come out against this legislation; they oppose it. And I think that we, as you just indicated, there will be studies made, but when you have such major impact made on the economy, on transportation, that all four caucuses should participate, and I am very disappointed that the Republican House Caucus was not at the table.

I feel in this era of reform and transparency and inclusiveness, bringing everyone to the table should be the rule, not the exception, and having the door closed on our House Republican Caucus is not the way we should be defining business, especially when we are considering such major economic ramifications. And if it all plays out well, then that is fine, but nevertheless, everyone should be at the table participating, presenting their views, their ideas, their perceptions, as to how things are going to unravel or move forward with this major piece of legislation.

The trucking industry is a growing industry. We talked about jobs. Their jobs are family-sustaining jobs. I am not saying that there is going to be a problem in the future, but the fact that we as Republicans did not have a place and participate is very discerning to me and very troubling.

Mr. Speaker, I am going to oppose this legislation. Thank you.

The SPEAKER. Representative Millard.

Mr. MILLARD. Thank you, Mr. Speaker.

Mr. Speaker, this bill follows a common thread in this administration – tax, borrow, and spend – and this is a tax increase. This is a road tax for my rural area in Columbia County.

I have many constituents that use Interstate 80 to commute to their jobs. Once the tollbooths go up, they will travel local roads, adding even more traffic on local roads. These warehouses on wheels that we typically see on Interstate 80 will cause a lot of wear and tear and degradation of the roads. The question is, who is going to pay for the repairs, the immediate repairs that will be almost certain on those local roads?

And the bottom line, where is the cost savings here? Increased costs for goods: Even if Interstate 80 does not pass through your area, your constituents will pay higher costs. If you are in an area close to Interstate 80, you will experience increased traffic. You will not be immune to the effects of tolling Interstate 80.

Local traffic tie-ups and congestion: Accidents right now on Interstate 80 result in hundreds of trucks through main

thoroughfares in my district through various communities that has a detrimental effect on business and a direct effect on safety.

And in my area, Interstate 80 is heavily used as a bypass. Instead of the economic benefits that it currently brings, it will have a negative impact on economic development and jobs. There are numerous industrial sites located off exits to Interstate 80. Invariably, the tolls will force alternate routes, higher costs in trucking, and again, degradation of roads – the old domino effect.

In Columbia County, we do not have mass transit, but it would make sense to us, make sense to me, to toll the roads in those areas that do – the 95s, the 6s. This would result in less traffic and more use of mass transit, providing less congestion and more funds from increased usage. And, Mr. Speaker, about the only thing that Columbia County will have in common or experience with mass transit – and that is where a lot of these dollars are going to go – will be that empty SEPTA bus coming into Columbia County to haul our tax dollars back to Philadelphia.

Thank you, Mr. Speaker.

The SPEAKER. Representative Phillips.

Mr. PHILLIPS. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

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

Mr. PHILLIPS. The first question I have is, why was Interstate 80 selected as the interstate to toll? And the reason I ask that is several years ago, a study was done by PENNDOT, and the recommendation was not to toll Interstate 80.

Mr. MARKOSEK. Thank you, Mr. Speaker.

It is my understanding that the previous Federal funding bill, SAFETEA-LU, did specify I-80 as a potential road, interstate, to be tolled.

Mr. PHILLIPS. I am sorry, Mr. Speaker. I did not hear with all the noise. Would you repeat that answer again?

Mr. MARKOSEK. It is my understanding that the Federal government through their funding formulas, in a previous funding formula called SAFETEA-LU, had indicated that I-80 was a candidate for tolling.

Mr. PHILLIPS. I know that Oberstar, the chairman of the House Transportation Committee, was in the area yesterday, and he disputes that information you have just given me, and he said that Interstate 80 could not be tolled unless it had a congressional approval. Did you hear anything on that?

Mr. MARKOSEK. I have not.

Mr. PHILLIPS. In order to toll Interstate 80, give me the sequence of events that has to happen.

FILMING PERMISSION

The SPEAKER. For the information of the members, the Democrat staff are taking photos on the floor.

CONSIDERATION OF HB 1590 CONTINUED

Mr. MARKOSEK. The very first thing, very simply, is we would submit an application to the Federal government, and they would have to respond to that.

Mr. PHILLIPS. And if they would respond to it in the negative, what would happen?

Mr. MARKOSEK. We do not think that that will happen, and prior to going through and putting this bill together, we spoke with them and had their people in. In fact, we had the Secretary of Transportation here earlier, Mary Peters, the Federal Secretary, and at that time, of course, she was talking about she was very much in favor of the Governor's plan to actually sell some of these assets. So there is a general trend, particularly with the current Presidential administration, to actually unload, if you will, to use a term in the vernacular perhaps, but to turn these over to States for that purpose so that States can toll them.

Mr. PHILLIPS. But I guess my question again is, what if it did not get approved? What would happen? And that could happen, according to, again, the chairman of the House Transportation Committee.

Mr. MARKOSEK. Well, it is a good question, and I appreciate the question. I would suggest that we have enough wisdom in this room to figure out an answer. Obviously, we would not be able to do this; we would be calling on folks such as yourself and all of our other colleagues here to come up with some alternative plan.

Mr. PHILLIPS. I thought maybe there was an alternative in place, and that was the reason I asked, since that situation could happen.

Getting back to the local tolls, and that is of great concern to me, because Interstate 80 runs through my district and there are a tremendous amount of my people who use the interstate to go back and forth to work, say within 10 to 15 miles. Am I correct – and I know Representative Belfanti had asked questions – am I correct there is nothing, nothing in this legislation, that would decide whether they pay tolls or not? I know that there is going to be a committee set up, but there is no assurance that they will not pay tolls. There is nothing in this piece of legislation.

Mr. MARKOSEK. Well, there is nothing that says that anybody gets a free ride. I mean, you know, I live in a district where we have the current turnpike, and my constituents have been paying tolls for 70 years. So, you know, we cannot guarantee that everybody or certain people or certain classes of people are going to get a free ride. We just simply cannot do that. I do not think we would want to do that as a legislature.

Mr. PHILLIPS. Well, let me just tell you that these people already paid for that road and they are paying gas tax now, so they are not getting a free ride. Not by a long shot are they getting a free ride. They have paid and still are paying, because it is like a double tax. They are paying gas tax now, now we are going to put a toll on them, and that is the same as another tax.

Also in the area, what about the local trucking companies? I have many of them. I have Weis Markets, 200-and-some trucks. They are paying – what? – 80 to 90 cents tax on a gallon, now they are going to be asked to pay again – double tax – and that was my reason for asking if there was anything positive in the legislation that prevented them from paying tolls, but apparently there is not, and that would have to be something determined later, and that may never happen.

Now, I have one other concern about setting up plazas, and it is in, let us see, section 8116, line 25: "THE COMMISSION IS FURTHER AUTHORIZED TO CHARGE AND COLLECT TOLLS; TO CONTRACT WITH ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION DESIRING THE USE OF ANY PART THEREOF, INCLUDING THE RIGHT-OF-WAY ADJOINING THE PAVED PORTION, FOR PLACING THEREON

TELEPHONE, TELEGRAPH, ELECTRIC LIGHT OR POWER LINES, GAS STATIONS, GARAGES, STORES, HOTELS, RESTAURANTS...." Now, my question is, they cannot— And I know you answered, again, Representative Belfanti about not being able to put plazas in, but what stops them from going off of the right of way and putting up hotels, restaurants, because that is exactly what it says here. They have that right of way; I mean, they have that right, and that is a deep concern of mine, because we have businesses now that are located at exits, and if you want to put them out of business, just allow these restaurants and places to be put off of the right of way, which is very easy to do.

Mr. MARKOSEK. Now, Mr. Speaker, if I understand your question properly, and I apologize if I do not, but the language very, I think, clearly specifies that the Turnpike Commission, who will run I-80, will not be able or allowed to put anything within the current right of way. Now, what folks do outside the right of way – private companies, private restaurants, that kind of thing – that is no different than it is right now, and I hope that, if I understood the question, sir, I hope that answers it.

Mr. PHILLIPS. Mr. Speaker, I am not— I know it says plaza; you cannot put that up, but that still does not prevent anybody from putting up off of the right of way, maybe not at an exit, and you have a road going into this particular restaurant, hotel, or whatever it may be. It is very loosely written, is what I am trying to get down to, and I think there are loopholes there.

Mr. MARKOSEK. Well, again, you know, currently they can do those things outside of the right of way. That will not change, and, you know, it looks somewhat clear to me, and again, maybe if I am not understanding the question, I apologize.

Mr. PHILLIPS. Mr. Speaker, what will happen, the turnpike will be in direct competition with local businesses if they are allowed to put them right off of the right of way and make an access road in or out, is what I am trying to say. This is very loosely written. Just because it is not a plaza does not make any difference. You can call it a plaza, but these are going to be businesses that are going to be located along this tolled interstate.

Mr. MARKOSEK. The language says that the turnpike cannot erect service plazas—

Mr. PHILLIPS. I am not talking about a service plaza; I am talking about hotels, restaurants. It specifically says – gas stations – that they can build them off of the right of way. Whether you call it a plaza or not does not make any difference. They still are going to be in direct competition with local businesses.

Mr. MARKOSEK. I am not familiar with, unless you can point out, you know, the specific language, I am not familiar with anything in this bill that says that the turnpike is authorized to put in hotels or motels or those kinds of things. They are really not in that business.

Mr. PHILLIPS. Page 242.

Mr. MARKOSEK. Page?

Mr. PHILLIPS. 242, line 25 through line 29, which is not clear to me is what I am trying— I am not trying to be argumentative; I am trying to get your take on exactly what that language means. If I read it right, Mr. Speaker, it only prevents service plazas and not those other things.

Mr. MARKOSEK. I think, just reading this, Mr. Speaker, it appears to me that what they are referring to there are utilities. I mean, they can contract with utilities relative to having their

lines, you know, run along the corridor as PENNDOT does now.

Mr. PHILLIPS. Well, but if you follow on line 30, it says "...GAS STATIONS, GARAGES, STORES, HOTELS, RESTAURANTS...."

Mr. MARKOSEK. I believe, sir, what you are referring to, those are private entities. That is not the turnpike providing that.

Mr. PHILLIPS. What it is doing, if I understand it right, Mr. Speaker, it is authorizing the turnpike to do it.

Mr. MARKOSEK. Now, Mr. Speaker, it is, reflecting to lines 26 and 27, it is "...TO CONTRACT WITH ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION DESIRING THE USE OF ANY PART THEREOF,..." which is what they do now.

Mr. PHILLIPS. That pretty well says it, Mr. Speaker.

Okay; one other thing. How will it work with the State Police? Will it be just the same as the turnpike is now, or will that be different?

Mr. MARKOSEK. Yes.

Mr. PHILLIPS. It is the same as the turnpike now.

Mr. MARKOSEK. Yes.

Mr. PHILLIPS. I did not see anything in the bill that designates how it will work.

Mr. MARKOSEK. Well, there is nothing in the current law either, sir. It is an agreement that currently exists that will continue to exist.

Mr. PHILLIPS. Mr. Speaker, I do believe it should be in the bill, and that was the reason I questioned that. I know there is a lot in this bill, but my concern, again, went back to the tolling of interstate I-80, and my concern was that when PENNDOT did a report and it came back and suggested we do not do this because of cost, and then a couple of years later we come back and say, yes, we are going to toll I-80, I still do not understand why that was selected, say, over some other interstates. As a matter of fact, I am against tolling any interstate, and I want to thank you for your patience and for your interest, and I greatly appreciate that.

Thank you.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to concur with HB 1590. I concur for the following reasons.

Number one, Mr. Speaker, HB 1590 will, for the first time, get us out of the business of nickel and diming to deal with roads and bridges, to deal with mass transit. Every year, Mr. Speaker, we are running from one place to the other trying to find money to deal with our mass transit needs and to deal with roads and bridges. HB 1590 will eliminate that, because it provides for a dedicated source of revenues that are dependable, that are reasonable, and that are achievable. And so, Mr. Speaker, because there is a dedicated source of revenues that is predictable, that is reachable, that is reasonable, we would not have to go through this year after year.

Secondly, Mr. Speaker, 1590 focuses on all parts of Pennsylvania. Some have said they have mass transit needs. Yes, mass transit is addressed in 1590, but, Mr. Speaker, I have also heard my colleagues from both sides of the aisle indicate that they come from districts where roads and bridges are crumbling, where they can no longer go back and say to the people of their district that you got to wait for next year, or you got to wait for 2 years from now, or you got to wait for the Governor to act. You can go back on July 16 and say to your

constituents, we can now deal with these roads and bridges that have been crumbling. We do not have to put this off for tomorrow; we can begin to deal with it today.

The third reason, Mr. Speaker, that I concur with 1590, 1590 reflects the bright lights of Pennsylvania. Who are the bright lights of Pennsylvania? The bright lights of Pennsylvania are the 12.5 million people that we represent. Mr. Speaker, our greatness is caught up in our bright lights. This 1590 allows for participation from one end of the State to the other end of the State, from one community to another community. It is inclusive. It is inclusive, and it is designed to reach and touch the bright lights all across Pennsylvania.

Fourthly, Mr. Speaker, I concur with 1590, because no matter where you come down at on 1590, at the end of the day 1590 equals j-o-b-s – jobs, jobs, jobs, jobs, jobs. It will put people to work. When I look at I-80, Mr. Speaker, along I-80 there are communities where unemployment is double the State average. There are communities where underemployment is double the State average. So I-80 is going to become a real bridge of opportunity for both the unemployed and underemployed along that interstate.

And last but not least, Mr. Speaker, when I travel north, it sometimes seems as though there is an exchange every 5 to 10 miles. When I travel south, with the exception of Virginia, there are exchanges. When I travel west, there are exchanges. But, Mr. Speaker, when you travel in Pennsylvania, travel I-80, you ride all over the place and do not have to worry about any exchanges. You ride all over the place and do not have to worry about contributing anything to the beautiful transportation system which exists in the Commonwealth of Pennsylvania. So, Mr. Speaker, last but not least, yes, putting interchanges on I-80 will constitute some pain, but in the long run, it will represent unique gain. Some pain, but you will get gain out of those interchanges.

And so, Mr. Speaker, this is good legislative prescription. This is good business for the people of Pennsylvania. It was not the one that we received back in February; it was not the one that we got last year; it was not the one that we got 10 years ago, but, Mr. Speaker, it is one that has brought the parties together and reflects a good opportunity to close the door on this issue of crumbling roads and bridges, close the door on mass transit.

Mr. Speaker, I urge my friends and my enemies from both sides of the aisle, concur on HB 1590. Thank you.

The SPEAKER. Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

I rise to urge nonconcurrency on this bill, and I would like to ask the prime sponsor a few questions. But before I do, I would just like to address the previous speaker's comments. If the suggestion is that the creation of jobs will come from the building of tollbooths, we would just as soon not have those jobs along the corridor of Interstate 80.

Now may I ask the prime sponsor a few questions?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may begin.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, the House passed an earlier version of this bill which included a number of sections which I do not believe are in there any longer; specifically, sections 1713(a) and 1715(a) of Title 74 were amended. Have those provisions been deleted by the Senate?

Mr. MARKOSEK. Would the gentleman please repeat those sections?

Mr. HANNA. In the earlier House version of the bill, there were provisions that dealt with membership on the SEPTA Board. Have those provisions been deleted?

Mr. MARKOSEK. Yes, sir, they have.

Mr. HANNA. All right. In addition, in section 8105 there were provisions that dealt with the composition of the turnpike as well as with the advisory committee of the Turnpike Commission. Have those provisions been deleted as well?

Mr. MARKOSEK. Yes, sir, they have.

Mr. HANNA. Can you advise us what the House's intention was in including those original provisions?

Mr. MARKOSEK. I had put that in the original bill when I wrote it to provide— Not the SEPTA area; that was not something that was part of my original language, but I did have language relative to the turnpike governance and had a plan to have two additional members of the Turnpike Commission appointed by the House as well as the aforementioned advisory committee that you brought up.

Mr. HANNA. And was it your intention to have the House have more input in the operation of not just the Turnpike Commission but also in the construction, imposition, and everything else that is going to go on with the tolling of Interstate 80?

Mr. MARKOSEK. Yes, sir, more input and more oversight.

Mr. HANNA. And those provisions have now been deleted in the bill that is before us today?

Mr. MARKOSEK. Yes, sir.

Mr. HANNA. Thank you, Mr. Speaker. That concludes my interrogation.

The SPEAKER. The gentleman is in order and may make his remarks.

Mr. HANNA. Thank you, Mr. Speaker.

Again, I would urge nonconcurrency. Those provisions, I think, were very important to all of us who live along the I-80 corridor. We do not have a problem with paying our fair share, we do not have a problem with helping others across the State, but we certainly do have a problem with not having input in that, and we do want to see that we have input on that and we are not going to have it under this bill.

So for those reasons I would urge us to nonconcur on this. Thank you, Mr. Speaker.

The SPEAKER. Representative Wagner.

Ms. WAGNER. Thank you, Mr. Speaker.

As a newly elected member from Allegheny County, I believe my constituents sent me here to protect the interests of Allegheny County. Accordingly, I rise to oppose the imposition of local option taxes, specifically the 10-percent drink tax for only Allegheny County in this bill, and I also stand in opposition to the process by which this local tax was attached to HB 1590.

Does it seem odd that I stand here to comment on Allegheny County's specific drink tax while many of my colleagues here debate on the larger subject of statewide transportation funding? It does seem odd and it should seem odd. We have a statewide funding issue, a statewide issue with dedicated funding for transportation, and before this bill went to the Senate, it addressed that issue. Enabling legislation for taxes that can only be levied in Allegheny County should not be part of this legislation, but unfortunately, it was added to this bill.

My constituents do not want new taxes in Allegheny County that will put them at a competitive disadvantage with surrounding counties. A 10-percent drink tax is not insignificant for many of the hardworking men and women that I represent. Nowhere have I seen why a 10-percent drink tax has a policy relation to this transportation bill, and I wonder why we are robbing Peter to pay Paul on the backs of the hardworking men and women from Allegheny County.

Some of my colleagues here have said, well, Philadelphia has a 10-percent drink tax; why then should not Allegheny County? Well, what is right for Philadelphia County is not always right for Allegheny County, and what is right for Allegheny County is not always right for Philadelphia County. And when we talk about the imposition of a 10-percent drink tax, 10 cents on the dollar for the hardworking men and women of Allegheny County, I think almost all of you here can agree that with a lower cost of living but also a lower earning potential in Allegheny County, 10 cents on the dollar is not as easy to come by, and if you are a man or woman who might enjoy a couple of drinks after a hard day at work or want to go out with your family on the weekends, this 10-percent tax could easily cost you somewhere in the area of \$250 a year.

Others have said today that this is only enabling legislation, that we here in the legislature are not imposing the taxes, that it is at the discretion of the county. I respectfully disagree with the notion that this is only enabling legislation. Assuming that we grant the county with the authority to raise this tax and trusting that they will employ the proper public process and scrutiny before imposing this tax undermines our job here in the legislature, and we have done all this without even addressing the governance issue as it affects Allegheny County and the Port Authority.

I have a problem with authorizing new taxes when we are not addressing accountability. This language providing for this tax was attached by the Senate and the bill as amended. I supported HB 1590 in the Transportation Committee on June 18 and I also supported this bill on final passage in this chamber on June 27, but now this bill is a different animal for the people of Allegheny County. I most certainly support public transit and funding for the roadways and bridges that we so desperately need in Pennsylvania, but I cannot support an unfair tax for Allegheny County and I cannot support the obstruction of transparency in the legislative process in the way that this Allegheny County-only provision was added to this transportation bill in the Senate.

A 10-percent drink tax for Allegheny County should not be part of this statewide transportation bill. Now there are two subjects in this bill, two very different subjects in this bill. While I have and I will support statewide revenue enhancements for transportation as I have with my votes on this floor, in committee, and in my advocacy in my district, I cannot support the imposition of more taxes to the people only in Allegheny County.

My constituents sent me here to support the interests of Allegheny County. We need greater incentives for people to live, work, and own businesses in Allegheny County, not the disincentives which I believe are created by the Allegheny County specific drink tax and rental car taxes that are now unfortunately included in this legislation. I cannot support a tax that hurts the residents of Allegheny County without even having this House examine the implications of those taxes.

And my constituents also sent me here to ensure there is transparency in this legislative process. Again, I voted for this bill when it passed out of the House several weeks ago on final passage, but again, the Senate has amended it last minute and lumped on a drink tax, a subject which bears no relation and has not fully undergone the public process in this legislature for proper consideration, especially the consideration when we are talking about a tax.

For me, it is very unfortunate that an unrelated drink tax for Allegheny County has become part of this bill, and accordingly, I am forced to be a nonconurrence vote.

The SPEAKER. Representative Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise in support of concurrence and want to address several of the issues my very articulate and new colleague from Allegheny County just brought up.

I want to be very clear. What we are talking about here in this piece of legislation is enabling legislation to provide Allegheny County with options, options to fund mass transit. Right now the only option available to Allegheny County to find additional local funding for mass transit is the property tax, and quite frankly, as most of my colleagues from Allegheny County would agree with, the property tax is the last thing we can afford to increase.

Now, you want to talk about a pervasive problem that is hindering our ability to be successful, property taxes in Allegheny County, let alone the rest of the State, is clearly an issue that we have been dealing with and wrestling with on an ongoing basis. To provide the county with other opportunities to find revenue, and that is all we are doing; we are not imposing anything on the citizens of Allegheny County, but we are providing the county executive and the county council with alternative funding mechanisms such as the drink tax and the car rental tax. They have been public, both the county council president and the county executive, that this is a process that they will engage in. They will have hearings. They will look for public input. They will look for input from the business community. They are going to have this vetted out. We are just providing something that they should have had a long time ago and every county ought to have, some opportunities other than the property tax to look at funding mass transit, let alone other things.

We need to be able to provide that sort of flexibility to our county, and I do not believe that it is something that will penalize people the way a property tax will, if in fact it is imposed. If a drink tax is imposed, this is something that is an alternative to many people, and in Philadelphia, as my colleague noted, it has been in effect for many, many years, and they imposed it. If we decide to, it has not had any dilatory effect on the restaurant business in Philadelphia, but that will be for the county council and the county executive and the input of the citizens of Allegheny County to decide.

Now, I hope we have addressed some of those issues and I hope that everybody will support 1590, because one of the things we really cannot allow to happen throughout this State is to have our bridge and road infrastructure deteriorate, and we cannot afford to cannibalize the mass transit systems that basically maintain the vitality, the ability of our businesses to function, the ability of our citizens to get to work, the ability of our seniors to get to and from the medical facilities, and to make sure that people with disabilities, people with disabilities can be mobile. These are the things that we are talking about, and these

are the things that are important about this piece of legislation, and that is why I rise in support of concurrence in 1590.

Thank you very much, Mr. Speaker.

FORMER MEMBER WELCOMED

The SPEAKER. The Chair would like to pause debate for a moment and recognize a former friend and colleague, Representative Tom Tigue, in the back of the House.

CONSIDERATION OF HB 1590 CONTINUED

The SPEAKER. Representative Bud George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I am a little dubious about standing up here because I might have a different perspective than some of my friends. I have heard now a number of speakers, and regardless of what they said, I believe what they said they felt. And there is one thing I am not going to do: I am not going to criticize them in that they know, I am sure, what is best.

But I just want to go into that I am not immune from e-mails and telephone calls, and I am receptive to accepting them. I do not know who invented e-mail, but if I could, I would slaughter him. But I have gotten many e-mails about this Route 80, and maybe I would be better versed and better served in regard to my answer if I would say to these people, what would be better? Would you want a \$10 or a \$20 tax on your car license, and it would affect maybe three or four in your family? Now, those of you that called me and said you did not want an oil franchise tax, now would you agree that maybe that should be the way we do it? What is the difference if it puts another 8 cents a gallon on your— What would be the difference if some of these gas stations had to go out and some of these utilities?

You know, a funny thing about all of this, we are all legitimate to a degree. I understand when somebody talks about what is happening in their area. When you come from a county such as the fine county I represent, we do not seem to get as much as some of the areas of my colleagues. But I really believe that as a legislator I should not be naive enough to expect that every time I go home, that somebody is going to pat me on the back and say, hey, you know, no matter what you did, it is okay.

I do not know whether many of you who are not familiar with Route 80 understand that in Clearfield, I have 60 miles of Route 80 and that the Pennsylvania Department of Transportation spends the money that we put in taxes to upkeep and maintain that road. That 60 miles, even though we do not own that road, is the obligation of the taxpayers in Pennsylvania, and that amount of money is exactly twice as much as what we spend in all of Clearfield County in the 645 miles. Now, you do not have to believe that, but let us just use a little bit of our logic and you will find out what I am saying.

Now, as far as what we want to do, this is not the time, I know, but this has not been a good year, and the reason it has not been a good year is because none of the freshmen or the sophomores or even the juniors, but we who have been here a long time, what we did or did not do under the former and previous administrations, whether it be deregulation, whether it be a tax, whether in fact we did not put the money into the hazardous projects, it was done then, not now.

So what I am saying is, what should I tell my people? Should I tell my people, well, let us see what the guy that comes down next year is going to do when the costs of these bridges and these road repairs are three times more and double in the amount individually needed and then you will see? Do you think that your constituents are all naive? No. They would like to hear you come back and say you brought this home and you brought that home and you brought that home and it did not cost anybody any money.

If I cannot get through to you on one point, let me try it on this point: When did we as individuals, no matter how bright or how naive, believe that it was not going to be the common, ordinary man and woman who underwrite the cost of this government? Not the big; not the affluent. Whether it is in personal taxes or whether it is in real estate taxes, whatever it is, it hurts, but whatever it is, we are going back home and we are giving them the schools they want, we are giving them the education their children want, we are giving them the protection that they basically are asking for, we are giving them the abilities. I am hopeful that I can go back this year and give them two ethanol plants and a coal-fired waste coal generator, and maybe that fellow that is a little bit mad about that cost that he is going to incur will not have to drive so far next year, that he will be able to work at one of those local places.

And so am I making excuses? No. I am just going to tell my people like I told you, that this is what we were facing and you did not want this and you did not want that and you did not want cuts and you wanted improvements. And this budget, if we do not pass this bill, will be \$400 million short, and then you will not have the moneys for the children's programs and you will not have the moneys that he is upgrading you for your schools and you will not have the moneys that we are going to put into the Department of Welfare and you will not have the health projects.

I do not criticize anyone that stood and said they do not want to vote, but I would criticize myself if I honestly did not have the courage to put the tough one up, and I am going to do it.

Thank you very much.

The SPEAKER. Representative Bennington.

Ms. BENNINGTON. Thank you, Mr. Speaker.

I rise to urge my colleagues to concur on HB 1590. As a freshman member of the Allegheny County delegation, this legislation is imperative to ensure that mass transit remains viable and sustainable in our region and across this State. My constituents demanded this legislation.

I have heard the cries for a dedicated funding source for mass transit for many, many months. The truth is, in Allegheny County we will lag behind the rest of the country in job growth if quality corporations choose to not locate their businesses in this fine State. And why will they not choose Pennsylvania? Because one of the first aspects of a community that potential employers research is the availability of mass transit for the ease of commuting for their workers. Mass transit is vital to our economic viability as a State.

I have heard comments today from my honorable colleagues about this legislation only affecting Pittsburgh and Philadelphia. I would suggest to my fellow members that we do not exist in a vacuum. If Pittsburgh and Philadelphia do not remain competitive in job growth, the revenues of the entire State will suffer. If we do not find a way to live together, we will certainly die alone.

Allegheny County is falling behind. Our tax base is shrinking every year, our Port Authority is cutting roots, and our county executive has no choice but to raise property taxes without this legislation. If there is one change to our economy in southwestern Pennsylvania that we do not need, it is an increase in property taxes.

