

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 9, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 115

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (KEITH R. McCALL)
PRESIDING**

PRAYER

HON. THADDEUS KIRKLAND, member of the House of Representatives, offered the following prayer:

Let us pray:

Great is Thy faithfulness, great is Thy faithfulness, morning to morning, brand-new mercies we are able to see.

Our Father and our God, we come this morning giving You thanks, for You said in Your Word, in all things, give thanks. We thank You, O God, for the early rising. We thank You, O God, for a portion of health, a portion of strength. Most of all, God, we thank You for Your faithfulness, because it was You, O God, who allowed us to be in the land of the living. You, O God, in spite of our faults, in spite of our shortcomings, You, O God, continue to be faithful and allow us to be in Your presence, for in Your presence, there is fullness of joy.

And so, God, as we assemble in this House of Representatives in this Capitol, we pray, O God, that You would endow these men and these women with Your understanding, with Your wisdom, with Your power from on high, for we can do nothing without You.

God, we pay a special blessing, a special prayer upon our Speaker, upon our Governor, upon our leadership as we move through this process of governing these Thine people. God, give us the strength and the wisdom to do that which is right. And, God, we would be ever so careful to give You all the praise and all the glory simply because You are worthy, and we will do it in the majestic name of Your son. With thanksgiving, our soul says 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 Tuesday, December 8, 2009, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority leader, Representative Eachus, who requests a leave of absence for Representative CRUZ from Philadelphia County for the day; Representative GERBER from Montgomery County for the day; Representative DeWEESE from Greene County for the day; Representative WAGNER from Allegheny County for the day. Without objection, the leaves will be granted.

The Chair recognizes the gentleman from Allegheny County, Representative Turzai, the minority whip, who requests a leave of absence for Representative HELM from Dauphin County for the day and Representative TRUE from Lancaster County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—194

Adolph	Evans, J.	Levdansky	Reed
Baker	Everett	Longietti	Reese
Barbin	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Belfanti	Fleck	Manderino	Roebuck
Benninghoff	Frankel	Mann	Rohrer
Beyer	Freeman	Markosek	Ross
Bishop	Gabig	Marshall	Sabatina
Boback	Gabler	Marsico	Sainato
Boyd	Galloway	Matzie	Samuelson
Boyle	Geist	McGeehan	Santarsiero
Bradford	George	McI. Smith	Santoni
Brennan	Gergely	Melio	Saylor
Briggs	Gibbons	Metcalfe	Scavello
Brooks	Gillespie	Metzgar	Schroder
Brown	Gingrich	Micozzie	Seip
Burns	Godshall	Millard	Shapiro
Buxton	Goodman	Miller	Siptroth
Caltagirone	Grell	Milne	Smith, K.
Carroll	Grove	Mirabito	Smith, M.
Casorio	Grucela	Moul	Smith, S.
Causer	Haluska	Mundy	Solobay
Christiana	Hanna	Murphy	Sonney
Civera	Harhai	Murt	Staback
Clymer	Harhart	Mustio	Stern
Cohen	Harkins	Myers	Stevenson
Conklin	Harper	O'Brien, D.	Sturla
Costa, D.	Harris	O'Brien, M.	Swanger

Costa, P.	Hennessey	O'Neill	Tallman
Cox	Hess	Oberlander	Taylor, J.
Creighton	Hickernell	Oliver	Taylor, R.
Curry	Hornaman	Pallone	Thomas
Cutler	Houghton	Parker	Turzai
Daley	Hutchinson	Pashinski	Vereb
Dally	Johnson	Payne	Vitali
Day	Josephs	Payton	Vulakovich
Deasy	Kauffman	Peifer	Walko
DeLozier	Keller, M.K.	Perzel	Wansacz
DeLuca	Keller, W.	Petrarca	Waters
Denlinger	Kessler	Petri	Watson
DePasquale	Killion	Phillips	Wheatley
Dermody	Kirkland	Pickett	White
DiGirolamo	Knowles	Preston	Williams
Donatucci	Kortz	Pyle	Youngblood
Drucker	Kotik	Quigley	Yudichak
Eachus	Krieger	Quinn	
Ellis	Kula	Rapp	McCall,
Evans, D.	Lentz	Readshaw	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Cruz	Gerber	Miccarelli	True
DeWeese	Helm	Perry	Wagner

LEAVES ADDED—10

Cox	Lentz	Petri	Rohrer
Fleck	Murphy	Quigley	True
Killion	Murt		

LEAVES CANCELED—5

DeWeese	Murphy	True	Wagner
Gerber			

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

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 562 By Representatives BOBACK, BROWN, CLYMER, ADOLPH, BAKER, BEAR, BROOKS, CARROLL, CAUSER, CHRISTIANA, FLECK, FRANKEL, GEORGE, GINGRICH, GODSHALL, GOODMAN, GRUCELA, HARHART, HARRIS, HELM, HORNAMAN, KORTZ, LONGIETTI, MAJOR, MANN, MATZIE, McGEEHAN, MICOZZIE, MILLARD, MOUL, MUNDY, MURPHY, OBERLANDER, O'NEILL, PALLONE, PASHINSKI, PICKETT, QUINN, READSHAW, REICHLEY, ROEBUCK, SABATINA, SAYLOR, SCHRODER, SIPTROTH, K. SMITH, STEVENSON, TRUE, VULAKOVICH, WATSON, BISHOP, GRELL, SWANGER, THOMAS, YOUNGBLOOD and STERN

A Resolution memorializing the Congress of the United States in its health care reform decisions to apply the American Cancer Society's guidelines for breast cancer screening.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 9, 2009.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2154 By Representatives DeLUCA, MICOZZIE, BOBACK, BOYD, BOYLE, D. COSTA, CREIGHTON, DEASY, FRANKEL, GRUCELA, HALUSKA, HORNAMAN, KORTZ, KOTIK, LONGIETTI, MAHONEY, MIRABITO, MOUL, MUNDY, MURT, PASHINSKI, READSHAW, SIPTROTH, R. TAYLOR, WALKO, WATERS, WHITE, YOUNGBLOOD and GINGRICH

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for immunity from liability; and making related repeals.

Referred to Committee on INSURANCE, December 9, 2009.

No. 2156 By Representatives COX, BOYD, CREIGHTON, DENLINGER, EVERETT, MAJOR, MOUL, RAPP, STERN, TALLMAN and GINGRICH

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 transfer of programs and classes.

Referred to Committee on EDUCATION, December 9, 2009.

No. 2157 By Representatives BOYLE, DeLUCA, BELFANTI, BRENNAN, BROWN, FREEMAN, KORTZ, MANN, McGEEHAN, MUNDY, MURPHY, M. O'BRIEN, M. SMITH, BRIGGS, BISHOP, JOSEPHS and FRANKEL

An Act creating the Pennsylvania Chronic Care Commission, providing for responsibilities and duties of the commission and for duties of the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, December 9, 2009.

No. 2158 By Representatives BENNINGHOFF, CLYMER, CREIGHTON, CUTLER, FLECK, GIBBONS, GROVE, HORNAMAN, KORTZ, KOTIK, McILVAINE SMITH, MILLER, MURT, MYERS, ROAE, SCAVELLO, SWANGER, WATERS and YOUNGBLOOD

An Act prohibiting certain governing bodies from restricting persons who occupy dwelling units from using solar clothes-drying devices.

Referred to Committee on URBAN AFFAIRS, December 9, 2009.

No. 2159 By Representatives STERN, MUNDY, FLECK, GEIST, GINGRICH, HESS, HORNAMAN, KAUFFMAN, MAJOR, MOUL, MURT, O'NEILL, PHILLIPS, READSHAW, SIPTROTH, SWANGER, VULAKOVICH, WATSON and YOUNGBLOOD

An Act establishing an informal dispute resolution process for long-term care nursing facilities and an informal dispute resolution panel within the Department of Health; and providing for membership of the panel, for the scope of informal resolution review and for data collection.

Referred to Committee on AGING AND OLDER ADULT SERVICES, December 9, 2009.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 123, PN 119 By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

JUDICIARY.

HB 751, PN 836 By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of aggravated harassment by prisoner.

JUDICIARY.

HB 1878, PN 2995 (Amended) By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the offenses of possession of weapons and aggravated assault.

JUDICIARY.

HB 2037, PN 2792 By Rep. CALTAGIRONE

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

JUDICIARY.

HB 2087, PN 2996 (Amended) By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in assault, further providing for the offense of aggravated assault.

JUDICIARY.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentlelady from Lancaster County, Representative True, on the House floor. Her name will be added to the master roll.

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome a number of visitors we have today in the chamber.

In the well of the House, the Chair welcomes West Chester East High School students Amy Buckley, Carl Boswell, and Katrina Steinley. They are here as the guests of Representative Barb McIlvaine Smith and I take it working as guest pages. Welcome to the hall of the House.

To the left of the Speaker, the Chair welcomes Alisha Mobley, a senior at Temple University in Philadelphia. She is majoring in political science. For the fall semester, Alisha was

assigned to the House majority Policy Committee. She is the guest of Representative Mike Sturla. Welcome to the hall of the House, Alisha.

In the back of the House, the Chair welcomes the Holy Trinity High Flyers from Ligonier, PA. They are in their seventh year as a demonstration team for the American Heart Association. The team competes annually in the U.S.A. Jump Rope National Championships and AAU (Amateur Athletic Union) Junior Olympics. Many of the High Flyers have won both regional and national medals and ribbons. Several team members are gold medalists from the most recent AAU Junior Olympics in Des Moines, Iowa. Last week part of the team represented the U.S.A. Jump Rope in the Macy's Thanksgiving Day Parade in New York City. The team prioritizes messaging around good nutrition, physical activity, and staying tobacco-free. The team's director is Dr. Laurie Whitsel, who is a policy research analyst for the American Heart Association National Center in Washington, DC. The Holy Trinity Flyers will be performing in the East Wing Rotunda today at noon, and they are the guests of Representative Mike Reese. Will the guests rise. Welcome to the hall of the House.

Also in the back of the House, the Chair welcomes the Greater Latrobe Senior High School Boys Golf Team, being the first time the team has captured the PIAA golf title by winning the WPIAL Championship with a total score of 397. The members of the team are Ben Gjebre, Sam Cline, Will Wears, Dylan Marshall, T.J. Butala, Dan Bucci, Jake Reed, Cameron Roth, Mac Flasher, Ben Biss, Lance Metsger, and Ryan Staffen; with coach Scott Reaugh; and the athletic director, Matt Smith. Welcome to the hall of the House.

Also seated to the left of the Speaker is the Greater Latrobe Senior High School Singles Tennis Champion, Joelle Kissell, who captured the 2009 PIAA State Class AAA Girls Singles Tennis Championship, and her coach, John Mains. All of the guests that we just mentioned, the State champions, are the guests of Representative Krieger, Representative Reese, and Representative Petrarca. Welcome to the hall of the House.

We have a very, very special guest with us today, Becky Boucher. She is to the left of the Speaker. She will have the honor of lighting the Christmas tree today in the rotunda. She is with her family: her mother, Wendi; her sister, Maxine; her brother, James; and also her aunts, Janice Pennink and Lauren Packer. Becky, you are going to be lighting a tree that comes from my district, Carbon County, so I am going to see you down there at the tree-lighting ceremony. But thank you very much for coming to Harrisburg and sharing in this wonderful tree-lighting ceremony today – Becky Boucher.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. PETRARCA called up **HR 548, PN 2944**, entitled:

A Resolution honoring Latrobe, Pennsylvania, resident Arnold Palmer on his 80th birthday and congratulating him on the many accomplishments of his life.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Everett	Longietti	Reese
Baker	Fabrizio	Maher	Reichley
Barbin	Fairchild	Mahoney	Roae
Barrar	Farry	Major	Rock
Bear	Fleck	Manderino	Roebuck
Belfanti	Frankel	Mann	Rohrer
Benninghoff	Freeman	Markosek	Ross
Beyer	Gabig	Marshall	Sabatina
Bishop	Gabler	Marsico	Sainato
Boback	Galloway	Matzie	Samuelson
Boyd	Geist	McGeehan	Santarsiero
Boyle	George	McI. Smith	Santoni
Bradford	Gergely	Melio	Saylor
Brennan	Gibbons	Metcalfe	Scavello
Briggs	Gillespie	Metzgar	Schroder
Brooks	Gingrich	Micozzie	Seip
Brown	Godshall	Millard	Shapiro
Burns	Goodman	Miller	Siptroth
Buxton	Grell	Milne	Smith, K.
Caltagirone	Grove	Mirabito	Smith, M.
Carroll	Grucela	Moul	Smith, S.
Casorio	Haluska	Mundy	Solobay
Causar	Hanna	Murphy	Sonney
Christiana	Harhai	Murt	Staback
Civera	Harhart	Mustio	Stern
Clymer	Harkins	Myers	Stevenson
Cohen	Harper	O'Brien, D.	Sturla
Conklin	Harris	O'Brien, M.	Swanger
Costa, D.	Hennessey	O'Neill	Tallman
Costa, P.	Hess	Oberlander	Taylor, J.
Cox	Hickernell	Oliver	Taylor, R.
Creighton	Hornaman	Pallone	Thomas
Curry	Houghton	Parker	True
Cutler	Hutchinson	Pashinski	Turzai
Daley	Johnson	Payne	Vereb
Dally	Josephs	Payton	Vitali
Day	Kauffman	Peifer	Vulakovich
Deasy	Keller, M.K.	Perzel	Walko
Delozier	Keller, W.	Petrarca	Wansacz
DeLuca	Kessler	Petri	Waters
Denlinger	Killion	Phillips	Watson
DePasquale	Kirkland	Pickett	Wheatley
Dermody	Knowles	Preston	White
DiGirolamo	Kortz	Pyle	Williams
Donatucci	Kotik	Quigley	Youngblood
Drucker	Krieger	Quinn	Yudichak
Eachus	Kula	Rapp	
Ellis	Lentz	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Gerber	Miccarelli	Wagner
DeWeese	Helm	Perry	

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

The SPEAKER. For what purpose does the gentlelady from Bucks County, Representative Watson, rise?

Mrs. WATSON. Thank you, Mr. Speaker.

I rise pursuant to rule 17. I move for a special order of business to call up from the calendar the following bills: SB 1040, SB 1038, SB 1036, SB 1037, and SB 1039.

The SPEAKER. The Speaker asked the gentlelady for what purpose does she rise? It is not that we are not going to recognize you; we want to get through the rule 35s. There are about two or three more resolutions.

Can you withdraw and we will recognize you after we do the two rule 35s and recognize you then to make the motion?

Mrs. WATSON. Yes, Mr. Speaker. I am only temporarily withdrawing. That is correct?

The SPEAKER. Correct; correct.

Mrs. WATSON. Got you.

The SPEAKER. The Speaker will recognize the gentlelady after the rule 35s.

Mrs. WATSON. Yes, sir. Thank you so much. Thanks.

The SPEAKER. You are very welcome.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. SEIP called up **HR 550, PN 2986**, entitled:

A Resolution recognizing the historic impact and tremendous accomplishments of the 1925 Pottsville Maroons football team, appreciating the significant advancements and innovations made by the team in the early years of the National Football League and designating the month of December 2009 as "Pottsville Maroons Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The SPEAKER. On that question, the Chair recognizes the gentleman from Schuylkill County, Representative Seip.

Mr. SEIP. Thank you, Mr. Speaker.

On December 6, 1925, the Pottsville Maroons beat the runner-up Chicago Cardinals at Comiskey Park 21 to 7 in what was widely believed to be the NFL (National Football League) championship game. Following that game, the Maroons played one more game in 1925 against the greatest team ever assembled. "The greatest team ever assembled" is how David Fleming of ESPN described the Four Horsemen of Notre Dame. The Pottsville Maroons beat them 9 to 7 after Charlie Berry kicked the final three-point field goal of the game, proving to the world that Pottsville was the true champion of the NFL of 1925.

In his book, "The Breaker Boys: The NFL's Greatest Team and the Stolen 1925 Championship," David Fleming chronicles and provides overwhelming evidence that leaves no doubt that the Maroons are the rightful owners of the 1925 NFL title. This great victory also legitimized the NFL as a true professional league with a talent level that finally surpassed the storied collegiate football teams of the day like Army, Navy, and Notre Dame.

These true NFL champions of 1925 were also innovators of the game, being able to be the first to use planned substitutions of players and also integrating the forward pass as a regular component of their offense.

This team was mostly composed of hardnosed, hardworking personalities who were incredible athletes far ahead of their time. As relatives of these great athletes, like Alison Rauch Dudley – the daughter of Dick Rauch, the player coach of the Maroons – wait for the NFL to restore the rightful ownership of the 1925 NFL title, they can take some pride in the fact that the passing of this resolution declaring December as "Pottsville Maroons Month" in Pennsylvania will serve as a message that the entire Commonwealth of Pennsylvania is behind the Maroons.

Mr. Speaker, I ask all my colleagues for their affirmative vote on HR 550 today. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—195

Adolph	Everett	Longietti	Reese
Baker	Fabrizio	Maher	Reichley
Barbin	Fairchild	Mahoney	Roae
Barrar	Farry	Major	Rock
Bear	Fleck	Manderino	Roebuck
Belfanti	Frankel	Mann	Rohrer
Benninghoff	Freeman	Markosek	Ross
Beyer	Gabig	Marshall	Sabatina
Bishop	Gabler	Marsico	Sainato
Boback	Galloway	Matzie	Samuelson
Boyd	Geist	McGeehan	Santarsiero
Boyle	George	McI. Smith	Santoni
Bradford	Gergely	Melio	Saylor
Brennan	Gibbons	Metcalfe	Scavello
Briggs	Gillespie	Metzgar	Schroder
Brooks	Gingrich	Micozzie	Seip
Brown	Godshall	Millard	Shapiro
Burns	Goodman	Miller	Siptroth
Buxton	Grell	Milne	Smith, K.
Caltagirone	Grove	Mirabito	Smith, M.
Carroll	Grucela	Moul	Smith, S.
Casorio	Haluska	Mundy	Solobay
Causar	Hanna	Murphy	Sonney
Christiana	Harhai	Murt	Staback
Civera	Harhart	Mustio	Stern
Clymer	Harkins	Myers	Stevenson
Cohen	Harper	O'Brien, D.	Sturla
Conklin	Harris	O'Brien, M.	Swanger
Costa, D.	Hennessey	O'Neill	Tallman
Costa, P.	Hess	Oberlander	Taylor, J.
Cox	Hickernell	Oliver	Taylor, R.
Creighton	Hornaman	Pallone	Thomas
Curry	Houghton	Parker	True
Cutler	Hutchinson	Pashinski	Turzai
Daley	Johnson	Payne	Vereb
Dally	Josephs	Payton	Vitali
Day	Kauffman	Peifer	Vulakovich
Deasy	Keller, M.K.	Perzel	Walko
Delozier	Keller, W.	Petrarca	Wansacz
DeLuca	Kessler	Petri	Waters
Denlinger	Killion	Phillips	Watson
DePasquale	Kirkland	Pickett	Wheatley
Dermody	Knowles	Preston	White
DiGirolamo	Kortz	Pyle	Williams
Donatucci	Kotik	Quigley	Youngblood
Drucker	Krieger	Quinn	Yudichak
Eachus	Kula	Rapp	
Ellis	Lentz	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Gerber	Miccarelli	Wagner
DeWeese	Helm	Perry	

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

CALENDAR CONTINUED

RESOLUTION PURSUANT TO RULE 35

Mr. CASORIO called up **HR 556, PN 2970**, entitled:

A Resolution honoring First Sergeant of the United States Army, Leonard A. Funk, Jr., for his courage and heroism during World War II.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Everett	Longietti	Reese
Baker	Fabrizio	Maher	Reichley
Barbin	Fairchild	Mahoney	Roae
Barrar	Farry	Major	Rock
Bear	Fleck	Manderino	Roebuck
Belfanti	Frankel	Mann	Rohrer
Benninghoff	Freeman	Markosek	Ross
Beyer	Gabig	Marshall	Sabatina
Bishop	Gabler	Marsico	Sainato
Boback	Galloway	Matzie	Samuelson
Boyd	Geist	McGeehan	Santarsiero
Boyle	George	McI. Smith	Santoni
Bradford	Gergely	Melio	Saylor
Brennan	Gibbons	Metcalfe	Scavello
Briggs	Gillespie	Metzgar	Schroder
Brooks	Gingrich	Micozzie	Seip
Brown	Godshall	Millard	Shapiro
Burns	Goodman	Miller	Siptroth
Buxton	Grell	Milne	Smith, K.
Caltagirone	Grove	Mirabito	Smith, M.
Carroll	Grucela	Moul	Smith, S.
Casorio	Haluska	Mundy	Solobay
Causar	Hanna	Murphy	Sonney
Christiana	Harhai	Murt	Staback
Civera	Harhart	Mustio	Stern
Clymer	Harkins	Myers	Stevenson
Cohen	Harper	O'Brien, D.	Sturla
Conklin	Harris	O'Brien, M.	Swanger
Costa, D.	Hennessey	O'Neill	Tallman
Costa, P.	Hess	Oberlander	Taylor, J.
Cox	Hickernell	Oliver	Taylor, R.
Creighton	Hornaman	Pallone	Thomas
Curry	Houghton	Parker	True
Cutler	Hutchinson	Pashinski	Turzai
Daley	Johnson	Payne	Vereb
Dally	Josephs	Payton	Vitali
Day	Kauffman	Peifer	Vulakovich
Deasy	Keller, M.K.	Perzel	Walko
Delozier	Keller, W.	Petrarca	Wansacz

DeLuca	Kessler	Petri	Waters
Denlinger	Killion	Phillips	Watson
DePasquale	Kirkland	Pickett	Wheatley
Dermody	Knowles	Preston	White
DiGirolamo	Kortz	Pyle	Williams
Donatucci	Kotik	Quigley	Youngblood
Drucker	Krieger	Quinn	Yudichak
Eachus	Kula	Rapp	
Ellis	Lentz	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—7

Cruz	Gerber	Miccarelli	Wagner
DeWeese	Helm	Perry	

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

BILL REPORTED FROM COMMITTEE**HB 2042, PN 2810**

By Rep. FREEMAN

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

LOCAL GOVERNMENT.