This legislation is imperative to Pennsylvania to keep our bright, young residents here and working. Please support this crucial legislation. Thank you.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would the chairman please stand for brief interrogation?

The SPEAKER. The gentleman will stand for interrogation. The gentleman is in order and may proceed.

Mr. FAIRCHILD. Thank you.

Following up on the gentleman from Philadelphia's conclusions that Route 80 is going to bring unlimited prosperity to rural Pennsylvania in the form of jobs, et cetera, is that true? Does tolling bring prosperity to an area?

Mr. MARKOSEK. Thank you, Mr. Speaker.

Yes, I would like to think that transportation in general brings prosperity to an area, to a State, to a Commonwealth, to a region. I think as time goes on, I think you will see perhaps even more traffic. The current turnpike, the vehicles have been going up and up in terms of volume in traffic, and I think as we move forward, there are more and more vehicles out there, and we are a crossroad State here in Pennsylvania, and many of them have to come across Pennsylvania.

Mr. FAIRCHILD. Thank you.

As I understand it, the Federal government has an opening or two for an interstate tolling project, but part of the criteria is that they are very interested in looking at projects that are presently affected by high-traffic volumes, et cetera. Is that true?

Mr. MARKOSEK. I would surmise, and I am not the all-knowing person on these kinds of issues, but I would surmise that they would obviously look at areas that do have higher traffic volumes for that kind of purpose.

Mr. FAIRCHILD. Well, it seems to me, Mr. Speaker, that, and I might add an awful lot of my fellow members – I am the chairman of a 40-member caucus, most of it in rural Pennsylvania going from the Maryland border to the New York border – but I think many of us would agree that if what you say is true, and I have no doubt to doubt your word – you know, we have been friends for a long time, and I respect you – but also other speakers today, that perhaps we should toll Interstate 95, and let me give you a couple good reasons.

Number one, it would probably qualify for the pilot program. Number two, if you follow the logic that it brings jobs and employment, I would take a look at the unemployment rate in Philadelphia and say that Philadelphians could probably use a boost in their job market. Third, I think it makes sense because what you would do is take a lot of commuter traffic off of the existing interstate because they would hopefully realize the benefit of using mass transit, therefore increasing the ridership, and it is a win, win, win.

Now, what we in rural Pennsylvania find intriguing is that, you know, we just do not have the votes up there. Somebody said we have got a lot more deer than people. In some of our counties, that is absolutely true. But the point is, I think Route 80 became the easy way out. I do not think you had the votes in Philadelphia to stand up and say, let us put a toll there, let us increase our jobs, let us go after the Federal money

because we can fit into that slot of reducing congestion, but to stand before this House and say that this is automatically going to enrich all rural Pennsylvanians that Route 80 goes through, or adjoining counties, I think it is the wrong way to go, and I believe I have laid out a very viable alternative.

Will alternatives be discussed in any of these session groups that are going to be formed, or is it simply going to be a Route 80 discussion group? Are we going to have a Route I-95; a Route 81?

Mr. MARKOSEK. Mr. Speaker, the group that I think you are referring to is, and as it is currently stated today, is an I-80 corridor group. However, there is language in the bill that provides for the study of I-95 as a potential area to be tolled, but as of right now, we do not have Federal approval to do that.

Mr. FAIRCHILD. But you also absolutely have no Federal approval to toll Route 80. Is that correct?

Mr. MARKOSEK. In an absolute fashion I would presume that you are correct. However, talks have been going on and correspondence heading very seriously in that direction. So I do not think it would be correct to say that just because we have not had the final letter from the president giving us that approval or the Secretary of Transportation, I would suggest that that will become a reality very soon. And perhaps at the other interstates such as I-95, we have other ones besides that, of course, that also may be looked at, at some future point.

Mr. FAIRCHILD. Thank you.

Are you familiar with James Oberstar?

Mr. MARKOSEK. I believe he is the majority chairman of the House Transportation Committee, but I do not know him personally.

Mr. FAIRCHILD. Okay. That is correct. And he was also the coauthor, along with Congressman Young, of the latest transportation funding bill that we are all under and living by. Is that correct?

Mr. MARKOSEK. I am not sure who technically authored it. I will assume since he is the chairman, he had something to do with it.

Mr. FAIRCHILD. I am pretty sure you are right, but we can confirm that.

Yesterday in Representative Phillips' and my legislative district, Chairman Oberstar was invited by Representative Carney to address and take a look at transportation concerns, and I would just like to, for the record, put on record a few of the comments that he had made, and these are from the Sunbury Daily Item, and I understand Chairman Oberstar and Congressman Carney had a meeting with the editorial board in the Daily Item.

The article states, "The chairman of the U.S. House Transportation and Infrastructure Committee said Monday he opposes Pennsylvania's plan to charge tolls on Interstate 80." This is a quote. Quote, " 'I'm not a fan of tolls,' U.S. Rep. James Oberstar, D-Minnesota, said Monday while visiting the Central Susquehanna Valley. 'They're a short-term, one-time, here-and-now fix, not a program,' " unquote. "There are presently three other toll projects included in the current transportation law, he said, but those projects are restricted to creating additional traffic capacity," such as the issue of I-95 that we talked about.

Quote, " 'They're not taking existing capacity, built with federal highway trust funds, and charging you twice for it by putting a toll on it,' Rep. Oberstar said. 'It's not fair to taxpayers. That breaks the trust of the highway trust fund.' "

The last question: When the Turnpike Commission essentially takes control, will they have eminent domain?

Mr. MARKOSEK. I believe they have it now under their current system, and they will have it as well relative to I-80.

Mr. FAIRCHILD. Okay. In this plan that is out there, are there any takings anticipated?

Mr. MARKOSEK. Not that I am aware of, standing here at this moment, Mr. Speaker.

Mr. FAIRCHILD. Thank you.

May I make a brief statement, Mr. Speaker?

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

Mr. FAIRCHILD. Thank you.

For the reasons that I gave or at least questioned the chairman, I rise to definitely oppose concurrence on HB 1590.

I believe that if you take a look and build a house, you start with a plan. You hire an architect to visualize that plan, to put that plan on paper, to review with you, and then you build that project. In this case there is no plan. There are no details. There have been no public hearings, but yet we have been thrown the little carrot that says, do not worry; we are going to have these focus groups and we are going to get your input. Mr. Speaker, you do not build a house that way, you do not plan your life that way, and there is absolutely nothing wrong with saying, okay, let us develop that concept, but let us do it first; let us do it first. Let us get the facts. Let us find out how it is going to impact our communities, our businesses. Is it going to bring jobs to our area or is it going to chase jobs away? You do not know and I do not know, but let us find out.

Is this going to be a possibility that even clears the Federal bar? Between 2007 and 2011 we are going to push \$1 billion to mass transit out of those bond proceeds. If in the year 2011 the Federal government says no, where are you and I going to come up with not only that \$1 billion but to pay back the whole bond issue? Do you realize what devastation that is going to cause every taxpayer, every driver, every mass transit agency, everyone, anything to do with transportation? How are you going to replace those moneys? For goodness' sakes, we cannot find \$20 million to take care of hazardous waste sites in this State, how are we going to find billions and billions and billions if this goes awry? Let us just slow down this train, let us go back to the planning mentality, and let us find out the facts. That is nothing too much to ask for, and I respectfully ask for a nonconcurrence on HB 1590.

Thank you, Mr. Speaker.

The SPEAKER. Representative Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

"That men do not learn very much from the lessons of history is the most important of all the lessons of history," according to Aldous Huxley.

I first arrived in the General Assembly back in 1973 as a staff member in the Senate. In the late 1960s and early 1970s, this State went on a bipartisan spending spree for highways financed by bonds. The attitude was, spend today and pay tomorrow. Unfortunately, the cost of debt service caught up with us. It largely shut down new capital projects for a period of time and impinged on highway maintenance. I clearly remember this because one of the reasons Governor Thornburgh got elected in 1978 was, in areas like my own, the highways were in such deplorable condition and he was responding to the citizens of our area and promising to do something about the problem.

What Governor Thornburgh did was he put us on the regime of pay as you go. We could not afford any more debt. He had to get a gas tax hike through the General Assembly in order to move us forward with even highway maintenance funding for the State. The 30-year bond issues issued back in the sixties and seventies are just finally being paid off today. So here we are, a new round of borrowing to finance our current needs.

Would the sponsor of this bill please consent to a couple questions of interrogation?

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

Mr. NICKOL. Thank you, Mr. Speaker.

I think I understand that this debt, am I correct, is going to be issued by the Turnpike Commission, it is tax-exempt debt?

Mr. MARKOSEK. Thank you, Mr. Speaker.

Some is tax-exempt and some is taxable.

Mr. NICKOL. Thank you.

Because we are issuing tax-exempt debt, would that be a series of borrowings each year, additional series of borrowings?

Mr. MARKOSEK. Yes. There is an analysis that has been done, and that is correct, there would be borrowings so much per year as they need to meet their spending requirements.

Mr. NICKOL. In that we are going to be borrowing over years and we have a program set up, has there been examination given to how interest rate sensitive this deal is? In other words, if interest rates go up, will it impinge on the amount of money that will be able to be put into mass transit and highways?

Mr. MARKOSEK. There has been an extensive study by Citigroup that has taken into account a forecast over time for interest rates. Of course, none of us can ever actually forecast for sure what they will be, but certainly printouts that I have seen have their estimations of their ratios relative to the amount of money on hand versus the amount of money that they need for securitizing their bonds, and in no case does any of their forecast suggest that the bonds would lose any significant rating. In fact, from what we were able to ascertain – because I did ask this question myself – was that the current bonds that the turnpike issued I believe are AA bonds, and the worst-case scenario that they had promulgated throughout their forecast done by Citigroup was that they would go no lower than single A, which is about a quarter of a percent difference in the interest. And according to the forecast, even the areas, the timeline in which they would be even close to being single A was a very relatively short window, based on the ebb and flow of their, the ebb and flow of their cash flow vis-à-vis their income that they get, and as time goes on and they get the tolls up and running, they have more income to pay off more bonds, those kinds of things.

Mr. NICKOL. How many years does this borrowing scheme go into the future that we will be borrowing money for mass transit and highway needs?

Mr. MARKOSEK. I believe the, and I do not have it immediately in front of me, but I believe the printouts indicate forecasts for about 40 years, but to say that there is borrowing in all those 40 years is not necessarily the case. You have a certain amount of borrowing, as I understand it, and I am essentially a layman relative to this kind of high finance. You know, I am the chairman of the Transportation Committee. I feel like I have done more banking here than anything else in the last 6 months, but nevertheless, they have printouts that indicate that there is an amount of borrowing, and then, of course, over time they have to pay back that debt, and they have a program to do that

in a very responsible way, and they continually look at that, probably on a daily basis. That is something that they have financial people looking at constantly, to monitor and to make sure that they do not get into any areas that would create a problem.

Mr. NICKOL. Is there a point in time in which new revenues, toll revenues or whatever it may be, actually replace debt?

Mr. MARKOSEK. Well, yes. As a matter of fact, that is true, and perhaps not all of the debt but a significant portion of it.

Mr. NICKOL. Do you know at what point in time that would kick in, where revenues would replace issuance of debt as a primary source of funding?

Mr. MARKOSEK. Again, I do not have it immediately in front of me. I could show you that later certainly, but some of it, you know, depends on the type of maintenance that they have. There may be unexpected maintenance problems where they have to have more bonds than perhaps otherwise forecasted, which would create a situation that perhaps they would not pay the bond off as soon as they forecast. I am not saying that would happen, but it could happen.

So it is a situation where, you know, the financial forecasters are on a much higher pay grade than you and I and are, you know, paid to know these things and figure these things out and make those forecasts, and you know, we have seen those printouts.

Mr. NICKOL. Has there been a careful assessment of what the needs are for the turnpike itself in terms of modernization, capacity improvements, major rehabilitation projects, because the turnpike itself, I mean, if we are just leveraging the turnpike and putting all the money over to highway and mass transit, there is a fear that the turnpike may not be able to borrow for its own needs?

Mr. MARKOSEK. Well, we asked that question, too. So you are asking some very good questions here.

The turnpike currently has a bonding program for upgrading their system that was put into effect a few years ago, and we are told that they have no plans to cease any of that. They will continue through that program for I believe another couple of years until they get the system upgraded. For example, they built a new bridge over the Susquehanna River. They are planning a new bridge over the Allegheny River. I know they have rebuilt a lot of the area that I am familiar with between here and Pittsburgh where they have actually had to go in and take the 1940 toll road that existed from Carlisle to Irwin and actually dig it up because the base had some problems over that length of time.

Keep in mind, the turnpike was formulated in 1937, Act 211 of 1937; was built in 1940. So we have about 70 years of experience in wear and tear, and of course, it has been widened and upgraded and lengthened in many areas. Back in 1984 we had a program to construct some additional turnpike areas such as the Amos Hutchinson Bypass and some of those areas. So the turnpike is always a work in progress. It is always moving forward. There is always a need for additional funds, and the way that it is set up is that these funds are gained through bonds that are paid for through the tolling.

Mr. NICKOL. Thank you.

Would it be possible to get a copy of that report from, what was it, Citigroup, I believe?

Mr. MARKOSEK. Yes. I will make sure that you get a copy of that.

Mr. NICKOL. Thank you.

Mr. MARKOSEK. You are welcome.

Mr. NICKOL. Thank you, Mr. Speaker. That completes my interrogation.

The SPEAKER. The gentleman may proceed.

Mr. NICKOL. Thank you.

I will enjoy looking over that information. I really still do have a lot of concerns with regard to the level of debt. We have been through that occasion once before, as I mentioned, in the Commonwealth where the debt we incurred in the sixties and seventies largely shut down our new highway building and maintenance on our roads until we ended up having to in the end vote a gas tax hike in the Thornburgh years, and I fear that we are just setting ourselves up for future revenue enhancements, gas tax hikes, or whatever else you call them, in this bonding scheme.

Thank you, Mr. Speaker. I urge members to oppose this bill.

The SPEAKER. For the information of the members, the Chair will announce the order of those who seek recognition on this bill: Josephs; Bishop; Wheatley; Hutchinson; Petrarca; Sturla; Mustio; Turzai; Stairs; Kortz; McIlhattan, for the second time; Marsico, for the second time; then the leaders; and then the prime sponsor.

The Chair recognizes Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I rise to support this bill because of many reasons, partly because of the money it gives and the dedicated funding source for public transit. As many people know, I use the transit system in Philadelphia. I believe I am the only person in the General Assembly who uses the transit system regularly. I am proud of it. I like doing it. I think there are some problems with SEPTA. I am not without criticism, but I do use the system. But even if I did not use the system, I would be for this bill because of the money it brings to roads and bridges – fixing them, building new ones, maintaining them; very important, even in areas where there is mass transit. And I am concerned about my constituents who want to travel around the State. I do not want any of them to be hurt in a bridge that needs repairs, hurt their car, injure themselves on roads that need maintenance.

And finally, I suggest that everybody should be for this bill, because those of us who ride transit, you really do not want us on your roads. You do not want the extra congestion; you do not want the pollution; you particularly do not want me on your roads. I am not a very good driver. That is one of the reasons why I use SEPTA. I would encourage more people to use SEPTA for those reasons, including the fact that not everybody is really a very good driver, and I hope that we can pass this bill with a big resounding majority.

Thank you, Mr. Speaker.

The SPEAKER. Representative Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

Mr. Speaker, I rise this afternoon excited, delighted, and happy that I have an opportunity after 19 years to be able to say I support this transportation bill. This legislation will positively affect those not only in my district in Philadelphia, but it will affect those across the entire Commonwealth of Pennsylvania. This House bill, a Senate bill, ensures that there will be dependable mass transit. It is about time. It is long overdue.

It is essential to the citizens of Philadelphia. It is essential to those in the rural area. It is essential to the entire Commonwealth of Pennsylvania. A healthy mass transit system is the basics for economic development, economic growth,

and well-being. We have moved, Mr. Speaker, into the 21st century, and it is time for us to realize that we can no longer embrace 19th-century transportation.

We have been connected. Modern technology has connected us televisionwise, cellwise, phone-cell-wise. It has connected us to satellites. It has connected us in every direction except mass transit and mass transit transportation. It is time for us to connect all of these cities, all of the rural areas across the Commonwealth of Pennsylvania.

So I encourage each and every member to invest in business, to invest in jobs, to invest in economic growth by investing and voting and supporting this House bill or this House bill No. 1590 in order to support a farsighted approach that provides for current demands and also addresses future needs. This issue has been among my priorities since arriving 19 years ago in the House of Representatives. I am proud of the work that has been done by those who have worked so hard to bring it to this point. Please remember to vote and link our cities, our towns, our roads, our bridges altogether to strengthen the jobs that must be done in the Commonwealth of Pennsylvania.

Lastly, Mr. Speaker, I say, the engine that drives economic development, the engine that will help us grow jobs and new opportunities and great futures for everyone is mass transit. We cannot afford not to support it. The train is standing in the station. It is ready to pull out, and I ask everyone on both sides of the aisle to get on board so that it moves for the benefit of the entire Commonwealth of Pennsylvania.

Vote "yes" in support of this HB 1590. Concur so that we can prove that we are where we say we are. Put our money to our mouth and let the train roll.

Thank you.

The SPEAKER. Representative Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise today first of all to commend the gentleman, the chairman of the Transportation Committee, Representative Markosek, as well as all the other individuals with whom he has been working to finally bring before us a movement to find some dedicated sources of revenue that moves our Commonwealth forward.

For 5 years since I have been here, we have been talking about this situation as it relates to our highways and roads and bridges, our mass transit system, and I have to say I know to the gentleman it has not been an easy lift, and we are in the midst of the storm as we currently speak. But I definitely want to take my hat off to the gentleman and say that he has put forth a worthy and very important piece of legislation.

And with that, Mr. Speaker, I want to also say, Mr. Speaker, what the gentleman had originally brought before us and what we originally sent to the House I think was a great plan of action for funding our transportation, our mobility system in the Commonwealth. Unfortunately, the Senate, in whatever their thought process was over there, they decided to strip out many of the reforms that the gentleman had put inside of that, and I think that is a critical thing that we need to continue to talk about, because most of the things that I have heard as I was here working on this issue were people talking all across this Commonwealth, we did not want just to put money in the system but we want significant reforms to the system.

And, Mr. Speaker, I am going to ask and I will personally support the concurrence, but it is also important for us not to forget the unfinished work in the reform of our system. It is critical at this time, at this state of the mass transit situation in

Allegheny County and all across the Commonwealth, it is critical for us to move on this, that we do not let this linger, but I want to encourage the members as we move on this action, let us not forget the reforms that we still have to do.

If we do not pass this piece of legislation in Allegheny County, the Port Authority is faced with 500 more additional layoffs for men and women who are working hard to try to provide the services our citizens need to get to their health-care facilities, get to their jobs, or get to their places of home and community recreational centers. So we need to move on this. But I am going to encourage us and encourage us to look at the gentleman's reforms as he talked about the Turnpike Commission, as he talked about the systems themselves and making sure we looked at the revenue structure and how they were spending the money that we were sending them. Those are all things that we sent over, were stripped out in the Senate and sent back to us and said, they told us that we have to pass what they sent over if we wanted to have transportation taken care of in this cycle.

Well, this is too important of an issue for me to stand here and try to block that action right now, but I am hoping that the members here realize when we sent over this bill, we sent over some reforms that are not in there now, and although this is not a perfect bill, this is a bill that we can pass today and come back in September and continue to work on those reforms.

So I am going to encourage you all, Mr. Speaker, to continue to support this bill, vote for it on concurrence, and in September we can continue to work on the reforms that we put forth.

Thank you, Mr. Speaker.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would request that the House go to a 3-minute advisory clock for the debate.

The SPEAKER. The Chair will take that as a voice vote of support, but the Chair will also remind members that the clock, the 3-minute clock, is merely advisory. It is not controlling. Members are permitted to speak longer than 3 minutes. It is simply an advisory clock. The clerk will put the clock up.

Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker. I will endeavor to meet that 3-minute rule.

Mr. Speaker, I rise in favor of prayer in Pennsylvania. That is because if we concur in HB 1590, all the residents of Pennsylvania had better pray because we would be building a convoluted house of cards that could easily collapse, a convoluted house of cards that could collapse and leave us with an unfathomable \$13 billion in new debt without an adequate revenue source. Thirteen billion dollars, that is staggering.

Mr. Speaker, this convoluted house of cards is contained in a bill of 297 pages that is filled with leases and loans and commissions and monetization bonds and special revenue bonds and CapEx bonds and transfers from fund to fund to board to fund. I think you get the picture. This is a complicated and unexplainable mess. Yes, the bond councils and the attorneys are rubbing their hands together in glee as we speak, because this would be a bonanza for them, but this is a risky scheme that is counting upon a questionable approval of tolling by the Federal government, and I mean questionable.

One thing for sure, Mr. Speaker, it makes no economic sense to borrow this huge amount of money to pay for current spending while adding additional costs of billions of dollars for interest payments only. As Carl Sagan used to say, billions and

billions, and that is just for interest, not construction. Not only are these new taxes a new burden on the residents of Pennsylvania and a blow to the economic life line of the northern communities in our State, this is an unfair subsidization of unreformed and inefficient transit systems in Pittsburgh and Philadelphia.

Mr. Speaker, why should we tax the users of Interstate 80 who are already paying high gas taxes and have paid other taxes for years and years? Why should they pay additional funds for transit systems which pay far below the national average in local match compared to other transit systems in this country? It is time for transit users and the congested road users near those transit systems to pony up, to pony up for their own transit systems.

Mr. Speaker, I ask for nonconcurrency on HB 1590. Thank you.

The SPEAKER. Representative Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

Like Representative Hanna, I rise to urge nonconcurrency on HB 1590 and the Senate amendments. I would like to thank Chairman Markosek and Whip McCall for all of the work that they did to bring this plan before us in this legislation. I would also like to thank Joe Brimmeier from the Pennsylvania Turnpike Commission for all of the fine work that he and his staff did in putting this plan forth, which I think has the potential to solve a lot of problems in Pennsylvania.

We all know that we have problems in funding mass transit. We have problems with roads and bridges. Nearly 6,000 bridges are deficient in Pennsylvania, a lot of them in my home county of Westmoreland, and we must deal with these issues. I think we all know that. The problem is, is that when this bill, 1590, went to the Senate, the Senate deleted the portion of the bill that said that the House of Representatives would have seats on the Turnpike Commission Board, and in my opinion, that is unacceptable. In this day and age when we are looking for transparency in government, we are looking for accountability in government, it just does not make sense to me that the Pennsylvania Senate would take away any presence of the House of Representatives on that board.

I think it is time, I think it is time that the House of Representatives, that those of us in this chamber stand up for ourselves and say to the body across the hall, which obviously thinks they are the upper chamber, that enough is enough.

Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (JOSHUA D. SHAPIRO) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I rise in support of concurrence on HB 1590, and while I have heard a lot of hand wringing from members from rural Pennsylvania, the fact of the matter is that rural Pennsylvania makes out pretty well in this deal. While they may not get the big dollars in terms of mass transit systems, all their rural mass transit systems make out quite well in terms of the number of riders that they actually have and how much they are being subsidized. And then beyond that, when you get to actually funding roads, they make out quite well because we are still

using the old formula that more heavily weights lane miles than it does vehicle miles.

And so while I hear everybody talking about how we are subsidizing Philadelphia and Pittsburgh's transit systems here, what we are really doing is subsidizing rural Pennsylvania's road systems, because those roads that get 100 or 200 or 500 cars a day, the gas tax collected from those vehicle miles traveled does not begin to pay for the maintenance of those rural roads, and so we subsidize those roads every day with the roads that get 10,000 and 20,000 cars a day on those roads. And so I find it a little specious the argument that says, heaven forbid, we vote for this because rural Pennsylvania is going to get hurt.

Well, it is not included in this bill, but I can tell you, there will be legislation introduced come fall that will look at changing the formula so that we can actually get roads funded where people actually travel on those roads. The State maintains more than 40,000 miles of roads, but guess what? More than 20,000 miles of those roads get less than 2,000 cars a day. More than half our system is a back-road system, and we have one of the best back-road systems in the nation, but it is our heavily traveled roads that go suffering for transportation dollars, and I think we ought to change that. We are not going to change it in this bill, but to hear rural Pennsylvania clamoring about how terrible this bill is, is not the way reality shows how we fund roads in Pennsylvania.

So I will be voting for this bill so we can move transportation forward in Pennsylvania, but we could move it forward a lot faster if we actually funded those roads that get those 10,000 and 20,000 cars a day at the level that they should be, based on their liquid fuels tax use.

So I would encourage members to vote for 1590 and look forward to working on this in the future.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. Representative Mustio.

Mr. MUSTIO. Thank you, Mr. Speaker.

If I may interrogate the maker?

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

Mr. MUSTIO. Thank you.

About an hour ago there was a speaker that was asking about whether or not some of the members of the business community had any input or comments about the legislation, and about a month ago the greater Pittsburgh Chamber of Commerce had offered some proposed language for transit-funding legislation. In order to expedite the process here, Mr. Speaker, I provided the maker of the bill a copy of the wording about a half-hour or so ago.

And my question relates to whether or not the wording that I have provided to you has been incorporated into the legislation.

Mr. MARKOSEK. No, Mr. Speaker; this wording is not.

Mr. MUSTIO. And just for the record, the chamber's suggestion was that funding from any source from the State should not be provided unless the level of health-care benefits provided by the transit system to existing union employees during their employment and their future retirement, according to the provision of the applicable contract, the material identical to the level of health-care benefits provided by the transit

system to existing nonrepresented employees during their employment and their future retirement, just so that is on record, and that is not in the legislation to this point.

Mr. MARKOSEK. No, Mr. Speaker. Mr. Speaker, the current benefits are dictated and mandated through a union contract, which I believe has about another year or so to go. I also sponsored a resolution that we have passed out of the Transportation Committee that would mandate the Legislative Budget and Finance Committee to study the idea of potentially putting transit workers into the State retirement system with the same State benefits. Now, that may or may not be a good idea. It is a study, you know, but I have taken those steps, because I think I agree with you that the current system I think is certainly due for modification, and that is only a reasonable thing to expect.

Mr. MUSTIO. Could you state for us some of the cost-saving measures that are in the legislation? Representative Metcalfe and I in January, we do not personally ride mass transit and very few of our constituents actually do, and I think Representative Metcalfe would concur, but there is some use of it in our districts, so we spent a couple days riding the buses and interviewing the riders, and their position was that they did not want any more money thrown at the system or the problem. They wanted the expenses reduced first. So if you could maybe enumerate for us some of the cost-saving measures in the legislation?

Mr. MARKOSEK. Yes, Mr. Speaker. There are some performance review, audit-type mandates that are put into the legislation. There are management performance reviews as well as system performance reviews and audits as well. These are conducted by the Department of Transportation, and they are tied to the performance criteria and standards, and the funding is dependent upon meeting criteria and implementation of actions to improve performance.

So yes, we have written in some performance mandates into the legislation that all transit systems will have to abide by.

Mr. MUSTIO. Two more quick questions: Are there mandates for fare increases at all?

Mr. MARKOSEK. No, Mr. Speaker. Those are generally done by the boards of the— Those decisions are made by the boards of the transit systems.

Mr. MUSTIO. And as far as the committee nonbinding recommendations, were there any recommendations or suggestions to look at contracts or fare increases?

Mr. MARKOSEK. Are you referring to the Transportation Committee?

Mr. MUSTIO. Yes, Mr. Speaker.

Mr. MARKOSEK. No, Mr. Speaker; nothing specific to that.

Mr. MUSTIO. Thank you.

The SPEAKER. Representative Turzai.

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

It strikes me as quite inane that we are going to turn over Pennsylvania's entire transportation network to a patronage-loaded, antiquated, mismanaged organization and giving them the power to control up to \$13 billion in bonding. Whoever put together this scheme must be nuts, and how the House has no say in any of the management, particularly when we are closest to the ground to the citizens of Pennsylvania, is beyond me and should be beyond every single member of this body.

I think it is really important to note a particular provision of the proposal. In our summary of this bill, it talks about how, thank goodness, they are going to adopt a comprehensive code of conduct. Listen to this: "Members..." of the commission and their "...staff must disclose the existence of all ownership interests in any facility or business with which the Commission has contracted." For goodness' sakes, do you mean that is not happening now? And guess what? "Each member and executive-level employee of the Commission shall serve as a fiduciary of the Commonwealth." For whom have they been a fiduciary so far? It does not strike me as the citizens of Pennsylvania.

This bill is nothing more than a bond lawyer full employment act. To members out there, I want you to keep this in mind that when you pass this, you are essentially saying there is going to be \$1 billion in bond attorney fees that are going to get to be passed out around the State. Think about it. With all due respect, this bill needs to be rolled up and tossed in the garbage can, exactly where it belongs, before we do any more damage to the citizens of Pennsylvania, similar to the damage we did with the expansion of gambling, Commonwealth Financing Authority, and all the other wild-haired bond schemes that have emanated under this Rendell administration. Get rid of it. Thanks.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

If I may, I would like to have a question for the prime sponsor of the bill.

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

Mr. STAIRS. I guess a question or two maybe would be more apt.

A question in reference to liquid fuels. We have been talking of mass transit bonds and just recently bonds issued and roads and bridges. What does this mean to our rural townships or boroughs and towns across the Commonwealth who have a large network of highways and roads themselves and bridges?

Mr. MARKOSEK. Yes, sir, Mr. Speaker; a very good question. There is in this bill an additional \$35 million that will be spent locally in counties – \$5 million for county bridge repair and rehabilitation, and \$30 million for municipal highways. That is over and above the \$302 million that is already there. So it is a 10-percent increase in the local moneys that will be available to counties and municipalities.

Mr. STAIRS. In response to that remark, that is a lot of money, but, you know, having talked to my supervisors, and just recently in Westmoreland County we had a meeting of all the townships and the supervisors lamenting, and they say they are entitled to 20 percent of revenues, and of course they are always saying the 12 percent, which is pretty close to what they are getting, 12, 13 percent. So even though you are referring to a lot of money, their expectations are going to be – well, they are going to be very upset because they are expecting more, and I have had correspondence with my supervisors, and they are not going to be very keen on this proposal, particularly because as we speak of the PENNDOT roads and our State roads and bridges in dire condition, the townships over the years have done a pretty good job. As a matter of fact, they have done an excellent job with limited moneys to maintain a very local transportation system, but I am fearful that this is going to be endangered somewhat. Even though there is a lot of money for locals, it will still not be enough to meet their needs.

A second question, if I may, and I am happy to learn that Representative Daley got a letter from the Secretary in reference to the Mon Valley Expressway, because even though I am in Westmoreland County, we are close enough that that road is important to us as well as the, you know, Fayettees, the Greenes, the Washingtons, and the Alleghenys, and we want to see this road completed not just from West Virginia to Pittsburgh, but the Southern Beltway, which would help eastern traffic from Westmoreland County get around the city going to the airport, and I can say I was happy to learn about that. But other than the letter that the Representative mentioned, is there anything in the legislation that we are going to be voting on shortly that addresses the Mon Valley Expressway dedicating certain moneys or certain support for this vital highway system?

Mr. MARKOSEK. Mr. Speaker, first of all, in response to your previous comments relative to the local road and bridge money, as you may recall, I had a plan earlier, about a month or so ago, that would have provided, instead of an additional \$35 million, an additional \$150 million for local roads and bridges. That was unacceptable to our colleagues here, because in order to pay for that, it would have required an increase in the gasoline tax. So I would suggest the next time that you are talking to the locals, that you say that, you know, we did have a plan, but there was not a whole lot of support for an increase in the fuel tax, and I do not know whether the gentleman would be willing to support that or not, but I would suggest that you tell them that that is why we did a lesser amount. And I would agree with you that we should give them more, but under this plan, we are not raising any fuel taxes. We are obviously deriving our income from a different source that is, I should say, more politically acceptable, and that is why that number is less.

And relative to your other question— Mr. Speaker, I went on so much there, I have to admit I forgot your second question.

Mr. STAIRS. Well, I can very briefly recap what I said. As I mentioned earlier during the discussion, Representative Daley mentioned he had concerns with the Mon Valley, which he would have because he lives in that area, and he said that the Secretary provided him with a letter to offer encouragement of support for the Mon Valley Expressway, and other than the letter, do we have anything of substance in the bill that specifically states the dedication of moneys for the Mon Valley Expressway as well as the Southern Route Beltway around Pittsburgh?

Mr. MARKOSEK. Thank you, Mr. Speaker.

I apologize for forgetting the question, but the short answer is no, there is nothing in the legislation that deals directly with any kind of mandates relative to the Mon Valley Expressway.

Mr. STAIRS. I know this is impossible because this bill is going to be voted on, rather, in a few minutes or maybe in a few hours but probably a few minutes, but I would like to have the essence of the letter from the Secretary to the Representative as an amendment to the bill to make sure. And the Secretary might mean well and we in government might mean well, but to have it as part of the legislation, I would feel more comfortable, because there is an old saying, you know, a bird in the hand is worth two birds in the bush. So it would probably be more assuring to me to have something very clear cut and dedicated to this very vital road to the future of southwestern Pennsylvania.

That is all the interrogation and all the questions I have, Mr. Speaker.

If I could, for a moment, make a few comments.

THE SPEAKER PRO TEMPORE (CAMILLE GEORGE) PRESIDING

The SPEAKER pro tempore. The gentleman is in order.
Mr. STAIRS. Thank you, Mr. Speaker.

I think my real concern is that we are asking the Pennsylvania Turnpike, the main line, to do probably more than it really can do. It is a monumental task right now for the turnpike to do all of the extensive renovations that it has on the books and it is doing. You know, making three lanes in the eastern part of the State from Valley Forge to New Jersey and from Carlisle west to Irwin, literally tear up the whole road and put down a base to meet today's traffic and vehicle needs; plus, you might say the spurs off of the road, whether it be in Beaver County or Westmoreland County or Washington County, and to meet all of these challenges, which I think the turnpike can do, it will be tough, but I think they can do that.

But when you ask the turnpike to come to the rescue, even though we are going to be tolling Interstate 80 and maybe some other roads down the road, you are putting a lot of stress on this road, and at best, we are going to see an increase in tolls. I think that is inevitable that in the next year or two or in the very near future that you are going to see a significant toll increase on the turnpike. Maybe that will be acceptable because we will have tolls on Interstate 80. So, you know, you have to pay because you want to go from east to west or west to east. But I do think it is going to place stress on the road and prevent a lot of good things from happening, and even though the turnpike is, you know, the grand old daddy of modern transportation in this country, I just do not think it is strong enough to carry that full weight of all the things we are going to be putting on it. So, you know, the worst-case scenario, and I do not want to think about it, that if it be a forfeiture of these bonds and the State would be held responsible, that would be a monumental problem that I do not even want to dream about or even think about.

So I am going to vote "no" to nonconcur. I do know we have a very serious problem, but I do not think the solution at hand is going to in the long term be in our best interest. Maybe a short-term windfall, but I think it is going to be detrimental to communications in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and the Chair recognizes Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I rise in support of HB 1590, and I would like to commend the chairman of the Transportation Committee and all that worked with him to bring this legislation to the floor.

This legislation is very clear to me. We have 25,000 bridges in this State. Of those, 5,913 have been deemed structurally deficient. Of those, 800 have been found to be in very poor condition to the point where 740 of these bridges have weight restrictions, 64 have been shut down, and, Mr. Speaker, 18 months ago we had a bridge fall out of the sky on Route 70. Now, that is a clear wake-up call for what we need to do.

No action is an unacceptable event here today. We have to take action to fix our crumbling infrastructure. It is as simple as that. If we walk away from here and do not do that, we are saying it is okay for bridges to fall out of the sky. It is not okay for me. I say we vote in the affirmative on this.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the gentleman from Blair, Mr. Geist.

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

Will the maker of the amendment stand for some interrogation?

The SPEAKER pro tempore. The gentleman says he will.

Mr. GEIST. Thank you.

Mr. Speaker, what are the overall needs in Pennsylvania right now on the highway side and bridge side monetarily?

Mr. MARKOSEK. Mr. Speaker, according to the Governor's Transportation Funding Reform Commission that I believe yourself and Representative McCall are two members of this current body that served on that very admirably, I might add, we were told that the need for road and bridge repair was roughly \$1 billion per year and the need for mass transit was approximately \$750 million per year.

Mr. GEIST. In your best estimate, how much money from the turnpike, if it is successful, will go to the highway and bridge program, total dollars?

Mr. MARKOSEK. If you look at the printouts again, certainly the first few years, it ramps up after the first few years and after the tolls kick in, but I think the maximum is right around an area of about \$1 billion for both. I believe it is about 450 for transit and about 550 for roads and bridges.

Mr. GEIST. Of the moneys that have been committed – and I was very surprised today to listen to Representative Daley describe the commitments that were made to the Mon Valley Expressway and the Southern Beltway – do you have any idea what that monetary commitment was?

Mr. MARKOSEK. No, sir, I do not.

Mr. GEIST. Is there anybody that could answer that question that you know of?

Mr. MARKOSEK. I would suggest, Mr. Speaker, that that would be something that the turnpike officials would have to give you an answer on.

Mr. GEIST. Just out of curiosity, what would you estimate the first section south of Pittsburgh of the Mon Valley Expressway to cost?

Mr. MARKOSEK. Well, I do not know, sir. It is a very expensive highway. The letter that you referred to I believe referred only to the section in Uniontown and Washington Counties, which is not part of the part that is in Allegheny County. I think if we were looking at the entire Mon Valley Expressway from the West Virginia line to Monroeville into the city of Pittsburgh, you would be talking many billions of dollars.

Mr. GEIST. Would you say that the amount of money pledged in that letter could exceed the total revenues generated by the turnpike?

Mr. MARKOSEK. My understanding of that letter – and again, I do not have intimate knowledge of the inner workings that went into that decision – but my understanding of that letter is that money has already been programmed for that specific piece of that entire project. It is not to pay for the entire Mon Valley Expressway project but merely the portion that is in existence in Fayette and parts of Washington County.

Mr. GEIST. Mr. Speaker, let us put it this way. You need \$1 billion minimum for highways. If you raise \$550 million from the turnpike, you are \$450 million short. Out of that new money, you have pledged on one project X amount of dollars.

What I am trying to get at is, give us a ballpark range of how much money the Secretary of Transportation has committed to that project.

Mr. MARKOSEK. Mr. Speaker, this information or those figures are not part of this legislation. That was an agreement made between the turnpike and the advocates of that portion of the highway. So it is very difficult for me to try to tell anyone, you know, how much they have estimated or how much they have allocated for that project. I would suggest that if any of us would call them, they would come and sit down with any of us and explain in more detail that particular project.

Mr. GEIST. Mr. Speaker, how many other projects were committed through this process to members of the Senate?

Mr. MARKOSEK. I have no knowledge of any of that, sir, other than the portion in Uniontown and Washington County that I mentioned would be within the district of one Senator in that area. Other than that— And I have no understanding of any conversations that took place between him and anybody from the turnpike relative to that. There may have been, but I am not privy to them. I was in a short meeting here a couple of days ago with some House members that we talked about that plan, but there were no Senators present there.

Mr. GEIST. All right. I am going to leave that for a moment.

Would you please explain to the House how this legislation was developed with the House Transportation Committee?

The SPEAKER pro tempore. Would the gentleman yield.

I believe that the conversation or the interrogation should be on the merits of the bill and what is in the bill, please.

Mr. GEIST. Mr. Speaker, I would say that this is – and I think it is very important for the House to know – I think it is very important on a bill that is brought in this short period of time—

The SPEAKER pro tempore. The gentleman will suspend one moment, please.

The Chair insists that your questions shall be in line with the amendment, please.

Mr. GEIST. Mr. Speaker?

The SPEAKER pro tempore. The gentleman may proceed with his interrogation.

Mr. GEIST. Did the members of the Republican Caucus have any input at all into this legislation?

Mr. MARKOSEK. Yes, Mr. Speaker. A portion of this legislation was voted, first of all, out of committee, and then with the McCall amendment being inserted on the floor, it was voted out of the House. The entire Republican Caucus had an opportunity to either vote "yes" or "no" at that time. There were, as I recall, no Republican votes in committee, but there were I think at least one or two on the floor.

Mr. GEIST. When this legislation left to go to the Senate, in the legislation was language that would make the House of Representatives have representation on the Turnpike Commission. What happened to that language and why was it taken out?

Mr. MARKOSEK. That language, sir, was removed in the Senate, and I do not know the motives of the Senators for doing that.

Mr. GEIST. What say will the House have in any decisions that are made at the turnpike? Do we have any members that we confirm?

Mr. MARKOSEK. No, we do not, sir.

Mr. GEIST. Is it not strange that you are going to turn over in Pennsylvania this much power, this much fundraising, and yet we have no say at all in governance.

The SPEAKER pro tempore. The gentlemen will please suspend.

The Chair has asked that you keep your interrogation not only to the subject matter, but that you need not continue to ask questions that you are already aware of, please.

Mr. GEIST. Mr. Speaker, this is an integral part of this legislation. This was language that was in here when it was here and when it left.

The SPEAKER pro tempore. The gentleman will suspend.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. The Chair will remind all members there has been considerable latitude on this bill, that the discussion and debate is limited to the difference between the bill as it left the House and came back from the Senate, and the Chair will ask the cooperation of the members.

Mr. GEIST. Let me ask a ruling of the Chair then, Mr. Speaker. Are we not able to establish legislative intent?

The SPEAKER. That may be appropriate in your remarks, but the debate is limited to the differences in the bill on concurrence, and concurrence is limited as would—

Mr. GEIST. That is—

The SPEAKER. If the gentleman will suspend. This is no different than an amendment that is before the House. When a bill comes back from the Senate, you are limited to the differences between the bill when it left the House and how it was changed in the Senate, and the Chair will ask the cooperation of the members. This has been a long day. You cannot debate issues that are not contained in the issue before us.

Mr. GEIST. Is not governance a difference in the legislation as it left the House—

The SPEAKER. The gentleman is correct on that subject.

Mr. GEIST. —and it came back amended. That was my line of questioning.

The SPEAKER. The gentleman will suspend. The gentleman cannot interrogate the Speaker. The gentleman is correct. If that was a change that was made by the Senate in the House version, then the gentleman is in order, but the Chair will remind the members they are limited to the differences between the House version and the Senate version.

The Chair thanks the gentleman.

Mr. GEIST. Would the Chair be so kind then to answer me, how do you question legislative intent for the record?

The SPEAKER. The gentleman can state legislative intent if he can tie it in to the differences between the Senate and the House, or if you are debating a bill or you are debating an amendment, if you can tie in your legislative intent and restrict it specifically to the issue at hand, then the gentleman is in order. Otherwise, the Chair will have to rule the gentleman out of order.

Mr. GEIST. Well, thank you, Mr. Speaker. Give me a shot at it and then let us see.

The SPEAKER. The Chair will give you a shot.

Mr. GEIST. All right.

Mr. Speaker, when the legislation left this House of Representatives, did the House have a say in the governance of the turnpike?

Mr. MARKOSEK. Yes, sir.

Mr. GEIST. What was the legislative intent of the Senate to tear the House out of it?

Mr. MARKOSEK. That, sir, not being a Senator, I cannot answer.

Mr. GEIST. Would Representative McCall be able to stand for interrogation then?

The SPEAKER. The gentleman again, the Chair will caution the gentleman it is not appropriate interrogation to ask the intention of a member who is offering an amendment or speaking on a bill. The gentleman will confine his remarks to the issues contained in concurrence.

Mr. GEIST. Mr. Speaker, what I am trying to ask is, why would equal bodies— The House and Senate are supposed to be equal bodies. Is that correct?

The SPEAKER. The gentleman cannot interrogate the Speaker.

If the gentleman has a question, the gentleman has indicated he will stand for interrogation, but the Chair will instruct the Representative that he has to speak within the confines of the issue before us, which is concurrence, and the Chair will ask the gentleman's cooperation on that as the hour is getting late.

Mr. GEIST. Thank you, Mr. Speaker.

May I interrogate Representative McCall, please?

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

Mr. GEIST. Mr. Speaker, I have been at this for a long time in transportation. I have spent many, many, hours on the road defending SEPTA, working for this Governor to establish the needs of Pennsylvania's transportation community.

I find it ironic at this point that I am standing here trying to find out why the House of Representatives – and I think this is a wonderful institution – would pass legislation to the Senate to have it amended to come back with a huge funding program like this and cut the House completely out of a governance vote. Can you explain why?

Mr. McCALL. Mr. Speaker, the only thing that I could offer or proffer to that is that that was the will of the Senate.

Mr. GEIST. I cannot say what I want to say now.

The SPEAKER. The Chair cannot help the gentleman.

Mr. GEIST. I mean, I cannot talk about this.

Mr. Speaker, could I return to Representative Markosek, please?

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

Mr. GEIST. Let us go back to the liquid fuels needs of Pennsylvania. If we are leaving \$500 million not funded, what is the game plan to at least try to break even in the State?

Mr. MARKOSEK. When you say "break even in the State"— I am sorry.

Mr. GEIST. Now, Mr. Speaker, round numbers say that you need \$1 billion to maintain the system, bridges and highways, and add no new capacity. If you only raise \$500 million, do we have a game plan for raising the other \$500 million or is this going to be it for another 10 years?

Mr. MARKOSEK. Well, Mr. Speaker, as I had mentioned to the previous speakers, I did have a game plan to do that. It was

found to be unacceptable by most members of the House, not just our side of the aisle but yours as well, and you know, it was something that we had to move away from and we have what we have now, as imperfect as it may be.

I think just in conversations with you as well, we had talked about this, and I think we both understood that my original plan was really what was totally needed to get the job done 100 percent. This current bill that we have here, as imperfect as it is, does not perhaps do 100 percent of what we would like it to do, but if we move away from here today and nonconcur, we will do nothing, which is even worse. So that is really— We have got choices to make here today, and we can certainly talk about some of the finer points of this, and I would be happy to do that, but my intent was originally to fund the billion dollars, as you said, as well as the \$750 million for transit. I was given and we were both given that to do, and you know, we did it, and others did not accept it. So here we are. We had to move off of that.

Mr. GEIST. Thank you, Mr. Speaker.

That concludes my interrogation. May I be able to speak on the bill?

THE SPEAKER PRO TEMPORE (CAMILLE GEORGE) PRESIDING

The SPEAKER pro tempore. The gentleman is in order.

Mr. GEIST. Thank you, Mr. Speaker.

Mr. Speaker, you have no idea how disappointed I am in the way that we are going about this process. I am disappointed in the fact that we have had House members completely shut out of the process of the administration of a program. I am very disappointed, almost to go back and quote Representative DeWeese's language of 1997, and this past week I watched a tape of that debate.

We really need a well-funded infrastructure system in Pennsylvania. This bill does not do it. It does not come close on highways and bridges.

During the 2 years that we spent on the Governor's commission, we looked at the local match for transit systems. We knew what it took. Those recommendations and suggestions were made, and they were so well done that the two Republicans, Mr. Roddey of Pittsburgh and myself, did not issue a minority report. I think we delineated very clearly the problems all over Pennsylvania. I think we also clearly showed that needs in rural Pennsylvania are just as important as needs at SEPTA, whether you have a bridge in rural Pennsylvania that a milk truck goes over every day or whether you have a bridge that a school bus has to stop and get the kids out and walk them across because it is severely weight-limited or whether you live in a community where the ambulance weighs more than the posted weight on the bridge in rural Pennsylvania, it cannot go across that bridge to the hospital on the other side.

We need to be about the business of doing it and doing it right. We need tools added to this bill. A public-private partnership amendment would go a long way to helping that. There are other tools that could be added. We should certainly take a look at the franchise fee and raising the cap. There are a lot of things that are not here, Mr. Speaker; a lot of things.

We have a tendency never to come back and revisit this for many terms when we do this. Nineteen ninety-seven was inadequate. We knew that the day we passed it. We have

watched the system go backwards ever since. We have watched PENNDOT make some drastic change internally. In the last 3 years we have seen massive amounts of retirements in the people who actually manage programs. We have a question as to whether a new infusion of cash, whether we can turn that cash around, whether we can turn these projects around. I have great concerns about that governance. I have great concerns about our ability to get these projects under way very expediently. When it takes about 14 years from the time you say go, to get permits, until you build projects in certain places, this becomes a very crucial item when you are doing a massive bond issue and need to get that money into production.

I think this bill needs to go to conference. I think the governance language must be added. I do not believe that this House of Representatives is a subbody to the Senate. I believe that we are an equal body, and I believe that we should have equal governance into the Turnpike Commission when you are going to give them this much power in transportation.

I would urge a "no" vote, get this thing to conference committee. Let us bring it back right away and make it better. Thank you.

The SPEAKER pro tempore. Has the gentleman concluded? The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask my colleagues to concur with HB 1590.

You know, Mr. Speaker, not too long ago in a committee hearing the statement was said that, you know, Pennsylvania's roads are somewhat antiquated and need a lot of improvement. Mr. Speaker, the question is, you cannot continue to ask to improve and then later you want to ask, or you do not want to accept the responsibility for paying for it.

If anyone has any more problems with transportation than I do, Mr. Speaker, I would like to know who they are and stand up because I have a lot of problems with transportation in my area, but at some point I think we have to trust the judgment of our negotiating team. I, for one, want to submit that I think instead of second-guessing a lot of times and everyone basically knows what they have to do with their leadership, accept the responsibility of supporting that leadership when they come back with something. No one is getting everything that they want. As a former negotiator, I know that very well, but I think this is good at this time, Mr. Speaker. Am I 100 percent happy? Of course not, but at this time I think this is the best thing we have going, and I would urge my colleagues to indeed support and concur with HB 1590.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Payton.

The Chair will wait but in the meantime will recognize the gentleman, Mr. Walko.

Mr. WALKO. Thank you, Mr. Speaker.

I rise in support of concurrence on HB 1590.

Mr. Speaker, this legislation is vital for providing a dedicated source of funding for mass transit, and that is what I would like to specifically address. This will enable us and many politicians like me to fulfill our commitment to provide a dedicated source of funding for mass transit.

In a perfect world the Federal government would contribute more to funding of mass transit and, for that matter, highways

and bridges. In a perfect world the Commonwealth would provide more support. In a perfect world we would not have to provide any revenue sources in order to provide a dedicated funding source for mass transit. But, Mr. Speaker, this is not a perfect world.

I urge a concurrence on HB 1590, because if we do not, more bus routes, more trolley routes will be cut in Allegheny County. We either vote to concur today or there will be more people in Allegheny County – in Pittsburgh, Ross Township, West View – who will lose their way to the doctor's office, who will lose their way to church, who will lose their way to many other vital services, not to mention their job. That is our choice, Mr. Speaker.

Under the leadership of Chief Executive Dan Onorato in Allegheny County, the Port Authority Transit has made great strides to more effective management. Working with management and labor, they have done a great deal to make it a more effective system. Now is not the time to leave them high and dry.

Mr. Speaker, there has been a lot of talk about funding for mass transit. It is so easy to talk the talk. Now it is time to walk the walk and concur on HB 1590.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Payton.

Mr. PAYTON. Thank you, Mr. Speaker.

I rise in support of a concurrence on HB 1590.

This bill is historic in that it provides for a dedicated source of funding for mass transit and roads and bridges in this Commonwealth, and that is historic because we have never done that, Mr. Speaker, and I think it is vital for the mobility of this State, and this is something that we need to do to make sure that we can do the great things that we set out in the Governor's budget this year. We can do some economic development things, we can do some things with regard to education, but we can do nothing without transportation.

This is a great bill for Philadelphia because we finally, we finally solved the mass transit crisis of Philadelphia, and this is something that we need to do for this Commonwealth, Mr. Speaker, because I have heard the arguments about why not to concur, but if we do not do something now, Mr. Speaker, our Commonwealth will be in peril.

And you know, I urge all the members that are saying to nonconcur to come up with a solution, because it is clear that if you are going to vote "no," then vote "no," but I urge everyone to concur with this bill because it is important to the health and welfare of this State. So if you are going to vote "no," then vote "no." Let us end the debate and vote this bill because it is too important for the State not to act on this.

So thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes Mr. Marsico for the second time.

Mr. MARSICO. Thank you, Mr. Speaker.

You know, I have a lot of questions, and with the time remaining, I am going to not ask those questions. I am just going to, if I could— Mr. Speaker?

The SPEAKER pro tempore. The gentleman is in order.

Mr. MARSICO. Mr. Speaker, I think if you look at this transportation funding plan, it is all about Philadelphia and it is all about Pittsburgh. It is all about the mass transit systems in

those cities. The bottom line, the clear bottom line is, if you are not from those areas, you are going to get shortchanged with the transportation funding for your areas. The bottom line is that if you vote "no," we can defeat this plan. All of you that do not represent those areas, if you all stick together and vote "no," we can defeat this plan and send it to a conference committee.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. I thank the gentleman.

The gentleman, the minority leader, Mr. Smith. Will the gentleman yield a moment. The Chair apologizes. I told you to get that groundhog out of my yard, Sam.

The gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I will try and be brief.

Earlier the Transportation chair from the minority questioned whether there was enough money in this and said there was not, and I agree, there is not enough money in this. And there are only two things that you can do when you have a system that does not have enough funding: One, either you increase the funding, and I think that there are many who would be willing to do that but a whole lot that are not willing to do that, that are even opposed to this plan. The other thing is that you simply decrease the size of the system that you need to fund. And we have all agreed, I believe, that the way to decrease that system is not to get rid of the cash cow, i.e., the turnpike or a tolled I-80, but that the way to decrease that system would be to get rid of the roads that we are subsidizing, and as I pointed out earlier, those are the roads that are least traveled in the State of Pennsylvania, that do not get enough cars traveling on them to generate enough gas tax to pay for the maintenance of those roads.

So I would suggest that in our second round, instead of looking at increasing a gas tax or doing some of those other things, we look at decreasing the number of roads that the State maintains, because we have one of the most vast systems of any State in the nation because we do a lot of back roads that we subsidize very heavily, and I think we should stop that subsidy and move on with paving and working and constructing the roads that are most heavily traveled in the State of Pennsylvania. So I would offer that up as round two.

The SPEAKER pro tempore. Has the gentleman concluded?

The Chair thanks the gentleman, and now the Chair recognizes the minority leader.

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

Ask your Senator, that is the cornerstone of this legislation. Ask your Senator, that is what I was told. That is what I was told that answers the governance question that the Republican chairman of the Transportation Committee was getting at – ask your Senator. Ask him, I guess, if you need a job, if you need a road, a bridge. I guess ask your Senator if you need a ride. Mr. Speaker, that is the cornerstone of this legislation that is wrong. It is out of place, Mr. Speaker.

There are a lot of things about this that I really have deep concerns about – the fact that it is a \$13 billion refinancing. My lands, Mr. Speaker, we debated for a long time about increasing the RCAP (Redevelopment Assistance Capital Program) by \$500 million. The things like Growing Greener bond issues were debated here for virtually years on and off. That was less than \$1 billion dollars. The CFA (Commonwealth Financing Authority) potential \$2 billion bond issue that was the cornerstone of the Governor's first economic stimulus package, in order to control that, Mr. Speaker, we created an

entirely new board of governance. We did the same thing with the gaming oversight board, Mr. Speaker, and do you know why we did it? We did it, Mr. Speaker, because it was important to everyone in this room, Republican and Democrat alike, to have some sense of confidence that the people we all represent, the people you represent, Mr. Speaker, that they would have their say once the power was vested in someone else to go out and borrow \$1 billion, \$2 billion, refinance \$13 billion. That is half of the amount of our General Fund budget that we just put in place yesterday; a \$13 billion refinance, Mr. Speaker.