BILL REREFERRED

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 2042, PN 2810, be rereferred to the Labor Relations Committee.

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

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 325, PN 357**

By Rep. LEVDANSKY

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

FINANCE.

HB 1114, PN 2997 (Amended) By Rep. LEVDANSKY

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the procedure for claiming special tax provisions and for proof of eligibility.

FINANCE.

HB 1598, PN 1990

By Rep. LEVDANSKY

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for the definition of "income"; and providing for the definition of "Social Security substitute pension."

FINANCE.

HB 1675, PN 2998 (Amended)

By Rep. LEVDANSKY

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

FINANCE.

HB 2066, PN 2999 (Amended)

By Rep. LEVDANSKY

An Act establishing the Sales and Use Tax Study Commission; and providing for study and report on sales and use tax.

FINANCE.

HB 2067, PN 2846

By Rep. LEVDANSKY

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

FINANCE.

The SPEAKER. Will the gentlelady from Bucks County, Representative Watson, come to the dais.

(Conference held at Speaker's podium.)

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus, for the purpose of an announcement.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members— Mr. Speaker, could I get attention from the membership?

The SPEAKER. The House will come to order.

Mr. EACHUS. Thank you, Mr. Speaker.

For the information of the members, there will be a House Democratic caucus at 1 o'clock in the majority caucus room, and we will return to the floor at 2 for floor action.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, the minority caucus chair, Representative Major, for the purpose of an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at the call of the recess. I would ask Republicans to please report back to our caucus room. Thank you.

The SPEAKER. The Chair thanks the lady.

RECESS

The SPEAKER. This House stands in recess until 2 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2:30 p.m.; further extended until 3 p.m.; further extended until 4 p.m.; further extended until 4:30 p.m.; further extended until 5 p.m.; further extended until 5:30 p.m.; further extended until 6 p.m.

AFTER RECESS

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

The SPEAKER. The members will please report to the floor of the House; members will please report to the floor.

The House will be at ease.

The House will come to order.

LEAVES OF ABSENCE CANCELED

The SPEAKER. Turning to leaves of absence, the Chair notes the presence of the gentleman from Montgomery County, Representative Gerber, on the House floor. His name will be added to the master roll.

Also, the Chair recognizes the gentelady from Allegheny County, Representative Wagner, whose presence is on the House floor. Her name will be added to the master roll.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority leader, who requests a leave of absence for the gentleman from Delaware County, Representative LENTZ, for the day. Without objection, the leave will be granted.

The Chair recognizes the gentleman from Allegheny County, the minority whip, Representative Turzai, who requests a leave of absence for Representative KILLION from Delaware County for the day and Representative MURT from Montgomery County for the day. Without objection, the leaves will be granted.

Again, returning to leaves of absence, the Chair recognizes the gentleman from Allegheny County, Representative Turzai, who requests a leave of absence for the gentleman from Berks County, Representative COX, for the remainder of the day. Without objection, the leave will be granted.

**MOTION FOR
SPECIAL ORDER OF BUSINESS**

The SPEAKER. The Chair recognizes the gentelady from Bucks County, Representative Watson, for the purpose of a motion.

Mrs. WATSON. Thank you, Mr. Speaker.

Mr. Speaker, thank you very much. I know it might have been a long afternoon, but you kept your word, and I thank you, sir, very much.

We will do a déjà vu, sir.

Pursuant to rule 17, I move for a special order of business to call up from the calendar – and I was told I was to do these, by the Parliamentarian, one at a time – SB 1040. And for the members, SB 1040 then is the nonpreferred State-related appropriation for Pennsylvania State University.

The SPEAKER. Is the gentelady going to make a motion for all of the bills – SBs 1036, 1037, 1038, 1039, and 1040 – all at once?

Mrs. WATSON. It is my intent one after the other, sir, but in that earlier discussion this afternoon, it was asked that I do them individually. I certainly can do them together, but I am happy to do them individually starting with Penn State.

The SPEAKER. We could do them all simultaneously in one motion.

Mrs. WATSON. May I think about that for a second? Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Greene County, the minority whip, Representative DeWeese, on the House floor. His name will be added to the master roll.

**MOTION FOR
SPECIAL ORDER OF BUSINESS
CONTINUED**

The SPEAKER. The gentelady, Mrs. Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

Because we talked about it earlier and we said one at a time and I want to make sure so that if somebody says to me, oh, well, there is not enough money, I am going to get as many of these young people, older learners, everybody who is trying to go to school for second semester, in where they need to go. I prefer, sir, to do them one at a time. Thank you.

The SPEAKER. The Chair thanks the lady.

The gentelady, Representative Watson, moves that SB 1040, on page 6 of today's calendar, be made a special order of business.

On the question,

Will the House agree to the motion?

The SPEAKER. On that motion, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the gentelady's motion for a special order. This special order tonight allows the gentelady to choose the order of business. As this body knows – and we have had an earlier discussion in this session – that ability to choose what the order of legislative business is falls to the majority leader, the floor leader, of the House.

The other issue that relates to this is the gentelady is choosing and picking which nonpreferred appropriation gets to go. Now, you may remember last night if you were here, and I know all the members were, that the minority party, the Republicans, voted against nonpreferred appropriations. We had a commitment last night, the Speaker and I, to run all of those nonpreferred appropriations. The party on the other side decided to vote against those, halting our progress on those appropriations.

Tonight, tonight the order of business is SB 711. That is my preference, and I am asking the members of this body to oppose this motion and each of the subsequent motions as it relates to picking and choosing which appropriations get done on this floor, and let us move to the table games bill. That bill is essential to closing the budget gap for this year, and I am asking the membership to support that motion.

I oppose it.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The gentleman will yield.

Mr. EACHUS. Mr. Speaker? Mr. Speaker?

The SPEAKER. The House will come to order.

Mr. EACHUS. Mr. Speaker, may I be recognized?

The SPEAKER. The members will please take their seats. The Speaker cannot recognize who is standing at the microphones and who is seeking recognition.

Mr. EACHUS. Thank you, Mr. Speaker, for the recognition.

The SPEAKER. The majority leader is recognized.

Mr. EACHUS. Thank you.

One other thing I wanted to add as a caveat: As soon as we finish the table games legislation, I will move directly to nonpreferred appropriations, directly to them, finishing the work that is necessary to make sure that our nonpreferred universities and our museums are funded properly. That is my commitment tonight.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the minority leader, Representative Smith.

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

First of all, I rise to support the motion for a special order of business to consider Penn State and then presumably we would follow up with the other three State-related universities' nonpreferred appropriations.

With respect to the majority leader, while the order of business is generally declared or determined by the majority leader, the fact is that this process of the legislature actually allows the House to always control wherever a bill goes or does not go. For instance, if a bill is in committee, the House has the ability to file a discharge resolution to bring that bill to the full floor for a vote. So while in the day-to-day operations, he is correct, the rules of procedure always allow the majority of the House, a majority vote of the House to change that order, and that is what this is. This is a proper motion in that regard, and it is basically allowing each of the individual members to say, we disagree; respectfully disagree, but we think this is something that we need to get to.

Secondly, Mr. Speaker, I want to note the difference between the nonpreferreds that were started to run yesterday. If you would note, those are House bills that have to go through 3 days in the House. They would have been on their third day in the House and they would have to go through 3 days in the Senate. This nonpreferred, this one that we are talking about here, has already been passed by the Senate. It has been considered in the

House and can go directly to the Governor's desk. The subtlety of that, Mr. Speaker, is that the Senate did not send us nonpreferred appropriations for those museums, the ones that were brought up yesterday. I am not sure that there is not support for those nonpreferreds in this House, but given the fact that there is no commitment in the Senate to pass those to the Governor, given the fact that there was money in the General Fund for those museum nonpreferreds through a General Fund appropriation, some may argue that the nonpreferreds are not necessary for those other House bills.

The bottom line, Mr. Speaker, is— Oh, and by the way, there were several Democrats who did not vote in support of the House bill nonpreferreds yesterday that were aimed towards the museums. So it was not just the Republicans who did not vote for them. The bottom line is, Mr. Speaker, everybody knows that shortly the State-related universities will be sending out supplemental tuition payments to the families and students all across Pennsylvania from Pitt, Penn State, Temple, and Lincoln if these nonpreferreds are not on the Governor's desk very shortly.

So this is priority business before this House, and I would urge the members to respectfully vote for this motion for a special order of business. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This motion for a special order of business is to allow funding of the Pennsylvania State University. Subsequent motions are expected from the gentelady to fund the University of Pittsburgh, to fund Lincoln University, to fund Temple University – our four State-related universities.

The majority leader rises and talks about his control of the calendar, and this is all about control of the calendar, and because he wants to have sole control of the calendar, he is asking you to vote against funding Pennsylvania State University.

Well, let us talk about another sort of calendar, the calendar in the real world. This is December. Students at the Pennsylvania State University, whether in State College or at any other of the branch campuses throughout our Commonwealth, are in their final week of classes for the first semester. You have not shown up for class. You have not shown up for class for the entire semester, and anyplace where I have gone to school, if you do not show up for class the entire semester, it is clear: You have failed. You have one chance here to end your truancy. You have got the chance to come back before classes are over. Classes are over in the real world this week. Do not settle for that failing grade. Do not volunteer for an F so that some person can control the calendar.

He talks about the order of business and his need to control the order of business. Well, let us talk about business in the real world, the real order of business. Tuition bills will be printed soon. The bills for students to attend Pennsylvania State University, the University of Pittsburgh, Temple University, Lincoln University, will be printed any day. That is the real world's order of business.

Students across this State, families across this State are put in peril by the failure, the failure of the Democratic leader to keep the promise to fund Pennsylvania State University and our other State-related universities.

This should not be about control in this chamber; this should be about the Commonwealth of Pennsylvania. This should be

about realizing that it is halfway through the school year and a budget that should have been final in May or April, that thanks to the control of the calendar, here it is December and it is unsettled.

Step up to the plate. You know what the right thing is. The money to fund the Pennsylvania State University exists. These students are not chips in some poker game; how can you hold the students hostage for table games?

Show up for class. Vote "yes" so that we can get on with funding the Pennsylvania State University, the University of Pittsburgh, Temple University, and Lincoln University. The Governor promised. The Senate promised. The Senate has kept its promise, but the Democratic leader wants you to break the promise until he has control of the calendar, which he has had for months. He could have done this any time. The fact of the matter is, the people of Pennsylvania want our universities funded. You have had your chance. You failed. You did not show up for class this entire semester. It is time to go about ending the truancy, and let us not leave with this task incomplete.

The SPEAKER. On the question, the Chair recognizes the gentlelady from Montgomery County, Representative Harper.

Ms. HARPER. Thank you, Mr. Speaker.

Honestly, I believe that most of my colleagues here in the House would like a vote on the appropriations for Penn State, Pitt, Temple, and Lincoln Universities. Honestly, I believe that most of us want to keep the promises that were made to these university students and their families when the budget was passed. Honestly, I believe that if these measures come up for a vote, they will pass by the constitutional majority that is necessary.

Believing all this, I do not understand why the Democratic majority leader would not support the gentlelady from Bucks' motion that we move ahead, appropriate the moneys for Penn State, Pitt, Temple, and Lincoln Universities, and I know that thousands of Pennsylvania families will not understand why we did not vote these appropriations when we had the chance to do so.

And to answer specifically the majority leader's claim, I would point out that I voted for the museum nonpreferred appropriations, and I intend to vote for Penn State, Pitt, Temple, and Penn, and I believe that most of us will do that.

Please let the lady's motion be approved and let us keep the promises that we made to our college students. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Centre County, Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker, and I will be relatively brief.

I just wanted to also stand in support of Representative Watson's motion. It was not that long ago that many on both sides of the aisle stood and said that one of the most important things that we do as legislators is to pass an annual budget. Well, this is part of it. But I think it is embarrassing to think that we could go home less than 20-some days before the end of this calendar year and looking to the next year and not have passed these appropriations.

Tens of thousands of families are depending on us. They are very worried about it. As you know, we represent a university that has over 40,000 students, some of who have been calling us

to ask, will this money be cut loose? My father was downsized; my father has lost his job; we are worried. I think we have a responsibility.

But I have to say for the record I was dismayed to hear that the majority leader would prefer to do gambling and gamble with the lives of the families of Pennsylvania. What message do we send to our young leaders that we are trying to encourage to get college degrees, to stay in the State of Pennsylvania, and be productive taxpaying citizens? These same families that wait for this money are the same ones that pay the taxes. All they are asking for is to get a little of their tax money back in this tuition reimbursement.

Mr. Speaker, this is not a Republican or a Democrat issue. This is a decision to decide what is most important to us. Do you want to provide that education, provide the resources? That is our responsibility on an annual basis. It is not that hard. Support the Watson amendment so that we can support each of these colleges and we can finish the budget in its final stage.

Yesterday we had the opportunity for some other nonpreferreds. I cannot speak for all my members, but I was willing to vote on those proposals, each one as they came up. I am still willing to do that, but it was not our party that pulled those bills. Those were choices made by the individual who wants to set the calendar. You can bring those bills up; you can pull those bills. I would encourage the majority leader to bring those nonpreferreds up along with these as soon as we are done with those four and would be glad to vote on the merits of each of those.

Mr. Speaker, let us let this vote come up and let these proposals rise or fall on their merit. It is my belief that a majority of the members of this General Assembly that represent all of the people of Pennsylvania will support these tuition appropriations for Penn State, Lincoln, Temple, and all the other universities.

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

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Saylor. The gentleman waives off. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am very sensitive to the substantive argument that members on the other side are making, but I am more sensitive to the need for order and the need for things to be done in a certain way. Mr. Speaker, our rules that we all agreed upon establish that the majority leader would provide the agenda, would lay out the agenda, and while the majority leader is somewhat new to this process, I think he is doing extremely well, and I know that he is concerned about these four State-relateds as each and every one of us is concerned. My colleague on the other side who had left out Lincoln in her State-relateds, I know she wanted to put Lincoln in there.

So, Mr. Speaker, let the majority leader move the agenda. He is on the same page that we are on in making sure that these State-relateds get the funding that they need, and I know that the agenda will not be closed out until that happens. So, Mr. Speaker, move the agenda.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Northumberland County, Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, could I have some order? I could not even hear the previous speaker.

The SPEAKER. The gentleman is correct.

The House will come to order. The House will come to order.

Mr. BELFANTI. Mr. Speaker—

The SPEAKER. The Chair recognizes the gentleman from Northumberland, Representative Belfanti.

Mr. BELFANTI. Thank you.

I think that is about as good of order as we are going to get with the chow line forming, and I will try to be brief as well.

In my 30 years here in this chamber, I have gone through seven gubernatorial elections, and I believe that the comments made previously by the gentleman from Allegheny were pure political gibberish when it comes to what it means to be the floor leader in this chamber. The floor leader, as long as the other side controlled the chamber, controlled the calendar, and it was a rare instance indeed that the minority that I sat in was able to change the order of business.

Now, our majority leader has assured us that after the critical vote to fill the budget gap on table games – and I have no casino within an hour's drive of me and therefore have no employees at stake – but getting back to the order of business, the majority leader has assured us that the university nonpreferreds will be the first that he will call up after the vote on the issue that we all knew we were to vote today because it was not voted yesterday.

STATEMENT BY MR. BELFANTI

Mr. BELFANTI. On a personal note, Mr. Speaker, if I could have time for a point of personal privilege, a moment of personal privilege?

The SPEAKER. Unanimous consent, without objection.

Mr. BELFANTI. Unanimous consent.

Mr. Speaker, most of you know that I had a near-death experience in the end of February and beginning of March, and I returned here to this chamber against not one but three doctors' wishes, and they all informed me that I should not be here. I should not even think about it until September. Well, I said, by then the budget will have been passed and I will have missed the main vote that my constituents expect of me.

Now, three of the four caucuses, Mr. Speaker, participated in those negotiations. The gentleman from Allegheny might recall that the only thing that we got from his side of the aisle during that budget impasse was a draconian budget that took an ax rather than the hatchet we took to the budget that we ended up passing. That budget hurt a lot of people.

OBJECTION TO UNANIMOUS CONSENT

The SPEAKER. The gentleman will yield.

An objection has been made to your unanimous consent.

Mr. BELFANTI. I thought it might, Mr. Speaker. I am glad I got that much out.

MOTION FOR SPECIAL ORDER OF BUSINESS CONTINUED

Mr. BELFANTI. Mr. Speaker, if I could be rerecognized just to close?

The SPEAKER. The gentleman still has the floor.

Mr. BELFANTI. Thank you, Mr. Speaker.

In closing, it is my suggestion that we quit playing political games, because if we were not arguing this point about funding the nonpreferreds before taking the vote the majority leader has scheduled, we would be done by now rather than standing here pointing fingers at each other, and I am not here tonight for that, and I hope that both sides of the aisle will respect that and stop the gamesmanship and save it for January.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, on the motion, I rise to support, but in the debate that we have listened to in the last 15 or 20 minutes on the floor, the comments have been brought to the floor that there are not enough funds to support the motion that has been made on the floor for Penn State and the other appropriations.

I have in front of me here the balance sheet of this year's – what we passed in October of the State budget, and basically, what I am looking at is that there is right now presently \$354 million worth of surplus minus if you want to take the \$200 million that was in the budget when we passed the budget for table games. So what I am saying is that we presently have \$100 million in surplus, basically, to fund what we need to do to make this motion work. This balance sheet has been in the four caucuses as we look at it, and I believe that the comments that there is no money – and especially coming from the Governor's Office, that it would offset it – are incorrect. We have the dollars, we should support the motion, and we should carry on our business as far as our college students in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the motion by Representative Watson. There have been a lot of comments regarding setting the calendar. I do believe that we are here tonight, December 9, voting on legislation that technically should have been done in June; that is right, June. We passed a budget in October that was a little over 100 days late, a budget that depended upon the passage of legislation that included \$200 million, that the legislation was not even passed. I believe in my time here that is about the first time that a budget was passed and balanced based upon legislation that was not even debated on the floor of the House. That is why we are here on December 9.

Setting the calendar is one thing, but we are 6 months late. These universities – Penn State University, Pitt, Lincoln, Temple – they have waited long enough before we get the budget balanced. You just heard the Republican chairman of

Appropriations tell you that the money is there to get these appropriations started. This is big money, Mr. Speaker, big money. Penn State is close to \$30 million a month that they are short; Pitt, Temple, \$18 million; Lincoln, \$1 million a month that we are not sending to our universities. What is going to end up here is the families of these students are going to have to foot the bill.

I praise these universities for having the patience while we go through these hard economic times. We first asked them to give our students IOUs because we did not fund PHEAA (Pennsylvania Higher Education Assistance Agency) grants. Now we are asking them to do without State funding altogether.

Mr. Speaker, Pennsylvania is a first-class State with first-class universities. Our students deserve more, and they should not be held hostage based upon whether a gaming bill in the Pennsylvania House passes or not. We have waited too long. It is December 9; it is not May 9. These bills are long overdue. I congratulate the gentlelady from Bucks County for the courage in standing up for her constituents.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I join my colleagues in supporting this amendment because it is critical that we move today to pass this legislation.

Now, you have heard the other speakers say we have waited too long, and we have. This should have been done months ago. We have heard Governor Rendell tell us how important education is to Pennsylvania and yet he has held this bill up, these four important university nonpreferreds. What is he waiting for? Now is the time to do it. Had he done it months ago, it would have been the right thing to do, but no, he had to attach it to the legalization of table games. Instead of separating the two, he put the two together. And as it has been said, we are holding hostage the students and their parents simply because table games seems to be the priority of this administration.

Mr. Speaker, I think it is a sad commentary that we have Penn State University accepting a bowl bid to Capital One and yet we have not passed the funding for the students.

I hope that we are joined in a nonpartisan effort tonight, right now, to pass this important legislation. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the motion by Representative Watson.

Mr. Speaker, many people here know that before I entered this legislature, my career was as an educator. What I have not told many people is why I became a teacher. Mr. Speaker, I am not a Nittany Lion, I am not a Pitt Panther, a Temple Owl, a Lincoln whatever they are, or any of those. I went to West Virginia University, so I really have no horse in this race.

But how this all ties together, Mr. Speaker, is in late fall of 1985 I was walking through the student union at West Virginia University, and I watched the most calamitous thing I had ever personally witnessed – the explosion of the Challenger. On board the Challenger, Mr. Speaker, was the first teacher ever to enter space, Christa McAuliffe. And since then what Christa

said in her preflight final interview has been a rallying cry for teachers now, then, and in the future, "I touched the future. I teach."

I could go to the gentleman from Northampton or the gentleman from Bucks or the lady from Bucks or any other teacher on this floor that I am missing, unintentionally, and ask them, what does "I touched the future. I teach." mean? It means a teacher is going to go out and do their best to create a citizen, a productive citizen of our nation that will take our place someday. The back end of that equation, Mr. Speaker, is that we make the educational opportunities available.