Some of you occasionally talk away from the corners of this hall about pinstripe welfare. Well, I will tell you what, Mr. Speaker. The pinstripes are lining up and they are lining up in the Senate hallways, probably about on the E floor in the Senate, if I had to guess, Mr. Speaker.

Do you know what the cost of this is going to be, the money we are going to spend in interest essentially, Mr. Speaker, to bridge this gap? Probably about \$8 to \$10 billion. We are going to spend as much to borrow as we are putting on the highways or putting into the transportation systems.

Mr. Speaker, the fact that I-80 is part of this funding mechanism and I think it is a questionable element of the funding mechanism here, while it is very possible that the Federal government will authorize the Department of Transportation or the Turnpike Commission, as the case may be in this situation, to toll I-80, I seriously doubt it will happen in the time frame that is prescribed in this legislation. I seriously question whether they are going to allow Pennsylvania to toll I-80 to the tune that will be required to not just pay for the maintenance of I-80 but for all the other costs that it is being asked to carry.

Tolling Interstate 80 just to pay for Interstate 80 would be one thing. Tolling it to pay for the rest of Pennsylvania's transportation system along with the 25-percent increase in tolls on the turnpike and the 3 percent thereafter is a significant load to put on two highways. You are turning the transportation funding system in this Commonwealth on its ear, and you are doing it without any control, without any further say. This is the last day you get to say something about it, Mr. Speaker. After that, ask your Senator. Ask your Senator what you need. Tell them what you need and ask them if they will help you.

A little while ago the Republican chairman of the Transportation Committee interrogated a member, the majority whip, and asked him why, that governance piece that was put in the bill when it left the House, that shared the governance of this among the legislative bodies, that shared the responsibility and the authority, Mr. Speaker, that balanced it out, and the answer was it was the will of the Senate. Mr. Speaker, what I am asking you today is, where is the will of the House? Is the will of the House to acquiesce so that whenever you need to talk about a problem with the buses in your neighborhood or if you are looking for where the money is going to come for roads and bridges in your legislative district, where is the will of the House or are you just going to say, well, ask your Senator?

I hear a lot, Mr. Speaker, about— I have been listening to the debate today. There were some that said they were happy to take this on because it was going to solve the mass transit dedicated funding stream issue, and, Mr. Speaker, I am hopeful that that is the case. I hope that this does solve that problem, Mr. Speaker. I am afraid that it is going to solve it with the tolls and bond funding, though, that is placed on two highways in

Pennsylvania, basically two highways, but if it does, Mr. Speaker, then that would be one small positive that might come out of this at the cost of highways, at the cost of bridges.

I heard a couple people talking about we will have some say; we will have a say in this; we will have an advisory board. Well, Mr. Speaker, that just does not cut it. I have been involved with advisory boards around this place within the realm of State government on different issues, and while they are better than a kick in the teeth, they really do not give you any authority; they do not give you any responsibility. They do not give you the say that your constituents expect of you, Mr. Speaker. So who is going to run the highway system? The Pennsylvania Turnpike Commission. We are talking about a handful of people. In reality, Mr. Speaker, it is run by two people right now; there are five there, but there are two people that are going to run it.

There is the golden rule, you know, Mr. Speaker, the man who controls the gold makes the rule, and that is where you are going to be standing in line, Mr. Speaker. You are going to be standing in line with your hand out down the road, down a bumpy road, Mr. Speaker.

I find it interesting, too, Mr. Speaker, that a part of this legislation provides a pot of money that the Secretary of Transportation spends at his discretion. Now, I am not sure exactly what that means, I am not sure what the Secretary of Transportation intends to do with it, but, Mr. Speaker, I have got to question how that will be distributed. In the past, Mr. Speaker, we have distributed the money, all the liquid fuels money, our highway moneys, we have distributed them by a formula that was developed by the legislature, the House and the Senate. The projects that the Commonwealth undertook through the transportation commission were brought up through your local planning organizations, from your counties, and while sometimes I have disagreed with the directions our local planning and MPOs (metropolitan planning organizations) or our counties have gone, I cannot dispute the process. This pot of money that the Governor and the Secretary of Transportation will now control is only going to subvert that process. And there will be some winners and losers, I know. I understand that, Mr. Speaker. But it is only going to serve to subvert that process. It is going to undermine it, Mr. Speaker.

There is another little interesting pot – actually, it is two subpots of money here: \$5 million for counties and \$30 million for municipalities. I suppose that was thrown in there to kind of temper the concerns of our local government people, our townships and boroughs, that have these back roads, Mr. Speaker, that the previous speaker made reference to in a disparaging way. But, Mr. Speaker, these are places where people live. They are not roads to nowhere. They are the front door to people's homes, and our townships and boroughs, Mr. Speaker, rely on money from our liquid fuels, the tax that we raise, that we have raised over the years in this body, they rely on those moneys to help maintain their local bridges, their local roads. This legislation, Mr. Speaker, does virtually nothing to resolve that problem, and they have been standing at the end of the line for quite some time.

I remember when I was first elected that the State roads were the worst in my rural district and the local township roads were pretty doggone good. Through the last two gas taxes that were enacted in whatever, '91 and '96 or whatever years, '97, whatever years those were enacted, that reversed, because we put more money onto the State roads. The local roads went to the end of the line. Now I see in my district where the State

roads are in better shape and it is the township roads that are falling behind. Mr. Speaker, this legislation does not fix the problem for highways.

I am not sure, Mr. Speaker, if anybody is going to change their mind today. I suspect everybody has been offered whatever it is they think they need. But I do know this, Mr. Speaker: In the past, legislation affected all of Pennsylvania. This is not a mass transit bill, it is not a highway bill, Mr. Speaker; it is a transportation bill, and while those of us from rural Pennsylvania do not always understand the needs and demands of a big transit system in an urban area and those from the big urban areas do not always understand the transportation needs of those of us from small rural communities, in the past, Mr. Speaker, we have always been able to come to an agreement on legislation of this nature that truly moves both systems forward.

This legislation does not do that, Mr. Speaker. It leaves us short. It leaves us short in terms of fixing the problems, but it also leaves us short, Mr. Speaker, in how we manage this issue. Ask your Senator, Mr. Speaker. That is where you are going to be, standing in line. You can stand in line at the pinstriped welfare line over on the E floor in the Senate, or you can stand in line at your Senator's door and ask him what road is going to get paved next year or what is going to happen with a segment of a bus line. That is where it is at, Mr. Speaker. That is what you are giving up today if you vote to concur.

A vote to nonconcur, Mr. Speaker, does not end this debate. A vote to nonconcur does not stop this legislation. A vote to nonconcur, Mr. Speaker, simply says that the will of the House is that we can do better, that the will of the House, Mr. Speaker, is that our constituents that we represent at a more local level deserve to be heard, deserve to be represented at the table, Mr. Speaker. When the decisions are made where the money is going to go, where that money hits those roads, you deserve a voice, Mr. Speaker. Let the will of the House be to nonconcur, and then we come back and have our full say.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes the majority leader, the gentleman, Mr. DeWeese.

Mr. DeWEESE. A consummation devoutly to be wished? No. No, no, no, it is not, of course not, but like most other events in this chamber, it is a compromise. The gentleman, Mr. Geist, and the gentleman, Mr. Smith, made some valid points. So did Louise Williams Bishop. So did a whole chorus of other men and women in this chamber.

The vote for concurrence today by the gentleman from Greene – if I might emulate Bob Dole and speak in the third person for a millisecond; now I will revert to the more traditional debate – is at least tintured with some perplexity. But nevertheless, as my caucus and my friends in the transportation community have inspired and admonished and informed, this is a proposal worthy of concurrence, but just barely, in my view.

In my view, Mr. Speaker, the southwestern counties, by virtue of aggressive negotiations with Mr. Mahoney and Mrs. Kula, Mr. Daley, Solobay, et al., have been able to reaffirm a focus on the Mon Valley Expressway. Number two, our friends in the urban settings have been able to reestablish vibrant futures for their mass transit opportunities. Number three, 6,000 bridges and tens of thousands of highway miles that

for a decade since the Tom Ridge effort in 1997 when gasoline taxes were increased are going to get aggressive maintenance. If you live near Interstate 70 and live near where Tim Solobay and I, Pete Daley, reside, a big interstate bridge came crashing down not too many months ago, and that was a very palpable reminder of the need for aggressive maintenance.

Notwithstanding that, Mr. Markosek's governance language that was so eloquently debated and argued for by Mr. McCall in previous settings, it is a blight upon this proposal. The fact that it was left out is a blight upon this proposal. It has been well argued and well debated by my honorable colleague from Jefferson, the minority leader, and by the minority Appropriations chairman. It has also been debated aggressively by Miss Parker from Philadelphia, Ms. Bennington from Pittsburgh. The leverage we have today, no use kidding anybody, is exceptionally substantial, and it will be vitiated by the summer weeks. But just as other proposals in this chamber never, never were thought to be eradicable, and they were, my view is that the arguments, many of them expressed with definitive exactitude on behalf of my Republican colleagues about the Senate's unilateral domination of the Pennsylvania Turnpike, should be, must be, countervailed with time.

This would have been a great opportunity for leverage, but this is July 17. We have a \$400 million challenge directly within the general budget that is impinged by this proposal. My colleague from Carbon will be more specific, but with the Mon Valley Expressway being aggressively considered and with an announcement eminent on the horizon, with mass transit and extra maintenance dollars available, I am happy to be here debating. I will miss the Jacktown Fair tonight, Mr. Speaker, but hopefully I will make it tomorrow. It depends on how long the speeches go. I will abbreviate mine and ask for a vote to concur.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair now recognizes—

Mr. S. SMITH. Mr. Speaker?

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

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

Just quickly, I would point out that the majority leader said that this should pass but just barely. I would probably suggest to him that the "just barely" button would be better served on the nonconcur side, because then we are close and you get your say, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has concluded, I guess.

The Chair now recognizes the majority whip, the Honorable Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, first let me take an opportunity to thank Chairman Markosek, his staff, Stacia Ritter and Bob Mustin, certainly Erik Randolph and Alan Wohlstetter, for all of the help and tireless hours that they put in in crafting and getting the members up to speed on what is in this proposal.

On 1590, Mr. Speaker, we heard a lot of arguments about taxes, about tolls, vote to nonconcur, and I would simply offer to the other side, what is your plan? We have been debating this issue for 3 years, and you have yet to offer a plan. You argue about all of those things and then you complain that we do not do enough, that we do not go far enough, yet you have never once offered a plan.

You talk about, you talk about the governance issue. If the governance issue was so important to all of you, why did you not vote for this legislation when it left the House of Representatives and had the governance issue in it? You voted "no," and now you stand there saying governance is such a big issue.

I think all of us realize, and I do not want to belabor the issue, all of us realize what the needs are on the road and bridge program in this Commonwealth as well as what the needs are in transit. Four hundred and ten million people rode transit last year in this Commonwealth – 410 million. Forty-four percent of them used transit for work. They were persons with disabilities. Forty-four percent of them used transit solely for going to and from work. In the urban settings of this Commonwealth, 57 percent of the people used transit for work, and in the rural settings, which is an interesting number, 30 percent. The number one use in rural settings is for medical appointments.

What we were buying in 1997, the last time we did a gas tax, what we bought for \$1 costs us \$2 today. Inflation is crippling our program. It is eating away at our roads and bridges. We cannot keep up the pace with transit. Just look at some of the numbers on what PENNDOT spends – \$20 million a year just to paint the lines in the Commonwealth; \$20 million just for paint. It was 10 cents in 1997; it is 25 cents a linear foot. Structural concrete, \$683 a cubic yard; it was \$400 back in 1997 – \$683 a cubic yard just for concrete. Fabricated structural steel, \$1.75 a pound; it was 90 cents a pound back in 1997. And the list goes on and on, from reinforcement bars to aggregate to everything else under the sun.

But let me tell you what is not in this bill, and I think it is very important. As I said, our hand was out for the last 3 years asking you to give us a solution to this problem, but let me tell you what is not in here. There is no sale of the Pennsylvania Turnpike; it is going to stay a Commonwealth asset. There is no oil tax in this legislation. There is no gas tax. And you know, just the gas tax alone, if we had to raise the gas tax alone to pay for the program that we have in front of you, 15 cents addition on the gas tax. How many of you would be willing to do that? I know certainly I was not willing to do that 15-cent gas tax with gas at \$3 a gallon. That is not in this legislation. No registration fees in this legislation – and I think I should get applause out of this – and no flexing of any Federal dollars from the administration.

Mr. Speaker, this legislation before us will solve a significant problem that we have in our transportation system and our infrastructure system. If we do not pass and do not concur on HB 1590, remember, there will be a \$400 million hole in our budget because we did something that all of the stakeholders across this Commonwealth asked us to do. They asked for a dedicated funding source that grows with inflation. That is what this legislation does. This legislation moves that revenue off of the budget, puts that money into a dedicated funding source that grows with inflation, ties it to the sales and use tax that grows with inflation, and takes care of the number one concern that transit had in adopting this legislation – to come up with a dedicated funding source for transit. We did that in this legislation.

We fully fund persons with disabilities. We had a pilot program that provided transportation assistance for persons with disabilities. This legislation ensures that every person in this Commonwealth with a disability will have access to transportation in the districts that they live and the counties that

they live in. We changed the funding formula in this system, and for the first time the class 3 and the class 4 and the class 5 systems in this Commonwealth will get extra money, money that they did not have before, all dramatic increases to run their systems. Money for local bridges and money for our local roads and highways, \$332 million: a \$30 million increase for local roads, \$5 million for our county bridge program. It is the first time they have had an increase in that line item since 1929.

So we are addressing all of those, all of those issues, Mr. Speaker, and I would submit to all of you, no, this is not a perfect piece of legislation, but it was the one piece of legislation that we thought that we would get cooperation with and be able to pass it, both in the House and the Senate, and get a signature by the Governor. We are serious about doing our job, we are serious about leading this Commonwealth in the right direction, and I think a vote for 1590 will show that we are leaders in the transportation field.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. Representative Evans.

Mr. D. EVANS. Just imagine, just imagine what Pennsylvania will look like 25 years from now. I know that we sometimes get into these regional territory debates, and I was listening a few minutes ago about someone talking about that this is a Philadelphia and a Pittsburgh issue, and I thought to myself, I said, "Self, self," I said, "although we may have come over here on different boats," I said to myself, "we are all in the same boat now," and that boat is Pennsylvania. And sometimes I think we lose focus. Sometimes I think we have no idea of looking towards the future of what we exactly want Pennsylvania to look like 25 years from now. The words that we express today, when people look back and they read in the Journals that we have today about these debates, they will begin to really wonder, are we really thinking about the future? Are we really concerned about how we move Pennsylvania forward?

There is no question that Pennsylvania has had a great history, and we can learn a lot from the history. If we know and understand anything about the history, we are doomed to fail if we do not look forward. Representative Keith McCall did an excellent job in describing— You can give him a better hand than that. Representative Keith McCall did an excellent job in describing to all of us what this bill will mean to Pennsylvanians. This bill is not just about today, but it is about tomorrow. We need to begin to use our imagination a lot more. We need to begin to fully understand where we want Pennsylvania to move in the future, and in order for Pennsylvania to move in the future, we have got to begin to make some investments. We have to understand that the investments we make today will have a lot to say about tomorrow, but we sometimes lose that focus. We lose that focus from the standpoint of a Republican Party, a Democratic Party, an urban party, a Black party, a White party, a liberal party, a conservative party. But you know, there is not an election going on. We are Pennsylvanians. We need to understand that we have to have a different view in how we move this State forward, and moving this State forward means investing in our infrastructure. Moving this State forward means beginning to think differently. We can no longer, in my view, think like we have thought in the past. We have to begin to understand that there is a new day,

that we are in the 21st century. Transportation, roads, and bridges are a part of our future. We have to understand like we have never before, that we have got to find a way to raise to another level.

Now, I understand, you know, we have got our little differences and all this stuff, but when we look back, those little differences are very small. We have got to begin to figure out how we make this a better State. I do not question anybody's intent about this particular bill, but this is what I want you to understand. There is no question that we have got to do something for the future. There is no question that we have got to move this State forward. This bill is an opportunity to move this State forward.

So this is what I need to ask you: Are you prepared to begin to move Pennsylvania forward? Are you prepared to make this a better future? And if you are prepared to make this a better future, then you have got to be willing to invest in Pennsylvania. You have got to begin to understand that Pennsylvania is the place you want to make investments. If we want this to be a better place for our kids and our children and our grandkids, we have got to make an investment. So I am saying to you, join me, join me, join me in moving Pennsylvania forward. So I am asking you, I am asking you, no matter what your party is, no matter what your religion is, no matter what your philosophy is, I am asking you to make Pennsylvania a better place.

Vote for concurrence. Thank you.

The SPEAKER. Are there any other members seeking recognition?

The Chair recognizes the prime sponsor, Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Just in case any of you did not recognize him, that was Denzel Washington that just spoke there.

You know, there is an old saying I learned a long time ago. When anybody around here gets up and says "I'll be brief," you know it is going to be long, so I will not say that.

Keith mentioned my staff, and I certainly want to thank all of them. But 8 months ago in December I got a call from Keith and Bill and Dwight, and they asked me to be the chairman of the Transportation Committee, and at that time I was very, very pleased to accept that. It is a chairmanship that I have wanted and sought really throughout my career. I spent 15 years on the Transportation Committee. I also knew that we had some severe problems, and I was handed the Transportation Funding and Reform Commission report, and I almost gave the chairmanship back after I read that report, it was so sobering, but then I decided, you know, this is a challenge. What better time to be the chairman of this committee?

We have huge challenges facing us, and I was asked to be here for a reason. And I can recall on the very first session day when we had our first organizational meeting with our Transportation Committee, we took them in the back of the room there just to get organized and introduce ourselves, and I remember saying, handing out that Transportation Funding report and asking each one of them to read it and become familiar with it, and I said, you are going to see the very, very severe problems that we have, but we are going to find a solution; we are going to find a solution. In my mind that day, I had no doubt that we would do that. I was not sure what it would look like, I was not sure how tough or difficult it may be, but I decided then and I think my committee decided then that,

yes, we would have that hope, we would have that goal, and we would find a solution.

I want to also thank the committee, as I mentioned, both the Democrats and the Republicans, and I would be very, very remiss without mentioning my cohort, cochairman, if you will, Rick Geist, and his wonderful staff that we have worked very well with, as well as the chairmen over in the Senate, Senator Madigan and Senator Stout, and their wonderful staffs over there. We have come a long way with this. I think it is time that we vote it up or down. I certainly would like you to support it, and let me just say that I was asked to lead. Part of being a chairman is to show leadership; I think we have done that. We are here. It is time. Please support HB 1590.

Thank you very much.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—124

Adolph	George	McI. Smith	Seip
Barrar	Gerber	Melio	Shapiro
Bennington	Gergely	Mensch	Shimkus
Beyer	Gibbons	Micozzie	Siptroth
Bianucci	Godshall	Milne	Smith, K.
Bishop	Goodman	Moyer	Smith, M.
Blackwell	Grucela	Mundy	Solobay
Brennan	Haluska	Murt	Staback
Buxton	Harhai	Myers	Steil
Caltagirone	Harkins	O'Brien, M.	Sturla
Cappelli	Harper	O'Neill	Surra
Carroll	Hess	Oliver	Tangretti
Casorio	Hornaman	Pallone	Taylor, J.
Civera	James	Parker	Taylor, R.
Cohen	Josephs	Pashinski	Thomas
Costa	Keller, W.	Payton	Vereb
Cruz	Kessler	Perzel	Vitali
Curry	Killion	Petri	Walko
Daley	King	Petrone	Wansacz
DeLuca	Kirkland	Preston	Waters
DePasquale	Kortz	Quigley	Watson
Dermody	Kotik	Quinn	Wheatley
DeWeese	Kula	Ramaley	White
DiGirolamo	Leach	Raymond	Williams
Donatucci	Lentz	Readshaw	Wojnaroski
Eachus	Levdansky	Roebuck	Yewcic
Evans, D.	Mahoney	Rubley	Youngblood
Evans, J.	Manderino	Sabatina	Yudichak
Fabrizio	Mann	Sainato	
Frankel	Markosek	Samuelson	O'Brien, D.,
Freeman	McCall	Santoni	Speaker
Galloway	McGeehan		

NAYS—79

Argall	Fleck	Major	Reed
Baker	Gabig	Mantz	Reichley
Bastian	Geist	Marshall	Roae
Bear	Gillespie	Marsico	Rock
Belfanti	Gingrich	McIlhattan	Rohrer
Benninghoff	Grell	Metcalfe	Ross
Boback	Hanna	Millard	Saylor
Boyd	Harhart	Miller	Scavello
Brooks	Harris	Moul	Schroder
Causar	Helm	Mustio	Smith, S.
Clymer	Hennessey	Nailor	Sonney
Conklin	Hershey	Nickol	Stairs

Cox	Hickernell	Payne	Stern
Creighton	Hutchinson	Peifer	Stevenson
Cutler	Kauffman	Perry	Swanger
Dally	Keller, M.	Petrarca	True
Denlinger	Kenney	Phillips	Turzai
Ellis	Longietti	Pickett	Vulakovich
Everett	Mackereth	Pyle	Wagner
Fairchild	Maher	Rapp	

NOT VOTING—0

EXCUSED—0

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.

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 1590, PN 2342

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for minority and women-owned business participation; authorizing local taxation for public transportation assistance; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; consolidating the Turnpike Organization, Extension and Toll Road Conversion Act; providing for Turnpike Commission standards of conduct; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80, for application, for lease of Interstate 80, for payments, for other interstate highways, for fund distribution, for impact, for financial plan and for nonperformance; in taxes for highway maintenance and construction, providing for definitions; further providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; and making related repeals.

SB 798, PN 923

An Act providing for the capital budget for the fiscal year 2007-2008.

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

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1631, PN 2345**, entitled:

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Wheatley, who makes a motion to suspend the rules for the purpose of offering amendment A03154, which the clerk will read.

The clerk read the following amendment No. **A03154**:

Amend Sec. 7, page 46, line 8, by striking out "SOLE AND EXCLUSIVE REQUIREMENTS" and inserting
basis

Amend Sec 7, page 46, line 10, by inserting after "3(2)(I)(D)."
In addition, Governor's Executive Order 1004-6 and the Minority Business Enterprise and Women's Business Enterprise program under the Department of General Services (MBE/WBE) shall be applicable in the bidding and contract awarding stages.

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

The SPEAKER. The gentleman will give a brief explanation on the motion to suspend.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, if I am in order— Actually, I want to withdraw my amendment, but before I withdraw it, I want to just talk about the purposes for what I wanted to do with the amendment and the reason for me withdrawing the amendment.

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

Mr. WHEATLEY. As we all know, Mr. Speaker, there has been much conversation, much debate, about making sure all Pennsylvanians benefit from the investments that we are making as a Commonwealth. This amendment was targeted in the investment in Allegheny County with the capital fund bill around the creation and development of a multiuse arena, and I wanted to make sure language was included in there that would ensure diverse groups of people were going to be able to access jobs and contracts as that facility was going to be created and as it was going to continue to be in place. So I wanted to have language, similar to the language we have with our State contracts here, placed in any contracts that will go out or any bidding process that will go out for the construction of that new arena.

However, on conversations that I have had with both State officials as well as county officials in this process, I am assured and believe that the things that we have in place in the local area as well as with the oversight that the State will have, we will make sure that that inclusion happens.

MOTION WITHDRAWN

Mr. WHEATLEY. So I am withdrawing my amendment so that members do not have to hear hours and hours of debate on this subject and we can get right to the matter at hand.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

MOTION TO SUSPEND RULES

The SPEAKER. For what purpose does the gentleman, Representative Pallone, rise?

Mr. PALLONE. Thank you, Mr. Speaker.

I just rise to make a motion to revert to a prior printer's number, 2150.

The SPEAKER. The gentleman would have to make a motion to suspend the rules.

Mr. PALLONE. I would move to suspend the rules to be able to revert to prior printer's number 2150.

The SPEAKER. The gentleman moves to suspend the rules to revert to prior printer's number 2150.

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

The SPEAKER. On the motion, the Chair recognizes Representative Evans.

Mr. D. EVANS. Mr. Speaker, the gentleman is an excellent person within this House, but I am afraid we will have to differ with him—

The SPEAKER. Could the Chair ask the gentleman to speak more directly into the microphone?

Mr. D. EVANS. The gentleman is a great person in this House who is making this motion, but I am afraid we will have to differ with him and not be supportive of his motion to suspend the rules. So I would ask for a "no" on the suspension of the rules.

PARLIAMENTARY INQUIRY

The SPEAKER. Does the gentleman, Representative Dally, seek recognition on the motion?

Mr. DALLY. Yes, Mr. Speaker. A parliamentary inquiry.

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

The Chair will inform the members, this motion is not debatable by the members. The gentleman is in order.

Mr. DALLY. If this suspension were to succeed and we reverted to the prior printer's number that the gentleman is suggesting we revert to, would that be the same bill that the Senate had already passed?

The SPEAKER. The House will be at ease while we check that.

That would not be correct. This is the version that the House sent over to the Senate.

Mr. DALLY. Okay. Then just a further question, Mr. Speaker.

So then if we revert to the prior printer's number and ultimately that is successful and then that prior printer's number bill passes, it then has to go back to the Senate. Is that correct?

The SPEAKER. The gentleman is correct.

Mr. DALLY. All right. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—76

Adolph	Galloway	Mensch	Rohrer
Benninghoff	Gergely	Metcalfe	Rubley
Beyer	Gillespie	Micozzie	Sainato
Boback	Gingrich	Millard	Samuelson
Brennan	Godshall	Milne	Saylor
Brooks	Goodman	Mustio	Schroder
Cappelli	Grucela	Nailor	Solobay
Casorio	Haluska	O'Neill	Sonney
Causer	Hanna	Pallone	Stevenson
Civera	Harhart	Payne	Swanger
Cox	Harper	Peifer	True
Creighton	Helm	Petrarca	Turzai
Cruz	Hutchinson	Petri	Vulakovich
Dally	Kauffman	Pyle	Wansacz
Eachus	Longietti	Quinn	Watson
Ellis	Maher	Rapp	Wheatley
Everett	Marshall	Readshaw	White
Freeman	Marsico	Reed	Yewcic
Gabig	McIlhattan	Reichley	Yudichak

NAYS—127

Argall	Frankel	Manderino	Ross
Baker	Geist	Mann	Sabatina
Barrar	George	Mantz	Santoni
Bastian	Gerber	Markosek	Scavello
Bear	Gibbons	McCall	Seip
Belfanti	Grell	McGeehan	Shapiro
Bennington	Harhai	McI. Smith	Shimkus
Bianucci	Harkins	Melio	Siptroth
Bishop	Harris	Miller	Smith, K.
Blackwell	Hennessey	Moul	Smith, M.
Boyd	Hershey	Moyer	Smith, S.
Buxton	Hess	Mundy	Staback
Caltagirone	Hickernell	Murt	Stairs
Carroll	Hornaman	Myers	Steil
Clymer	James	Nickol	Stern
Cohen	Josephs	O'Brien, M.	Sturla
Conklin	Keller, M.	Oliver	Surra
Costa	Keller, W.	Parker	Tangretti
Curry	Kenney	Pashinski	Taylor, J.
Cutler	Kessler	Payton	Taylor, R.
Daley	Killion	Perry	Thomas
DeLuca	King	Perzel	Vereb
Denlinger	Kirkland	Petrone	Vitali
DePasquale	Kortz	Phillips	Wagner
Dermody	Kotik	Pickett	Walko
DeWeese	Kula	Preston	Waters
DiGirolo	Leach	Quigley	Williams
Donatucci	Lentz	Ramaley	Wojnaroski
Evans, D.	Levdansky	Raymond	Youngblood
Evans, J.	Mackereth	Roae	
Fabrizio	Mahoney	Rock	O'Brien, D., Speaker
Fairchild	Major	Roebuck	
Fleck			

NOT VOTING—0

EXCUSED—0

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

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

The SPEAKER. On concurrence, the Chair recognizes Representative Eachus.

Mr. EACHUS. Mr. Speaker, I have been here for six terms and I have supported many capital budgets, but this is the first time we all have an opportunity to talk here publicly about what the gaming capital budget means for Pennsylvania.

This creates, this vehicle under Act 71, and taxpayers should know this, we keep the reserve fund for property taxes safe and sound, but we set aside 5 percent that the money is being used here for investment for Pennsylvania's future, and that money can be used without a match so that it can make investments in places, in this case, like Pittsburgh and Philadelphia, but in the future like Hazleton and all over the Commonwealth. As a leader on this side of the aisle and the Policy Committee chairman and somebody who represents a small town in northeastern Pennsylvania, Hazleton, in this project on page 21 you are going to see a project, an international cargo airport, and you are going to see a number that looks extraordinary, but the project itself is a half-a-billion-dollar construction project on the location. The land is secure, and the Federal Aviation Administration has guaranteed airspace so that planes and jets can fly in and out of that location. The site itself will create 5,000 direct jobs on the site—

The SPEAKER. The gentleman will suspend.

For what purpose does the gentleman, Representative Pallone, rise?

Mr. PALLONE. Thank you, Mr. Speaker.

I thought we were on concurrence, and I do not believe anything in this bill even mentions an airport other than the Pittsburgh airport. I would just admonish the—

The SPEAKER. If the gentleman will—

Mr. PALLONE. We have been advised and admonished from the Speaker's rostrum—

The SPEAKER. If the gentleman will suspend.

Mr. PALLONE. Thank you.

The SPEAKER. The members are advised that the debate on concurrence is limited to the differences between the House and Senate versions.

PARLIAMENTARY INQUIRY

Mr. EACHUS. Mr. Speaker, a point of parliamentary inquiry.

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

Mr. EACHUS. Mr. Speaker, this is a significant difference between the Senate and House versions. As a matter of fact, we just finished the transportation discussion, and with the new rule changes that were made with the Speaker's Commission, the ability to speak on what was in this House bill connected to the changes that the Senate made are now in order.

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

Mr. EACHUS. Am I correct in the rules?

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

Mr. EACHUS. Thank you, out of respect for the gentleman from Westmoreland.

Let me say to you that a project of this magnitude has never come to northeastern Pennsylvania. As I said, 5,000 direct jobs on this location, 150,000 indirect jobs estimated over the course of the next decade. What this means to the citizens of the small patch towns in the anthracite region is exactly the same thing that this opportunity means to the cities of Pittsburgh and Philadelphia that we fund today.

But let me say this, that the gaming RCAP guarantees that this project money in the future will be guaranteed for other places, and those projects that are funded today will not be eligible in the next round. That is why this new resource under this proposal is so essential to projects that are real, like this.

Now, I do not know how many projects on this list or in the other RCAP bill actually create 4500 to 5,000 direct jobs for this Commonwealth, but let me say, I think it is cynical when the Senate strikes language that guarantees opportunity, wage growth, and job growth for regions of Pennsylvania. And let me say this: Today I am going to advance the cause. I am going to vote for this bill, but with the guarantee that projects across this Commonwealth like Luzerne County and Huntingdon and Jefferson and Erie and the like are funded equally and weighted equally, because the people across this Commonwealth look to us and these investments to guarantee the future.

I will vote for this today and I will hold my nose, and I think a lot of us need to do that, but this opportunity, this gaming RCAP, means opportunity for all of us. Thank you, Mr. Speaker.

The SPEAKER. Representative Maher, on concurrence.

Mr. MAHER. Thank you, Mr. Speaker, and I will stick to discussing the text of the amendment inserted by the Senate, and I would point my colleagues to a very important change that is on page 46, lines 5 through 10. It does not take much space, but it has got dramatic effect: "BIDDING.—NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE REQUIREMENTS OF SECTION 318 OF THE ACT OF FEBRUARY 9, 1999...KNOWN AS THE CAPITAL FACILITIES DEBT ENABLING ACT, SHALL PROVIDE THE SOLE AND EXCLUSIVE REQUIREMENTS FOR BIDDING FOR THE ACQUISITION, DEVELOPMENT CONSTRUCTION OF THE PROJECT IN SECTION 3(2)(I)(D)."

Now, that is clear as mud, so I will help you peel the onion. The project that is being discussed there is the arena in Pittsburgh. The bidding rule, the sole and exclusive rule for bidding, will be that three bids be received. The low bid need not be accepted. The bids need not be sealed. If a bid is open and you want to go make a deal with your friend, you can do that. If somebody offers to sell you steel at one price and someone offers to sell you steel at a higher price, you can buy it using public dollars from the guy selling it at the higher price. These five lines are an invitation to corruption, an absolute invitation that all the safeguards on public money that normally attach to spending a quarter billion dollars are out the window. They are all out the window.

My friend, the gentleman from Allegheny, had an amendment that would have addressed providing for at least the DBE (disadvantaged business enterprise) provisions, providing at least MBE (minority business enterprise)/WBE (women business enterprise), but DBE/MBE/WBE is out the window — out the window. Now, do you remember anybody asking you about this? Do you remember anybody discussing this in the public eye, that for this quarter billion dollars, no bidding requirements should be involved, no purchasing requirements should be involved? It should be a free-for-all, and it does not even have to happen in the sunlight, because all bidding requirements are eliminated — all — "NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY."

Now, why is this a good idea? Why could this possibly be a good idea? I hope somebody can explain why that is a good idea, because I can only imagine why that would be a bad idea.

Now, of course this pertains to the famous arena which is provided for in the Senate amendment, and I remembered the headlines back when the arena deal was struck and the Governor announcing breathlessly that no new legislation was needed, that it was all good dollars that already had been authorized. Now, you may remember there were some folks that offered to build an arena at no cost to the public. The Governor had a better idea; he said, let us spend a quarter billion of public money. But then he announced he already had that quarter billion, he did not need legislation for it, so I ask you, why do we even have this legislation today? Why do we even have legislation that is providing a quarter billion dollars for this arena if we did not need the legislation? Could it be that the need for the legislation is to open up the Wild Wild West on the purchasing, to remove all safeguards on the public dollars? Or could it be that this is mere window-dressing for what this bill is really all about, \$880 million for one building in Philadelphia?

Now, this effectively, the Senate amendment language effectively amends Act 71, which created gaming. You may remember, that was to be about property tax relief. Years have gone by; there has been zero property tax relief. The projections are that when it gets here in the first year, it may amount to in the neighborhood of \$600 or \$700 million in total for every homeowner in Pennsylvania. But the Governor thinks it is more important to put money into one building in Philadelphia out of the slots tax than the sum total of property tax relief for every home in the entire State. I disagree with that, and I wish that the Senate amendment, instead of picking the pockets of the public, had put this money into property tax relief funds. But of course, I did not have much hope of that. After all, Mr. Speaker, last evening, members of this chamber voted for the casino tax relief fund, taking money from the Property Tax Relief Fund to relieve the burden of taxes on casinos. So Act 71 and its promises of tax relief once again gets whittled away, whittled away so the Pennsylvania homeowners can see their dollars plopped into a single building in Philadelphia and delivered without public safeguards to whoever happens to be friends on the inside for the arena.

It is a terrible, terrible state of affairs, and I hope you will join me in rejecting the Senate amendment.

The SPEAKER. Representative Clymer. The gentleman waives off.

Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Would the chairman of I guess the Appropriations Committee stand for interrogation?

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

Mr. PALLONE. Thank you, Mr. Speaker.

The Pennsylvania Gaming Economic Development Tourism Fund, that is generated or created from what revenue source?

Mr. D. EVANS. Mr. Speaker, this is something that was designed in 2004 with 5 percent from the slot machines. It is a daily assessment.

Mr. PALLONE. Does that fund carry a balance, a current balance, today?

Mr. D. EVANS. Yes, Mr. Speaker – \$25 million.

Mr. PALLONE. That source would be from the five casinos that are currently open, correct?

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

Mr. PALLONE. There are an additional – what? – seven or eight casinos that have been authorized. If they open and when they come online, would those funds be directed to some of the projects that have been eliminated in the amendment, or would they be directed to just the projects that are identified in this bill today?

Mr. D. EVANS. Mr. Speaker, they would be, they could be directed, could and would, Mr. Speaker, be directed to projects outside of the two additional projects that are in this particular proposal.

Mr. PALLONE. Are we as a body restricted in offering any additional projects under this fund at any time in the future?

Mr. D. EVANS. Mr. Speaker, no. You will have the opportunity to offer additional amendments. As you and I know, think of it as a capital bill that we put together, and then everybody gets the opportunity to offer.

I want to be clear, Mr. Speaker, it was not my preference for this to be conducted this way. Ideally, Mr. Speaker, I agreed with the concept that every member should be able to offer it. I agreed with that concept, if you recall. As a safeguard, Mr. Speaker, you may recall what we did is in addition to allowing members to put members in this particular proposal, we also did a project-based bill on the capital redevelopment bill.

So, Mr. Speaker, I do agree that every member in this House, Democrat or Republican, should have that opportunity. Mr. Speaker, it got down to a negotiating issue, and you may recall, the issue that was raised, Mr. Speaker, particularly by the other body, was the issue that we were just adding additional projects to the bill and they had no way of being selected. I disagreed with that. I thought we should have done this. So I want you to be clear, I do not disagree with you, Mr. Speaker, but unfortunately, because the other body has left until September, it is important that these projects get done. So I want you to be clear, I am on your side.

Mr. PALLONE. All right. Thank you, Mr. Speaker.

Just so I am clear in deciphering the explanation that you gave, that under this current bill as it stands today, we are not as a body stopped from offering any other projects in any future bills or amendments or annual allocations or anything like that, and in fact, as we bring additional casinos online, additional revenues will ultimately become available, and it would be most likely the time that we would maybe visit adding additional projects to the list, correct?

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

Mr. PALLONE. And this does not in any other way affect any other capital bill or any other funding stream that we may have offered, other projects for consideration; this is restricted specifically to the Pennsylvania Gaming Economic Development Tourism Fund, correct?

Mr. D. EVANS. Correct, Mr. Speaker; no question about what you just expressed.

Mr. PALLONE. Thank you, Mr. Speaker.

On the bill.

The SPEAKER. On concurrence, the Chair recognizes Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Based on the explanation from the chairman from Philadelphia, while I agree with my colleague,

Representative Eachus, that some of this bill stinks a little bit, we certainly do not like it, but based on the explanation that we just got from the chairman of the Appropriations Committee, I can support the concept that based on our future ability to be able to amend and include other programs and other projects as the other casinos and additional revenues come online, I think I can stand in support of this legislation for the mere fact that it is a regional approach on the two ends of the State, both in Philadelphia and Allegheny Counties, and when we look at the regional projects and the regional economic development and the regional economic growth that we will enjoy, particularly and specifically in southwestern Pennsylvania, as a result of some of the projects that have been identified here, I think we can lend our support to that and look at a full growth throughout the Commonwealth so long as we support our major cities and make the entire Commonwealth enjoy all the benefits thereon.

So thank you, Mr. Speaker, and I would ask for your support.

The SPEAKER. On concurrence, the Chair recognizes Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask my colleagues on both sides of the aisle to consider and support a concurrence vote on 1631, and I say that in all sincerity, because I think, I know, that it is necessary to have this type of convention center here in the Commonwealth. Not one dime for expansion will come from the Pennsylvania taxpayers – not one dime. All the money will be taken out from the fund derived by the gambling. Not one dime of taxpayers' money will be spent for the expansion of the Pennsylvania Convention Center. Once the Pennsylvania Convention Center is completed, this project will generate over \$1 billion a year – \$1 billion a year. Nineteen thousand jobs annually, either directly or indirectly, will come about as a result of the expansion of the Pennsylvania Convention Center.

We talk about the allocation, and I know that is a problem for a lot of colleagues, but if you really think about it, the southeast region will get about 33 percent of these funds and the southwest region will receive 31 percent, leaving 37 percent of the balance of the funds for all the other regions in the Commonwealth. When this bill left the House, we had a project in Delaware County for some volunteer fire companies. I, too, like other speakers, was disappointed that that project is not in this, but I realized how important it is to have the type of convention center necessary for a metropolitan area such as Philadelphia.

I hope we can put our regional differences behind, put our political differences behind, and support a concurrence vote for HB 1631. Thank you.

The SPEAKER. On concurrence, the Chair recognizes Representative Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

Mr. Speaker, I am rising to speak on concurrence, because in this bill there are some very significant sources of revenue that, if we pass this on to the Governor and he signs it, will be infused not only in Allegheny County, in the city of Pittsburgh, but there is one particular investment in this bill that would have tremendous ramifications on my particular district.

And, Mr. Speaker, I guess I should back up and thank the members of this chamber when we passed the original bill in that we had some significant assurances in investment dollars that would have made sure a community that for years has been underserved, underdeveloped, and primarily because of

policymakers and policy decision has been amputated and its future put in peril. Mr. Speaker, I am speaking today about our investment in the multipurpose arena, and, Mr. Speaker, its associated ramifications to a neighborhood that I represent called the Hill District.

Now, to many members in this chamber, the Hill District may not mean much to them, but the Hill District, which is even today, in my mind, a shining jewel, was at one point considered the crossroads of the world – the crossroads of the world. It was framed that way by a Harlem Renaissance poet named Claude McKay because of all of the cultural attractions and interaction of the diverse populations of people that transpired there. It was considered in Pennsylvania the equivalency to Harlem in New York. It was a shining example of a neighborhood that had all cross-sections of people enjoying the benefits of that neighborhood. And then because of great wisdom on some parts of policymakers, in the middle 1950s they decided that that neighborhood needed to be transformed. They needed to have a civic light opera put there so everyone could enjoy it, at the expense of 8,000 individuals, 1400 households, 415 businesses destroyed, wiped out – I say that again; destroyed, wiped out – to create an arena, an arena that will be the enjoyment of people who enjoy the arts.

Now, I am appreciative of the arts and I support a good play or two, but I am not a supporter of destroying neighborhoods, and when they did that, there was a promise associated with that: We are going to make this neighborhood better. We are going to invest in this neighborhood and make sure this neighborhood connects downtown to our other vital parts of this city. And since 1955, since 1955, this neighborhood has been waiting for that fulfillment.

Now, let me tell you, I heard my good friend from Allegheny County talk earlier about the fact that when we had the opportunity to have a new arena paid for by a private entity, we chose not to do that. Well, this community, many in this community stood up and said they did not want a gaming facility in their neighborhood. They did not want a gaming facility in their neighborhood because we are already dealing with a whole bunch of other social situations. But what they did say is, they wanted to have their promises that were made to the neighborhood fulfilled.

Now, why this is so personal to me and why I am standing here today and taking some of your time today, because I think it is important that you realize how vitally important, when we do this, how vitally important it is for us not to forget that there are real lives, real people who are dependent upon us to do the right thing when we do these types of things.

Recently there was a report put out, some of the poorest, some of the poorest Black people in this country, some of the poorest Black people in this country live in the city of Pittsburgh. Now, I am going to say that again, because when we talk about economic development, we are talking about jobs coming into this Commonwealth, and we heard that transportation was about economic development and jobs, and we are now talking about an investment of 600 and more millions of dollars over a 10-year period. We are talking about some of the poorest, poorest Black people in this country living in the city of Pittsburgh, and when you talk about unemployment, when you talk about unemployment, especially in this neighborhood but all throughout the city of Pittsburgh as it relates to African-Americans, it is at crises proportions. When we talk about crime and enforcement, law enforcement,

when you talk about education, you look at the life social conditions of the people, African-Americans, in the city of Pittsburgh, you are looking at some alarming statistics.

So I say that to say that this means a great deal to me, and in the bill we passed, in the bill we passed originally, we tried to at least rectify some of those past promises. We tried to at least say that the State believes in corporate welfare. If we believe in funding billionaires to have their play things, then we should at least put money into their play things that makes sure real development happens for communities that are around those play things, so that we are not just talking about promises but we are talking about reality for folk. We should at least put some requirements around if we are going to give you this type of money, that you should at least have some responsibility to be good corporate citizens to the people who are your neighbors.

Now, I am saying this to say to you all, I am like Todd Eachus. I stand up here and I am very upset with what the Senate sent back over here. I am very upset with the fact that we are sending a whole bunch of unspecified dollars down to Allegheny County and the city of Pittsburgh, and for me at least, we are not asking much back in return. I am very upset with that. But what I have learned in my 5 years here is that you cannot get everything you want, and although this is, in my opinion, this is not the best piece of legislation, it has some important things for all of Pennsylvanians in it.

I would be derelict in my duties as a State Representative because I do not just represent the Hill District, I represent the State's best interest, and although I am very passionate about this issue and about making sure the people whom I represent are taken care of, I am more passionate that we do the right thing for this Commonwealth. Now, I am going to keep saying that because you may not hear me today, but you will hear me say the same thing when we come back. I am on a mission. I was on this mission if you were part of the Appropriations Committee as we did our hearings. I am on a mission. I am on a mission to make sure African-Americans and people of color in this Commonwealth get their fair and just due.

The SPEAKER. The gentleman will suspend. The Chair will caution the gentleman to speak on the issue of concurrence.

Mr. WHEATLEY. In this bill, in this bill African-Americans and people of color are not getting their fair share and their just due, and we can talk—

The SPEAKER. The gentleman will suspend.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Metcalfe, rise?

Mr. METCALFE. A point of order.

Mr. Speaker, you said that the debate should focus on the differences between the way it left the House and returned from the Senate.

The SPEAKER. The gentleman is correct. The Chair will remind all members to confine their remarks to the differences between the Senate and the House on concurrence.

The Chair recognizes Representative Wheatley.

Mr. WHEATLEY. Well, Mr. Speaker, if the gentleman would have read the bill that we sent over from the House, he would know that I am speaking on that, because in that bill

we had, as a tagalong to the \$7.5 million that we put towards the new multipurpose arena, an investment of \$500,000 to go to a predominantly African-American community to try to get them some fairness in the fact that we are about to fund over \$200 million for a sports arena, and on top of that, we are going to give them 15 more million dollars to buy property that used to be the communities but now will be theirs, that we gave them the rights to, that they did not have to pay us for. They did not pay the city or the county for that. They are going to get that for free; corporate welfare. And then on top of that, we are going to give them \$2 million so that they can market their new arena.

Now, tell me, tell me, does that sound to be fair? Is that good public policy? But I know, I know like anybody else knows around this Capitol, there is no way we are willing to let the threat of one of our sports teams leave here, so we are going to do whatever we need to do to keep them here. I am no fool. The Penguins mean some great things for our region, and I do not want to see them leave. So I am going to support the concurrence. I am going to support the concurrence, but I wanted to get my, I wanted to get my say on record, because no matter what we do here, if we do not start to impact the real lives of people and do real things for people, all people of this Commonwealth, I will be failing in my duties, and I believe we all will be failing as a House in our duties. We have an obligation to make sure all of our citizenry benefits when we do things like this, and I do understand when I say we want fairness and justice and stuff like this.

The reason I stripped my amendment out was because I did not want you to have to be put into 3 hours of debating around if it is fair or not fair for us to have an amendment that forces them to have minorities as part of their proposals. Now, I think that is good policy, but I am willing to believe, I am willing to believe that my county and the State oversight will ensure that you have diversity and inclusion. I am willing to believe that. I am putting it on record. If it is not there, I am going to be talking about it when it is not there, but I am willing to give them a chance.

All I am asking is that you give us a chance, you give Pennsylvanians a chance. The Pennsylvanians who want to work, you make it so that they cannot go to work on these projects. If they cannot go to work because we put laws into place to block them from going to work, that is our fault. If we cannot reinvest in our communities because you do not give us the resources we need, that is our fault; that is not those communities' fault. All I am saying to you today, and I am sorry I took a long time on this issue, but I have said it all along, I have said it all along, these are millions upon millions of dollars that we are about to infuse into cities in this Commonwealth. We need to make sure everyone benefits when these dollars come in from work, from contracting, and from the development that happens.

I thank you in this chamber, because I am not preaching to you and thinking that you do not understand these issues, but I would be remiss in my role if I did not speak to the people whom I represent and to the people of this Commonwealth and let them know that although I am going to vote to support this bill, I believe that there are millions of dollars that should be invested in communities that are as diverse as we are here in this chamber, and the only way we make that happen is that this chamber and the chamber across the road and the Governor take it on as a priority – take it on as a priority.

So again, Mr. Speaker, I am on a mission, I am on a mission to make sure African-Americans and people of color are included in everything we do in this chamber. Thank you, Mr. Speaker.

The SPEAKER. Representative Kotik.

Mr. KOTIK. Thank you, Mr. Speaker. I will try to be brief and to the point.

I rise today in support of HB 1631, and I do so with a great sense of appreciation for all the support that this Commonwealth has given Pittsburgh International Airport. Some 20 years ago Governor Thornburgh initiated a plan and Governor Casey followed through to promote a new airport for Pittsburgh, and in the last few years, we have undergone some turmoil and problems because of the plight of U.S. Airways, and now the Commonwealth has seen fit to assist our airport in moving past those troubled times by seeking and procuring funds for the paying down of the debt service at the Greater Pittsburgh International Airport, and this has done a lot to promote development in western Pennsylvania and do a lot of good things for the people of Allegheny County as well as Beaver County and many of the surrounding counties.

So it is with great appreciation for the support that this airport has received in the past that I ask for a concurrence on HB 1631. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I do have a recommendation for the speaker from Allegheny who was very passionate and wanted to get some of his projects moving.

Presently the law calls 5 percent of the money from casino gambling to go into this restricted fund for economic development. All he has to do is put in legislation to increase the 5 percent to 7 percent or to 8 percent, and that would drive more money into the Gaming Economic Development Fund that could be used for other projects. The other, the three existing projects that had been mentioned, would then be funded much more quickly, and there would be additional money for other projects. Just a recommendation.

Mr. Speaker, I do have to rise and say that there is a cost to this program. To say that it will not cost the taxpayers any money, and it is my very good friends that have stood up and mentioned this, but, Mr. Speaker, I have sent out on many occasions the academic works of John Kindt, professor of the University of Illinois; Professor Bill Thompson, Las Vegas, Nevada; Professor Bob Goodman, University of Massachusetts, to name a few, who have said that there is a social consequence to casino gambling and that it is the crime, the bankruptcy, the dysfunctional figure—

The SPEAKER. The gentleman will suspend.

Mr. CLYMER. —dysfunctional families. Those are the problems that accrue from this industry.

Yes, Mr. Speaker.

The SPEAKER. The gentleman will be reminded that he has to confine his remarks to the issue of concurrence, the differences between the House and the Senate.

Mr. CLYMER. Yes, Mr. Speaker.

I just wanted to make those comments because I felt they were relative in responding to others that were here making those comments in response.

So, Mr. Speaker, the members will vote as they will on HB 1631, but I wanted to put in that recommendation to that

gentleman from Allegheny County. He should just put in a piece of legislation increasing the 5 percent to 7 percent or 8 percent, whatever he feels is important for him to get his projects.

The SPEAKER. The gentleman will suspend.

Mr. CLYMER. Thank you, Mr. Speaker.

The SPEAKER. Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

May I interrogate the sponsor, please?

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

Mr. MOUL. Thank you.

Mr. Speaker, I am understanding that this money is a 5-percent fund from the gaming revenue. Is that correct? I am a freshman, so bear with me on this.

Mr. D. EVANS. Yes, Mr. Speaker. It is 5 percent of his gross terminal revenue to the fund that was set aside in Act 71 of 2004.

Mr. MOUL. Okay. And would it be fair to say that that 5-percent revenue is actually, that is property of all of the taxpayers in Pennsylvania?

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

Mr. MOUL. Okay. I did just some brief calculations, and if I am not mistaken, all of this, all but \$2 billion that is included in this, which contains \$225 million for a hockey arena, is going to two counties in Pennsylvania. Is that correct?

Mr. D. EVANS. Mr. Speaker, I would not agree with the way your question is framed, and the reason I would not agree with it is because you are only looking at the place they are located. I would indicate to you that they have impact for the entire region; in the southwest case, Washington, Fayette, Greene, if you look at all along the entire southwest. In the southeast I would say you could go up to Lehigh, you could go as far as Scranton. For example, the one that is in Pittsburgh with the Penguins has a direct connection to the northeast, because in the northeast there is an arena where the Penguins play, the Penguins training team plays in the northeast, and there is a connection between up in the area around Luzerne County connected to Pittsburgh.

So I would say to you that it has impact throughout the 67 counties. It may just be placed in two locations, but it has far-reaching implications throughout the 67 counties.

Mr. MOUL. So then, Mr. Speaker, go ahead and tell us how the Representatives in central PA benefit from this money being spent in those two areas of the State?

Mr. D. EVANS. Mr. Speaker—

The SPEAKER. The gentleman will suspend. The Chair will caution the gentleman. That is not a properly framed question. The gentleman should confine his remarks to the issue of concurrence.

Mr. D. EVANS. Mr. Speaker, if we could, it is just the gentleman is new, and I think that he has asked a very— I do not mind responding to his questions, if that is all right, Mr. Speaker?

Mr. Speaker, for example, the Pennsylvania Convention Center – and notice I said "Pennsylvania"; although it is placed in Philadelphia, it says "Pennsylvania" first – is worth \$3.6 billion in Commonwealth tax revenue over 30 years. So what does that mean to people in central Pennsylvania? That means as a result of that revenue coming to the coffers of the Commonwealth of Pennsylvania, when you look at the

distribution of money in terms of education, that means more money that comes from the State puts less pressure on those districts in terms of the property tax.

So with \$3.6 billion coming out of that particular entity, individuals coming in from around the nation come to that location, all kinds of conventions, that is money from that location that goes to Harrisburg. When we do the budget, then that means money that is redistributed in central Pennsylvania. The Penguins' arena is worth \$6.23 million annually to the Commonwealth of Pennsylvania. That again means distribution to people in central Pennsylvania.

So although, although the arena and the convention center may be in one location, the people who use those particular events, dollars do not stay in that location. Those dollars are fluid, and they move to other locations. They just do not say we are going to stay in Philadelphia, we are going to stay in Pittsburgh. Somebody, maybe it is a vendor; maybe somebody does business with those particular— Maybe it is construction; maybe it is something. All of those indicators stir and spur the economy.

Mr. MOUL. Thank you for that, Mr. Speaker, but I do not think we have too many hot dog vendors selling hot dogs in Philadelphia, and judging from what I just saw in the budget that was passed, not one dime rolled back into central PA. So I would tend to disagree with your philosophy there that it rolls back, because we wound up with zero out of this. My mass transit did not get one penny.

The SPEAKER. Has the gentleman concluded his interrogation?

Mr. MOUL. I think I have made my point. Thank you.

And I will be voting against this. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, just a scheduling announcement. We will keep on debating until 6. We will break from 6 till 8:30. We will come back from 8:30 till 11, and we will be in tomorrow.

I misjudged the enthusiasm of my debating colleagues. I thought we would be out of here by midafternoon. I have already missed the Jacktown Fair parade, so my enthusiasms have been refocused on the debate. I am enjoying these colloquies, and that will be a rough adumbration of our evening.