Forty thousand students in State College are depending on our action tonight, Mr. Speaker. They are not pawns, they are not leverage, nor do they have knowledge of this political arena in which we function. What I do know, Mr. Speaker – and I am a simple man; I understand things very basically – the right thing to do is to alleviate what is proposed and a potentially crushing surcharge in tuition for our students to go to the State-related universities. This is not Republican; it is not Democrat, Mr. Speaker. Forty thousand Pennsylvanians' futures are up in State College right now. I am assuming most of those have at least one parent surviving. Let us ballpark it at 50,000, 60,000. Now the number rises, Mr. Speaker, to 100,000 Pennsylvanians who are depending on our action tonight who know very little of the dichotomy of table games and education funding. What they know is that in a few weeks a semester is going to end and their Christmas present is going to be a \$7,000 increase in tuition. Mr. Speaker, we can avoid this, and it is not hard. All we have to do is the right thing.

Mr. Speaker, State College is the largest Penn State campus, and I know they are at Behrend in Erie and in Bucks County. What is little known is Penn State operates in my district – little, wee Armstrong County – the Applied Research Lab and the Electro-Optics Center. Those are Penn State scientists who just landed a \$40 million Federal contract to build night vision devices for our warfighters overseas. It has been a great boon for Armstrong County; people are employed. But without Penn State EOC and ARL making possible the science to build these night vision things, our warfighters overseas in Afghanistan and Iraq right now would not have the advantage they currently have.

Mr. Speaker, again, there was a day when I said proudly, "I touched the future. I teach." Why do you not let the students have their fair shot at it? That is 40,000 futures. Vote for the Watson amendment. It is the right thing to do.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PALLONE. On the motion that is before the body, are we able to interrogate, perhaps, the majority Appropriations chairman or someone to that effect?

The SPEAKER. If it is related to the question and the gentleman is willing to stand for interrogation, it would be in order.

Mr. PALLONE. Well, the intent would be – whether it is the majority leader or the majority Appropriations chairman, the issue is to put these nonpreferred appropriations before the body for a vote, and my inquiry would be to whomever can answer the question of what the source of those funds would be and where they would come from. Is that appropriate under the motion or not?

The SPEAKER. The gentleman has the ability to interrogate. It would be a matter of somebody standing for interrogation.

Mr. PALLONE. Would the majority leader stand for brief interrogation, I guess?

The SPEAKER. Does the gentleman want to go to the majority leader's desk?

Mr. PALLONE. Sure.

The SPEAKER. The House will be at ease.

(Conference held.)

The SPEAKER. The House will come to order.

The gentleman, Mr. Pallone, waives off.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, as a point of parliamentary inquiry, may I question the minority Appropriations chairman so that everyone has the benefit of having an answer to Representative Pallone's question?

The SPEAKER. The gentleman is in order.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentleman, Mr. Civera, the minority Appropriations chair, stand for brief interrogation?

The SPEAKER. I am sure he would.

The gentleman, Mr. Civera, indicates he will stand for interrogation.

Mr. REICHLEY. We are all just trying to get along, Mr. Speaker. We are trying to help you out here.

The SPEAKER. Absolutely.

Mr. REICHLEY. Mr. Speaker, would the gentleman be able to answer the question from the gentleman from Westmoreland – which apparently, we were not going to have the privilege of knowing – where the funding for these nonpreferred appropriations would come from as the budget is currently situated before the legislature.

Mr. CIVERA. Mr. Speaker, as I said moments ago, presently, right now, if you look at the balance sheet for this year's budget, there is presently about \$354 million in surplus, and that comes from the revenues of the Rainy Day money and all those type of funds – I am not going to get into detail – and that includes the nonpreferreds. So the money that you are talking about comes out of the General Fund. If you deduct the \$200 million that they are talking about as far as the table games are concerned, we have about a little bit over \$100 million in surplus. So to answer your question directly: The revenues are there, Mr. Speaker. Thank you.

Mr. REICHLEY. Mr. Speaker, again, just to clarify not only for the members but for anybody out there within the Commonwealth who is watching tonight—

The SPEAKER. Is the gentleman on interrogation or on the question?

Mr. REICHLEY. I am still on interrogation, Mr. Speaker.

That funding was transferred in the Fiscal Code bill from the Rainy Day Fund, the entire \$750 million, along with a transfer of all the money from the Health Care Provider Retention Account and \$100 million from the Mcare Fund, all of which is available right now to the Commonwealth, to the Governor, to appropriate for these nonpreferred appropriations. Is that correct?

Mr. CIVERA. That is correct, Mr. Speaker.

Mr. REICHLEY. So it is not necessary to pass table games legislation to be able to provide funding within this current fiscal year to those nonpreferred appropriations. Is that correct?

Mr. CIVERA. That is correct, Mr. Speaker.

Mr. REICHLEY. Okay.

Now on the motion, Mr. Speaker.

The SPEAKER. On the motion.

Mr. REICHLEY. Thank you, Mr. Speaker, and thank you to the gentleman from Delaware.

I think it is important that all the members are very clear that there were a few misstatements that have been made during the course of the remarks already tonight, and the first was that somehow or another we need to pass the table games legislation in order to provide the funding so that the families who have students going to Penn State, Pitt, Temple, and Lincoln Universities – and by the way, it is the Lincoln University Lions, Mr. Speaker – that somehow we need table games to be passed, and that is just factually not true, that any assertion made by the Governor tying this in a rhetorical or a fiscal way, that somehow table games legislation needs to be passed so that those institutions receive State aid is factually not true. To quote a man from South Carolina, "That is a lie."

And I think we need to be very clear as well that when the gentleman from Luzerne stood up earlier tonight and said it was the Republicans who would not let nonpreferred appropriations go through yesterday, in fact, Mr. Speaker, on the nonpreferred appropriation for the Carnegie Museum in Pittsburgh, 65 Republicans voted "yes" to have that nonpreferred appropriation go through and some 6 Democrats voted "no," members of the other side. When it came to the Everhart Museum, the very next bill, 30 members from the Republican Caucus voted "yes" and there were 8 Democrats who voted "no." So it was not somehow just the Republicans who were voting "no" on these situations. This was bipartisan resistance—

The SPEAKER. Mr. Reichley.

Mr. REICHLEY. Yes, Mr. Speaker?

The SPEAKER. On the question—

Mr. REICHLEY. Okay.

The SPEAKER. —of special order of business—

Mr. REICHLEY. Thank you, Mr. Speaker.

The SPEAKER. —not on the museums.

Mr. REICHLEY. I am getting to that.

In this very situation, it has a strangely familiar tone, that if you take us back just to this past July, we had a situation where State employees were held as pawns because of a certain personality here in the Capitol who demanded that the—

The SPEAKER. Mr. Reichley.

Mr. REICHLEY. —budget be passed—

The SPEAKER. You are out of order, Mr. Reichley.

Mr. REICHLEY. I am not out of order, Mr. Speaker, because—

The SPEAKER. Mr. Reichley, I am not going to debate you about whether or not you are out of order. You are out of order.

The question before the House is a special order of business to consider the appropriation to Penn State University. That is the motion before the House.

Mr. REICHLEY. I will direct my remarks to that, Mr. Speaker, because this is the third time now that people are being held hostage in Pennsylvania. Now it is the college students, before it was the State employees, after that it was the nonprofit organizations, when the Governor held up the budget then. Now it is college students. This is wrong to let personal peccadilloes from the majority leader take precedent over the needs of college students in Pennsylvania.

We should vote "yes" on the Watson motion to take up the nonpreferreds before anything on the gambling. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the minority leader, Representative Smith.

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

I just wanted to make two other points of why we should support this motion and bring up the vote on the nonpreferred for Penn State.

First of all, Mr. Speaker, the Commonwealth of Pennsylvania has an application in before the Federal government for the stimulus money that is related to education, and in order to access that money, we have to commit to funding these schools at a minimum of the '05-'06 level. The information we are getting from the Federal office that oversees the stimulus moneys related to education is currently asking, where are you with this? And they really expected that this commitment would have been made. So I do not know if there is a deadline, Mr. Speaker, but clearly, there is an incentive and something should push us to doing that. So that is an important reason why we should consider favorably this special order of business and put this nonpreferred on the Governor's desk tonight.

The second point, Mr. Speaker, and I hate to confuse people with a logical thought, but I find it interesting that we are told that as long as SB 711, the table games bill, were to pass this House, that somehow magically then these bills would be in order to be voted and sent to the Governor's desk. The fact is, Mr. Speaker, if SB 711, the table games bill, were to pass this House tonight or tomorrow, it goes over to the Senate. Now, the Senate probably comes in, I think, next Tuesday and Wednesday. The Senate could concur and send that bill to the Governor's desk next week. The Senate could amend it and send it back. The Senate could insist on their amendments and push it into a conference committee or the Senate could just say they want to take a closer look at it and study it until the first of the year. The bottom line is, Mr. Speaker, that just because this House might pass SB 711 today or tomorrow or the next day or two does not put any more money in the General Fund, and yet as soon as we pass that, then suddenly these bills are appropriate to send straight to the Governor's desk and the money somehow has changed, the numbers have changed.

So the argument that SB 711 has to be passed by this House prior to us being able to consider these nonpreferreds I think is just an inaccurate argument, Mr. Speaker. We should do this tonight. We should get these bills on the Governor's desk and alleviate the concerns of the State-related universities in Pennsylvania, because in fact they are very, very close to sending out those notices, and once they do, then there is no turning back. And it is just the wrong thing to do to the people of Pennsylvania as their expectations are and the promises were made for the money that would be appropriated through these nonpreferred appropriations.

So I would urge the members to support the motion and then support passage of those bills. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I just wanted to rise to reiterate my motion with two quick points: One, if we did not have these motions, we might be half way through the debate on table games, which is the priority bill tonight. These motions are hampering us from getting to the real order of business tonight.

And secondly, there has been a lot of talk about the surplus on the other side, but I think all the members on the other side voted against the budget that actually allowed that surplus to take place. So there is a bit of hyperbole in the room tonight.

I am asking, once again, to support a motion to oppose this special order.

The SPEAKER. The Chair recognizes the gentlelady from Bucks County, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

Let me begin, because assertions have been made as to what are my motives or am I trying to stop something. Let me be — I hate that phrase, but I am going to use it — "perfectly clear" on why I single-handedly went to this.

Number one, I looked at the calendar. And please, to the majority leader, to my leader: In some ways, I know my place. I am not trying to somehow subvert things or do anything. What I am here for are the families and the young people, because I once was one of those young people. I was someone who had almost a full scholarship to the University of Pennsylvania, and my parents struggled each semester to make up that difference, and if you had done this to them at that time, I would have had to drop out. I do not want young people or returning older students or anyone to drop out because of getting a supplemental bill. That is at the heart of why I am doing this.

As far as marrying it with gambling, I had concerns, so I went and asked the question. I very carefully, and those who know me know I do not do something lighthearted, I do not stand up frequently, and I certainly do not do something without researching it. I knew that as of now that money could be paid out. At a future time, and even when I have read all the information about gambling, it will take awhile to be up and running, it will take awhile for money to start coming in. But the point was, there was money there to fulfill the promise that had been made to these people — young people, particularly — and to these families, that they would not have to have someone drop out of school because they got a \$2,000, a \$1500— And frankly, when I was there — and I know it was a long time ago — if you had given us a \$600 bill, I would have had to drop out of school. I have a good education and I am immensely grateful for that, and I am not going to do that or be a party of that to others.

Table games can stand and fall where they may, and they are, to my mind, a separate entity. Whether you vote "yes," whether you vote "no," it is your conscience, it is your research. Have at it, and we will. In no way did I bring this up – what was the final catalyst, frankly, I saw it on the calendar, not even supplemental, and it was listed as over, and I thought, this cannot be over. In my mind, when I looked at the calendar, there are only 2 more days. Well, if this slipped through and we went to something else and then, oh, well, we will do it when we come back, well, the bills go out before Christmas at the universities. Number one, why should they have the expense of putting them together and then we go, oh, never mind, you were about to mail them? Do not do it.

I think my points are clear, and the money is there now to do this and then we can move on. I am not an obstructionist. I am not here to make trouble. I was told earlier it would be better to do each one, and I want to be very clear: I want all of these to receive money.

I do not have a child in these schools. My son has already graduated and we paid off all the bills ourselves. So I have got nothing for this except remembering that I would have been one of those families and students sitting at home and really worrying about whether I could go to my next semester.

So I would suggest and I would respectfully ask support for this motion and continuing support for Lincoln University and for Temple University and for the University of Pennsylvania's veterinary school. They are indeed State-related and we are the State. The money is there, and these young people and the older adult students and all those families deserve us to do this now, tonight, and then we move on.

I am here. I will stay. Eleven o'clock is good. Do you want me tomorrow? I will stay. I will do whatever, but this cannot sit one more time. I am sorry; I just cannot do it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the minority whip, Representative Turzai, who requests a leave of absence for the gentleman from Berks County, Representative ROHRER. Without objection, the leave will be granted.

MOTION FOR SPECIAL ORDER OF BUSINESS CONTINUED

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

The SPEAKER. The Chair recognizes the gentlelady, Representative Youngblood, for the purpose of recording a vote.

Ms. YOUNGBLOOD. Mr. Speaker, I cannot vote at all. My switch is completely broken.

The SPEAKER. Just indicate how you were voting, and we will—

Ms. YOUNGBLOOD. I was voting "no."

The SPEAKER. Voting "no"?

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—95

Adolph	Everett	Maher	Rapp
Baker	Fairchild	Major	Reed
Barrar	Farry	Marshall	Reese
Bear	Fleck	Marsico	Reichley
Benninghoff	Gabig	Metcalfe	Roae
Beyer	Gabler	Metzgar	Rock
Boback	Geist	Micozzie	Ross
Boyd	Gillespie	Millard	Saylor
Brooks	Gingrich	Miller	Scavello
Causar	Godshall	Milne	Schroder
Christiana	Grell	Moul	Smith, S.
Civera	Grove	Mustio	Sonney
Clymer	Harhart	O'Brien, D.	Stern
Conklin	Harper	O'Neill	Stevenson
Costa, P.	Harris	Oberlander	Swanger
Creighton	Hennessey	Payne	Tallman
Cutler	Hess	Peifer	Taylor, J.
Dally	Hickernell	Perzel	True
Day	Houghton	Petri	Turzai
Delozier	Hutchinson	Phillips	Vereb
Denlinger	Kauffman	Pickett	Vulakovich
DiGirolamo	Keller, M.K.	Pyle	Watson
Ellis	Knowles	Quigley	Yudichak
Evans, J.	Krieger	Quinn	

NAYS—97

Barbin	Evans, D.	Longietti	Santarsiero
Belfanti	Fabrizio	Mahoney	Santoni
Bishop	Frankel	Manderino	Seip
Boyle	Freeman	Mann	Shapiro
Bradford	Galloway	Markosek	Siptroth
Brennan	George	Matzie	Smith, K.
Briggs	Gerber	McGeehan	Smith, M.
Brown	Gergely	McI. Smith	Solobay
Burns	Gibbons	Melio	Staback
Buxton	Goodman	Mirabito	Sturla
Caltagirone	Grucela	Mundy	Taylor, R.
Carroll	Haluska	Myers	Thomas
Casorio	Hanna	O'Brien, M.	Vitali
Cohen	Harhai	Oliver	Wagner
Costa, D.	Harkins	Pallone	Walko
Curry	Hornaman	Parker	Wansacz
Daley	Johnson	Pashinski	Waters
Deasy	Josephs	Payton	Wheatley
DeLuca	Keller, W.	Petrarca	White
DePasquale	Kessler	Preston	Williams
Dermody	Kirkland	Readshaw	Youngblood
DeWeese	Kortz	Roebuck	
Donatucci	Kotik	Sabatina	McCall,
Drucker	Kula	Sainato	Speaker
Eachus	Levdansky	Samuelson	

NOT VOTING—1

Murphy

EXCUSED—9

Cox	Killion	Miccarelli	Perry
Cruz	Lentz	Murt	Rohrer
Helm			

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

MOTION FOR SPECIAL ORDER OF BUSINESS

The SPEAKER. Does the gentlelady intend to call for a special order of business for the remainder of the bills?

Mrs. WATSON. I do not know why they are— I have always been able to speak for myself, Mr. Speaker.

But the answer is yes, Mr. Speaker. If I am passionate about something and I believe in it, I will take it to the bitter end. I am Irish and we go right in the corner and come out fighting.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentlelady, for the sake of expediency, call up all of the bills – SBs 1036, 1037, 1038, and 1039?

Mrs. WATSON. Again, respectfully of you, Mr. Speaker, and I understand, but I want them one at a time. And at the rate this is going, if that is it, I assume it is a quick vote, but the bottom line is, I want them one at a time, because my point is I care about all of them. No one is more important than the other. I was passionate about Penn State; I want Lincoln next. I am passionate about that. Thank you.

The SPEAKER. What bill would you like to call up?

Mrs. WATSON. Mr. Speaker, I would like to call up SB 1038, which would be for Lincoln University.

The SPEAKER. The gentlelady, Representative Watson, moves that SB 1038, on page 5 of today's House calendar, be made a special order of business.

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

The SPEAKER. On that motion, the Chair recognizes the gentlelady, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

I will be very brief because I am trying to move things along. I am very serious when I say to you that I do not weigh families who send children or adult learners to one school versus another. I think the money is there. It is overdue time. And again, if this had not been over and we had done it, I would have been fine, but I am very insistent and passionate that we do this and that these young people and the older students are not denied or drop out because they know they cannot afford that second semester addition to the tuition. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

On the motion, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. I am very sorry the majority decided to stay truant with respect to Penn State. I am hoping when you consider the other Lions, the Lincoln Lions, the orange and blue, you will show up for class. It is the last week of the semester. Families will be facing genuine tuition bills. Students will be facing genuine tuition bills.

The leader keeps saying that, oh, yeah; we were going to be voting all this anyway. I point out the calendar. Every one of us has a copy of this on the desk. It is set by the majority leader's control of the calendar, and with that control of the calendar, he marked that Lincoln University's appropriation was not going to be voted today.

Now, he did say he wanted to vote for table games today. That was marked. It was going to be a vote, but he told you no. Now he stands up and says, oh, sure; we were going to do that right after we were done with the gaming tables. Well, I say, do not put the students and the families of Lincoln— Do not make his rush for the gaming tables a priority over the students seeking an education at Lincoln University. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I just wanted to reiterate my position. I rise to oppose these special orders tonight. The sooner we get on with business tonight, the sooner these bills get on to the calendar.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, Representative Turzai, who requests a leave of absence for the gentleman from Bucks County, Representative PETRI. Without objection, the leave will be granted.

MOTION FOR SPECIAL ORDER OF BUSINESS CONTINUED

The SPEAKER. Have all the members voted?
Are you challenging?

Mr. TURZAI. Representative Murphy is not here either and has not been recognized that he cannot be voted.

The SPEAKER. Have all the members voted?

LEAVE OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority leader, who requests a leave of absence for the gentleman from Lackawanna County, Representative MURPHY. Without objection, the leave will be granted.

**MOTION FOR
SPECIAL ORDER OF BUSINESS
CONTINUED**

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

The following roll call was recorded:

YEAS—94

Adolph	Everett	Maher	Rapp
Baker	Fairchild	Major	Reed
Barrar	Farry	Marshall	Reese
Bear	Fleck	Marsico	Reichley
Benninghoff	Gabig	Metcalfe	Roae
Beyer	Gabler	Metzgar	Rock
Boback	Geist	Micozzie	Ross
Boyd	Gillespie	Millard	Saylor
Brooks	Gingrich	Miller	Scavello
Causar	Godshall	Milne	Schroder
Christiana	Grell	Moul	Smith, S.
Civera	Grove	Mustio	Sonney
Clymer	Harhart	O'Brien, D.	Stern
Conklin	Harper	O'Neill	Stevenson
Costa, P.	Harris	Oberlander	Swanger
Creighton	Hennessey	Payne	Tallman
Cutler	Hess	Peifer	Taylor, J.
Dally	Hickernell	Perzel	True
Day	Houghton	Phillips	Turzai
Delozier	Hutchinson	Pickett	Vereb
Denlinger	Kauffman	Pyle	Vulakovich
DiGirolamo	Keller, M.K.	Quigley	Watson
Ellis	Knowles	Quinn	Yudichak
Evans, J.	Krieger		

NAYS—97

Barbin	Evans, D.	Longietti	Santarsiero
Belfanti	Fabrizio	Mahoney	Santoni
Bishop	Frankel	Manderino	Seip
Boyle	Freeman	Mann	Shapiro
Bradford	Galloway	Markosek	Siptroth
Brennan	George	Matzie	Smith, K.
Briggs	Gerber	McGeehan	Smith, M.
Brown	Gergely	McI. Smith	Solobay
Burns	Gibbons	Melio	Staback
Buxton	Goodman	Mirabito	Sturla
Caltagirone	Grucela	Mundy	Taylor, R.
Carroll	Haluska	Myers	Thomas
Casorio	Hanna	O'Brien, M.	Vitali
Cohen	Harhai	Oliver	Wagner
Costa, D.	Harkins	Pallone	Walko
Curry	Hornaman	Parker	Wansacz
Daley	Johnson	Pashinski	Waters
Deasy	Josephs	Payton	Wheatley
DeLuca	Keller, W.	Petrarca	White
DePasquale	Kessler	Preston	Williams
Dermody	Kirkland	Readshaw	Youngblood
DeWeese	Kortz	Roebuck	
Donatucci	Kotik	Sabatina	McCall,
Drucker	Kula	Sainato	Speaker
Eachus	Levdansky	Samuelson	

NOT VOTING—0

EXCUSED—11

Cox	Killion	Murphy	Petri
Cruz	Lentz	Murt	Rohrer
Helm	Miccarelli	Perry	

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

**MOTION FOR
SPECIAL ORDER OF BUSINESS**

The SPEAKER. The Chair recognizes the gentlelady, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

Again, I will be brief. But pursuant to rule 17, I move the special order, and this time it would be for SB 1036, the University of Pittsburgh, because the money is there and because those families need not be afraid.