The SPEAKER. Representative Evans.

Mr. DeWEESE. Unless people want to get out of here in a couple hours, of course, I would love to do that.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HB 1631 CONTINUED

The SPEAKER. Representative Evans.

Mr. D. EVANS. Roll it.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—102

Adolph	Gibbons	Melio	Shapiro
Belfanti	Godshall	Micozzie	Shimkus
Bennington	Goodman	Milne	Smith, K.
Bianucci	Harhai	Moyer	Smith, M.
Bishop	Harkins	Mundy	Solobay
Blackwell	Harper	Mustio	Staback
Caltagirone	Hershey	Myers	Steil
Civera	James	O'Brien, M.	Sturla
Cohen	Josephs	O'Neill	Tangretti
Costa	Keller, W.	Oliver	Taylor, J.
Cruz	Kenney	Pallone	Taylor, R.
Curry	Kessler	Parker	Thomas
Daley	Killion	Pashinski	Vitali
DeLuca	Kirkland	Payton	Wagner
DePasquale	Kortz	Perzel	Walko
Dermody	Kotik	Petri	Wansacz
DeWeese	Leach	Petrone	Waters
DiGirolamo	Lentz	Preston	Wheatley
Donatucci	Levdansky	Ramaley	White
Eachus	Manderino	Raymond	Williams
Evans, D.	Mann	Readshaw	Wojnaroski
Fabrizio	Markosek	Roebuck	Youngblood
Frankel	Marshall	Ross	Yudichak
Galloway	McCall	Rubley	
Gerber	McGeehan	Sabatina	O'Brien, D.,
Gergely	McI. Smith	Santoni	Speaker

NAYS—100

Argall	Everett	Longietti	Rapp
Baker	Fairchild	Mackereth	Reed
Barrar	Fleck	Maher	Reichley
Bastian	Freeman	Mahoney	Roae
Bear	Gabig	Major	Rock
Benninghoff	Geist	Mantz	Rohrer
Beyer	George	Marsico	Sainato
Boback	Gillespie	McIlhattan	Samuelson
Boyd	Gingrich	Mensch	Saylor
Brennan	Grell	Metcalfe	Scavello
Brooks	Grucela	Millard	Schroder
Buxton	Haluska	Miller	Seip
Cappelli	Hanna	Moul	Sipthroth
Carroll	Harhart	Murt	Smith, S.
Casorio	Harris	Nailor	Sonney
Causer	Helm	Nickol	Stairs
Clymer	Hennessey	Payne	Stern
Conklin	Hess	Peifer	Stevenson
Cox	Hickernell	Perry	Swanger
Creighton	Hornaman	Petrarca	True
Cutler	Hutchinson	Phillips	Turzai
Dally	Kauffman	Pickett	Vereb
Denlinger	Keller, M.	Pyle	Vulakovich
Ellis	King	Quigley	Watson
Evans, J.	Kula	Quinn	Yewcic

NOT VOTING—1

Surra

EXCUSED—0

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

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 1631, PN 2345

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

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

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 97, PN 1327**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for exclusions, for assessment and for refund; in personal income tax, further providing for operational provisions and for assessment; in corporate net income tax, further providing for assessments; in bank and trust company shares tax, further providing for ascertainment of taxable amount and exclusion of United States obligations; in realty transfer tax, further providing for assessment and notice; providing for a film production tax credit and conferring powers and duties upon the Department of Community and Economic Development and providing for a resource enhancement and protection tax credit; in neighborhood assistance tax credit, further providing for definitions, for tax credit and for grant of tax credit and providing for pass-through entities; in malt beverage tax, further providing for departmental assessment; and providing for powder metallurgy parts.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. The Chair recognizes Representative Vitali.

Mr. VITALI. Just looking for an explanation from someone about the Senate amendments.

The SPEAKER. Representative Levdansky will stand for interrogation.

Mr. LEVDANSKY. Would Representative Vitali repeat his question, please?

Mr. VITALI. I am just looking for a brief explanation of the changes made in the Senate.

Mr. LEVDANSKY. Okay. Mr. Speaker, this bill, let me just try to focus on the Senate changes that they made when we sent SB 97 as amended in the House amendments to the Senate.

In the Senate, in addition to eliminating the sunset on the breast and cervical cancer research checkoff, the Senate extended the sunset on the wild resource and organ tissue checkoffs until January of 2010. They have made some minor adjustments in the caps on the neighborhood assistance tax credit. In terms of the sales tax, the sales and use tax exemption for tangible personal property purchased or used by a producer of a commercial motion picture film is repealed by the Senate

amendments. And the other, there was a Senate amendment to authorize that the assessment notices sent out by the Department of Revenue in amounts less than \$300 do not have to be sent by certified mail. There were some minor changes to the resource enhancement and the agricultural resources enhancement and protection tax credits, some minor changes relative to buffer zones for riparian areas that qualify for tax credits, and the REAP tax credit will take effect 90 days after the passing of the legislation.

One final area of changes inserted in the Senate, the Senate amendments eliminated the \$1 million cap on any one individual's compensation qualifying for the film tax credit and replaced it with a \$15 million cap on aggregate compensation of a film production qualifying for the tax credit. The Senate amendment also created a film advisory board that issued a report to the department on the effectiveness of the film tax credit, and finally, the film production tax credit program cap was increased in the Senate from the \$50 million limit that we had established to \$75 million.

In addition, the Senate deleted two amendments that this House had inserted in the bill. One would have increased the capital stock and franchise tax exemption from \$150,000 to \$175,000. That exemption was deleted in the Senate, and furthermore, an amendment inserted here in the House required that 10 percent of the film tax credit be allocated to a community nonprofit organization. That amendment was deleted by Senate amendments as well.

Mr. VITALI. Going back to the sales tax exemption, could you just go into that a little bit? In other words, a film company does not have to pay the sales tax on things that other companies otherwise would in Pennsylvania?

Mr. LEVDANSKY. Under present law, a film company that purchases equipment, supplies, et cetera, presently those materials are exempt from the sales tax. The Senate amendment eliminated that sales tax exemption. So now those purchases will be subject to the sales tax.

Mr. VITALI. Gotcha. Okay. Thank you.

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence. The Chair recognizes the majority whip, who requests that Representative TANGRETTI, Representative DERMODY, and Representative COSTA be placed on leave for the remainder of the day. The Chair sees no objections. The leaves will be granted.

CONSIDERATION OF SB 97 CONTINUED

The SPEAKER. The Chair recognizes Representative Stern.

Mr. STERN. Mr. Speaker, although I continue to have serious reservations about the merits of the State dedicating valuable but limited sources for tax credits for the movie industry, I rise in support of SB 97. I do this because even though I wholeheartedly believe that film tax credits should not be a priority for the General Assembly and the Governor, and I suspect that the people of this State, if they knew these facts, would wholeheartedly agree, SB 97 also includes the Resource Enhancement and Protection Tax Credit Program, commonly known as REAP. For more than a year, I have worked closely with agricultural interests and environmental

groups to develop this innovative, precedent-setting program. As you know, REAP directs tax credits to farmers and other entities that they may partner with for the installation of proven environmental best management practices on farms.

What you may not know is that this is a very first such program anywhere in the nation and is already being modeled by other States. This program once again puts Pennsylvania in the vanguard of the environmental protection movement. As for the first time, farmers and private interests may partner in efforts to install technologies on our farms that will help clean up our surface and our ground waters. It is a precedent-setting opportunity for us to prudently invest tax credits where they rightfully belong, cleaning up the environment while assisting farmers in how they do business.

As such, with the REAP program, farmers will be given incentive to do even more than they already are to operate in an environmentally friendly manner. More importantly, the true winner, as a result of the REAP legislation, will be the waters of this Commonwealth. That is why this program, so simple in its concept, has earned the broad support of environmentalists and agriculturalists alike and has received the full support of environmental organizations, including those such as the Chesapeake Bay Foundation, Trout Unlimited, and the Pennsylvania Environmental Council, 10,000 Friends, and many others.

So, Mr. Speaker, while I believe a certain component of SB 97 – namely, the film tax credit – is misguided and sets the wrong priority for Pennsylvania, this concern is more than offset by the opportunities offered by REAP and the bank shares credit and the other credits that are listed in SB 97, and I would ask for your concurrence on SB 97.

Thank you, Mr. Speaker.

MOTION TO SUSPEND RULES

The SPEAKER. Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I want to make a motion to move that we revert to the prior printer's number under SB 97, prior printer's number 1285, under rules 21 and 24, because of the drastic changes made by the Senate.

The SPEAKER. The lady moves that the House revert to the prior printer's number 1285. Is that correct?

Ms. YOUNGBLOOD. Correct, Mr. Speaker.

The SPEAKER. That requires a suspension of the rules.

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

The SPEAKER. Does the lady want to give an explanation for the suspension of the rules?

Ms. YOUNGBLOOD. Yes, Mr. Speaker.

For one thing, Mr. Speaker, there were cuts in agriculture.

You have to forgive me. I am having a serious sinus problem.

The role of nonprofits and charitable foundations in this Commonwealth fill the void where government and—

The SPEAKER. The lady will suspend. The Chair is asking for a brief explanation, not for debate on the bill.

Ms. YOUNGBLOOD. Okay. I want to suspend the rules so that we can turn to the prior printer's number as the legislation left the House to go to the Senate.

The SPEAKER. The Chair thanks the lady.

On the motion, those in favor of suspending the rules— Representative Levdansky. No, the gentleman is not in order to speak; only the leaders.

Mr. D. EVANS. Mr. Speaker?

The SPEAKER. Representative Evans, on the motion to suspend.

Mr. D. EVANS. Mr. Speaker, the lady from Philadelphia has been a good member of this House, and this is difficult because this is the part of the budget deal that we made with the administration and the Governor. So as a reason of that, I have to be against the suspension of the rules, Mr. Speaker.

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

The following roll call was recorded:

YEAS—88

Adolph	Godshall	Metcalfe	Samuelson
Baker	Goodman	Milne	Scavello
Barrar	Harhart	Moyer	Schroder
Benninghoff	Harper	Murt	Smith, S.
Beyer	Harris	Mustio	Sonney
Boback	Helm	O'Brien, M.	Stairs
Boyd	Hennessey	O'Neill	Steil
Brooks	Hershey	Pashinski	Stevenson
Civera	Hutchinson	Payne	Swanger
Clymer	Kauffman	Peifer	Taylor, J.
Creighton	Keller, W.	Perry	Thomas
Cruz	Kenney	Perzel	True
Dally	Kessler	Petrarca	Turzai
DiGirolamo	Longietti	Petri	Vereb
Donatucci	Maher	Pyle	Vitali
Ellis	Major	Quigley	Vulakovich
Evans, J.	Mantz	Quinn	Waters
Everett	Marshall	Rapp	Watson
Fleck	Marsico	Raymond	White
Gabig	McGeehan	Readshaw	Yewcic
Gergely	McIlhattan	Reichley	Youngblood
Gingrich	Mensch	Sabatina	Yudichak

NAYS—112

Argall	Frankel	Mackereth	Roebuck
Bastian	Freeman	Mahoney	Rohrer
Bear	Galloway	Manderino	Ross
Belfanti	Geist	Mann	Rublely
Bennington	George	Markosek	Sainato
Bianucci	Gerber	McCall	Santoni
Bishop	Gibbons	McI. Smith	Saylor
Blackwell	Gillespie	Melio	Seip
Brennan	Grell	Micozzie	Shapiro
Buxton	Grucela	Millard	Shimkus
Caltagirone	Haluska	Miller	Siptroth
Cappelli	Hanna	Moul	Smith, K.
Carroll	Harhai	Mundy	Smith, M.
Casorio	Harkins	Myers	Solobay
Causer	Hess	Nailor	Staback
Cohen	Hickernell	Nickol	Stern
Conklin	Hornaman	Oliver	Sturla
Cox	James	Pallone	Surra
Curry	Josephs	Parker	Taylor, R.
Cutler	Keller, M.	Payton	Wagner
Daley	Killion	Petrone	Walko
DeLuca	King	Phillips	Wansacz
Denlinger	Kirkland	Pickett	Wheatley
DePasquale	Kortz	Preston	Williams
DeWeese	Kotik	Ramaley	Wojnarowski
Eachus	Kula	Reed	

Evans, D.	Leach	Roae	O'Brien, D.,
Fabrizio	Lentz	Rock	Speaker
Fairchild	Levdansky		

NOT VOTING—0

EXCUSED—3

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

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. On the question, those voting to concur will vote "aye"— Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise on concurrence in Senate amendments. The question before us is whether or not to concur in what the Senate has done to this bill. On our computer screens you can see our version that we passed a week ago today on July 10, and you can see the Senate version which they passed yesterday. Now, there are many parts of this bill that are similar in both the House version from last week and this version.

Last week this House, 197 of us voted for a change to the bank shares tax, some changes related to the Neighborhood Assistance Tax Credit Program, the Resource Enhancement and Protection Tax Credit Program, some changes that affect the remanufacture of locomotive parts and powder metallurgy plants – powder metallurgy parts.

Many parts of this bill are similar, and we have already voted. Last Tuesday, July 10, we had voted to enact those changes, including the change that Representative Stern spoke about concerning the resource enhancement and protection tax credit. The question before us here is, what did the Senate do to change this bill, and as I read this bill and I look at the fiscal note from last week's bill and the fiscal note from the Senate version, there are two significant changes. One, they have taken out a tax cut that would benefit small businesses in Pennsylvania. The Senate has removed this language that would have benefited small businesses. Specifically, that is a change to the capital stock and franchise tax. We would have allowed in the House version, allowed those small businesses to deduct \$175,000 rather than the current \$150,000. The Senate removed that change which would have benefited small business.

The second thing the Senate has done is taken a film tax credit which had a cap of \$50 million and changed it to a film tax credit that has a cap of \$75 million. So the Senate has raised the cap on the film tax credit. So as I am voting on concurrence in Senate amendments, I have already voted, as 197 members of this House have voted, to vote for what I believe is a stronger bill. The House version of this bill I believe is much better than the Senate version. Today I am asked to vote on concurrence in what the Senate has done, and as I see what the Senate has done, there are two changes that I do not agree with, and that is why I wanted to raise that concern.

I believe the Senate change, what the Senate has done would be helpful to Hollywood and harmful to our small business in Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. Those voting to concur will vote "aye"; those voting to nonconcur will vote "no"—

Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I would like to speak on the bill itself, and I am asking my colleagues to vote not to concur with the amendments that have been inserted by the Senate.

I do not know if everyone can hear me, because I have a problem at this point.

What the Senate did, for one, nonprofit and charitable organizations in this State are the backbone of the Commonwealth. Where businesses and government fail and cannot help our citizenry, we can always depend on the nonprofit and the charitable organizations to help our communities. I think it is a shame that we gave \$75 million, upped it from 50, when it left the House, took away some of the caps, but are we stating here today that we do not care about the people of Pennsylvania, we care more about the film industry and giving them all the luxury tax breaks and credits in this Commonwealth? Do we care about our citizenry when they need help with the American Red Cross, United Way, and other nonprofit and charitable agencies? Are we really caring about our constituents and what happens to them?

The film industry who does not, if you can tell me one community in the Commonwealth where someone in the film industry gave back to their community in the way of donations or in-kind or fund raisers, I would like to know what they have put back in our communities.

And for that reason, I am urging everyone to vote "no" on concurrence on SB 97.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Representative Sturla. The gentleman submits his remarks for the record. The Chair thanks the gentleman.

Mr. STURLA submitted the following remarks for the Legislative Journal:

Mr. Speaker, I stand here today in support of SB 97, and I urge a vote on concurrence. This legislation is the result of long negotiations intended to benefit the people and the businesses of Pennsylvania. I believe that the programs in SB 97 will spur economic growth in Pennsylvania and provide added incentives to the workers and businesses currently operating in Pennsylvania.

I was the author of the film tax credit program which is included in this legislation. One of the main reasons I feel this legislation is so important is due to the new tax dollars it will bring to Pennsylvania. Filmmakers will now have the incentive to come to Pennsylvania, to the benefit of other businesses, such as hotels, restaurants, caterers, dry cleaners, law firms, and insurance companies. Most importantly, it will keep our Pennsylvania residents working in the film industry at home, working in Pennsylvania.

There is a provision in the film tax credit language in SB 97 which caps the salaries of individuals of project at \$15 million. Mr. Speaker, this provision was included to ensure that the entire salary of one particular actor, movie star, if you will, could not be applied to the tax credit. The legislative intent was to apply this cap to "above the line" talent. It was not intended to be applied to the extras or the set designers or the grips and electricians, most of whom are hired locally. This provision was not intended to apply to the salaries of the backbone of the industry.

Mr. Speaker, I want to thank the Governor, members of the House of Representatives and the Senate, on both sides of the aisle, who worked collectively to put together a piece of legislation that will benefit the businesses and people of Pennsylvania and make Pennsylvania a more attractive place to do business.

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—147

Adolph	George	McGeehan	Santoni
Argall	Gerber	McI. Smith	Saylor
Baker	Gergely	McIlhattan	Scavello
Bastian	Gibbons	Melio	Seip
Belfanti	Godshall	Mensch	Shapiro
Bennington	Goodman	Metcalfe	Shimkus
Biancucci	Grucela	Micozzie	Siptroth
Bishop	Haluska	Millard	Smith, K.
Blackwell	Hanna	Milne	Smith, M.
Brennan	Harhai	Moyer	Smith, S.
Brooks	Harkins	Mundy	Solobay
Buxton	Harris	Mustio	Sonney
Caltagirone	Helm	Myers	Staback
Carroll	Hennessey	Nailor	Stairs
Casorio	Hershey	O'Brien, M.	Stern
Causar	Hutchinson	Oliver	Stevenson
Civera	James	Pallone	Sturla
Cohen	Josephs	Parker	Surra
Conklin	Keller, W.	Pashinski	Taylor, J.
Creighton	Kenney	Payton	Taylor, R.
Cruz	Kessler	Perzel	Thomas
Curry	Killion	Petrarca	Turzai
Daley	Kirkland	Petri	Vulakovich
DeLuca	Kortz	Petrone	Wagner
DePasquale	Kotik	Pickett	Walko
DeWeese	Kula	Preston	Wansacz
DiGirolamo	Leach	Pyle	Waters
Donatucci	Levdansky	Ramaley	Watson
Eachus	Longietti	Rapp	Wheatley
Ellis	Maher	Raymond	White
Evans, D.	Mahoney	Readshaw	Williams
Evans, J.	Major	Reed	Wojnaroski
Everett	Manderino	Roae	Yewcic
Fabrizio	Mann	Roebuck	Yudichak
Fleck	Markosek	Ross	
Frankel	Marshall	Rubley	O'Brien, D.,
Galloway	McCall	Sainato	Speaker
Geist			

NAYS—53

Barrar	Gabig	Mackereth	Quinn
Bear	Gillespie	Mantz	Reichley
Benninghoff	Gingrich	Marsico	Rock
Beyer	Grell	Miller	Rohrer
Boback	Harhart	Moul	Sabatina
Boyd	Harper	Murt	Samuelson
Cappelli	Hess	Nickol	Schroder
Clymer	Hickernell	O'Neill	Steil
Cox	Hornaman	Payne	Swanger
Cutler	Kauffman	Peifer	True
Dally	Keller, M.	Perry	Vereb
Denlinger	King	Phillips	Vitali
Fairchild	Lentz	Quigley	Youngblood
Freeman			

NOT VOTING—0

EXCUSED—3

Costa Dermody Tangretti

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.

BILL SIGNED BY SPEAKER

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

SB 97, PN 1327

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in sales and use tax, further providing for definitions, for exclusions, for assessment and for refund; in personal income tax, further providing for operational provisions and for assessment; in corporate net income tax, further providing for assessments; in bank and trust company shares tax, further providing for ascertainment of taxable amount and exclusion of United States obligations; in realty transfer tax, further providing for assessment and notice; providing for a film production tax credit and conferring powers and duties upon the Department of Community and Economic Development and providing for a resource enhancement and protection tax credit; in neighborhood assistance tax credit, further providing for definitions, for tax credit and for grant of tax credit and providing for pass-through entities; in malt beverage tax, further providing for departmental assessment; and providing for powder metallurgy parts.

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I would like to submit remarks for the record on HB 1286, the budget bill. Since last night I was cut off from debate, I will submit these remarks today.

The SPEAKER. The Chair thanks the gentleman.

Mr. MARSICO submitted the following remarks for the Legislative Journal:

Mr. Speaker, critical law enforcement activities such as Safe Neighborhoods, the Weed and Seed Program, and gun checks will see a dramatic decrease in funding under the proposed State budget in front of us tonight. These programs are vital in the fight to decrease gun violence throughout the State.

The Weed and Seed Program will see a decrease of \$492,000, the Safe Neighborhoods program will lose \$8.57 million, and gun checks will see a reduction of \$900,000 in needed funding to help keep our local communities safe from the escalating violence in Pennsylvania.

Mr. Speaker, it is worth taking a closer look at just one of these vital programs – Weed and Seed. The "weed" involved the creation of a network for local and State law enforcement officers to collaborate on teams to eliminate drugs and violence in target areas. At the same time, the "seed" involved community-based crime prevention efforts

which attack unemployment, poverty, and poor work skills which lead to crime. It is imperative to fund these efforts which fight crime from multiple angles.

Other vital public safety departments such as the Attorney General's Office and the Pennsylvania State Police are being shortchanged. State Police will lose more than \$7 million and the Attorney General's Office will see a cut of more than \$2 million.

These departments need to see their funding increased to help put more officers on the street and help curb violence, drug use, and crime in our State. Cutting their budgets does not make sense, and our residents should be outraged. Murders are occurring daily all around the State, in Philadelphia, York, Harrisburg, and Pittsburgh, and it is time to put our money where our mouth is and help these local communities fight the drug, gang, and violence problems that exist.

Mr. Speaker, at a time when the Commonwealth is facing increases in violent crimes, our Governor wants to increase welfare payments and focus on tax credits for the film industry in Hollywood. Come to think of it, the film credit is just a subsidy for the rich movie companies. I suppose a good name would be "Hollywelfare."

Mr. Speaker, I am concerned about reducing real violence, reducing illegal drug use, and the Governor appears to be concerned about funding film violence. I believe those are not the priorities of most Pennsylvanians, but they seem to be the priority of Governor Rendell.

Mr. Speaker, I asked for a negative vote on HB 1286. Thank you.

CALENDAR CONTINUED

REPORT OF COMMITTEE OF CONFERENCE

Mr. D. EVANS called up for consideration the following report of the committee of conference on **HB 842, PN 2347**, entitled:

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 background checks of prospective employees and conviction of employees for certain offenses, in school finances, for annual budget, in district and assistant superintendents, for eligibility, in professional employees, for qualifications and for transferred programs and classes, in certification of teachers, for program of continuing professional education; providing for continuing professional education for school or system leaders and for Pennsylvania school leadership standards; in pupils and attendance, further providing for school lunch and breakfast reimbursement; further providing for duties of Department of Education relating to school health services and for educational assistance program; in early learning programs, further providing for Head Start Supplemental Assistance Program; establishing the Pennsylvania Pre-K Counts Program; providing for distressed school districts and student attendance in other districts; in opportunities for educational excellence, for responsibilities of department and State Board of Education; in education empowerment provisions, providing for superintendent power to recommend dismissal; further providing for education empowerment districts and for boards of control for certain school districts; in community education councils, further providing for State funding; establishing the Pennsylvania Technical College Program; in educational improvement tax credit provisions, further providing for limitations; providing for funding for public libraries; in reimbursement by Commonwealth and between school districts, further providing for small district assistance; providing for basic education funding for 2006-2007 school year; further providing for payments on account of limited English proficiency programs, for payments to intermediate units, and for special education payments to school districts; providing for budget stabilization plan progress report; and further providing for payments on account of pupil transportation, for Commonwealth reimbursements for charter schools and cyber charter schools and for Pennsylvania accountability grants.

On the question,

Will the House adopt the report of the committee of conference?

The SPEAKER. The Chair recognizes Representative Roebuck.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. If the gentleman will indulge me one minute for a schedule.

Just for scheduling purposes, is it correct that we have the education code and a land transfer bill and then we are concluding our work for the summer? So we have this proposal and one more?

The SPEAKER. The gentleman is absolutely correct.

Mr. DeWEESE. I thought so, but I wanted to double-check and I wanted to share that for obvious reasons. Thank you.

The SPEAKER. The Chair thanks the eloquent gentleman from Greene County.

Representative Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

HB 842 provides a formula for funding both basic education and special education. It authorizes increased funding for the school lunch and breakfast programs, for the accountability block grants, for public libraries, for dual enrollment, the education improvement tax credits, and for charter school reimbursement. In addition, it provides new funding for the Pennsylvania Inspired Leadership initiative, for the Pre-K Counts initiative, and for the Pennsylvania Technical College Program.

I would urge that we concur in this legislation, Mr. Speaker.

Mr. SIPTROTH. Mr. Speaker?

The SPEAKER. Representative Siptroth.

Mr. SIPTROTH. I will be very brief. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure how I am really going to vote on this bill today. The folks in my district have been somewhat set back simply because we have not addressed the issue of school property tax reform. Mr. Speaker, that issue needs to be addressed. It needs to be addressed soon. The senior citizens in my district and my colleagues from Monroe are extremely pressed to sustain themselves without some meaningful property tax relief.

Mr. Speaker, we have addressed gaming issues that were supposed to bring school property tax relief. We have a hold-harmless agreement in place that also prevents us from addressing the issue of school property tax relief, and I think it is time that I stand up at least to this body and to the State to bring home the message that something needs to be done to address this pressing issue.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

Two weeks ago the Senate overwhelmingly passed HB 842 that had many shortcomings. Fortunately, the House of Representatives recognized these flaws and voted appropriately to nonconcur on July 5, and I want to thank all my colleagues for that vote. Our joint, bipartisan, correct vote last week was an investment in our children. Mr. Speaker, since that time there has been much work done to improve the bill, and I want to

publicly thank the House Democratic leadership and all the caucuses for their strong input and efforts to improve 842.

Many of the excellent programs have been restored to the funding levels as originally proposed, dramatically improving this educational product – programs such as full-day kindergarten, Classrooms for the Future, science classes, school lunch programs, teacher professional development, et cetera, et cetera. I applaud the Governor for his vision and determination to help our children by bringing forth the above-mentioned programs. However, Mr. Speaker, I do have a concern regarding the Duquesne school situation.

Language improvements and funding enhancements have been achieved, and I applaud this bipartisan effort with the leadership from all caucuses involved in this effort. While this product has been improved, I still think it could be better. Several alternatives were offered to help the Duquesne situation, but they were not embraced by the Department of Education, and that is very disappointing to me. Even for just one year, Mr. Speaker, we were not given a chance.

Mr. Speaker, the reality of the situation is that many school districts are going to be put in a similar situation in the very near future. I believe the Duquesne issue is going to set a precedent in this State, and I do not agree that one person should have that much power to come in and affect a school district and a community in the way that it has happened.

Mr. Speaker, the question is, do we as a legislative body sit back and let the Secretary of Education deal with these problems in an ad hoc piecemeal fashion? I would suggest otherwise. Mr. Speaker, I would suggest that the legislative branch take a proactive role in this issue, roll up our sleeves on this issue, like we did on transportation, take a good hard look at the impending problem. Make no mistake, this will be a statewide issue very soon. I personally prefer a positive, proactive, forward-looking approach where short-term and long-term plans are developed to deal with these troubled school districts in a fair and balanced way for the students and the communities involved.

To that end, Mr. Speaker, I recommend that the educational committees from the House and Senate, and I reach out to Chairman Roebuck and Chairman Stairs from the House side, and I would hope that they collaborate with the educational chairs from the Senate side and form a commission, again, similar to the transportation, where they study this in depth and come up with plans, quality educational plans, that address the needs, that address the student impacts, that address the community impacts, and then have a good solid plan to put this in place in a timely fashion, not in a shocking fashion, as has happened here recently.

Mr. Speaker, because of the Duquesne situation, I will be a negative vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Marshall.

Mr. MARSHALL. Thank you, Mr. Speaker.

Mr. Speaker, this investment in education is an investment in our future, and the program, Classrooms for the Future, is used in my districts, and I am certain, I rest assured that my districts will use this investment wisely.

Thank you.

The SPEAKER. Representative Daley.

Mr. DALEY. Will the gentleman stand for brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman is in order and may proceed.

Mr. DALEY. Mr. Speaker, I want to direct your attention to Article XIX-F, XIX-F, the Pennsylvania Technical College Program, XIX-F, and you had indicated that under this legislation, section XIX-F of the Technical College Program provides in this bill so much money set aside to create a technical college program in Pennsylvania?

Mr. ROEBUCK. Yes, Mr. Speaker.

Mr. DALEY. Are you aware of the amount that is going to be utilized for the creation of the Technical College Program in Pennsylvania?

Mr. ROEBUCK. It is my understanding that in the budget there is \$2 million for that program.

Mr. DALEY. To your knowledge, under 1903-F, it sets aside and delineates certain degrees that are going to be eligible, I think, from that program. Is there any particular reason why it was limited to two or three different associate degrees?

Mr. ROEBUCK. I am sorry. I am having trouble hearing you.

The SPEAKER. Members will please hold their conversations to a minimum. We are trying to expedite the business of the House. The gentlemen debating this issue cannot be heard. Members will take their seats. The gentleman is in order and may proceed.

Mr. DALEY. Let me repeat the question, Mr. Speaker.

Mr. ROEBUCK. Yes.

Mr. DALEY. Under 1903-F of this particular section, it has a limitation of three or four different associate degrees. Is there a reason why those degrees were limited to just two or three different programs, and can those programs be expanded in the future?

Mr. ROEBUCK. They are limited— The program is for those four degrees, but they can be applied towards a continued higher education level work. So it can be a foundation to pursue other areas as well.

Mr. DALEY. Mr. Speaker, my last question is that my understanding is that the administration has proposed the creation of two technical colleges in Pennsylvania. Have you been privy to any information as to locations or any areas that are being considered for those technical colleges?

Mr. ROEBUCK. It is my understanding there have been indications of interests from at least 17 other schools and that those will be pursued as we move forward.

Mr. DALEY. To your knowledge, there have been no formal discussions between the administration and any particular one or two entities? Your answer was there are 17 letters of interest that have been accepted by the Department of Education regarding this matter?

Mr. ROEBUCK. So far there are 17; yes.

Mr. DALEY. Mr. Speaker, on the bill.

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

Mr. DALEY. Mr. Speaker, last year I offered legislation that would create five technical colleges in Pennsylvania – one in the northeast and southwest, the northwest and the southeast, as well as the Harrisburg area. In Pennsylvania our major problem is that I think what we have is one major technical college, and that is Penn Tech, which is through Penn State University. The other one would probably be Thaddeus Stevens, which does a remarkable job, and many other small technical schools; however, not technical schools in the real sense.

I think this is a major step. It is a first step to create a technical college system in Pennsylvania. I think coming from a

college community and being on several boards of trustees at several universities, I believe there are a lot of students, a lot of our young people that do not want to get a 4-year degree. Technical colleges should be available.

I think this is a great step and a great program. My only problem is, I wish we were building five of these technical colleges, and, Mr. Speaker, maybe in September or October, whenever we get to another issue, we might be able to deal with expanding this program once it is up and running, and I ask for a "yes" vote on concurrence.

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise to oppose this legislation, and I need to tell you why. You know, there has not been a day that has gone by that I spoke to the majority chairman of the Appropriations, the minority chairman of the Appropriations to talk about fast-growing school districts.

You know, I think to paraphrase, I like the comment said earlier by the gentleman from Allegheny, Representative Wheatley. I am on a mission until every child in this Commonwealth gets treated equally. The growing school districts for way too long are not getting treated equally. Thirty million dollars, Mr. Speaker, was removed, \$30 million – \$10 million from the growth supplement; \$10 million from the tax effort; \$10 million from English proficiency – \$30 million that hurt the growing school districts big time. We need to address this.

Now, we talk about that we have the study coming, this cost-out study, and just getting this study is not going to be the answer, Mr. Speaker. When we get that study, we have to implement it. We did the resolution a year ago. It is obvious out there, that hold harmless is killing the growing school districts. We need your help and we need your help in Allegheny County. The Allegheny County folks have to help us. The Philadelphia folks have to help us.

Across the Commonwealth the growing school districts are hurting. They have debt service, debt service, 15-percent debt service of their budget. Because of the growth, they are constantly building buildings. We have got to help, and I am asking, help.

Thank you, Mr. Speaker.

The SPEAKER. Representative Beyer.

Mrs. BEYER. Thank you, Mr. Speaker.

I wonder if I might interrogate the maker of the bill?

Mr. ROEBUCK. Yes.

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

Mrs. BEYER. Mr. Speaker, I just had a few minor questions on the Duquesne School District issue and was wondering if you could answer those for me?

Mr. ROEBUCK. I will try to answer those for you.

Mrs. BEYER. Do you feel that the students, parents, and employees of Duquesne School District will have or have had enough time to transition to these new schools?

Mr. ROEBUCK. Mr. Speaker, it is my understanding that there is language in the bill that is favorable to the students from Duquesne and the surrounding districts, but if I might, Mr. Speaker, I would like to defer to Representative Marc Gergely, whose district is directly impacted by the Duquesne situation.

The SPEAKER. The gentleman defers to Representative Gergely. The gentleman is in order.

Mr. GERGELY. Thank you, Mr. Speaker.

If I might indulge the membership for a brief moment on the issues relevant to Duquesne, and I want to thank the hall for its vote of nonconcurrence last week.

Mrs. BEYER. Excuse me. Mr. Speaker, I cannot hear him.

The SPEAKER. If the Chair can make a suggestion and ask the gentleman to put the microphone a little closer.

Mrs. BEYER. No. I think it is noisy.

The SPEAKER. And if the lady will suspend, the Chair will ask the members to please hold their conversations to a minimum. The Chair will ask the members to take their seats so we can finish the business of the House.

Representative Gergely.

Mr. GERGELY. Thank you, Mr. Speaker.

In answering your questions, Mr. Speaker, when we nonconcurred there were very few pieces that the Senate sent over to address the issue with relationship to the opportunities for the peoples of Duquesne as they moved on to the potential schools that they might be merged with, and a credit to my colleague, Representative Kortz, myself, and other members, as we pursued another merger plan for that to happen to maintain a school in Duquesne as well as help them get core curriculum and other advanced classes with these merged schools, but I can tell you that the Secretary of Education did not embrace that plan. He sent us a letter himself guaranteeing that if that plan were pursued with this body, he would basically ask for a veto of this and send all those kids to the school of closest choice, which would probably have been West Mifflin. It would have been the worst outcome that we would have had.

Instead, we were able to negotiate almost 17 new issues that would be put into this bill that would be beneficial to the kids of both the receiving schools and to the children of Duquesne, and let me be very clear. This is about education. This is about 200 students that deserve an opportunity like every other child in Pennsylvania, and they were not getting it. At the same time we need to make sure that financially the schools that are going to be chosen to receive these children are given the moneys necessary so that their local taxpayers will not get a burden for that receipt. So we have put in some great language, if you would like me to go over some of that.

Mrs. BEYER. If you would just highlight for me some of that language in light of the fact that many Representatives who sit on the Education Committee have received numerous e-mails from constituents within your area.

Mr. GERGELY. Thank you, Mr. Speaker.

Some of the issues were written into the language that we now are going to concur on. One of them is we are going to not only reimburse them the transportation formula but an additional \$400 per student for the intangible costs that we cannot predict with relationship to that transportation.

Additionally, we also are going to put in \$500 per student for 2 more years. So there will be about \$100,000 more to these two schools or more that will be chosen. That will be for mentoring, counseling, and additional security.

Again, to offset the cost, the tuition ratio that will be established for these children will be about \$9,000. With respect to that, you are looking at about a \$2 million pass-through that will be given to the receiving schools that will take on these children. That will guarantee that they will be given the opportunity for a quality education, but also again to the local residents from those communities, it will guarantee no tax increases, without a doubt.

Foundationally we have received a commitment of over \$300,000 from local foundations in the Pittsburgh area to help us with mentoring, bullying, gang violence as we go through this transition, and I think that what we have done is we have ramped up the discussion so much that whatever schools receive these children, all eyes are upon them. We set up an educational advisory committee with residents from the communities, the union members, the superintendents, and the Department of Education. On the letter signed off by the Secretary of Education to myself and Representative Kortz, he has guaranteed that he will be in the school districts twice a year visiting with the board members from the receiving schools to guarantee that their issues are addressed from the problems that might arise. But to be honest, I think there will not be any problems from what we are doing in the front end.

Athletically we have guaranteed the PIAA cannot move the school districts up in classification. They can still compete where they are today.

For the teachers that have been furloughed, we have established a 3-mile ratio, which would include eight school districts. So of the 25 furloughed teachers from Duquesne, they are professionals and they will have an opportunity to get a job in those 8 schools prior to any new teachers being hired this coming year.

So we have addressed children, we have addressed athletics, and even importantly, back to Duquesne, we have addressed their middle school issues. We have taken the seventh and eighth grades. We have hired the AIU (Allegheny Intermediate Unit) to manage them, and the promise from the Secretary, the middle school curriculums that are going to be offered in the receiving schools are going to be mirrored in Duquesne, and I mean by mirrored, they are going to have the arts, they are going to have the sciences, they are going to have the musics, and they are going to have the athletics. So when they transition to the high schools, they will be well prepared to take on the new challenges.

I am pleased with a bitter pill. I wish this would never have happened. I am not at all happy with the timing that the Secretary of Education has done to me in terms of how this was closed. We have pursued all other alternatives, but at the end of the day, we still have to provide for these children. That is first and foremost. So when we think of these objectives and we put in place all these new opportunities, I will be into the public with the Secretary explaining this to these districts.

I wish it was better. I will be introducing a bill in the fall. See, the legislature has to close a K through 8. We have to vote to close a K through 8. That is in title right now, but 9 through 12, we cannot do. So this fall I will be introducing a bill that guarantees that 9 through 12 will have to come through this House and this Senate before it ever gets closed again, because the timing of this was absolutely wrong. I had 6 weeks to just run around and try to line this up for these kids, for those schools, and to make this a better opportunity, because in the end, again, it is about these kids and it is also about the kids from those other schools and all the nervousness. They need direction. I read articles every day in my papers about the kids being upset they do not know where they are going. We did it wrong this time. I am upset with the Secretary, but you know what? We build bridges here. We will do some legislation, and we will take care of this, because I think the precedent has been set. I think the precedent has been set with Duquesne School District for any other small school. I think we did a good job,

and I think now we need to move legislation that protects us for these kids in these high schools.

Mrs. BEYER. On the bill, Mr. Speaker. Thank you, Mr. Speaker.

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

Mrs. BEYER. I just wanted to make just a very brief comment that I praise and find just fantastic the work of Representative Gergely and Representative Kortz on this issue.

I think every Representative here should be concerned that their high school can be deemed distressed and their children can be sent to school districts and it can be done arbitrarily by the Secretary of Education. I praise them for their very, very hard work on this issue.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I just want to make a couple reflections on the education budget that is in front of us now. Certainly being on the conference committee, I voted for it, but I would like to say a few things. Certainly there is some good in this legislation, there are some things that I would like to see changed, and even though I am going to vote for it, there may be some members who may feel that they cannot vote for it. So I would just want to go over a couple of the highlights.

Certainly the first thing, as was discussed just a moment ago, was the Duquesne School District. You know, I feel that in the next 4 or 5 years there are going to be a number of Duquesnes out there, and maybe this would be a wake-up call for us. I would encourage my fellow chairman, Representative Roebuck, and maybe I and the committee can start working in getting prepared for this. I am in the Pittsburgh TV coverage, and you know, I watched intently with regard to Duquesne and the problems that have occurred not only in Duquesne but in neighboring districts, and certainly I think we have to be smarter about how we address the Duquesnes of tomorrow. So that is hopefully one lesson we are learning from this legislation.

Certainly a positive on this bill is the increased funding for education. In my many years in the legislature, I have not seen this much new money in education I do not think ever.

I am a strong advocate of the accountability block grants, and this has been increased by \$25 million. I guess to be quite candid, I would rather see money going into the block grant proposal. Let the school districts decide what their critical needs are rather than we in Harrisburg telling them that, yes, we want to do pre-K kindergarten; we want to do technology of the future. These are both excellent programs, but I do think that districts have different problems, and what one district may be struggling with, another district might be doing well on that. So to let them spend the moneys to best meet their needs is something that I have always strongly advocated for.

So I do criticize the fact that we do kind of mandate money in one area setting up a new program where we do not fund it, and it is just going to cause future problems financially down the road.

I want to make one comment in reference to the technical colleges. Certainly I think this is a very novel idea, and the details have not been worked out yet, but I would think that we would be much better off to allow our existing community colleges or even existing universities, for that matter, enable them to provide this, because I think they are going to get much

better opportunity to serve adults who need job training or retraining rather than to put it up like we have.

So overall, we can look at the pluses and minuses of this bill, but certainly, hopefully we are going to put more money into education, and let us hope that two things happen: One, our students are going to benefit. We are going to have a student assessment that is going to be positive and continue to grow, which it has in the past year, and two, the taxpayers will find some relief because the State is putting the amount of money in that they are.

So I would tell members, even though I am voting for it, they have got to look at their district and see how they are coming out on this, but I think it is a positive thing for education in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Representative Payton.

Mr. PAYTON. Thank you, Mr. Speaker.

I rise in support of this measure, and I want to again start by thanking the minority chairman of Education and the majority chairman of Education for all their hard work.

And you know, like we say, no product is perfect, but this one is good for the citizens of Pennsylvania. This bill happens to include the Childhood Obesity Reduction Act of 2007, which I think is a laudable measure that is part of the Governor's Prescription for Pennsylvania, which is a way to decrease health costs by reducing the rates of childhood obesity among our young people.

I would also like to rise to applaud a 3.5-percent increase in funding for Pennsylvania's community colleges.

Also, I stand here proud of the fact that we have got in this bill language for Call Me MISTER (Mentors Instructing Students Toward Effective Role Models), which is a program that the majority chairman led the way on, and it is a way for us to begin the steps of the blueprint for a safer Philadelphia.

So I urge a positive vote on concurrence for HB 842, and I thank the chairmen for all their hard work.

The SPEAKER. Representative Mackereth.

Mrs. MACKERETH. Thank you, Mr. Speaker. I will try to make this brief.

Could I interrogate the maker of the bill?

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

Mrs. MACKERETH. Thank you.

Could you please tell me what the total cost of the Classrooms for the Future initiative is in this bill?

Mr. ROEBUCK. The total cost is \$200 million. It is \$20 million last year, \$90 million this year, and \$90 million next year.

Mrs. MACKERETH. Okay. And what happens in a couple of years when the computers become obsolete? Who will be paying for the upgrades or new computers?

Mr. ROEBUCK. It becomes the responsibility of the individual districts, but with the new technology, they ultimately also save money on the cost of standard textbooks. As the technology becomes the dominant factor, there is less money expended in more traditional means of providing the resources needed.

Mrs. MACKERETH. Thank you, Mr. Speaker.

Is there any evidence base to show that this is an effective use of taxpayer money? In other words, is there a correlation between this program and improved student performance?

Mr. ROEBUCK. I am not certain that I can give you any substantial evidence. Certainly from every indication that I have had, just from looking at where this program has been in place, there is a clear increased interest in students in learning, and in many cases, there seems to be a regeneration of their commitment to trying to learn and to use the technology effectively to learn.

Mrs. MACKERETH. Okay. Mr. Speaker, you said we are spending over – what? – 3 years about \$200 million – right? – on a program that we do not have anything substantial, any concrete research base, to show that this program will improve test scores?

Mr. ROEBUCK. Let me also just point out as well that there is no language specifically in this bill relating to Classrooms for the Future. It is in the budget. It is not in this bill.

Mrs. MACKERETH. Okay. I would like to ask you about pre-kindergarten. Can you tell me what the total dollars are for pre-K programs?

Mr. ROEBUCK. \$75 million.

Mrs. MACKERETH. Okay. And can you tell me how much of that \$75 million is guaranteed to go to our school districts?

Mr. ROEBUCK. I am not certain I understand the question. They are competitive grants, so I would assume all the \$75 million will go to the school districts.

Mrs. MACKERETH. Okay. I remember hearing a couple months ago when this initiative was initially talked about that child-care agencies would be able to apply for these dollars. That is why I am wondering, is it split up? Is all the money—How will the money be driven out?

Mr. ROEBUCK. Certainly, Mr. Speaker, you are correct. There are competitive grants. Anyone who meets the qualifications set forth, who can meet those standards, can indeed qualify for the grants, but they have to meet the standards in order to get that money.

Mrs. MACKERETH. And this would include religious preschools as well?

Mr. ROEBUCK. If they meet the qualifications, it would include religious preschools as well, yes, as well as Head Start.

Mrs. MACKERETH. Mr. Speaker, thank you.

On the bill.

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

Mrs. MACKERETH. Thank you, Mr. Speaker.

I rise in opposition of this education budget. Over the last couple years, I believed that we were finally moving in the right direction, recognizing that we needed to fix Pennsylvania's education funding formula, or should I say lack of an education funding formula. We were creating standards and accountability for our schools. This year that appears to have come to a screeching halt.

I support pre-K funding for at-risk children, but rather than put these dollars into our accountability block grant programs for schools to use for programs that they need to help the population of students who are not meeting AYP (Adequate Yearly Progress), we have made this a new initiative.

Classrooms for the Future, laptops on every high school student's desk, what happens in 3 or 4 years when they become obsolete and when the schools have to replace them? Where is the research to support that having a laptop on every high school desk correlates to better quality education?

In this budget there is more money allocated for these two initiatives than for all of the basic education subsidy for this year. I am going to repeat that. There is more money allocated

for Classrooms for the Future and pre-K than for basic education subsidy for this year. How does that make sense? Would it have made more sense to roll these two initiatives into the accountability block grants and move toward fixing our education funding formula for K through 12? We need to get that part right first before we take on more.

Mr. Speaker, my constituents in York County are crying out for property tax reform. Act 1 was a miserable failure. I just do not see how the implementation of these two initiatives will get Pennsylvania any closer to having quality education at an affordable price for the taxpayers.

I urge a "no" vote. Thank you.

The SPEAKER. Representative Miller.

Mr. MILLER. Thank you, Mr. Speaker.

I rise to urge a "no" vote on this bill, on this conference report. The reason I do is because if you look at the education funding formula, there are at least 25 school districts in this State that you have to tell your school boards, your taxpayers, that not only did they not get a 2-percent increase, they actually lost money per student in their funding in basic education subsidy; 25 school districts lost money per student. We must fix this formula.

I know this is going to pass. I know that it will pass this evening, and I know this problem will remain for another year, but we must start today to fight this battle. We have a costing-out study being done. We must count new students. We must find a way to address this issue and put some equality back into our funding stream. It is not fair when you have school districts that show a 12-percent decrease in student population and a 9-percent increase in student funding for basic education. That should never happen. This hold harmless needs to be addressed in the education formula, but it also needs to be addressed in many other formulas we use in this State.

Mr. Speaker, I am finished, but I would ask my colleagues for a "no" vote. Thank you.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Just to amplify the comments of the former speakers, the hold-harmless clause in the funding formula is creating a huge problem for funding of each individual student's education in Pennsylvania, and I will be opposing this education bill because of it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House adopt the report of the committee of conference?

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

The following roll call was recorded:

YEAS—125

Adolph	Freeman	McGeehan	Seip
Argall	Galloway	McI. Smith	Shapiro
Baker	George	Melio	Shimkus
Belfanti	Gerber	Mensch	Smith, K.
Bennington	Gibbons	Micozzie	Smith, M.
Beyer	Goodman	Moyer	Solobay
Bianucci	Haluska	Mundy	Sonney
Bishop	Hanna	Murt	Staback
Blackwell	Harhai	Myers	Stairs
Brennan	Harkins	O'Brien, M.	Steil

Brooks	Harper	Oliver	Sturla
Buxton	Harris	Pallone	Surra
Caltagirone	James	Parker	Taylor, J.
Casorio	Josephs	Pashinski	Taylor, R.
Causer	Keller, W.	Payton	Thomas
Civera	Kenney	Perzel	Vereb
Cohen	Kessler	Petrarca	Vitali
Conklin	Killion	Petrone	Vulakovich
Cruz	King	Phillips	Wagner
Curry	Kirkland	Pickett	Walko
Daley	Kotik	Preston	Wansacz
DeLuca	Kula	Pyle	Waters
DePasquale	Leach	Ramaley	Wheatley
DeWeese	Lentz	Rapp	White
DiGirolo	Levdansky	Raymond	Williams
Donatucci	Longiotti	Readshaw	Wojnaroski
Eachus	Mahoney	Roae	Youngblood
Evans, D.	Major	Roebuck	Yudichak
Evans, J.	Manderino	Sabatina	
Fabrizio	Mann	Sainato	O'Brien, D.,
Fairchild	Marshall	Samuelson	Speaker
Frankel	McCall	Santoni	

NAYS—75

Barrar	Gergely	Mantz	Reed
Bastian	Gillespie	Markosek	Reichley
Bear	Gingrich	Marsico	Rock
Benninghoff	Godshall	McIlhattan	Rohrer
Boback	Grell	Metcalfe	Ross
Boyd	Grucela	Millard	Rubley
Cappelli	Harhart	Miller	Saylor
Carroll	Helm	Milne	Scavello
Clymer	Hennessey	Moul	Schroder
Cox	Hershey	Mustio	Sipiroth
Creighton	Hess	Nailor	Smith, S.
Cutler	Hickernell	Nickol	Stern
Dally	Hornaman	O'Neill	Stevenson
Denlinger	Hutchinson	Payne	Swanger
Ellis	Kauffman	Peifer	True
Everett	Keller, M.	Perry	Turzai
Fleck	Kortz	Petri	Watson
Gabig	Mackereth	Quigley	Yewcic
Geist	Maher	Quinn	

NOT VOTING—0

EXCUSED—3

Costa	Dermody	Tangretti
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the report of the committee of conference was adopted.

Ordered, That the clerk inform the Senate accordingly.

BILL SIGNED BY SPEAKER

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

HB 842, PN 2347

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 background checks of prospective employees and conviction of employees for certain offenses, in school finances, for annual budget, in district and assistant superintendents, for eligibility, in professional employees, for qualifications and for transferred programs and classes, in certification of teachers, for program of continuing professional

education; providing for continuing professional education for school or system leaders and for Pennsylvania school leadership standards; in pupils and attendance, further providing for school lunch and breakfast reimbursement; further providing for duties of Department of Education relating to school health services and for educational assistance program; in early learning programs, further providing for Head Start Supplemental Assistance Program; establishing the Pennsylvania Pre-K Counts Program; providing for distressed school districts and student attendance in other districts; in opportunities for educational excellence, for responsibilities of department and State Board of Education; in education empowerment provisions, providing for superintendent power to recommend dismissal; further providing for education empowerment districts and for boards of control for certain school districts; in community education councils, further providing for State funding; establishing the Pennsylvania Technical College Program; in educational improvement tax credit provisions, further providing for limitations; providing for funding for public libraries; in reimbursement by Commonwealth and between school districts, further providing for small district assistance; providing for basic education funding for 2006-2007 school year; further providing for payments on account of limited English proficiency programs, for payments to intermediate units, and for special education payments to school districts; providing for budget stabilization plan progress report; and further providing for payments on account of pupil transportation, for Commonwealth reimbursements for charter schools and cyber charter schools and for Pennsylvania accountability grants.

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

The SPEAKER. We have one more vote.

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1656, PN 2341**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Skippack Township certain lands situate in Skippack Township, Montgomery County, in exchange for Skippack Township granting and conveying certain lands to the Commonwealth to be added to those existing lands at Evansburg State Park; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey to Jefferson County certain lands situate in Winslow Township, Jefferson County; 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; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the First and Second Wards of the City of Pittsburgh, County of Allegheny, known as the Pittsburgh State Office Building; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the City and County of Philadelphia, known as the Philadelphia State Office Building.

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

The SPEAKER. The Chair recognizes Representative Josephs. Does the lady have amendments to this bill?

Ms. JOSEPHS. I am withdrawing the amendments, but I do want to have an opportunity to speak.

The SPEAKER. The lady is in order. The lady may make her remarks.

Ms. JOSEPHS. Not at this moment. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question, will the House concur in the amendments made by the Senate?

Representative Moyer.

Mr. MOYER. Mr. Speaker, I rise to ask for a concurrence for my HB 1656, which was voted unanimously out of the State Government Committee and subsequently voted unanimously 198 to 0 here in the House and then voted unanimously again 50 to 0 in the Senate with four amendments, all land conveyances, Mr. Speaker, which include one in Winslow Township, Jefferson County; one in Mansfield Borough, Tioga County; one in Pittsburgh, the State Office Building; and one in Philadelphia, again the State Office Building.

Mr. Speaker, I would like to take this opportunity to thank the Governor's Office, the majority and the minority chairs for their support, along with Chairwoman Babette Josephs, Chairman Matt Baker, and Deputy Speaker Josh Shapiro.

Mr. Speaker, I respectfully ask my colleagues for concurrence on this legislation.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I want to compliment the gentleman, Mr. Moyer. He has really distinguished himself among the 50 new members this year, and this legislation is illustrative of that.

Unfortunately, the Senate slipped in two very significant conveyances into this bill – the State Office Building in Pittsburgh and the State Office Building in Philadelphia. Now, the State Office Building in Pittsburgh has been the focal point of State services in western Pennsylvania since its construction. It was renovated in 1989, soup to nuts, and it is my understanding that those bonds for the renovations have yet to be retired.

There are many questions involved with this, and in hopes of expediting our proceedings, I approached the chair of the State Government Committee, Ms. Josephs, with some background questions before and discovered she was as surprised as I that this would be there, and accordingly, those questions would need to be addressed here on the floor or alternately.

I would observe, Mr. Speaker, that we all have worked very, very hard in recent weeks, and I think those who are new to this chamber have learned a great deal about how hard legislators work on both sides of the aisle.

In the last 35 days I have been able to be at home just two nights, and I know I am not alone in that, but I thought it would be nice if we were able to conclude for the summer on an agreement where we might all come together, and in that spirit, Mr. Speaker, I am asking if the gentlelady, chair of the State Government Committee, would be prepared to answer a question?

The SPEAKER. The lady says she will stand for interrogation. The gentleman is in order.

Mr. MAHER. Thank you, Mr. Speaker.

Mr. Speaker, understanding that your committee has not had the ability to study these very significant conveyances of State office buildings in Philadelphia and Pittsburgh and

understanding the thoroughness that you like to attach to such matters, would you join me in a motion to recommit this bill to your committee so that we can all go home?

Ms. JOSEPHS. Yes, I would, but let me correct a misstatement. The two land conveyances – and this has nothing to do with the budget; it has nothing to do with riparian rights that we did not have a chance to discuss – are, as you mentioned, the one in Pittsburgh and the other one is a land conveyance in Jefferson County, but I would absolutely like to have an opportunity to bring those before my State Government Committee, and I do support your motion.

Mr. MAHER. Thank you, Mr. Speaker.

MOTION TO RECOMMIT

Mr. MAHER. Mr. Speaker, so as to save the members of this chamber the time that would be involved to research these questions here on the floor before we vote, I am going to move, so that we can all go home, that we recommit this bill to the State Government Committee and allow the chairman to study these questions and report back to us in the fall.