The SPEAKER. The Chair thanks the lady.

The gentlelady, Representative Watson, moves that SB 1036 on page 5 of today's House calendar be made a special order of business.

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

The SPEAKER. On the motion, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am fortunate, as is another member of this chamber, to have had the opportunity to serve on the board of the University of Pittsburgh, and we have yet another member who is the Governor's representative to the board.

And the University of Pittsburgh, you probably know, has a very significant campus in Johnstown, UPJ – it is a jewel; a lot of investment there – and there are other branch campuses. The University of Pittsburgh is not just a great place for an education but it has been an economic engine for western Pennsylvania.

Its association with medical research, with technological advances, has generated hundreds of thousands of jobs in our region, and frankly, I would not want to think of what western Pennsylvania would be like without it. But they have had to think about what life is like without us. Because of this control of the calendar issue, months and months after this fiscal year began, the University of Pittsburgh still does not have its appropriation.

When the so-called budget deal was announced in October, there was a promise made to each of these universities. The Senate kept the promise; the majority leader has not. He has marked this bill as to not receive consideration today. That was his game plan.

We are saying, it is the last week of class, you have not shown up for class; you have failed the University of Pittsburgh. You have failed— You failed. Please, do what you know is right. Let us vote to get on with delivering the funds that have been promised to our State-related universities.

The SPEAKER. The Chair recognizes the gentleman from Clearfield County, Representative Gabler.

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

I think it is important to point out that our constituents sent us here for a specific reason. I know the responsibility that I take very seriously is that my constituents sent me to this chamber to make sure to provide for the responsible administration of State government, and there are certain

promises that State government makes that it is incumbent upon us to come through on every single year. And one of those promises is that we have four State-related universities, and we have students at those universities that undertake a 4-year contract of sorts, that they go to this school, they know that they are going to be receiving tuition bills for 4 years, but they also know that the State is going to be behind them – allegedly – until we start playing political games in Harrisburg.

Now, the majority party is trying to tie two unrelated issues together – table games and the appropriations to our State-related universities to help our college students. And I think this is patently unfair, because we can come through with the funding now and we can undertake the deliberate question on table games with the due process that we need to do, but in order to try to tie these votes together, it is just a travesty on behalf of the taxpayers.

Let us come through today to help out the college students in a way that we promised, in a responsible way for State government, and let us legitimately look at these controversial issues with the appropriate diligence. But in order to stand in the way of one promise just to try to ram something else through just is not right.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman and recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I just wanted to rise to oppose the special order motion. Thank you.

On the question recurring,

Will the House agree to the motion?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence of the gentleman from Lackawanna County, Representative Murphy, on the floor. His name will be added to the master roll.

MOTION FOR SPECIAL ORDER OF BUSINESS CONTINUED

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS–94

Adolph	Everett	Maher	Rapp
Baker	Fairchild	Major	Reed
Barrar	Farry	Marshall	Reese
Bear	Fleck	Marsico	Reichley
Benninghoff	Gabig	Metcalfe	Roae
Beyer	Gabler	Metzgar	Rock
Boback	Geist	Micozzie	Ross
Boyd	Gillespie	Millard	Saylor
Brooks	Gingrich	Miller	Scavello
Causar	Godshall	Milne	Schroder

Christiana	Grell	Moul	Smith, S.
Civera	Grove	Mustio	Sonney
Clymer	Harhart	O'Brien, D.	Stern
Conklin	Harper	O'Neill	Stevenson
Costa, P.	Harris	Oberlander	Swanger
Creighton	Hennessey	Payne	Tallman
Cutler	Hess	Peifer	Taylor, J.
Dally	Hickernell	Perzel	True
Day	Houghton	Phillips	Turzai
Delozier	Hutchinson	Pickett	Vereb
Denlinger	Kauffman	Pyle	Vulakovich
DiGirolamo	Keller, M.K.	Quigley	Watson
Ellis	Knowles	Quinn	Yudichak
Evans, J.	Krieger		

NAYS–98

Barbin	Evans, D.	Longiatti	Samuelson
Belfanti	Fabrizio	Mahoney	Santarsiero
Bishop	Frankel	Manderino	Santoni
Boyle	Freeman	Mann	Seip
Bradford	Galloway	Markosek	Shapiro
Brennan	George	Matzie	Siptroth
Briggs	Gerber	McGeehan	Smith, K.
Brown	Gergely	McI. Smith	Smith, M.
Burns	Gibbons	Melio	Solobay
Buxton	Goodman	Mirabito	Staback
Caltagirone	Grucela	Mundy	Sturla
Carroll	Haluska	Murphy	Taylor, R.
Casorio	Hanna	Myers	Thomas
Cohen	Harhai	O'Brien, M.	Vitali
Costa, D.	Harkins	Oliver	Wagner
Curry	Hornaman	Pallone	Walko
Daley	Johnson	Parker	Wansacz
Deasy	Josephs	Pashinski	Waters
DeLuca	Keller, W.	Payton	Wheatley
DePasquale	Kessler	Petrarca	White
Dermody	Kirkland	Preston	Williams
DeWeese	Kortz	Readshaw	Youngblood
Donatucci	Kotik	Roebuck	
Drucker	Kula	Sabatina	McCall,
Eachus	Levdansky	Sainato	Speaker

NOT VOTING–0

EXCUSED–10

Cox	Killion	Murt	Petri
Cruz	Lentz	Perry	Rohrer
Helm	Miccarelli		

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

MOTION FOR SPECIAL ORDER OF BUSINESS

The SPEAKER. The Chair recognizes the gentledady from Bucks County, Representative Watson, for the purpose of making a motion.

Mrs. WATSON. Thank you, Mr. Speaker.

Pursuant to rule 17, I move for a special order of business to call up from the calendar SB 1037, which indeed is the funding for Temple University.

The SPEAKER. The gentledady, Representative Watson, moves that SB 1037 on page 5 of today's calendar be made a special order of business.

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

The following roll call was recorded:

YEAS—95

Adolph	Everett	Maher	Reed
Baker	Fairchild	Major	Reese
Barrar	Farry	Marshall	Reichley
Bear	Fleck	Marsico	Roae
Benninghoff	Gabig	Metcalfe	Rock
Beyer	Gabler	Metzgar	Ross
Boback	Geist	Micozzie	Sabatina
Boyd	Gillespie	Millard	Saylor
Brooks	Gingrich	Miller	Scavello
Causar	Godshall	Milne	Schroder
Christiana	Grell	Moul	Smith, S.
Civera	Grove	Mustio	Sonney
Clymer	Harhart	O'Brien, D.	Stern
Conklin	Harper	O'Neill	Stevenson
Costa, P.	Harris	Oberlander	Swanger
Creighton	Hennessey	Payne	Tallman
Cutler	Hess	Peifer	Taylor, J.
Dally	Hickernell	Perzel	True
Day	Houghton	Phillips	Turzai
DeLozier	Hutchinson	Pickett	Vereb
Denlinger	Kauffman	Pyle	Vulakovich
DiGirolamo	Keller, M.K.	Quigley	Watson
Ellis	Knowles	Quinn	Yudichak
Evans, J.	Krieger	Rapp	

NAYS—97

Barbin	Evans, D.	Longiotti	Santarsiero
Belfanti	Fabrizio	Mahoney	Santoni
Bishop	Frankel	Manderino	Seip
Boyle	Freeman	Mann	Shapiro
Bradford	Galloway	Markosek	Siptroth
Brennan	George	Matzie	Smith, K.
Briggs	Gerber	McGeehan	Smith, M.
Brown	Gergely	McI. Smith	Solobay
Burns	Gibbons	Melio	Staback
Buxton	Goodman	Mirabito	Sturla
Caltagirone	Grucela	Mundy	Taylor, R.
Carroll	Haluska	Murphy	Thomas
Casorio	Hanna	Myers	Vitali
Cohen	Harhai	O'Brien, M.	Wagner
Costa, D.	Harkins	Oliver	Walko
Curry	Hornaman	Pallone	Wansacz
Daley	Johnson	Parker	Waters
Deasy	Josephs	Pashinski	Wheatley
DeLuca	Keller, W.	Payton	White
DePasquale	Kessler	Petrarca	Williams
Dermody	Kirkland	Preston	Youngblood
DeWeese	Kortz	Readshaw	
Donatucci	Kotik	Roebuck	McCall,
Drucker	Kula	Sainato	Speaker
Eachus	Levdansky	Samuelson	

NOT VOTING—0

EXCUSED—10

Cox	Killion	Murt	Petri
Cruz	Lentz	Perry	Rohrer
Helm	Miccarelli		

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

MOTION FOR SPECIAL ORDER OF BUSINESS

The SPEAKER. The Chair recognizes the gentlelady from Bucks County, Representative Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

I would note for the record that obviously I take rejection with a smile and not personally, so we will move to the last one, Mr. Speaker.

Pursuant to rule 17, I move for a special order of business to call up from the calendar, and this would be SB 1039. That would be funds appropriated to the trustees of the University of Pennsylvania for veterinary activities and the University of Pennsylvania Museum.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The gentlelady, Representative Watson, moves that SB 1039 on page 6 of today's calendar be made a special order of business.

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

The following roll call was recorded:

YEAS—94

Adolph	Everett	Maher	Rapp
Baker	Fairchild	Major	Reed
Barrar	Farry	Marshall	Reese
Bear	Fleck	Marsico	Reichley
Benninghoff	Gabig	Metcalfe	Roae
Beyer	Gabler	Metzgar	Rock
Boback	Geist	Micozzie	Ross
Boyd	Gillespie	Millard	Saylor
Brooks	Gingrich	Miller	Scavello
Causar	Godshall	Milne	Schroder
Christiana	Grell	Moul	Smith, S.
Civera	Grove	Mustio	Sonney
Clymer	Harhart	O'Brien, D.	Stern
Conklin	Harper	O'Neill	Stevenson
Costa, P.	Harris	Oberlander	Swanger
Creighton	Hennessey	Payne	Tallman
Cutler	Hess	Peifer	Taylor, J.
Dally	Hickernell	Perzel	True
Day	Houghton	Phillips	Turzai
DeLozier	Hutchinson	Pickett	Vereb
Denlinger	Kauffman	Pyle	Vulakovich
DiGirolamo	Keller, M.K.	Quigley	Watson
Ellis	Knowles	Quinn	Yudichak
Evans, J.	Krieger		

NAYS—98

Barbin	Evans, D.	Longiotti	Samuelson
Belfanti	Fabrizio	Mahoney	Santarsiero
Bishop	Frankel	Manderino	Santoni
Boyle	Freeman	Mann	Seip
Bradford	Galloway	Markosek	Shapiro
Brennan	George	Matzie	Siptroth
Briggs	Gerber	McGeehan	Smith, K.
Brown	Gergely	McI. Smith	Smith, M.
Burns	Gibbons	Melio	Solobay
Buxton	Goodman	Mirabito	Staback
Caltagirone	Grucela	Mundy	Sturla
Carroll	Haluska	Murphy	Taylor, R.
Casorio	Hanna	Myers	Thomas
Cohen	Harhai	O'Brien, M.	Vitali
Costa, D.	Harkins	Oliver	Wagner
Curry	Hornaman	Pallone	Walko

Daley	Johnson	Parker	Wansacz
Deasy	Josephs	Pashinski	Waters
DeLuca	Keller, W.	Payton	Wheatley
DePasquale	Kessler	Petrarca	White
Dermody	Kirkland	Preston	Williams
DeWeese	Kortz	Readshaw	Youngblood
Donatucci	Kotik	Roebuck	
Drucker	Kula	Sabatina	McCall,
Eachus	Levdansky	Sainato	Speaker

NOT VOTING—0

EXCUSED—10

Cox	Killion	Murt	Petri
Cruz	Lentz	Perry	Rohrer
Helm	Miccarelli		

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

STATEMENT BY MRS. WATSON

The SPEAKER. Does the gentlelady, Representative Watson, wish further recognition?

Mrs. WATSON. Yes, Mr. Speaker, simply to say thank you to you for keeping your word, which I knew you would. And I am not happy with the outcome and I worry for the families of Pennsylvania, but indeed, I thank you for the time and getting something done, or at least the attempt to get something done.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 565 By Representatives DRUCKER, ADOLPH, BARBIN, BARRAR, BELFANTI, BENNINGHOFF, BOYLE, BRENNAN, CALTAGIRONE, CHRISTIANA, D. COSTA, DeLUCA, DENLINGER, DeWEESE, EACHUS, FAIRCHILD, FLECK, FRANKEL, GEIST, GEORGE, GIBBONS, GODSHALL, GOODMAN, GRELL, GRUCELA, HESS, HORNAMAN, JOHNSON, KNOWLES, KORTZ, KULA, LENTZ, MANN, MARKOSEK, McCALL, McGEEHAN, McILVAINE SMITH, MIRABITO, MUNDY, MURT, O'NEILL, PARKER, PASHINSKI, PICKETT, PYLE, QUINN, RAPP, READSHAW, ROEBUCK, SABATINA, SANTARSIERO, SANTONI, SCAVELLO, SIPTROTH, SONNEY, STABACK, STERN, SWANGER, TALLMAN, TRUE, WALKO, YOUNGBLOOD, MAHONEY and HARHAI

A Resolution ratifying the designation of Valley Forge Military College as the Official Military College of Pennsylvania and endorsing and encouraging participation in the Valley Forge Military College Legislative Appointment Initiative Program.

Referred to Committee on EDUCATION, December 9, 2009.

HOUSE BILL INTRODUCED AND REFERRED

No. 2155 By Representatives P. COSTA, D. COSTA, FRANKEL, VULAKOVICH, BARRAR, BEAR, BEYER, BRENNAN, ELLIS, GABLER, GODSHALL, GROVE, GRUCELA, HESS, KILLION, MARSHALL, MATZIE, MOUL, MUNDY, MUSTIO, O'NEILL, PYLE, REED, REICHLEY, SCAVELLO, S. H. SMITH, SWANGER, YUDICHAK, FABRIZIO, WAGNER and J. TAYLOR

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, prohibiting local tax on tuition.

Referred to Committee on FINANCE, December 9, 2009.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 1363, PN 1647

By Rep. JOSEPHS

A Joint Resolution proposing integrated amendments to the Constitution of the Commonwealth of Pennsylvania, providing for the election of the Insurance Commissioner and for the qualifications thereof.

STATE GOVERNMENT.

HB 1989, PN 2684

By Rep. JOSEPHS

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in dates of elections and primaries and special elections, further providing for special elections for Senator and Representative in the General Assembly.

STATE GOVERNMENT.

SB 136, PN 782

By Rep. JOSEPHS

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, providing for acceptable data.

STATE GOVERNMENT.

DECISION OF CHAIR RESCINDED ON SB 711

The SPEAKER. Without objection, the Speaker rescinds his announcement that SB 711 was agreed to on second consideration.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 711, PN 1468**, entitled:

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for legislative intent, for definitions, for the Pennsylvania Gaming Control Board established, for applicability of other statutes, for powers of the board and for code of conduct; providing for expenses of regulatory agencies; further

providing for licensed gaming entity application appeals from board, for license or permit application hearing process and public hearings, for board minutes and records, for regulatory authority of board, for collection of fees and fines, for slot machine license fee, for number of slot machines and for reports of board; providing for report by slot machine licensee; further providing for diversity goals of board and for license or permit prohibition; providing for specific authority to suspend slot machine license and for Auditor General's reports; further providing for Category 3 slot machine license, for applications for license or permit, for slot machine license application character requirements, for slot machine license application financial fitness requirements, for supplier licenses and for manufacturer licenses; providing for gaming service provider and for alternative supplier licensing standards; further providing for occupation permit application, for additional licenses and permits and approval of agreements, for license renewals, for change in ownership or control of slot machine licensee and for nonportability of slot machine license; providing for appointment of trustee and for additional table game assessment; authorizing table games; further providing for slot machine license deposits; providing for limitation on recovery of costs; further providing for gross terminal revenue deductions, for itemized budget reporting, for establishment of State Gaming Fund and net slot machine revenue distribution, for distributions from Pennsylvania Race Horse Development Fund, for Pennsylvania Gaming Economic Development and Tourism Fund, for transfers from State Gaming Fund, for responsibility and authority of Department of Revenue, for wagering on credit and for no eminent domain authority; providing for deteriorated designations; further providing for compulsive and problem gambling program, for labor hiring preferences, for declaration of exemption from Federal laws prohibiting slot machines and for financial and employment interests; providing for additional restrictions; further providing for political influence, for regulation requiring exclusion of certain persons; providing for prosecutorial and adjudicative functions; further providing for investigations and enforcement, for conduct of public officials and employees and for prohibited acts and penalties; providing for additional authority and for report of suspicious transactions; further providing for interception of oral communications; providing for electronic funds transfer terminals; regulating junkets; and providing for gaming schools.

On the question recurring,

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

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. On the question, the Chair recognizes the gentleman from Jefferson County, the minority leader, Representative Smith.

Mr. S. SMITH. A parliamentary inquiry, Mr. Speaker.

Given that the movement of a bill given second consideration to third consideration is actually a vote of this House – sometimes it is a recorded vote, sometimes it is more like on a unanimous consent – it is still an action of the entire House. Is it the ruling of the Chair that you can just unilaterally rescind that motion that was adopted by the majority of this House?

The SPEAKER. The Speaker does in fact have that authority, and it has occurred on prior occasion in this House. There has been a precedent set in that regard.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. Then, Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. S. SMITH. What was the deadline for amendments that could be considered for this bill when it was originally noticed for a vote on October 2 for second consideration?

The SPEAKER. With the bill going back to second, there are numerous amendments that were filed to the bill while the bill was on third consideration. However, this procedure will allow for all of those amendments that were filed to be in order without a rules suspension. So the amendments that were filed are now in order.

Mr. S. SMITH. Mr. Speaker—

The SPEAKER. Some will require a suspension, not all, but most of those amendments will not require a suspension of the rules.

Mr. S. SMITH. And I failed to understand, where did you draw the line of what amendments are suddenly in order and what are not? Did you say that those that were filed arbitrarily by 2 o'clock yesterday or 2 o'clock today, or was it actually the date when this bill was originally noticed for second consideration on October 2?

Under rule 21, since it is now on second consideration, it would need to be noticed for a vote so that members are adequately aware that it is now on second consideration and they have that proper time to file amendments on second. Otherwise, the only notice for this bill on second consideration, which it apparently now is, was October 2, so the date that the amendments could have been filed would have been 2 o'clock on October 3 or something of that nature.

The SPEAKER. All of the amendments filed by 2 p.m. yesterday are in order. Any amendments filed thereafter would require a rules suspension.

Mr. S. SMITH. Where is that stated in the rule, Mr. Speaker, that they are suddenly in order if they were filed by 2? The members were not notified of that.

In other words, this bill was not noticed for second consideration, which the purpose of is to let members know that they have the opportunity to file amendments by 2 o'clock tomorrow or whatever the date might be.

The SPEAKER. Mr. Smith, the rules are silent to that, and the fact that the bill went back, was rescinded back to second consideration today made all of those amendments in order up until 2 p.m. yesterday.

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

I respectfully disagree that the rules are silent. Rule 21 specifically speaks to procedures for a bill that is on second consideration. So if we are assuming that this is now on second consideration – and I am not sure that I agree that the Speaker unilaterally has that authority, but I am not going to contend with that at the moment – the fact is the rule, 21, speaks specifically to bills on second consideration and the notice thereof. It may not say when a bill comes back from third to second consideration, but it says when they are on second consideration. This bill, if it is in fact on second consideration, then rule 21 says that notice has to be given in order to allow members the opportunity to file amendments timely.

The SPEAKER. Mr. Smith, keeping with the spirit of rule 21, as the bill moving back to second consideration today, the amendments filed by 2 p.m. yesterday would be in order in keeping with rule 21, being that the bill is being moved back to second consideration today. So all of the amendments filed by 2 p.m. yesterday would be in order and all of the amendments thereafter not in order.

Mr. S. SMITH. Mr. Speaker, I respectfully disagree, because that would unilaterally allow the Speaker to say, well, yesterday at 2 o'clock – the members are not getting their due notice by this retroaction kind of thing you are doing.

The fact is, Mr. Speaker, rule 21 specifically says that a bill on second has to be noticed, and that is not the case. It was noticed back on October 2. So I think the members have been deprived of the opportunity to know that the bill was on second and amendable and would be deprived of the opportunity to offer amendments.

I made that point.

PARLIAMENTARY INQUIRY

Mr. S. SMITH. The second question, Mr. Speaker, then is, since you moved it back to second consideration and it was originally noticed on October 2 as SB 711, PN 1460 – that was the notice that was given then – what is the printer's number to which we are considering this bill? What printer's number does the bill have then, Mr. Speaker? It was noticed for PN 1460, and I believe it has a different printer's number today.

The SPEAKER. It would be all of the amendments filed to the current printer's number, 1468.

Mr. S. SMITH. Mr. Speaker, the current bill, 711, was never noticed for second. It was under the current printer's number. It was noticed under a prior printer's number. So rule 21 is very clear that that notice has to be given to members, and I think a bill that is of this much interest and importance to the legislature and to the impact that it has on the Commonwealth of Pennsylvania, I believe that this bill deserves proper notice so that the members can offer amendments if they choose.

The action the Speaker has taken has simply removed that opportunity. If a member happened to file an amendment in the last couple of days, it would happen to be in order. But the outcome of this is going to be, Mr. Speaker, members are just going to have to file a thousand amendments to every bill that is on third on the possibility that it might be reverted back to second. It just completely perverts the whole process of allowing a bill to be voted on, having amendments voted on second and final on third. It has just fundamentally perverted rule 21, Mr. Speaker.

RULING OF CHAIR APPEALED

The SPEAKER. If the gentleman disagrees with the ruling, he may appeal the ruling of the Chair.

Mr. S. SMITH. Well, Mr. Speaker, I will have to do that, Mr. Speaker. It is clear what rule 21 says regarding the consideration of bills. It clearly says bills on second consideration are required to be noticed and allowing the members another day or so to file amendments, and then that bill could be voted subsequent to that.

So I would absolutely apologize for having to disagree with the Speaker, but I just do not think the Speaker can unilaterally make whatever amendments he chooses in order as of 2 o'clock yesterday when the membership was not given notice. So you are actually doing a de facto notice, a notice after the fact, and I would challenge the ruling of the Chair, Mr. Speaker.

The SPEAKER. The gentleman, Representative Smith, has appealed the decision of the Chair, and the decision of the Chair is that when the Speaker rescinds to move a piece of legislation

or bill back to second consideration, the amendments filed by 2 o'clock of the prior legislative day are in order.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the appeal, the Chair recognizes the gentleman from Jefferson County, Representative Smith.

Mr. S. SMITH. Mr. Speaker, this is a horrible precedent to set out of a sense of urgency at this moment, that the majority feels they need to consider this bill. Clearly, Mr. Speaker, this is circumventing the rules, and it is a horrible precedent to set.

This bill that is currently on the calendar, SB 711, PN 1468, was never noticed to the members. If you care about what rule 21 says, those of you that think that the proper notice should be given so that members can have amendments and that people can have a chance to review those amendments, you cannot support this ruling of the Chair.

This absolutely perverts rule 21. From this day forward, if you support this ruling, Mr. Speaker, that means any bill that has been given second consideration, and maybe you got some amendments in it, maybe it went back to a committee and got amended again and came back out on third, unamendable on third without a suspension of the rules, and then suddenly the Speaker says, I am going to move it back to second, rescinding that, and now the amendments that were filed by 2 o'clock yesterday are in order, but you did not know that.

Mr. Speaker, if this ruling of the Chair is upheld, we can just take rule 21 out of the book and throw it away, because it is no longer necessary, Mr. Speaker. It is meaningless. Tear it out. Make them tear up the whole book, if we want, if that is that we are going to do. The rules clearly say, Mr. Speaker, that a bill that is going to be considered on second for consideration needs to have notice so members can offer their amendments.

I am a little bit astonished at this action that is just circumventing the entire process, Mr. Speaker, and urge the members to take a look at what the rules say. If you care what the rules say, if you want to, like, try to maintain some order so that one day when you have an amendment or one day when it is your bill and one day you are, like, trying to get something done and they do the left turn on you and skirt around the rules, it will be your turn. And someday it will be something you care about, and those rules will be pervertible in the future.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to support the Speaker's ruling. This is a precedent that has been set before. This has been applied before.

If you look at the bill as it has been posted for this week, dozens of amendments have been posted by members on both sides of the aisle, and if they were posted before 2 o'clock yesterday, we are going to take those up – fairly. And every member, as long as they were on time, they will be taken up.

Let me say, the gentleman from Jefferson forgets history. Let me give you a little history lesson. Before the Speaker's Reform Commission that Speaker O'Brien tasked, we had rules under Republican majorities that had no transparency. We would get bills that were that thick come through our Rules Committee in 5 minutes – no review, no posting, no nothing. And what we get

tonight is a revisionist view from the minority leader who abused the rules, in my opinion, in the majority, without regard for anything.

And I guess, you know, in those days, when you were the majority leader, you could use maximum power without regard for public openness and fairness for members. Tonight the majority leader's ruling guarantees that the members who posted their amendments properly will be taken up tonight, and the sooner we get to that, the sooner we get to final passage of this bill.

So I, once again, support the motion of the Speaker and ask the members to uphold that ruling.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader, Representative Smith.

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

You talk about history – when we were last in the majority, most of those years the rules we used were the same rules that were adopted by the Democrats when they were in the majority 8 years before that. Those were the same rules for as long as I was here, up until the last couple of years.

So those rules were rules that were around for a long time. They were not special rules that we contrived. And furthermore, if we want to go back and look at the record on the first day of session or whatever day it was that we adopted the rules, I think you will find that probably the majority leader voted for those rules of that era.

So the history lesson is not really accurate in that the rules were different in that day. The fact is, Mr. Speaker, that is not an argument for why these rules that we have today should be perverted.

When were the members notified that this bill was going to run today and be amendable – if you filed your amendment by 2 o'clock yesterday? The fact is, when a bill is on third consideration, if a member files an amendment, what they are really saying is if this amendment is so good that I can get the suspension of the rules, then I am in business. I understand that; I would need a suspension of the rules.

So I just still think that this ruling, Mr. Speaker, is just a bad precedent to set. The members were not notified until 2 minutes ago when the Speaker reverted this bill back to second; then I knew I could have filed an amendment by 2 o'clock yesterday. And I really think the bad part about it is that it is just going to lead people to feeling that on certain bills, they are just going to keep filing amendments the whole way through third consideration just in case the bill would happen to be reverted back tomorrow to second. Who knows?

It is just a bad precedent, Mr. Speaker. It is not going to make for a better operation of the House. It clearly does not do the transparency and the public notice that rule 21 was intended to. So I know you are going to do what you are going to do, but it is a bad precedent, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Mr. Speaker, in the last session there were many occasions where I rose to address the order of proceeding and parliamentary concerns. This session, almost not at all. I think, and I have told many people, that you have conducted your duties as Speaker in a fair, straightforward way.

In this case, I think there are a number of errors in what you are permitting or requiring to transpire, but I will at the moment restrict my remarks to this very particular point about was there proper notice under our rules for amendments to be filed. I do intend to raise a different parliamentary inquiry, in all likelihood, after this matter.

But if the members were to look at today's published calendar, the House calendar, which is published not just for our benefit but for the benefit of the public so the public can have an honest, open opportunity to understand what is before the House, so that the public is welcomed in and encouraged to reach out to their Representatives, those of us who are elected, the 60,000 bosses in my district, not one of them would have any reason to believe that SB 711 would be on second consideration. Not one of them could have known this, because the published calendar says the bill is on third consideration. In fact, the published calendar has said this bill is on third consideration for some time.

Getting past my objections to now saying this bill is on second consideration, has this bill actually been noticed on second consideration to permit the members or the members of the public to add their two cents as required under the rules? And I will remind you that the Constitution requires that a bill is agreed to for 3 days.

SB 711 has never been noticed for second consideration under its current printer's number. The current form of this bill has never been noticed to the public or to the members for second consideration. When we print calendars, we are very specific about what version of a bill is being considered at what stage.

I would say it is a bit ironic to pretend that SB 711 was noticed for second consideration when it was actually noticed for third under the current form, and in the prior form, it was noticed for second, but that is not what is before us now. But, of course, this is a bill about table games, and maybe if it is not already included in the amendments which have been largely invisible to the public that are pending, maybe if it is not already included, if the ruling of the Chair is sustained, you may want to add Three-card Monte, because that is what is happening. Which cup is this pea under? Which shell is the pea under?

You have told the public that the bill is on third consideration, which requires certain things and prohibits certain things, and now you want to say it is on second consideration but you will not allow the notice to the public, to the members, that is required under our rules if this bill is in fact under second consideration. It cannot be both, but as is the case with Three-card Monte, it seems to me that it is a rigged game and the public is going to lose.

Please vote for an honorable and correct interpretation of the rule.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Turzai.

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

Mr. Speaker, first, a point of parliamentary inquiry.

Can you tell us—

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. TURZAI. Sir, in the first instance, when you are voting with Minority Leader Smith, if you want to vote with Minority Leader Smith to say that the ruling of the Chair is incorrect, what is the appropriate vote?

The SPEAKER. The Speaker will phrase the question before the House: The vote to sustain or support the Speaker would be a "yes" vote. A vote against the Speaker's ruling would be a "no" vote.

Mr. TURZAI. Thank you, on that part.

It seems—

The SPEAKER. Is the gentleman on parliamentary inquiry or on debate?

Mr. TURZAI. No, I am done with the parliamentary—

The SPEAKER. On the debate.

Mr. TURZAI. On the debate. Yes, sir.

The SPEAKER. On the question, the gentleman is in order and may proceed.

Mr. TURZAI. Thank you very much.

First of all, Mr. Speaker, in the rule, there is nothing— Let me put it this way first. The Speaker's decision is this: He rescinds bill 711, which would have been on third consideration, and is taking it to second consideration. The majority leader says that there is precedent for that, but no precedent was cited. It does not make sense that there would have been any precedent for it in the first instance, because in the past we were always able to do amendments on third. We never had to do amendments on second. And given a negotiated, behind-doors deal on gaming, an amendment is required, and since the votes are not there to suspend – two-thirds – we get this ruling I have never seen in my tenure here to rescind the bill from third to second so that you can amend it without two-thirds.

The second ruling from the Speaker seems to be that the rescission, which is not in the House rules, means that any amendments filed today are not good – many amendments were filed today – only amendments filed before.

Now, of course, nobody would know to be able to file amendments to the underlying bill because we have never had this type of ruling before. And I only want to say this: Why am I not surprised that this kind of procedural gamesmanship would be played on the expanded gambling bill? Why would I not be surprised that such shell games would be played on an expanded gambling bill to prevent amendments that would beef up law enforcement – what is completely lacking in the original bill that was passed in 2004.

Now, I will say this: I heard the leader, the majority leader, with all due respect, saying that, oh, yeah, the other side, when they were in the majority, they played games. I was not in leadership, and I will tell you this: This particular maneuver was never used, and is it not, please, Mr. Leader, a new day and age? Is it not time to stop being clever? For goodness' sake, I would ask the majority leader to change from past general precedent and let us just allow the amendments to be voted appropriately. Let us open it up, keep it clean and accountable, and get rid of playing the tricks at all times.

What you are saying, the leader from the other side, is that you have got to think about every particular scenario. I would never think of this scenario. If you have an amendment you want to file and you have got to be that clever, well, I got to tell

you, I was not that clever, because I thought we had gotten beyond being clever. I thought we had gotten to a point in our democracy here where we would take votes on their merits and air out the issues on their merits and their demerits instead of hiding behind precedent – alleged precedent – that does not exist and rules that are not in writing.

For any of you out there in the public audience, the book that I would like to refer you to read, please, is "Animal Farm." If you ever get a chance, can you read "Animal Farm," because that is what is happening here tonight. With all due respect, it is power politics, clever maneuvers, rulings based on precedent that does not exist and on words that do not exist. It is frightening.

I would ask people to please, please vote "no." This thing does not pass the smell test. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Montgomery County, Representative Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

A parliamentary inquiry, please?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. VEREB. Mr. Speaker, is there another way, do the rules provide another way of us going from third back to second as opposed to a decision from the Speaker? Is there a rules suspension or some other applicable motion that perhaps could be a body vote as opposed to your decision?

The SPEAKER. The gentleman, Mr. Vereb, there would be a suspension of the rules for a reconsideration motion. However, the Speaker has the prerogative to revert his rescission that the bill has been agreed to on third, therefore usurping that suspension of the rules.

Mr. VEREB. Thank you, Mr. Speaker.

Continuing with the parliamentary inquiry.

When we went from second to third, Mr. Speaker, the Speaker would have announced – I assume; I do not recall – that this is agreed to to go to third consideration. Am I correct?

The SPEAKER. That is correct.

Mr. VEREB. Okay. So going from second to third, we agreed to. Coming from third back to second, is there an opportunity where someone could have objected to that and actually forced a vote enabling going from third to second as opposed to us opposing your decision?

The SPEAKER. The Speaker simply announced that the bill is moving back to second consideration, and he has that prerogative. I just rescinded the decision that the House was agreed to on second consideration.

Mr. VEREB. Thank you, Mr. Speaker.

Can a member reconsider their consent of a bill going from second to third any time before it gets called up for third and final consideration, similar to what the Speaker did? Can I come in tomorrow and object to a bill going from second to third before it is called back up?

The SPEAKER. Only if it is done in accordance with rule 26, which is what you would need to suspend the rule for on the reconsideration motion.

Mr. VEREB. Thank you, Mr. Speaker.

The SPEAKER. Which is the way you need to reconsider.

Mr. VEREB. Thank you, Mr. Speaker.

On the motion.

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

Mr. VEREB. Mr. Speaker, the majority leader from Luzerne County brought up the reform in the past and the size of bills that were dealt with years ago, and if the bills were that thick, obviously Washington has learned from Harrisburg Republican tactics from years ago. But that is yesterday's news, Mr. Speaker. A lot of work was done in the Reform Commission in an effort to make sure that the public and the members were very prepared to deal with this type of legislation. And in fact, on this bill, with a number of these reforms, I have worked with the chairman and the leader's office and am very proud to have a lot of them in the bill.

The concern here is the openness and the timing referencing when the original bill was passed last minute, Mr. Speaker. So at some point, in all due respect to the great leader, you know, sooner or later President Obama has to declare it his economy and his war and cannot keep blaming Mr. Bush. So I suggest that the leader embrace the reform measures of openness and transparency and we let this run on the calendar and have enough time for the public to know and the members to know where we are going.

And I will cut off, Mr. Speaker. I obviously, unfortunately, will vote to oppose your decision, and I encourage all the other members to oppose it. And let us get moving, because we have a Turnpike Commission to abolish, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Mr. Speaker, a parliamentary inquiry?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. SCAVELLO. Questioning the Speaker's prerogative to move a bill from third to second consideration, I notice here some bills on first consideration. Can the Speaker move a bill from first consideration to third consideration, bypassing second?

The SPEAKER. No. The Constitution requires that a bill be read on 3 days.

Mr. SCAVELLO. I am really confused, because I see here this bill on third consideration. We print the House calendar, and if we are not going to follow the House calendar, why print it? Why just not save the money? You know, we—

The SPEAKER. Will the gentleman state his parliamentary inquiry?

Mr. SCAVELLO. Well, my parliamentary inquiry was to see if you had the power as well to move us from first to third, bypassing second, and you have answered that for me.

The SPEAKER. Does the gentleman want to debate the issue?

Mr. SCAVELLO. Yes, please.

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

Mr. SCAVELLO. Thank you, Mr. Speaker.

My comment is why would we even print the calendar if we are not going to follow it. You know, save the paper, save the taxpayers some time and money, and just do not print it and just

come in here every day and just get a list of bills and say, we are on third, we are on second, whatever else, because that just seems to me what is happening here today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

A parliamentary inquiry, please?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. BOYD. In October when this bill was considered, I had a couple of amendments drafted to SB 711, and I withdrew them at that point in time in deference to the majority leader who was seeking to have this bill moved back in October. Are those amendments now in order since the bill has been moved back from third to second?

The SPEAKER. They would not be in order. They were filed to a different printer's number, and they would not be in order.

Mr. BOYD. Thank you, Mr. Speaker. I appreciate that. I just wanted to be prepared to debate them if they were.

May I speak on this motion, please?

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

Mr. BOYD. Thank you.

Mr. Speaker, I would like to, unfortunately – I have a tremendous amount of respect for the Speaker, but I disagree with the ruling of the Chair in this case. And, Mr. Speaker, I was wondering if I could have just some attention in the House, please?

The SPEAKER. The gentleman is in order. He has a right to be heard. The House will come to order.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, a lot of this is being approached as a Republican/Democrat issue and we are arguing back and forth. Mr. Speaker, I would like to approach this from a little different perspective. I believe that this is a tremendously bad precedent for rank-and-file members, and I would like my colleagues on both sides of the aisle to consider this.

This precedent, this is what this is establishing: This is allowing the Speaker to arbitrarily, at his will, refer a bill, move a bill from third consideration back to second consideration, at a time of his or her choosing. And at that point in time, the Speaker, knowing when they are choosing to do that, can be in communication with the majority leader, or for that sake the minority leader, and have amendments filed to the proper printer's number, only they knowing what printer's number and what amendment will be in order at 2 o'clock the prior day when they chose to make that motion.

Now, I was asked why I did not have amendments drafted to SB 711, this printer's number, and my answer is, because I did not have the divine revelation last night in prayer that we were going to move this bill from third back to second at 8:15 on December 9.

So I believe, Mr. Speaker, that this is a tremendously problematic precedent that we are setting that further empowers leaders to ramrod legislation past rank-and-file members,

whether they are from the majority party or the minority party, and they wanted to have their chance to be heard on an amendment. And I believe that this is a huge step backwards from the efforts that many of us have made since the year 2006, when the session began in '07, to try and encourage reform and openness, having bills only amended on second, 24 hours to consider. If we do not want to do that, we suspend the rules and we can vote to do that.

Mr. Speaker, I believe that this is a tremendously – I said it before; I will say it again – bad precedent, and I believe that it will continue to be used by leaders on both sides of the aisle to ram stuff past rank-and-file members of both the majority and the minority parties.

And I believe it is a mistake. I have a tremendous amount of respect for the Speaker, as I have said, and I just think in this case that we are making a mistake here and that this is going to create problems down the road for this chamber and affect the integrity of this institution, which, by the way, is already in tremendous question all across the Commonwealth.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. Mr. Speaker, I have to say that the gentleman and the members, anyone in this chamber who did not realize this was coming had to be on Mars.

And let me say this: We have been very open with the minority leader and your leadership as it relates to our intention to cooperate in a bipartisan way on this bill. We have been trying to find a way to find a solution. But to call the Speaker's integrity into question as it relates to this motion, words like "perversion" and the other types of things – this is a precedent. This is a precedent that has been set before and utilized before. And to say somehow that we have unfairly blocked openness and transparency and the ability for members to act on their amendments – here are the amendments, dozens of them. Everyone is going to get their shot.

Let us get on with this appeal, let us uphold the Speaker's ruling, and let us get on with the debate.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

A parliamentary inquiry, if I may?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CUTLER. Mr. Speaker, we have now heard two such references to prior precedents. Given the fact that I am a newer member and do not have the history in this body, I was wondering if you could point me to the legislative record that indicates this so that I might review it.

The SPEAKER. We will provide that to you.

Mr. CUTLER. Shall I wait, Mr. Speaker, while we review that, because I do have another parliamentary inquiry, but I think it is probably best to let that wait until this one has been fully developed and debated and finally voted.

The SPEAKER. The Parliamentarian will provide that information to the gentleman.

Mr. CUTLER. Thank you, Mr. Speaker.

Can I expect it prior to the vote?

The SPEAKER. Probably not, because the Parliamentarian will be doing his job at the dais.

Mr. CUTLER. Mr. Speaker, given that there have been two references by an individual, would he be able to provide the information?

The SPEAKER. The information will be provided by the Parliamentarian.

Mr. CUTLER. Mr. Speaker, if I may, I believe an issue of this importance, quoting precedents and trying to move forward with a motion, and certainly, a very valid question that is before us of whether or not a bill has been moved from third to second, I do believe, Mr. Speaker, that having the appropriate information in front of us prior to any vote being cast is in order, and I personally would request that we have that made available prior to the vote on this motion that is now before the House.

The SPEAKER. The question before the House is the appeal of the ruling of the Chair. The Chair has made its ruling. I am not going to debate the member, I am not going to debate the member on that matter. The information will be provided to you by the Parliamentarian.

Mr. CUTLER. Mr. Speaker, it is certainly not my intention to engage in a debate on the underlying issues or even the ruling itself. I am merely looking from a historical perspective in order to obtain the information so that we will have the adequate record in our hands prior to the vote.

The SPEAKER. Please restate your question, if you asked a question.

Mr. CUTLER. Mr. Speaker, I was simply requesting from a historical perspective, since two references have been made to prior precedent to support the ruling of the Chair, I would like to have available, if we may, that actual record of it in the Legislative Journal so that we can review that to see if in fact the ruling of the Chair is consistent with prior precedent.

Mr. Speaker, I think that is very important, given that we are trying to vote to uphold the integrity of the institution and the ruling that you have put before us.

The SPEAKER. The Speaker can assure the gentleman that there is prior precedent. It is the last time I am going to say it: The Parliamentarian will provide the gentleman with that information.

Mr. CUTLER. Mr. Speaker, just so I am clear: But not prior to the vote. Is that correct?

The SPEAKER. As soon as the gentleman has the opportunity to get to it, the gentleman will receive it.

Mr. CUTLER. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. CUTLER. If I may make another request, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. CUTLER. Thank you, Mr. Speaker.

Given that the precedents have not been made available yet, may we strike that reference in the record until such time that it is made available?

The SPEAKER. There is no reason to strike it. There is a precedent that has been set, and that information will be provided to the gentleman in due time.

Mr. CUTLER. Thank you, Mr. Speaker.

On the motion, if I may?

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

Mr. CUTLER. Thank you, Mr. Speaker.

I obviously have great respect for the Speaker. However, I do have some historical concerns here given the fact that we have been told that there are precedents on record supporting such decisions to move from third to second. I do not personally believe that our record would indicate that given the fact that previously, Mr. Speaker, that our rules allowed for amending on third, and to the best of my knowledge, this would have only developed recently.

Mr. Speaker, therefore, I would urge support of the minority leader's position that the ruling of the Chair is not appropriate and should be overridden, given simply on the fact that if we are allowing this procedure to take place, going back in time from third to second, it certainly calls into question any and all amendments that will ever be filed.

Mr. Speaker, I think it sets a horrible precedent where now once every bill goes from second to third, there will be a multitude of amendments filed just on the off chance that a bill will be moved back verbally from third to second. Mr. Speaker, I do not believe that that is an efficient use of legislative time nor the time of the Legislative Reference Bureau. I believe it is a bad precedent going forward because of the actions that it will set in place just to ensure that amendments can be considered in the event, in the rare event, even though we do have precedents, allegedly, in the record that would support such an action, but it seems to me that it would be quite rare that we would have to file amendments just on the off chance that that would happen.