The SPEAKER. The gentleman, Mr. Maher, moves that HB 1656, PN 2341, be recommitted to the State Government Committee.

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

The SPEAKER. On that motion, the Chair recognizes Representative Moyer.

Mr. MAHER. Thank you, Mr. Speaker.

Truly it pains me to have to do this just because— Oh, I am sorry.

The SPEAKER. The Chair recognized Representative Moyer.

Mr. MAHER. I am sorry, sir. I yield.

Mr. MOYER. Thank you, Mr. Speaker.

To my colleagues in the House, I worked very hard on this. This is my very first bill, and I am honored to have the Governor's support, the majority leader's support, the minority leader's support, and I urge a "no" vote on the recommitment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Yes, I am truly sorry that I have to make the motion, because I am a big fan of Mr. Moyer's, and I know we all have ambitions to be in the exits shortly, but the thousands of people who work in the State Office Building in Pittsburgh, from Beaver County, from Butler County, from Washington County, from Armstrong County, from Indiana County, from Westmoreland County, they are all very concerned about what this means about their futures. This is not a throwaway, ha-ha funny issue to them, and I think it is quite appropriate at this point in time when the Governor and others have concerned State employees about their current circumstance in these last couple of weeks, that it would be a terrible thing for us to break for the summer putting them to worry about their future circumstance when we are unable to come about answers here on the floor.

So I hope you will join me in the recommitment, and if we fail on that, I will need to ascertain answers to a good number of questions, Mr. Speaker.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I also want to compliment the main sponsor of this bill for following the rules, but I want to say that this is another institutional question for me. We have moved a number of land conveyances to the Senate – one in Pine Township; one in Fayette County; two in Philadelphia; and as amendments, one in Bensalem and one in Bethlehem – but the Senate has not acted on any of these bills.

I have to say also that none of the amendments or the underlying bill that we are now discussing have anything to do with the budget or with riparian rights, but the Senate has not moved any bills that our House State Government Committee has sent to them. Instead of which, instead of which, they have put on Mr. Moyer's bill, the Moyer bill, four land conveyances, two of which we have discussed, but two of which we have no real idea from our committee what they are about. These two conveyances are in bill form in the House State Government Committee, and nobody from the other side of the aisle, from my side of the aisle, from the Senate, or from the administration has asked me to move them and yet these things are stuck on the Senate bill.

Several years ago we had this situation in Warren County. There was a lot of local opposition. We never had a chance to discuss the bill, and I think we made a very unwise choice there.

The gentleman from Jefferson County, the honorable leader of the minority, asked only a short time ago, and I paraphrase, where is the will of the House? Where is the will of the House? Are we supposed to be a coequal chamber, or should we just lie down, roll over, play doormat, and simply ask our Senator?

For the sake of the freshmen and the freshwomen who came here to reform the process – and I embrace, always have embraced reform and continue to do so – I ask everybody for a "yes" on the motion to recommit. Let us do that and go home.

Thank you, Mr. Speaker.

The SPEAKER. Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I strongly rise to oppose this motion. With due respect to my colleagues, Ms. Josephs and Mr. Maher, this is a very important land conveyance legislation bill for the gentleman, Mr. Moyer. There are five such very important land conveyances in this bill. It passed unanimously in the Senate. The Governor strongly supports these conveyances. They are very, very easy land conveyances in terms of passage, and I just cannot see why we want to be obstructionists at this point. Let us move this bill along. We have plenty of time to deal with other issues of land conveyances in the future.

I really think we need to defeat this motion and get the bill passed and signed into law. The Governor, again, strongly supports it, the Department of Military and Veterans Affairs strongly supports it, DCNR (Department of Conservation and Natural Resources) strongly supports it, General Services strongly supports it. I do not see what the problem is. Let us oppose this motion to recommit.

Thank you very much.

The SPEAKER. Representative Clymer waives off.
Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.
I join my brother, Representative Maher, and my sister, Representative Josephs, in this motion to recommit.

I think the important question here in this motion is, how do we conduct business in this chamber? And in this era of reform, voting this now at the eleventh hour, voting major land transfers – two extremely valuable pieces of real estate and buildings in Philadelphia and Pittsburgh – without having gone through the committee process is really business as usual.

I think if we do this today, we are sending a message to the Senate that we are continuing to do business as usual. If we today say no to the Senate; no, you cannot place two, three, four land transfers in one of our very good bills, it may not happen next time, Mr. Speaker.

I am familiar with these transactions. Today is July 17. We are going to be back in 2 months, September 17. There is nothing here that is in a particular hurry that has to be done. I think the correct move is to air these out, use the committee process, and vote "yes" to recommit.

Thank you.

The SPEAKER. The minority leader, Representative Smith.

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

I would just simply ask the members to oppose the motion to recommit, plain and simple. We are about to wrap up here, and that is what we need to do.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Anytime I can help Sam Smith, I want to help Sam Smith. I agree.

The SPEAKER. Representative Josephs.

Ms. JOSEPHS. Anytime, anytime I can help John Maher, I want to help John Maher.

To quote the honorable minority leader, where is the will of the House? Where is the will of the House? Vote "yes." Thank you.

The SPEAKER. Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

This will be short since it is not primary, or secondary, and I just stand to support my colleague from Montgomery County and ask for a "no" vote. This came over on the 15th. There was an opportunity to have a State Government Committee meeting like was done in the past, and I urge a "no" vote. Thank you.

The SPEAKER. Those in favor of recommitting the bill to the State Government Committee will vote "aye"; those opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-55

Benninghoff	Gabig	McGeehan	Sabatina
Bennington	Gibbons	Melio	Schroder
Bishop	Harkins	Mustio	Smith, M.
Blackwell	Hornaman	O'Brien, M.	Taylor, J.
Boback	James	Oliver	Thomas
Buxton	Josephs	Pallone	Vitali
Carroll	Kenney	Parker	Wagner
Casorio	Kirkland	Payton	Walko
Curry	Kortz	Petrone	Waters
Denlinger	Lentz	Ramaley	Wheatley
Donatucci	Maher	Rapp	White

Everett	Mahoney	Readshaw	Williams
Fabrizio	Manderino	Roae	Youngblood
Freeman	Marshall	Roebuck	

NAYS-145

Adolph	Geist	Markosek	Ross
Argall	George	Marsico	Rubleby
Baker	Gerber	McCall	Sainato
Barrar	Gergely	McI. Smith	Samuelson
Bastian	Gillespie	McIlhattan	Santoni
Bear	Gingrich	Mensch	Saylor
Belfanti	Godshall	Metcalfe	Scavello
Beyer	Goodman	Micozzie	Seip
Biancucci	Grell	Millard	Shapiro
Boyd	Grucela	Miller	Shimkus
Brennan	Haluska	Milne	Sipthroth
Brooks	Hanna	Moul	Smith, K.
Caltagirone	Harhai	Moyer	Smith, S.
Cappelli	Harhart	Mundy	Solobay
Causer	Harper	Murt	Sonney
Civera	Harris	Myers	Staback
Clymer	Helm	Nailor	Stairs
Cohen	Hennessey	Nickol	Steil
Conklin	Hershey	O'Neill	Stern
Cox	Hess	Pashinski	Stevenson
Creighton	Hickernell	Payne	Sturla
Cruz	Hutchinson	Peifer	Surra
Cutler	Kauffman	Perry	Swanger
Daley	Keller, M.	Perzel	Taylor, R.
Dally	Keller, W.	Petrarca	True
DeLuca	Kessler	Petri	Turzai
DePasquale	Killion	Phillips	Vereb
DeWeese	King	Pickett	Vulakovich
DiGirolamo	Kotik	Preston	Wansacz
Eachus	Kula	Pyle	Watson
Ellis	Leach	Quigley	Wojnaroski
Evans, D.	Levdansky	Quinn	Yewcic
Evans, J.	Longiotti	Raymond	Yudichak
Fairchild	Mackereth	Reed	
Fleck	Major	Reichley	O'Brien, D., Speaker
Frankel	Mann	Rock	
Galloway	Mantz	Rohrer	

NOT VOTING-0

EXCUSED-3

Costa	Dermody	Tangretti
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Less than the majority having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

Will the House concur in Senate amendments?

The SPEAKER. Representative Maher.

Mr. MAHER. Mr. Speaker, I regret having to rise a second time, but that was the episode I was hoping to avoid, and I am hoping there is someone on that side of the aisle who is able to offer some information with respect to the amendment inserted by the Senate insofar as it relates to the State Office Building in Pittsburgh. I will try to ask the questions as quickly as possible, but I think the public deserves to understand what is happening here. Is there no one?

The SPEAKER. The Chair is looking for someone who is responding to the gentleman's request for interrogation.

MOTION FOR PREVIOUS QUESTION

The SPEAKER. Representative Oliver.

Mr. OLIVER. Mr. Speaker, I am rising for a motion.

The SPEAKER. The gentleman will state his motion.

Mr. OLIVER. Mr. Speaker, my motion is, I am calling for the previous question.

The SPEAKER. There is nothing before the House except the motion to move the previous question. Members will take their seats. This is not a debatable motion. The motion is not debatable.

The gentleman, Mr. Oliver, moves the previous question on HB 1656. Those who second this motion will rise and remain standing until their names are recorded. Twenty members are required. Members who support the motion to move the previous question will stand and be recognized: O'Neill, Gingrich, Vereb, Harper, True, Adolph, Dally, Boyd, Beyer, Causer, Mensch, Murt, Stairs, Moyer, Hershey, Mantz, Ross, Miller, Rubley, Saylor, Quinn, Denlinger.

The motion for the previous question, having been made and seconded, those in favor of the motion for the previous question will vote "aye"; those opposed, "no." An "aye" vote is a vote to end debate and will bring this House to an immediate vote.

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

The following roll call was recorded:

YEAS—124

Adolph	George	McCall	Reed
Argall	Gerber	McGeehan	Roae
Baker	Gergely	McI. Smith	Ross
Barrar	Gingrich	McIlhattan	Rubley
Bastian	Godshall	Mensch	Saylor
Bear	Goodman	Micozzie	Scavello
Belfanti	Grucela	Miller	Shimkus
Benninghoff	Hanna	Milne	Siptroth
Bennington	Harhai	Moul	Smith, K.
Beyer	Harhart	Moyer	Smith, S.
Biancucci	Harkins	Mundy	Solobay
Bishop	Harper	Murt	Sonney
Boyd	Harris	Myers	Staback
Brennan	Hennessey	Nailor	Stairs
Buxton	Hershey	O'Neill	Sturla
Caltagirone	Hickernell	Oliver	Surra
Causer	James	Parker	True
Civera	Kessler	Pashinski	Turzai
Clymer	Killion	Peifer	Vereb
Conklin	Kirkland	Perzel	Wagner
Cruz	Kortz	Petrarca	Wansacz
Curry	Kotik	Petri	Waters
Cutler	Kula	Petrone	Watson
Dally	Leach	Pickett	Williams
Denlinger	Lentz	Preston	Wojnaroski
DiGirolamo	Levdansky	Pyle	Yewcic
Donatucci	Longietti	Quigley	Youngblood
Eachus	Mackereth	Quinn	Yudichak
Evans, D.	Major	Ramaley	
Fabrizio	Mann	Raymond	O'Brien, D., Speaker
Frankel	Mantz	Readshaw	
Galloway	Markosek		

NAYS—76

Blackwell	Gabig	Marshall	Sainato
Boback	Geist	Marsico	Samuelson
Brooks	Gibbons	Melio	Santoni

Cappelli	Gillespie	Metcalfe	Schroder
Carroll	Grell	Millard	Seip
Casorio	Haluska	Mustio	Shapiro
Cohen	Helm	Nickol	Smith, M.
Cox	Hess	O'Brien, M.	Steil
Creighton	Hornaman	Pallone	Stern
Daley	Hutchinson	Payne	Stevenson
DeLuca	Josephs	Payton	Swanger
DePasquale	Kauffman	Perry	Taylor, J.
DeWeese	Keller, M.	Phillips	Taylor, R.
Ellis	Keller, W.	Rapp	Thomas
Evans, J.	Kenney	Reichley	Vitali
Everett	King	Rock	Vulakovich
Fairchild	Maher	Roebuck	Walko
Fleck	Mahoney	Rohrer	Wheatley
Freeman	Manderino	Sabatina	White

NOT VOTING—0

EXCUSED—3

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

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

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

The following roll call was recorded:

YEAS—152

Adolph	Fabrizio	Major	Reed
Argall	Fairchild	Mann	Roae
Baker	Fleck	Markosek	Rock
Barrar	Frankel	Marsico	Ross
Bastian	Freeman	McCall	Rubley
Bear	Galloway	McGeehan	Sainato
Belfanti	Geist	McI. Smith	Samuelson
Benninghoff	George	McIlhattan	Santoni
Bennington	Gerber	Mensch	Saylor
Beyer	Gergely	Micozzie	Scavello
Biancucci	Gillespie	Millard	Seip
Bishop	Gingrich	Miller	Shapiro
Blackwell	Godshall	Milne	Shimkus
Boyd	Grucela	Moul	Siptroth
Brennan	Haluska	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Myers	Sonney
Cappelli	Harris	Nailor	Staback
Causer	Helm	Nickol	Stairs
Civera	Hennessey	O'Neill	Steil
Clymer	Hershey	Oliver	Stern
Cohen	Hess	Parker	Sturla
Conklin	Hickernell	Pashinski	Surra
Cox	Hutchinson	Payne	Taylor, J.
Creighton	James	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Wagner
DePasquale	Killion	Phillips	Wansacz
DeWeese	King	Pickett	Waters
DiGirolamo	Kirkland	Preston	Watson
Donatucci	Kortz	Pyle	Yewcic
Eachus	Kotik	Quigley	Yudichak
Ellis	Leach	Quinn	

Evans, D.	Levdansky	Ramaley	O'Brien, D.,
Evans, J.	Longiotti	Raymond	Speaker
Everett	Mackereth		

NAYS—48

Boback	Hornaman	Mustio	Smith, M.
Carroll	Josephs	O'Brien, M.	Stevenson
Casorio	Kauffman	Pallone	Swanger
Curry	Kula	Perry	Thomas
DeLuca	Lentz	Petrone	Vitali
Denlinger	Maher	Rapp	Vulakovich
Gabig	Mahoney	Readshaw	Walko
Gibbons	Manderino	Reichley	Wheatley
Goodman	Mantz	Roebuck	White
Grell	Marshall	Rohrer	Williams
Hanna	Melio	Sabatina	Wojnaroski
Harhart	Metcalfe	Schroder	Youngblood

NOT VOTING—0

EXCUSED—3

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

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MINORITY LEADER

The SPEAKER. Representative Smith.

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

Just very quickly, Mr. Speaker, I want to wish the members an enjoyable remainder of the summer as they go back home to work in their districts. Perhaps a few of you will find a day or two of vacation after this.

The SPEAKER. If the gentleman will suspend for one second.

The Chair will ask the members to please not leave for a moment.

Mr. Smith.

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

Again, as the members go back to their districts to work in the district level and get to know what is going on after being gone for virtually a month and a half straight, I just want to wish them safe passage, but mostly, Mr. Speaker, I want to thank everyone on the floor. These are tough times. We have our disagreements and we get into fights and we argue, but at the end of the day, what makes this form of government we have the greatest in the world is that at the end of the day, we are able to shake hands and look at people when these transitions of power take place, and I think it is something that we can all be proud of. Even when the system is slow and torturous, it is something we can all be proud of, that we are a part of, and hopefully we serve our constituents well. God bless.

Thank you, Mr. Speaker.

STATEMENT BY MAJORITY LEADER

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. Thank you very much.

Just a real quick echo of my good friend, Sam.

Two points: One, the freshman class on both sides of the aisle was stupendous, was exemplary, full of spirit, full of reform, full of joie de vivre. So I want to commend the freshman class.

Secondly, I want to commend the Speaker, the Speaker, who weathered many storms but his hair never got mussed up.

Now, I would like, speaking of freshman class, I would like Karen Boback of Luzerne County to receive the undivided attention for 38 seconds. We have already timed this little ditty. So please, I relinquish the microphone to my good friend, Karen Boback from Luzerne.

ANNOUNCEMENT BY MS. BOBACK

Ms. BOBACK. Thank you, Representative DeWeese.

We have something special on your way home. First of all, a brief introduction. My friend and your friend, Eddie, had a top-notch band in our area for over 20 years. His band released seven 45 singles. He sang with and backed up Chubby Checker, Mitch Ryder, Gary U.S. Bond, the Drifters, Dennis Yost and the Classics IV, Frankie Valle, to name just a few. His venue included colleges, clubs, high schools, Friday and Saturday night dances, entertaining thousands of teenagers. His band is still one of the most sought after groups in my area, and to sing our closing song for this session, it gives me great pleasure to introduce my friend and yours, State Representative Eddie Day Pashinski.

STATEMENT BY MR. PASHINSKI

Mr. PASHINSKI. Thank you. Thank you very much. Thank you, Representative Boback, and thank you all for staying.

This was the longest end I have ever experienced, waiting about 6 hours to sing this song, but I think that it is so appropriate for us to do this. I am not going to do an hour medley of the Four Tops or the Drifters.

I just want to say to all of you what an honor it is for me to be here as a State Representative in this historic hall. And I want to reflect back on the time when we first came here and Representative Katie True and former Representative Pete Wambach and the Bipartisan Committee brought all the freshmen together and taught us about civility, and I thought since we started the year with friendship and civility, there would be no better way to end it under those same circumstances.

At this time I would like all of you to join with me in paying tribute to this historic hall, to the people of Pennsylvania, and to America. Join me, please, in singing "God Bless America."

("God Bless America" was sung by Mr. Pashinski, along with members and staff.)

Mr. PASHINSKI. God bless you all. Thank you.

STATEMENT BY SPEAKER

The SPEAKER. The Chair would also like to thank all the members, the floor staff, and all the staff for their diligence and professionalism in carrying out their duties.

I wish you all a pleasant vacation, and have a safe trip home. God bless you.

BILL SIGNED BY SPEAKER

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

HB 1656, PN 2341

An Act authorizing and directing the Department of General Services, with the approval of the Department of Conservation and Natural Resources and the Governor, to grant and convey to Skippack Township certain lands situate in Skippack Township, Montgomery County, in exchange for Skippack Township granting and conveying certain lands to the Commonwealth to be added to those existing lands at Evansburg State Park; authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to grant and convey to Jefferson County certain lands situate in Winslow Township, Jefferson County; 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; authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the First and Second Wards of the City of Pittsburgh, County of Allegheny, known as the Pittsburgh State Office Building; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey, at a price to be determined through a public solicitation for proposals, certain lands, buildings and improvements situate in the City and County of Philadelphia, known as the Philadelphia State Office Building.

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

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,
July 15, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, September 17, 2007, 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 House of Representatives recesses this week, it reconvene on Monday, September 17, 2007, 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.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1155 By Representatives GERGELY, BELFANTI, BLACKWELL, BUXTON, COHEN, CONKLIN, DALEY, FABRIZIO, FREEMAN, GOODMAN, JAMES, JOSEPHS, KIRKLAND, MYERS, M. O'BRIEN, PARKER, PAYTON, PRESTON, RAMALEY, STABACK, WATERS, J. WHITE, WILLIAMS and YOUNGBLOOD

An Act providing for paid sick leave for certain employees, for duties of the Department of Labor and Industry and for enforcement; and imposing a civil penalty.

Referred to Committee on LABOR RELATIONS, July 17, 2007.

No. 1600 By Representatives LEVDANSKY, SCAVELLO, SIPTROTH, McCALL, ARGALL, DeWEESE, KESSLER, SEIP, GALLOWAY, GIBBONS, PEIFER, SANTONI, VULAKOVICH, YOUNGBLOOD, BEYER, BIANCUCCI, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CURRY, DALLY, DePASQUALE, DERMODY, FLECK, GERGELY, GILLESPIE, GOODMAN, HALUSKA, HERSHEY, HORNAMAN, KORTZ, KOTIK, MACKERETH, MAHONEY, MANTZ, R. MILLER, PETRONE, PRESTON, READSHAW, SAYLOR, K. SMITH, STABACK, SURRA, THOMAS, WALKO, WATSON and YUDICHAK

An Act providing for supplemental State-funded tax relief; and establishing the Personal Income Tax Surcharge Fund.

Referred to Committee on FINANCE, July 17, 2007.

No. 1755 By Representatives HORNAMAN, HARKINS, FABRIZIO, KING, KORTZ, LONGIETTI and SEIP

An Act making an appropriation to keep a State Park open.

Referred to Committee on APPROPRIATIONS, July 17, 2007.

No. 1756 By Representatives GALLOWAY, BELFANTI, PARKER, SOLOBAY, CRUZ, CALTAGIRONE, BRENNAN, MAHONEY, PETRONE and HARKINS

An Act providing for employee rest periods and for powers and duties of the Department of Labor and Industry; and imposing penalties.

Referred to Committee on LABOR RELATIONS, July 17, 2007.

No. 1757 By Representatives GALLOWAY, BELFANTI, CRUZ, SOLOBAY, PARKER, HARKINS, PETRONE, MAHONEY, CALTAGIRONE and BRENNAN

An Act providing for employee meal periods and for powers and duties of the Department of Labor and Industry; and imposing penalties.

Referred to Committee on LABOR RELATIONS, July 17, 2007.

No. 1758 By Representative THOMAS

An Act authorizing municipalities to impose restrictions on the purchase, sale and possession of firearms; and establishing the Illegal Firearm Trafficking Bureau.

Referred to Committee on JUDICIARY, July 17, 2007.

No. 1759 By Representatives BELFANTI, PHILLIPS, MANN, FAIRCHILD, BENNINGHOFF, BLACKWELL, BRENNAN, CAPPELLI, CARROLL, CAUSER, CONKLIN, CREIGHTON, EVERETT, GEIST, HALUSKA, HARKINS, HESS, HORNAMAN, JAMES, KIRKLAND, KORTZ, KOTIK, LEVDANSKY, MAHONEY, McILVAINE SMITH, MELIO, R. MILLER, PASHINSKI, RAPP, SANTONI, SAYLOR, SCAVELLO, SCHRODER, SOLOBAY, STERN, SWANGER, TANGRETTI, THOMAS, J. WHITE, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for modification of custody order during military duty.

Referred to Committee on JUDICIARY, July 17, 2007.

No. 1760 By Representatives WANSACZ and SHIMKUS

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

Referred to Committee on CHILDREN AND YOUTH, July 17, 2007.

No. 1761 By Representatives BELFANTI, CASORIO, M. O'BRIEN, PASHINSKI, KOTIK, COHEN, KORTZ, MAHONEY, PALLONE, PETRONE, JAMES and BRENNAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for law enforcement officers of limited jurisdiction.

Referred to Committee on LABOR RELATIONS, July 17, 2007.

No. 1762 By Representatives HORNAMAN, BARRAR, BELFANTI, BLACKWELL, CARROLL, CLYMER, CURRY, DePASQUALE, J. EVANS, FABRIZIO, FREEMAN, GEORGE, GERBER, GIBBONS, GRUCELA, HARHART, HUTCHINSON, JAMES, KESSLER, KING, KORTZ, KULA, LENTZ, MAHONEY, MENSCH, MURT, MYERS, M. O'BRIEN, PETRARCA, PHILLIPS, RAPP, RAYMOND, READSHAW, SAINATO, SAYLOR, SCAVELLO, SEIP, SHAPIRO, SHIMKUS, R. STEVENSON, TANGRETTI, THOMAS, VITALI, VULAKOVICH, WALKO, J. WHITE, WOJNAROSKI, YOUNGBLOOD, KOTIK and SCHRODER

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for persons with military service-connected disabilities to receive vehicle sales tax exemptions.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 17, 2007.

No. 1763 By Representatives SONNEY, BEAR, CUTLER, HALUSKA, KORTZ, MARSHALL, MENSCH, MILLARD, PYLE, SIPTROTH and YOUNGBLOOD

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

Referred to Committee on LOCAL GOVERNMENT, July 17, 2007.

No. 1764 By Representatives HARPER, ADOLPH, BEAR, BENNINGHOFF, BOYD, BRENNAN, CAPPELLI, CURRY, GINGRICH, GRUCELA, HARKINS, HUTCHINSON, KENNEY, MARKOSEK, McGEEHAN, McILHATTAN, MELIO, MENSCH, R. MILLER, MOUL, NAILOR, O'NEILL, PALLONE, RAPP, REICHLEY, ROEBUCK, ROSS, SAINATO, SCAVELLO, SIPTROTH, SOLOBAY, SONNEY, SWANGER, TANGRETTI, THOMAS, WATSON, YOUNGBLOOD and GOODMAN

An Act establishing a bill of rights for individuals with intellectual and developmental disabilities; and conferring powers and duties on the Department of Public Welfare.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 17, 2007.

No. 1765 By Representatives STURLA, READSHAW, GERGELY, JOSEPHS, HENNESSEY and YOUNGBLOOD

An Act amending the act of May 26, 1947 (P.L.318, No.140), known as the CPA Law, further providing for the title, for definitions, for the State Board of Accountancy, for examinations and certificates, for education, for experience and for reciprocity; providing for substantial equivalency; and further providing for fees, for licensing, for peer review, for grounds for discipline, for reinstatement, for ownership of working papers, for unlawful acts and for lawful acts.

Referred to Committee on PROFESSIONAL LICENSURE, July 17, 2007.

No. 1766 By Representatives COHEN, BELFANTI, SURRA, DALEY, TANGRETTI, MELIO, GEORGE, CALTAGIRONE, JOSEPHS, JAMES, THOMAS, BLACKWELL, BRENNAN, CURRY, HARKINS, HORNAMAN, MANDERINO, M. O'BRIEN, PARKER, SIPTROTH, K. SMITH, SWANGER, WALKO and YOUNGBLOOD

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, requiring contractors to provide workers' compensation benefits to all employees.

Referred to Committee on LABOR RELATIONS, July 17, 2007.

No. 1767 By Representatives CALTAGIRONE, GEORGE, KOTIK, M. O'BRIEN, SURRA, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of June 1, 1945 (P.L.1242, No.428), known as the State Highway Law, further providing for discharge of sewage or drainage on highways prohibited.

Referred to Committee on TRANSPORTATION, July 17, 2007.

No. 1768 By Representatives CALTAGIRONE, D. O'BRIEN, BELFANTI, SOLOBAY, BARRAR, BASTIAN, BLACKWELL, BRENNAN, CONKLIN, COSTA, CRUZ, CURRY, DALEY, DeLUCA, GEIST, GEORGE, GIBBONS, GINGRICH, GOODMAN, GRUCELA, HARKINS, HENNESSEY, HESS, HORNAMAN, KORTZ, KOTIK, KULA, LEACH, MAHONEY, MARKOSEK, McGEEHAN, MENSCH, MICOZZIE, MOYER, MURT, M. O'BRIEN, PARKER, PETRARCA, PETRONE, REICHLEY, SAINATO, SIPTROTH, K. SMITH, SURRA, J. TAYLOR, THOMAS, VEREB, J. WHITE and YOUNGBLOOD

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease"; and providing for cancer in the occupation of firefighter.

Referred to Committee on LABOR RELATIONS, July 17, 2007.

VOTE CORRECTION

The SPEAKER. Representative Creighton. For what purpose does the gentleman rise?

Mr. CREIGHTON. To correct the record.

The SPEAKER. The gentleman is in order.

Mr. CREIGHTON. On HB 896, I want to be recorded in the negative.

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

Are there any other announcements?

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Representative Vulakovich from Allegheny County moves that this House do now adjourn until Monday, September 17, 2007, at 1 p.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 6:34 p.m., e.d.t., the House adjourned.