Therefore, Mr. Speaker, I support the minority leader's motion that we should appeal the ruling of the Chair and override it and respectfully thank you for your time.

I do have another parliamentary inquiry, which I will address once this debate is finished and finally voted on, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Westmoreland County, Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

And I rise in opposition to the motion to appeal the Chair. It is interesting how this body gets amnesia at convenience. We just debated this exact same issue recently, and I remember as part of that debate I offered the same remarks that I am going to offer right now.

The plain language of the rules permit, if you will, the Speaker to make this particular ruling, and when you look at the plain language of the rules, clearly the Speaker has the independent or the unilateral authority to do what he is doing.

That being said, there are oftentimes unintended consequences of rules, and perhaps this particular rule may need to be improved. And there may be an opportunity sometime in the future where this body can reflect on this rule and look at possible improvements. I think when we went through all of our rules changes, this is perhaps an unintended consequence, if you want to call it that, that came from these particular rules. But the plain language of the rules allows the Speaker to act as such.

We have already debated this issue before at great length. In very recent history, I cannot remember the specific date, but I remember having the exact same debate. But I can tell you this, that as a second-year law student in trial tactics, one of the professors in law school told us that when the law is against you, you argue the facts, and when the facts are against you, you argue the law. Well, that is exactly what we are doing

tonight, or the late evening or early evening, whatever you want to call it. The law, if you will, is the rule, and the rule is against you. So as a result, we are going to argue the facts because the law or the rule certainly does not help us.

So what we have done is tried to convolute an issue that is very clear. The plain language of the rule allows this to occur; whether you like it or not or whether you agree with the ruling of the decision of the Chair is irrelevant. The issue is whether or not it is proper according to the rules. The rules are the rules and in fact permit it under this particular circumstance.

So let us not try to convolute and cloud the issue by arguing the facts when in fact the rule is the issue and the issue is the rule. The rule says it can occur, and therefore, I support the Speaker's decision.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I sense déjà vu all over again. In July 2004 we had this same kind of situation occurring—

The SPEAKER. The gentleman is in order. The House will come to order.

Mr. CLYMER. We had the same—

The SPEAKER. The gentleman will yield.

The House will come to order. The gentleman has a right to be heard.

Mr. CLYMER. We had the same circumstances surrounding us then as we have today, and as a result, we had reformers. Reformers were going to come and say, these kinds of things will never happen again. We are going to change things. We are going to have hope and promise and transparency. Things are going to be different. And I would ask that those who were on the Reform Commission, if they think that what we are doing tonight, this parliamentary procedure, is the right thing to do, then stand up and say, yes, we support this. Or if you think that it is against the intent of the reforms that we passed, then say that as well.

You know, after we had passed that casino gambling bill, this General Assembly was hit hard by editorials and articles in such papers as the Boston Globe and the Philadelphia Inquirer and the Baltimore Sun, plus local papers. There is a way that our procedure developed in passing that casino gambling legislation. And I thought that we would at least get rid of the influence of the casinos in the halls of this Commonwealth at least when we did the table games, but I see that they are alive and well and here they are.

Mr. Speaker, at a recent press conference, Governor Rendell – and I have the article right here – said he is going to be the Governor of reform; things are going to be different. I cannot believe that Governor Rendell supports what we are doing here tonight. I cannot believe that. If he is a Governor of reform, why would he allow these kinds of things to happen? He should be opposed to it. I did not get any letters, but I am sure maybe before the evening is over he will say that these kinds of procedures are not in the best interests, not in the best interests of Pennsylvania.

Mr. Speaker, we sometimes wonder why the public is down on us, why they are angry, why they are upset. It is these kinds of procedures that we are doing here tonight that create that anger in them and why we do not have the good ratings like we

should have with the public, because they understand that it is politics as usual. It is the special interest groups.

Mr. Speaker, I stand here this evening and support our minority leader's position on this position and ask for a "no" vote. Thank you.

The SPEAKER. The Chair recognizes the gentleman from York County, Representative Saylor.

Mr. SAYLOR. I first want to correct the gentleman from Westmoreland County who was not giving facts to this House chamber. The truth of the matter is, this has never happened on this House floor before. The truth is, on this House floor what did take place earlier this year was the fact that we suspended the rules on third consideration for amendments. We have never done this on the House floor before. So the gentleman from Westmoreland is absolutely incorrect when we want to talk about facts.

Second of all, Mr. Speaker, there is a different way of doing this, and I do not understand why the Speaker and the majority leader, who had an opportunity to do the same thing we had done previously on this House floor, and that is to suspend the rules on third consideration to consider this amendment and other amendments. But you chose to break rule 21, Mr. Speaker, and, in my opinion, violate your oath of office, because you clearly violated rule 21, Mr. Speaker.

And I believe that if we are going to, as all members—I remember members on that side of the aisle and this side of the aisle who sat in the Speaker's commission to set up rules for this House. We wanted to change the way business was done here for the taxpayers of Pennsylvania so it would be done in the light of day, and instead, tonight we tossed those rules out that many of you on that side of the aisle and many on this side of the aisle believed were the right thing to do, and we decided tonight to let the Speaker—maybe the Speaker tonight—break a rule that we set, so that no matter whether you are a Democratic majority or a Republican majority in this House, we all as members of this House have the respect of each and every one of each other. But instead tonight we are going to say it is okay to break the rules of this House as long as we are in the majority, so when you are in the majority, Mr. Republicans, you can break the rules too. I do not think you are going to say that when that happens.

So let us be honest tonight. We are breaking rule 21, and the Speaker had other options. He could have done what he did previously along with the majority leader, and that is suspend the rules on third consideration to consider these amendments. But instead he chose to break the very rules in this House that he has an oath of office to uphold.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentlelady from Mercer County, Representative Brooks.

Mrs. BROOKS. Mr. Speaker, when we make statements on this House floor, we need to make sure that they are accurate. So as a new member of this chamber, I would like to support my colleague, Representative Cutler, in asking for the precedents that were referenced. So pursuant to rule 55, I would like to make a motion to recess until those precedents are given to the members so that we can base our vote on that.

The SPEAKER. For the information of the lady and the gentleman, Mr. Saylor, and the gentleman, Mr. Cutler, the first time there was a decision made was when Matt Ryan was the

Speaker of the House on October 25, 1999. I refer you to Journal pages 1842 and 1843, when the Speaker rescinded his motion that the bill was agreed to on third consideration as amended and took it back to second consideration—Speaker Ryan.

And we have other precedents, we have other examples of that that we will gladly provide to the members of the House.

The gentlelady, Mrs. Brooks, still has the floor.

Mrs. BROOKS. Would that be under operation of a different set of rules?

The SPEAKER. The applicable rule was the same. The substance of the rule and the applicable rule were the same.

Does the gentlelady withdraw her motion?

Mrs. BROOKS. Mr. Speaker, if you could please provide that to the members. I appreciate your indulgence, and I also appreciate your desire to provide that to us to back up the statements. Thank you very much.

The SPEAKER. The Chair thanks the gentlelady.

PARLIAMENTARY INQUIRY

The SPEAKER. On the question, shall the decision of the Chair stand as the decision of the House, on the question, the Chair recognizes the gentleman from Beaver County, Representative Christiana.

Mr. CHRISTIANA. Just a parliamentary inquiry, Mr. Speaker?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CHRISTIANA. Yesterday we amended a bill on third consideration which, in order to do that, we needed a rules suspension, correct?

The SPEAKER. That is correct.

Mr. CHRISTIANA. All right. And it seems that there is an attempt to amend on third consideration today. Why would we not suspend the rules and instead do what is argued by some as an illegitimate attempt? Why would there not be a suspension of the rules motion instead of going back to second, seeing as how that is what we did yesterday and seems is a little bit more legitimate?

The SPEAKER. We simply moved the bill back from third to second consideration by prerogative of the Speaker, by the prerogative of the Chair. It did not require a suspension of the rules.

Mr. CHRISTIANA. So if the attempt is to amend on third consideration, which we did yesterday and we needed a suspension of the rules, I do not understand why, if that is the attempt, we would do something different today than we did yesterday, instead of going back to a 1999 precedent instead of a precedent 24 hours ago.

The SPEAKER. That is not a parliamentary inquiry. The gentleman, that is not a parliamentary inquiry. We are not on third consideration. The question before the House is the appeal of the rule of the Chair.

Mr. CHRISTIANA. Okay. Thank you, Mr. Speaker.

The SPEAKER. On the question, shall the decision of the Chair stand as the decision of the House, those voting to sustain, those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

On the question recurring,
Shall the decision of the Chair stand as the judgment of the House?

(Members proceeded to vote.)

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the gentleman from Allegheny County – turning to leaves of absence – the gentleman, Mr. Turzai, who requests a leave of absence for the gentleman, Representative QUIGLEY from Montgomery County, for the day, and the gentleman from Huntingdon County, Representative FLECK, for the day. Without objection, the leaves will be granted.

CONSIDERATION OF SB 711 CONTINUED

On the question recurring,
Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—102

Barbin	Eachus	Levdansky	Samuelson
Belfanti	Evans, D.	Longietti	Santarsiero
Bishop	Fabrizio	Mahoney	Santoni
Boyle	Frankel	Manderino	Seip
Bradford	Freeman	Mann	Shapiro
Brennan	Galloway	Markosek	Siptroth
Briggs	George	Matzie	Smith, K.
Brown	Gerber	McGeehan	Smith, M.
Burns	Gergely	McI. Smith	Solobay
Buxton	Gibbons	Melio	Staback
Caltagirone	Goodman	Mirabito	Sturla
Carroll	Grucela	Mundy	Taylor, R.
Casorio	Haluska	Murphy	Thomas
Cohen	Hanna	Myers	Vitali
Conklin	Harhai	O'Brien, M.	Wagner
Costa, D.	Harkins	Oliver	Walko
Costa, P.	Hornaman	Pallone	Wansacz
Curry	Houghton	Parker	Waters
Daley	Johnson	Pashinski	Wheatley
Deasy	Josephs	Payton	White
DeLuca	Keller, W.	Petrarca	Williams
DePasquale	Kessler	Preston	Youngblood
Dermody	Kirkland	Readshaw	Yudichak
DeWeese	Kortz	Roebuck	
Donatucci	Kotik	Sabatina	McCall,
Drucker	Kula	Sainato	Speaker

NAYS—88

Adolph	Everett	Maher	Rapp
Baker	Fairchild	Major	Reed
Barrar	Farry	Marshall	Reese
Bear	Gabig	Marsico	Reichley
Benninghoff	Gabler	Metcalfe	Roae
Beyer	Geist	Metzgar	Rock
Boback	Gillespie	Micozzie	Ross
Boyd	Gingrich	Millard	Saylor
Brooks	Godshall	Miller	Scavello
Causar	Grell	Milne	Schroder
Christiana	Grove	Moul	Smith, S.
Civera	Harhart	Mustio	Sonney

Clymer	Harper	O'Brien, D.	Stern
Creighton	Harris	O'Neill	Stevenson
Cutler	Hennessey	Oberlander	Swanger
Dally	Hess	Payne	Tallman
Day	Hickernell	Peifer	Taylor, J.
Delozier	Hutchinson	Perzel	True
Denlinger	Kauffman	Phillips	Turzai
DiGirolamo	Keller, M.K.	Pickett	Vereb
Ellis	Knowles	Pyle	Vulakovich
Evans, J.	Krieger	Quinn	Watson

NOT VOTING—0

EXCUSED—12

Cox	Helm	Miccarelli	Petri
Cruz	Killion	Murt	Quigley
Fleck	Lentz	Perry	Rohrer

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentelady, Representative Beyer, for the offering of amendment A04601. The gentelady, Representative Beyer, is recognized.

Mrs. BEYER. Thank you, Mr. Speaker.

In the interest of moving this process along, I am happy to withdraw the amendment. And I do believe that Representative Maher had a point of order.

The SPEAKER. The gentelady is withdrawing the amendment? The Chair thanks the gentelady.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Maher, rise?

Mr. MAHER. Thank you, Mr. Speaker.

As I mentioned during the course of the immediately preceding discussion, I do have another parliamentary concern, and I am hoping that I can present a parliamentary inquiry, which I expect will lead to a challenge to the ruling of the Chair.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. MAHER. Mr. Speaker, when a bill moves from second to third consideration under our current rules, the Speaker asks if the bill is agreed to. That is a de facto voice vote of this body. I understand that on occasions the Chair has rescinded an announcement because of some uncertainty whether or not that voice vote was accurately interpreted, and I believe, although I do not recall, that the citation you made to Speaker Ryan was likely such a situation.

In this situation, in this situation, Mr. Speaker, the bill was agreed to by this chamber as a whole on second consideration. The bill was then referred by this chamber as a whole to the Appropriations Committee. The bill spent 2 months in the Appropriations Committee and then was reported by that committee as a whole back to this body. Can you present a

precedent to me whereby an announcement of a Speaker serves to erase the action of the Appropriations Committee, serves to erase the referral to the Appropriations Committee, and serves to erase that a bill had been agreed to on second consideration?

The SPEAKER. The Speaker's authority to do so was just affirmed by this body by the appeal of the ruling of the Chair.

Mr. MAHER. Mr. Speaker, that question was whether or not a bill returned to second consideration was appropriately noticed for the sake of filing amendments. It was a different question than this.

I am asking, is there a precedent for an announcement by the Speaker alone to serve to erase the action of the Appropriations Committee as a whole, the action of this body as a whole to refer to the Appropriations Committee, and the action of this body to agree to a bill on second consideration? Is there such a precedent?

The SPEAKER. There was no action taken by the Appropriations Committee, so it falls in line with the action that this House has just taken.

Mr. MAHER. Mr. Speaker, the simple fact that the Appropriations Committee reported the bill without amendment, and I think provided a fiscal note as required under the rules, was some action. But regardless of their action, my question is, is there actually a precedent for an announcement by the Speaker to erase the action of the Appropriations Committee as a whole, to erase the action of this body as a whole to refer, and to erase the action of this body as a whole to agree to a bill on second consideration? Or is this in fact unprecedented under our current rules?

The SPEAKER. We have not erased any action of this General Assembly or its committee by other than moving the bill back from third consideration to second consideration. No actions were erased.

Mr. MAHER. So, Mr. Speaker, I am gathering that there is no precedent that you can point to for what is attempted tonight?

The SPEAKER. The House has already ruled on that matter.

Mr. MAHER. With all due respect, Mr. Speaker, and I really, genuinely – I hope you appreciate – do have respect for your role as Speaker.

We voted on a different question about the timeliness of notice for amendments. It seems to me there is not a precedent for this sort of rescission. The rescission under Mason's Manual requires a vote. Mason's provides that "The motion to rescind requires the same vote as would be required to repeal the act which it is sought to rescind." The act was the voice vote of this body to agree to that bill on second consideration. That requires more than an announcement 2 months later to undo, Mr. Speaker. I believe that requires a vote of this body by voice or by recorded vote.

Now, I am asking, is there a precedent for rescission of an announcement 2 months and a week later so that a voice vote of this chamber— Is there really a precedent for that?

The SPEAKER. The precedent and the decision were decided by this House on the last vote. It was that rescission that made the assumptions that you are making at this point in time. The House has decided the issue.

Mr. MAHER. Mr. Speaker, again, you recited very clearly what the substance of the appeal was on the last one, which was the issue about the notice required for amendments. I am making a motion, Mr. Speaker, that the action to rescind requires a vote of this chamber to undo a vote of this chamber.

I would ask that that vote be a recorded vote and suspect that the minority leader, Mr. Smith, would join me as the second person asking for a recorded vote on the rescission of second consideration. And under the Constitution, once two members have asked for a recorded vote, the recorded vote must occur.

The SPEAKER. It is not a voice vote. A voice vote is when the Speaker in fact asks the membership when he refers bills to committees and asks the membership, those signifying with agreement will signify by saying "aye"; those opposed, "nay." That is a voice vote. When the Speaker moves a bill from second to third, there is no voice vote taken. It is just an acknowledgement of the Speaker moving the bill from second to third consideration. There is no voice vote taken.

Mr. MAHER. So when the Constitution requires that a bill be agreed to on three separate days, the Constitution is assuming that one person makes that decision twice and the body as a whole only makes that decision once? It seems to me, Mr. Speaker, the Constitution requires the entire body to agree to a bill on three separate days, and if your position is that the actions that have been taken thus far in this session have not been considered by the entire body and agreed to on three separate days, it seems to me every piece of legislation that would have been passed by this body would be at risk of being overturned as violating the Constitution for failing to actually have been agreed to by this body. If your ruling is that the agreeing by this body is one man makes a decision and not the body as a whole—

The SPEAKER. The Speaker, by his authority, agrees to the bills on behalf of the entire House of Representatives when he is in the dais and does it every single day when bills are referred out of committee – every day on behalf of the entire House.

Mr. MAHER. Does the Speaker not say, is the bill agreed to?

The SPEAKER. The gentleman, Mr. Maher, I am not going to debate you. If you want to challenge the decision that I am making, you are obliged to do that.

Mr. MAHER. Thank you, Mr. Speaker.

I am appealing the decision of the Chair, that your decision that the agreeing to the bill by this, required under the Constitution on three separate days, does not require action of this chamber on 2 of those 3 days. I think that ruling is incorrect.

The SPEAKER. Will the gentleman, Mr. Maher, come to the dais?

(Conference held at Speaker's podium.)

The SPEAKER. The gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I do appreciate, genuinely, the opportunity to explore this question thoroughly with you. Although I regret that it seems that we are reaching somewhat difference conclusions, I do wish to state that I believe that when the Constitution requires a bill to be agreed to by 3 days, agreeing to it or not is not by fiat of a single member, for if it is, every legislation that we do will be overturned as unconstitutional. But, Mr. Speaker, as much as I disagree with your ruling, I also recognize that had things proceeded in what I believe would be in accordance with the rules – which would have been a motion to rescind, voted on by this body – it is clear by the outcome of the recent votes that rescission would be accomplished had it been done the proper way.

So although I strongly disagree with any attempt to cite this as precedent – and I will note that so far as I am aware, there is still no case where a bill left this chamber, went to committee, was returned from committee, and then a Speaker rescinded the announcement that it had passed on second consideration or been agreed to – for the sake of not delaying our proceedings, I will not challenge the decision of the Chair, and consequently, will save about an hour of time.

I hope that we do not have to have this conversation again, but if we do, at that time I will, no matter what the circumstance, seek to do things by the book.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Ms. **OBERLANDER** offered the following amendment No. **A04610**:

Amend Bill, page 192, lines 1 through 20, by striking out all of said lines

Amend Bill, page 193, lines 12 through 30; pages 194 through 196, lines 1 through 30; page 197, line 1, by striking out all of said lines on said pages

Amend Bill, page 197, line 2, by striking out "13.4. SECTIONS" and inserting

13.3. Sections 1509,

Amend Bill, page 197, by inserting between lines 3 and 4 § 1509. Compulsive and problem gambling program.

(a) Establishment of program.—The Department of Health, in consultation with organizations similar to the Mid-Atlantic Addiction Training Institute, shall develop program guidelines for public education, awareness and training regarding compulsive and problem gambling and the treatment and prevention of compulsive and problem gambling. The guidelines shall include strategies for the prevention of compulsive and problem gambling. The Department of Health may consult with the board and licensed gaming entities to develop such strategies. The program shall include:

(1) Maintenance of a compulsive gamblers assistance organization's toll-free problem gambling telephone number to provide crisis counseling and referral services to families experiencing difficulty as a result of problem or compulsive gambling.

(2) The promotion of public awareness regarding the recognition and prevention of problem or compulsive gambling.

(3) Facilitation, through in-service training and other means, of the availability of effective assistance programs for problem and compulsive gamblers and family members affected by problem and compulsive gambling.

(4) Conducting studies to identify adults and juveniles in this Commonwealth who are or are at risk of becoming problem or compulsive gamblers.

(5) Providing grants to and contracting with organizations which provide services as set forth in this section.

(6) Providing reimbursement for organizations for reasonable expenses in assisting the Department of Health in carrying out the purposes of this section.

(b) Compulsive and Problem Gambling Treatment Fund.—There is hereby established in the State Treasury a special fund to be known as the Compulsive and Problem Gambling Treatment Fund. All moneys in the fund shall be expended, as provided in subsection (b.1), for programs for the prevention and treatment of gambling addiction and other emotional and behavioral problems associated with or related to gambling addiction and for the administration of the compulsive and

problem gambling program. The fund shall consist of money annually allocated to it from the annual payment established under section 1408 (relating to transfers from State Gaming Fund), money which may be allocated by the board, interest earnings on moneys in the fund and any other contributions, payments or deposits which may be made to the fund.

(b.1) Allocation of fund.—A deposit into the Compulsive and Problem Gambling Treatment Fund established in subsection (b) shall be allocated as follows:

(1) Fifty percent shall be appropriated on a continuing basis to the Department of Health for the purposes of this section.

(2) Fifty percent shall be appropriated on a continuing basis to the board for the purposes of this section.

(c) Notice of availability of assistance.—

(1) Each slot machine licensee shall obtain a toll-free telephone number to be used to provide persons with information on assistance for compulsive or problem gambling. Each licensee shall conspicuously post signs similar to the following statement:

If you or someone you know has a gambling problem, help is available. Call (Toll-free telephone number).

The signs must be posted within 50 feet of each entrance and exit and within 50 feet of each automated teller machine location within the licensed facility.

(2) Each racetrack where slot machines are operated shall print a statement on daily racing programs provided to the general public that is similar to the following:

If you or someone you know has a gambling problem, help is available. Call (Toll-free telephone number).

(3) A licensed facility which fails to post or print the warning sign in accordance with paragraph (1) or (2) shall be assessed a fine of \$1,000 a day for each day the sign is not posted or printed as provided in this subsection.

(d) Single county authorities.—The Department of Health [may] shall make grants from the fund established under subsection (b) to a single county authority created pursuant to the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, for the purpose of providing compulsive gambling and gambling addiction prevention, treatment and education programs. It is the intention of the General Assembly that any grants that the Department of Health may make to any single county authority in accordance with the provisions of this subsection be used exclusively for the development and implementation of compulsive and problem gambling programs authorized under subsection (a). At least 40% of the annual share of the fund appropriated for use by the Department of Health in subsection (b.1) shall be allocated for grants under this subsection. Any unused portion of the funds shall remain available for grants in succeeding years.

(d.1) Nonprofit entities.—

(1) The board shall make grants from the fund established under subsection (b) for the purpose of providing compulsive gambling and gambling addiction prevention, treatment and education programs to any organization that:

(i) is recognized by the Internal Revenue Service as an exempt organization under the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3) et seq.); and

(ii) provides services compatible with the purposes of this subsection, including, but not limited to, dissemination of information on compulsive gambling and facilitation of referrals for treatment.

(2) At least 95% of the funds appropriated for use by the board in subsection (b.1) shall be allocated for grants under this subsection. Any unused portion of the funds shall remain available for grants in succeeding years.

(e) Definition.—As used in subsection (d), the term "single county authority" means the agency designated by the Department of Health pursuant to the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, to plan and

coordinate drug and alcohol prevention, intervention and treatment services for a geographic area, which may consist of one or more counties.

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

The SPEAKER. On that question, the Chair recognizes the gentelady from Clarion County, Representative Oberlander.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman from Lancaster County, Representative Cutler, rise?

Mr. CUTLER. Mr. Speaker, I had a parliamentary inquiry, if I may?

The SPEAKER. On this amendment?

Mr. CUTLER. In regards to the status of the bill and tangentially related to the amendment; yes, sir.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. CUTLER. Mr. Speaker, in reviewing some prior precedent, given our last discussion, I came across an excerpt in our record where it was asked, "Just so I am clear on the ruling of the Chair, Mr. Speaker: May a bill be amended during that time period after second consideration but before third consideration before the House?" Mr. Speaker, given the travels of this bill from second consideration into committee, presumably to third consideration and then back to second consideration, Mr. Speaker, I believe the same question arises in the ruling at that time, Mr. Speaker. The Speaker replied, "On the floor, they cannot, unless there is a suspension of the rules requested," Mr. Speaker. So my parliamentary inquiry would simply be, given that we have allegedly returned to second consideration, would this not also require a suspension of the rules as indicated in the previous record?

The SPEAKER. The bill is amendable with amendments that were filed by 2 p.m. by the prior legislative day. They would be in order and the bill is in position to be amended.

Mr. CUTLER. Mr. Speaker, given the prior ruling that a rules suspension would be required for that time period between second consideration and third, I would be interested to know how the precedent works into what we are currently undertaking tonight.

The SPEAKER. The House already voted on this subject, Mr. Cutler.

The bill is now before us on second consideration. The amendments that were filed by 2 p.m. yesterday are in order, and that is what the House is currently taking up right now.

Mr. CUTLER. Mr. Speaker, is it the ruling of the Chair, then, that a rules suspension would not be required in order to consider the amendments that are now before us that were filed after the original 2 p.m. deadline but before today?

The SPEAKER. That is correct, and that was in the Speaker's ruling.

Mr. CUTLER. That was part of the Speaker's ruling?

The SPEAKER. That the House sustained.

Mr. CUTLER. Mr. Speaker, is that a challengeable ruling, based on the prior precedent that we just brought up?

The SPEAKER. It is not. That would be out of order. It has already been challenged and decided by this House.

Mr. CUTLER. Mr. Speaker, is that ruling challengeable?

The SPEAKER. No, it is not.

Mr. CUTLER. Mr. Speaker, I will withhold some further comments upon third consideration of the bill, because I do believe that there are some constitutional flaws in the process by which we got here and would like to reserve that at that time and respectfully disagree with the Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. CUTLER. Thank you.

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentelady, Representative Oberlander, on the amendment.

Ms. OBERLANDER. Mr. Speaker, I am going to withdraw the amendment.

The SPEAKER. The Chair thanks the gentelady.

On the question recurring,

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

Mr. **CLYMER** offered the following amendment
No. **A04602**:

Amend Bill, page 2, line 48, by inserting after "FOR"

liquor licenses at licensed facilities and for

Amend Bill, page 227, line 18, by striking out "SECTION"
where it occurs the second time and inserting

Sections 1521 and

Amend Bill, page 227, line 18, by striking out "IS" and inserting
are

Amend Bill, page 227, by inserting between lines 18 and 19
§ 1521. Liquor licenses at licensed facilities.

(a) Reapplication.—Nothing in this part shall require a person already licensed to sell liquor or malt or brewed beverages to reapply for the license except in the manner set forth in the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

(b) License authority.—Notwithstanding any other provision of law, a person holding a slot machine license which is also licensed to sell liquor or malt or brewed beverages pursuant to the Liquor Code shall be permitted to sell[, furnish or give] liquor or malt or brewed beverages on the unlicensed portion of the licensed gaming facility so long as the liquor or malt or brewed beverages remain on the facility.

(c) Nonlicensees.—Notwithstanding any other provision of law, a slot machine licensee which is not licensed to sell liquor or malt or brewed beverages shall be entitled to apply to the Pennsylvania Liquor Control Board for a restaurant liquor or eating place retail dispenser license as permitted by section 472 of the Liquor Code. The following shall apply:

(1) Licenses issued under this section shall not be subject to:

(i) The proximity provisions of sections 402 and 404 of the Liquor Code.

(ii) The quota restrictions of section 461 of the Liquor Code.

(iii) The provisions of section 493(10) of the Liquor Code except as they relate to lewd, immoral or improper entertainment.

(iv) The prohibition against minors frequenting as described in section 493(14) of the Liquor Code.

(v) The cost and total display area limitations of section 493(20)(i) of the Liquor Code.

(vi) Section 493(24)(ii) of the Liquor Code.

In addition, licenses issued under this section shall not be subject

to the provisions defining "restaurant" or "eating place" in section 102 of the Liquor Code.

(2) Absent good cause shown consistent with the purposes of this part, the Pennsylvania Liquor Control Board shall approve an application for the license filed by a licensed gaming entity within 60 days.

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

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Turzai, rise?

Mr. TURZAI. Thank you, Mr. Speaker. Point of parliamentary inquiry?

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. TURZAI. Thank you very much.

The amendments, if we should have a number of amendments that go until 11 o'clock tonight and then we do not get them all finished by tonight and we come back tomorrow, are the amendments that were filed today then timely?

The SPEAKER. They are.

Mr. TURZAI. They are timely. Thank you.

The SPEAKER. If they were filed by 2 o'clock today.

Mr. TURZAI. Filed by 2 o'clock today. So if we do not finish all the amendments on SB 711 this evening and we go until tomorrow, any amendments that were filed by 2 o'clock today would be timely?

The SPEAKER. That is correct. And we will be sunshining Friday and Saturday, as well, as session days, and we will be here through the weekend to get this done.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I wish to withdraw amendment A04602.

The SPEAKER. The Chair thanks the gentleman.

Is the gentleman withdrawing 4606 as well? The gentleman, Mr. Clymer?

Mr. CLYMER. Mr. Speaker, may I have a sidebar with our staff for just a moment? Just a very short sidebar?

The SPEAKER. We will go over the amendment.

On the question recurring,

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

Mr. **SCHRODER** offered the following amendment No. **A04607**:

Amend Bill, page 2, line 11, by inserting after "LICENSEE"
and for slot machine winnings intercept

Amend Bill, page 101, line 20, by striking out "A SECTION"
and inserting
sections

Amend Bill, page 102, by inserting between lines 22 and 23
§ 1211.2. Slot machine winnings intercept.

(a) General rule.—Winnings obtained from gambling on slot

machines shall be applied to satisfy a winner's delinquent support obligation.

(b) Duty of licensed gaming entity or slot machine licensee.—In the case of any person winning more than \$1,200 from slot machine winnings, before making any monetary payment from those winnings, the licensed gaming entity or slot machine licensee shall obtain the name, address and Social Security number of the winner from Form W-2G, or a substantially equivalent form filed with the United States Internal Revenue Service, and shall request the department to make all reasonable efforts to determine if the winner is a delinquent support obligor. If the winner is determined to be a delinquent support obligor, all of the following shall apply:

(1) The amount of any arrearages shall be deducted from the amount of slot machine winnings and paid to the obligee in the manner provided for under 23 Pa.C.S. (relating to domestic relations) for the administration of support payments.

(2) The amount of any fee, calculated under subsection (c)(6), shall be deducted from the winnings and distributed according to this section.

(c) Duties of department.—The department shall do all of the following:

(1) Cause a search to be made periodically of all of the following:

(i) The department's records relative to the Title IV-D program.

(ii) Any information received from county domestic relations offices relative to arrearages of court-ordered child support.

(iii) Any information received from states with reciprocal enforcement of child support relative to arrearages of court-ordered child support.

(2) Furnish the licensed gaming entity or slot machine licensee with the following information:

(i) The department identifier.

(ii) The obligor's full name and Social Security number.

(iii) The amount of the arrearage and the identifier of the court order that underlies it.

(3) Request the licensed gaming entity or slot machine licensee to withhold from the winner the amount of any arrearage discovered under paragraph (1).

(4) Request the licensed gaming entity or slot machine licensee to pay, in a lump sum or by installment, to the State disbursement unit that portion of the slot machine winnings that satisfy the arrearage as follows:

(i) By deducting from the amount received from the licensed gaming entity or slot machine licensee any amount assigned to the State disbursement unit.

(ii) By paying to the State disbursement unit for distribution to the obligee of the child support court order the amount of slot machine winnings that satisfy the arrearage owed to the obligee.

(5) If the slot machine winnings are insufficient to satisfy the arrearages owed under the child support order, the department shall proceed as follows:

(i) The department may collect as provided by law.

(ii) The department may reinstate the procedures set forth under this section if the obligor wins subsequent slot money.

(6) Determine and set a fee, if necessary, that reflects the actual costs to the department and the licensed gaming entity or slot machine licensee to administer this section. The department shall request the licensed gaming entity or slot machine licensee to deduct the fee set from the amount to be paid to the winner after the winner's child support obligation has been fully satisfied and shall divide the fee set based on the administrative expenses incurred by the department and the licensed gaming entity or slot

machine licensee.

(7) Within 30 days of the date the slot machine winnings were won, do all of the following:

(i) Award the winner the slot machine winnings in whole or in part.

(ii) If applicable, notify the winner that the slot machine winnings or a portion of the slot machine winnings was used to satisfy arrearages owed for court-ordered child support.

(d) Notice.—The domestic relations section shall send a one-time notice to all obligors of existing orders informing them that arrearages may be intercepted as provided under this section.

(e) Right to review.—A winner whose slot machine winnings are used to satisfy an obligation under this section may appeal to the department in accordance with 2 Pa.C.S. (relating to administrative law and procedure). The appeal shall be filed within 30 days after the winner is notified by the department that the slot machine winnings have been reduced or totally withheld to satisfy outstanding arrearages for child support and related obligations.

(f) Rules and regulations.—The department shall promulgate the rules and regulations necessary to carry out its responsibilities under this section.

(g) Nonliability.—A licensed gaming entity or a slot machine licensee that makes a payment to a winner in violation of this section shall not be liable to the person to whom the winner owes an outstanding debt.

(h) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"State disbursement unit." As defined in 23 Pa.C.S. § 4302 (relating to definitions).

On the question,

Will the House agree to the amendment?

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. On that question, the Chair recognizes the gentleman from Chester County, Representative Schroder.

We will go over the amendment.

On the question recurring,

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

Mr. **GABIG** offered the following amendment No. **A04608**:

Amend Bill, page 94, line 8, by striking out "1209(B) AND (F)" and inserting
1209

Amend Bill, page 96, line 5, by striking out all of said line and inserting

(a) [Imposition] License fee.—Except as provided for a Category 3 licensed gaming entity under section 1305 (relating to Category 3 slot machine license) and subject to the requirements of this section, at the time of license issuance the board shall impose a one-time slot machine license fee to be paid by each successful applicant for a conditional Category 1, a Category 1 or a Category 2 license in the amount of \$50,000,000 and deposited in the State Gaming Fund. No fee shall be imposed by the board for a Category 1 license if the applicant has paid a \$50,000,000 fee for a conditional Category 1 license.

(a.1) Renewal fee.—Upon application for the annual renewal of any conditional Category 1, Category 1 or Category 2 license, a licensee shall pay a renewal license fee of \$10,000,000.

(a.2) Fee limitation.—The licensee shall demonstrate to the board and the unit that no portion of any license fee under subsection (a) or (a.1) consists of borrowed funds.

Amend Bill, page 96, lines 12 through 14, by striking out "**FOR TWO**" in line 12, all of line 13 and "**THEREAFTER, LICENSE RENEWALS SHALL BE EVERY THREE YEARS**" in line 14

Amend Bill, page 96, line 18, by inserting a bracket before "AS"

Amend Bill, page 96, line 20, by inserting a bracket after "REQUIRED."

Amend Bill, page 96, line 21, by striking out all of said line and inserting

(c) Credit against tax for slot machine licensees.—If the rate of the tax imposed by section 1403 (relating to establishment of State Gaming Fund and net slot machine revenue distribution) is increased at any time during the term of ten years following the initial issuance of the slot machine license, the slot machine licensee shall be entitled to a credit against subsequent payment of the tax equal to the difference between the tax calculated at the rate when the license was issued and the tax calculated at the increased rate. This credit shall be applied on a dollar-for-dollar basis as and when the tax is payable as set forth in section 1403 but shall not extend beyond the ten-year period following the initial issuance of the license. The aggregate amount of all credits provided shall not exceed the amount of the licensing fee paid by the licensee. The department shall enter into a contract with each slot machine licensee explicitly setting forth the terms and conditions of this credit and which also specifically incorporates the requirements of subsection (f).

(d) Deposit of license fee.—The total amount of all license and renewal fees imposed and collected by the board under this section shall be deposited in the State Gaming Fund.

(e) Change of ownership or control of a license.—In the event that the ownership or control of a slot machine licensee or its affiliate, intermediary, subsidiary or holding company is changed as described in section 1328 (relating to change in ownership or control of slot machine licensee), the new owner shall be entitled to the full remaining amount of the credit set forth in subsection (c) [or the return of the license fee in accordance with subsection (f)] as if the new owner or controlling interest was the original licensee.

Amend Bill, page 109, line 28, by inserting after "AMENDED" and the section is amended by adding subsections

Amend Bill, page 111, by inserting between lines 13 and 14

(d.1) Renewal fee.—Upon application for the annual renewal of any Category 3 license, a licensee shall pay a renewal fee of \$10,000,000.

(d.2) Fee limitation.—The licensee shall demonstrate to the board and the unit that no portion of any license fee under subsection (d) or (d.1) consists of borrowed funds.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Cumberland County, Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I would just like to say that I do not think that you violated your oath of office as was mentioned earlier. I think that was a slightly strong rhetorical statement. It was made in the heat of argument and just personally, I strongly disagreed with your position, but I do not think you violated your oath of office, personally, so I just wanted to say that to the Speaker.

The SPEAKER. The Chair thanks the gentleman.

AMENDMENT WITHDRAWN

Mr. GABIG. Now, as I was delaying to find out what this amendment was about, my staff got up here. We will be withdrawing this amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **TURZAI** offered the following amendment No. **A04613**:

Amend Bill, page 112, line 19, by striking out "1313(C)" and inserting

1313

Amend Bill, page 114, line 24, by striking out all of said line and inserting

(a) Applicant financial information.—[The board shall require each] Each applicant for a slot machine license shall be required to produce [the] information, documentation and assurances concerning financial background and resources [as the board deems necessary to establish by clear and convincing evidence] and provide it to the bureau. The information, documentation and assurance must be sufficient to allow the board to determine if the applicant has established, by clear and convincing evidence, the financial stability, integrity and responsibility of the applicant, its affiliate, intermediary, subsidiary or holding company, including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed with governmental agencies, and business and personal accounting and check records and ledgers. In addition, each applicant shall in writing authorize the examination of all bank accounts and records as may be deemed necessary by the board.

(a.1) Minimum financial standard.—Each applicant shall be required to demonstrate to the board and to the bureau that no more than 66.6% of the operating funds consists of borrowed funds. For the purposes of this subsection, the term "operating funds" shall be defined to include the aggregate of all funds necessary to:

(1) purchase, construct, renovate or develop a licensed facility; and

(2) operate the licensed facility for one year.

(b) Financial backer information.—[The board shall require each] Each applicant for a slot machine license shall be required to produce and provide to the bureau the information, documentation and assurances as may be necessary to establish by clear and convincing evidence the integrity of all financial backers, investors, mortgagees, bondholders and holders of indentures, notes or other evidences of indebtedness, either in effect or proposed. Any such banking or lending institution and institutional investors may be waived from the qualification requirements by the board in consultation with the bureau. A banking or lending institution or institutional investor shall, however, produce for the board upon request any document or information which bears any relation to the proposal submitted by the applicant or applicants. The integrity of the financial sources shall be judged upon the same standards as the applicant. Any such person or entity shall produce for the board upon request any document or information which bears any relation to the application. In addition, the applicant shall produce [whatever] any information, documentation or assurances [the board requires to establish] needed to allow the board to determine if the applicant has established, by clear and convincing evidence, the adequacy of financial resources.

Amend Bill, page 114, line 27, by inserting a bracket before "POST"

Amend Bill, page 114, line 28, by inserting a bracket after "to"

Amend Bill, page 115, line 3, by inserting a bracket before "POST"

Amend Bill, page 115, line 4, by inserting a bracket after "TO" where it occurs the first time

Amend Bill, page 115, line 11, by striking out all of said line

Amend Bill, page 115, line 15, by striking out all of said line and inserting

(d) Applicant's business experience.—The board shall require each applicant for a slot machine license to produce the information,

documentation and assurances as the board may require to establish by clear and convincing evidence that the applicant has sufficient business ability and experience to create and maintain a successful, efficient operation. Applicants shall produce the names of all proposed key employees and a description of their respective or proposed responsibilities as they become known.

(e) Applicant's operational viability.—In assessing the financial viability of the proposed licensed facility, the board shall make a finding, after review of the application, that the applicant is likely to maintain a financially successful, viable and efficient business operation and will likely be able to maintain a steady level of growth of revenue to the Commonwealth pursuant to section 1403 (relating to establishment of State Gaming Fund and net slot machine revenue distribution). Notwithstanding any provision of this part to the contrary, an applicant that includes a commitment or promise to pay a slot machine license fee in excess of the amount provided in section 1209 or a distribution of terminal revenue in excess of the amounts provided in sections 1403, 1405 (relating to Pennsylvania Race Horse Development Fund) and 1407 (relating to Pennsylvania Gaming Economic Development and Tourism Fund) shall not be deemed a financially successful, viable or efficient business operation and shall not be approved for a slot machine license.

(f) Additional information.—In addition to other information required by this part, a person applying for a slot machine license shall provide the following information:

(1) The organization, financial structure and nature of all businesses operated by the person, including any affiliate, intermediary, subsidiary or holding companies, the names and personal employment and criminal histories of all officers, directors and key employees of the corporation; the names of all holding, intermediary, affiliate and subsidiary companies of the corporation; and the organization, financial structure and nature of all businesses operated by such holding, intermediary and subsidiary companies as the board may require, including names and personal employment and criminal histories of such officers, directors and principal employees of such corporations and companies as the board may require.

(2) The extent of securities held in the corporation by all officers, directors and underwriters and their remuneration in the form of salary, wages, fees or otherwise.

(3) Copies of all management and service contracts.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Allegheny County, Representative Turzai.

Mr. **TURZAI**. Thank you very much.

I would ask the membership to please support this amendment. This amendment was based on hearings that the Republican Policy Committee held with respect to the expanded gaming legislation that was passed in 2004. There was testimony at that time before the Policy Committee with respect to minimum financial standards. When the Gaming Board, that I would contend rushed to pass out licenses – in Pittsburgh, one of the licenses was issued to a new company called Majestic Star Casino, LLC. I want to just tell you a little bit about that and why the testimony from experts with respect to gaming, including those that helped to draft the New Jersey legislation, said that Pennsylvania's fell woefully short. In Pittsburgh, the license went to this Majestic Star Casino, LLC, and it was a subsidiary of Barden Development. That company, that parent company, housed other casinos, which the recent applicant was involved in in Nevada, Colorado, Mississippi, and in Indiana. In December of 2003 PITG Gaming, LLC was formed as another

separate subsidiary of Barden Development, and actually, PITG Gaming, LLC received the license in Pittsburgh.

Weeks before the Gaming Board voted on the Pittsburgh license, Standard & Poor's and Moody's investors reports issued negative outlooks for the companion company, Majestic Star Casino, which housed the recent applicant's other casinos. Also, according to annual filings with the Securities and Exchange Commission on a Federal level, Majestic Star reported losses of \$26.1 million in 2007; \$14.3 million in 2006; and \$5.3 million in 2005. In fact, it had not ever reported any profits. The other casinos that were the sister companies to PITG Gaming before the license was issued had amassed over \$550 million in debt. The recent applicant had over \$11 million in personal gambling losses prior to the issuance of licenses.

May I have order, Mr. Speaker?

The SPEAKER. The gentleman will yield.

POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Mr. Wheatley, rise? Is the gentleman rising for a point of order? The gentleman will state his point of order.

Mr. WHEATLEY. Well, I guess I am asking the question, Mr. Speaker, how is this defamation or this information relevant to the amendment that the gentleman is trying to introduce?

The SPEAKER. The gentleman will confine his remarks to the language of the amendment.

Mr. TURZAI. This is all very specific. It is the reason behind the amendment. The amendment provides for minimum financial suitability standards and it was written to address what had happened in particular in the Pittsburgh issue, the license that was issued in Pittsburgh. We do not want that to happen again and so there are minimum suitability requirements.

The SPEAKER. I would urge the member to just refer to it by—

Mr. TURZAI. It is dead-on.

The SPEAKER. Not the name of the applicant. Avoid personalities.

Mr. TURZAI. In April 2008 Standard & Poor's reduced this sister credit rating from a B-minus to a CCC-plus and also gave the applicant itself a B-minus and said it, quote, "suggests that the project is highly vulnerable." In fact, when the applicant went to licensing, it had – please note this – zero equity investment, zero equity investment. In fact, it was listed as provided of having over \$450 million in firmly committed financing, but instead had to go to construction on a \$200 million bridge loan from another financier. In fact, during the application process, where there was zero equity investment, the leverage money also continued to shift and there was nothing to indicate that it was in any way stable. In addition, interest rates were projected to be anywhere from 9 to 16 percent, which was well above the going interest rates.

The fact of the matter is, when the gaming legislation was passed in 2004, there were no minimum financial suitability standards as there were in the application license process in New Jersey and other jurisdictions, and the experts that testified, including one former U.S. attorney, specifically stated that it was really unconscionable that there were not minimum financial suitability standards. This is saying that for any additional licenses to be given out – and they have not all been

given out, I realize. For most, they are out the door. But also with concern, as there has been discussion here about expanding, with respect to any future licenses, they must meet minimum financial suitability standards, including a requirement for some equity. You cannot have a 100 percent leveraged deal.

Given the evidence after the fact and the testimony of the experts, neutral experts, I would ask this membership to require minimum financial suitability requirements. Thank you.

PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Chair recognizes the gentleman from Allegheny County, Representative Wheatley.

Mr. WHEATLEY. Mr. Speaker, I am going to ask the Speaker if we can have the name of the individual and the company that was stated during the presentation or conversation before stricken from the record. I think it is an unfair characterization, because we cannot go back and relive how the Pennsylvania Gaming Control Board made their selection and how they ended up picking that particular individual for that particular location, but we should not be trying to expose or to name citizens and corporations on this House floor in a negative light.

So I would ask that we strike the name of the individual and the company that was made mention to during the conversation before.

The SPEAKER. Without objection, we will replace the name with "recent applicant."

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

The SPEAKER. Would the gentlelady like to be recorded in the negative?

The following roll call was recorded:

YEAS—89

Adolph	Fairchild	Major	Rapp
Baker	Farry	Marshall	Reed
Barrar	Gabig	Marsico	Reese
Bear	Gabler	Metcalfe	Reichley
Benninghoff	Geist	Metzgar	Roae
Beyer	Gillespie	Micozzie	Rock
Boback	Gingrich	Millard	Ross
Boyd	Godshall	Miller	Saylor
Brooks	Grell	Milne	Scavello
Causer	Grove	Moul	Schroder
Christiana	Harhart	Mustio	Smith, S.
Civera	Harper	O'Brien, D.	Sonney
Clymer	Harris	O'Neill	Stern
Creighton	Hennessey	Oberlander	Stevenson
Cutler	Hess	Pallone	Swanger
Dally	Hickernell	Payne	Tallman
Day	Hutchinson	Peifer	Taylor, J.
Delozier	Kauffman	Perzel	True
Denlinger	Keller, M.K.	Phillips	Turzai
DiGirolamo	Knowles	Pickett	Vereb
Ellis	Krieger	Pyle	Vulakovich
Evans, J.	Maher	Quinn	Watson
Everett			

NAYS—101

Barbin	Eachus	Levdansky	Santarsiero
Belfanti	Evans, D.	Longiatti	Santoni
Bishop	Fabrizio	Mahoney	Seip
Boyle	Frankel	Manderino	Shapiro
Bradford	Freeman	Mann	Siptroth
Brennan	Galloway	Markosek	Smith, K.
Briggs	George	Matzie	Smith, M.
Brown	Gerber	McGeehan	Solobay
Burns	Gergely	McI. Smith	Staback
Buxton	Gibbons	Melio	Sturla
Caltagirone	Goodman	Mirabito	Taylor, R.
Carroll	Grucela	Mundy	Thomas
Casorio	Haluska	Murphy	Vitali
Cohen	Hanna	Myers	Wagner
Conklin	Harhai	O'Brien, M.	Walko
Costa, D.	Harkins	Oliver	Wansacz
Costa, P.	Hornaman	Parker	Waters
Curry	Houghton	Pashinski	Wheatley
Daley	Johnson	Payton	White
Deasy	Josephs	Petrarca	Williams
DeLuca	Keller, W.	Preston	Youngblood
DePasquale	Kessler	Readshaw	Yudichak
Dermody	Kirkland	Roebuck	
DeWeese	Kortz	Sabatina	McCall,
Donatucci	Kotik	Sainato	Speaker
Drucker	Kula	Samuelson	

NOT VOTING—0

EXCUSED—12

Cox	Helm	Miccarelli	Petri
Cruz	Killion	Murt	Quigley
Fleck	Lentz	Perry	Rohrer

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

On the question recurring,

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

Mr. **DAY** offered the following amendment No. **A04616**:

Amend Bill, page 206, line 16, by inserting a bracket before "HORSE"

Amend Bill, page 206, line 16, by inserting after "LICENSE" where it occurs the second time

] an applicant to become a licensed racing entity

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lehigh County, Representative Day.

Mr. DAY. Thank you, Mr. Speaker.

This amendment is a technical amendment that when I was researching this bill I came across. I just wanted to make this technical amendment that— Mr. Speaker, one moment, please.

Thank you, Mr. Speaker.

There are four components in this bill and numbers two, three, and four outline that a racing entity cannot make a contribution, and I found that number one in the bill did not

have that definition. So this is a technical amendment. I cannot say it is an agreed-to amendment, but—

The SPEAKER. Will the House agree to the amendment?

On that question, the Chair recognizes the gentleman from Philadelphia County, Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, are you aware that on Sunday, October 4 at 2:30 we entertained a number of amendments with respect to SB 711? Is that yes or no?

Mr. DAY. Sunday? What was the date?

Mr. THOMAS. October 4.

Mr. DAY. Yes.

Mr. THOMAS. Mr. Speaker, is this amendment similar to an amendment that you offered or considered on that day?

Mr. DAY. I do not believe so; no.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Berks County, Representative Caltagirone; I am sorry, Representative Santoni.

Mr. SANTONI. We get mixed up a lot, Mr. Speaker.

Mr. Speaker, I am going to be short. I know the hour is late and some of the amendments are just an attempt to further delay, so I am going to ask the membership to vote "no." This has to do with political contributions, and I would ask the members to vote against it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

POINT OF ORDER

The SPEAKER. On the question, the Chair recognizes the gentleman from York County, Representative Grove.

Mr. GROVE. Point of order, Mr. Speaker. The amendment is not coming up on the computer screen.

It is coming up now? Okay. Scratch that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Cumberland County, Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I just wanted to make sure I was clear on the amendment that we are dealing with. I think I will look over here; it is easier for me to see. We are on A04616. Is that the right one?

The SPEAKER. That is correct.

Mr. GABIG. All right. Thank you very much.

So I would ask if the maker of that amendment could stand for interrogation just to make sure I have a full and complete and thorough understanding of this very important amendment to this very important piece of legislation.

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

Mr. GABIG. I will be honest with you, I did not have a great deal of chance to review these since October 4 when we were here on that Sunday. A lot of these different amendments have

been coming up and going back, so I just want to make sure I understand. What does your amendment do?

Mr. DAY. Thank you, Mr. Speaker.

I want to preface my answer to your question that I actually have two amendments to this bill and I was considering withdrawing both of them. I was going to stand up, put my hands up, and say: I do not want to be any part of this mess. But instead, I thought, I took a look at this bill – I was actually looking at a completely different type of amendment – and I went through and I was working with our staff and we found, really, a technical correction. I thought I would be able to stand up and in 30 seconds just get it done and be done with it, so that is why I decided to proceed.

There are four components. There are four components that talk about—

Mr. GABIG. I wonder if the gentleman could tell me about the first component of the four components to the very important amendment to this very important bill. What would be the first component or part, if you will? Or one leg of the four legs, I guess. We will put it that way. What is the first part of that?

Mr. DAY. You know, I thought the speaker from Philadelphia was going to give me a harder time than you are, but I appreciate your questions. So I will say that number one states, "An applicant for a slot machine license, manufacturer license, supplier license, principal license, key employee license..." or "an applicant to become a licensed racing entity" is what I would like to add in. That last component is not in.

In number two, three, four, and six – I am sorry – two, three, four, and five of this component of the bill, it does list "licensed racing entity." So I just want to make very clear: I do not want to participate in stretching this debate out any further, Mr. Speaker. But I did think I would be able to stand up and pretty much be able to make this technical change that I found while I was looking at doing other types of amendments and just do the right thing for the people of Pennsylvania instead of what we have heard tonight, which is the need to control the order of business, controlling the calendar all year.

The SPEAKER. The gentleman will yield. The gentleman will yield.

The question before the House is amendment A04616.

Mr. GABIG. Thank you, Mr. Speaker.

The SPEAKER. Confine your remarks to that amendment.

Mr. GABIG. Yes. I appreciate the gentleman's answer. I think I understand the response and it has helped me a great deal further to understand about the first component, but I thought the gentleman said there were four components, and I did not know if the gentleman could explain to me about the second component, part B, or did that encompass all the components, your response there? All right. So you gave it to us, and all it is then, what does that have to do with, though, those different sections? What part of the bill does that have to do with?

Mr. DAY. Thank you, Mr. Speaker.

This is under "political influence" in the bill.

Mr. GABIG. And so does this have to do with anything with campaign contributions or some outside entity trying to influence what might go on here in, say, the House of Representatives?

Mr. DAY. It could be construed that way. It is not directly meant to curtail that activity; however, because of the way the definition was listed out, those components, this component was not written properly so I attempted to make a technical change.

Mr. GABIG. All right. That would conclude my interrogation, Mr. Speaker. If I could make some comments on the amendment?

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

Mr. GABIG. Thank you, Mr. Speaker.

It seems to me that this is a nonpartisan amendment. It is actually just a correcting of the language, to make sure the language in one part agrees with the language in another part, and it is under the section dealing with political influence so we should make sure we get that right.

I know we are somewhat in a hurry here. There are only a couple days left on the calendar and then we are going to put some more on, but we are sort of getting towards the end, but we should still try to get it right. I know it goes to the Senate and they have people over there that can look at it and maybe they can try to fix the language up, but since we have an opportunity to do that here, to fix this language now with this amendment, which is noncontroversial – it does not in any way change the policy or change how much money somebody is going to get or the distributions or the local. It is just a minor, fairly minor change. The four components were not all included. This would include the one component in making sure it is all uniform. So uniformity and making sure we are doing it correctly and properly as we sort of get to the end of this process.

I think this is very important, and I would encourage all my colleagues on both sides of the aisle, both in leadership and in the rank and file, both from the northeast and the southwest, both from the south central and the north central, both from Pittsburgh and Philadelphia, both from Hanover and Carlisle, those from Pittsburgh and Westmoreland County, Lehigh County, and all the different— Carbon County; I do not mean to exclude Jim Thorpe and Summit Hill. Butler County and Beaver County, Erie, Centre, State College—

The SPEAKER. The gentleman will yield.

Mr. GABIG. All of those things should come together today and vote for this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentledady from Luzerne County, Representative Mundy. The gentledady will yield. The House will come to order.

Members will please take their seats, take their conversations into the anterooms.

The gentledady from Luzerne County is recognized.

Ms. MUNDY. Thank you, Mr. Speaker.

I am sure that the Representative who offers this amendment does not intend to mislead us, but what he is failing to tell us is that he deletes language before he inserts additional language. But the effect of the amendment is that he would remove everyone and everything from the Horse or Harness Racing Commission applying for a license from the prohibitions on making political contributions contained in the Gaming Act. The only people who would not be allowed to make contributions would be those applicants actually seeking the racetrack license. So basically, the people removed from the ban would include trainers, jockeys, drivers, horse owners, persons

participating in thoroughbred and harness horse racing meetings, and all other persons and vendors who exercise their occupation or are employed at horse racetracks in this Commonwealth.

These people would now be permitted to make political contributions. It does exactly the opposite of what we would try to do and that is to limit the people involved with gaming and involved with horse racing from making political contributions. I think the law is best left the way it is with regard to the ban on these contributions, and I would urge defeat of the Day amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Clearfield County, Representative Gabler.

Mr. GABLER. Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Representative Day, indicates he will stand for interrogation. The gentleman, Mr. Gabler, is in order and may proceed.

Mr. GABLER. Thank you, Mr. Speaker.

Could you please just explain for me how you intend your amendment or how this amendment will affect the jockeys and the horse owners?

Mr. DAY. Thank you, Mr. Speaker.

Thank you for your question. I guess by answering this, I would be sort of answering the last speaker also. If your question is a yes or no— Could you restate the question? Was it a yes-or-no question?

Mr. GABLER. My question was simply if you could explain for us how your amendment will affect jockeys and horse owners.

Mr. DAY. Right now the way the law is written here is we were— What I was trying to look at while I was looking at making another amendment, this did not seem to make sense to me that, it seemed like an applicant to become a licensed racing entity was not covered in this part of the bill, and I thought it made sense, it was obvious the intent of the bill was to cover that. So I wanted to make that technical change to cover that part of the bill. In the case of jockeys, the idea with this bill – as it is said one, two, three, four other places in the same paragraph – was we were supposed to prohibit licensed racing entities. So what I attempted to do was make the language more uniform and thereby not address the issue of jockeys, because I did not feel that the intent of the legislation nor my thoughts about the legislation and what the law should be should be targeted towards an applicant to be a jockey.

Mr. GABLER. Thank you, Mr. Speaker.

Would you say that you would intend your amendment in such a way as to get back to the basic intent, which is to keep folks with real big money from yielding undue influence over the process while still protecting more run-of-the-mill type folks?

Mr. DAY. Yes, that would be a good characterization. We looked at licensed racing entities as the entities that we were trying to target with curbing the ability to affect this body as well as anyone in the Commonwealth, more so than jockeys who really only a few of them that win the large purses would be able to do.

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

The SPEAKER. Does the gentleman wish to be recognized on the amendment?

Mr. GABLER. Briefly, on the amendment.

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

Mr. GABLER. I just want to state my support for the amendment because I do believe this amendment really corrects and gets back to the core intention of what this section was intended to be, which is to try to exercise some limitations over how some of the big-money folks might yield undue influence over our political process, but let us not be too broad with prohibitions in cutting out more run-of-the-mill-type folks.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Adolph	Fairchild	Maher	Rapp
Baker	Farry	Major	Reed
Barrar	Gabig	Marshall	Reese
Bear	Gabler	Marsico	Reichley
Benninghoff	Geist	Metcalfe	Roae
Beyer	Gillespie	Metzgar	Rock
Boback	Gingrich	Micozzie	Ross
Boyd	Godshall	Millard	Saylor
Brooks	Grell	Miller	Scavello
Causar	Grove	Milne	Schroder
Christiana	Harhart	Moul	Smith, S.
Civera	Harper	Mustio	Sonney
Clymer	Harris	O'Brien, D.	Stern
Creighton	Hennessey	O'Neill	Stevenson
Cutler	Hess	Oberlander	Swanger
Dally	Hickernell	Payne	Tallman
Day	Hutchinson	Peifer	Taylor, J.
DeLozier	Kauffman	Perzel	True
Denlinger	Keller, M.K.	Phillips	Turzai
DiGirolamo	Kessler	Pickett	Vereb
Ellis	Knowles	Pyle	Vulakovich
Evans, J.	Krieger	Quinn	Watson
Everett			

NAYS—100

Barbin	Eachus	Longietti	Samuelson
Belfanti	Evans, D.	Mahoney	Santarsiero
Bishop	Fabrizio	Manderino	Santoni
Boyle	Frankel	Mann	Seip
Bradford	Freeman	Markosek	Shapiro
Brennan	Galloway	Matzie	Siptroth
Briggs	George	McGeehan	Smith, K.
Brown	Gerber	McI. Smith	Smith, M.
Burns	Gergely	Melio	Solobay
Buxton	Gibbons	Mirabito	Staback
Caltagirone	Goodman	Mundy	Sturla
Carroll	Grucela	Murphy	Taylor, R.
Casorio	Haluska	Myers	Thomas
Cohen	Hanna	O'Brien, M.	Vitali
Conklin	Harhai	Oliver	Wagner
Costa, D.	Harkins	Pallone	Walko
Costa, P.	Hornaman	Parker	Wansacz
Curry	Houghton	Pashinski	Waters
Daley	Johnson	Payton	Wheatley
Deasy	Josephs	Petrarca	White
DeLuca	Keller, W.	Preston	Williams
DePasquale	Kirkland	Readshaw	Yudichak
Dermody	Kortz	Roebuck	
DeWeese	Kotik	Sabatina	McCall,
Donatucci	Kula	Sainato	Speaker
Drucker	Levdansky		

NOT VOTING—1

Youngblood

EXCUSED—12

Cox	Helm	Miccarelli	Petri
Cruz	Killion	Murt	Quigley
Fleck	Lentz	Perry	Rohrer

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

On the question recurring,

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

Mr. **BARRAR** offered the following amendment No. **A04603**:

Amend Bill, page 208, lines 10 through 30; page 209, lines 1 through 30, by striking out all of said lines on said pages and inserting

(b) Annual certification.—The chief executive officer, or other appropriate individual, of each applicant for a slot machine license, manufacturer license or supplier license, licensed racing entity, licensed supplier, licensed manufacturer or licensed gaming entity shall annually certify under oath to the board and the Department of State that such applicant or licensed racing entity, licensed supplier, licensed manufacturer or licensed gaming entity has developed and implemented internal safeguards and policies intended to prevent a violation of [this provision] subsection (a) or (a.1) and that such applicant or licensed racing entity or licensed gaming entity has conducted a good faith investigation that has not revealed any violation of [this provision] subsection (a) or (a.1) during the past year.

(c) Penalties.—The first violation of [this section] subsection (a) or (a.1) by a licensed gaming entity or any person that holds a controlling interest in such gaming entity, or a subsidiary company thereof, and any officer, director or management-level employee of such licensee shall be punishable by a fine of not less than an average single day's gross terminal revenue of the licensed gaming entity derived from the operation of slot machines and gross table game revenue from the operation of table games in this Commonwealth; a second violation of [this section] subsection (a) or (a.1), within five years of the first violation, shall be punishable by at least a one-day suspension of the license held by the licensed gaming entity and a fine not less than an average two days' gross revenue of the licensed gaming entity; a third violation of [this section] subsection (a) or (a.1) within five years of the second violation shall be punishable by the immediate revocation of the license held by the licensed gaming entity. The first violation of [this section] subsection (a) or (a.1) by a manufacturer or supplier licensed pursuant to this part or by any person that holds a controlling interest in such manufacturer or supplier, or a subsidiary company thereof, and any officer, director or management-level employee of such a licensee shall be punishable by a fine of not less than one day's average of the gross profit from sales made by the manufacturer or supplier in Pennsylvania during the preceding 12-month period or portion thereof in the event the manufacturer or supplier has not operated in Pennsylvania for 12 months; a second violation of [this section] subsection (a) or (a.1) within five years of the first violation shall be punishable by a one-month suspension of the license held by the manufacturer or supplier and a fine of not less than two times one day's average of the gross profit from sales made by the manufacturer or supplier in Pennsylvania during the preceding 12-month period or portion thereof in the event the manufacturer or supplier has not operated in Pennsylvania for 12 months. In no event

shall the fine imposed under this section be in an amount less than \$50,000 for each violation. In addition to any fine or sanction that may be imposed by the board, any person who makes a contribution in violation of [this section] subsection (a) or (a.1) commits a misdemeanor of the third degree.

(c.1) Accepting improper contributions.—A candidate for nomination or election to any public office in this Commonwealth, or to any political party committee or other political committee in this Commonwealth or to any group, committee or association organized in support of a candidate, political party committee or other political committee in this Commonwealth, who intentionally accepts a political contribution of money or an in-kind contribution from an individual knowing that the individual is prohibited from making contributions under subsection (a), commits a misdemeanor of the third degree.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would make it illegal for any political candidate running for political office from accepting any type of contribution, whether monetary or in kind, from any gaming entity or any licensed gaming entity.

We have seen recently where the gaming industry has spent over \$1 million lobbying members for this type of legislation for the expansion of gambling. The gaming industry seems to have an unlimited amount of resources to put into influencing the General Assembly, so my legislation would make it illegal for us to accept any type of campaign contribution from them. It puts the emphasis on the members of the General Assembly, the candidate running for office, and does not allow them and punishes them for taking a contribution from them.

I ask for a positive vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to make a motion that the gentleman's amendment is unconstitutional.

The SPEAKER. Will the gentleman state the section of the Constitution?

Mr. EACHUS. Yes, Mr. Speaker. It is the United States Constitution, the supremacy clause.

What the gentleman's amendment does is it impacts congressional and Federal candidates. Under the supremacy clause, we are not able to do that, Mr. Speaker, and I rise tonight to oppose it based on the impact to the U.S. Constitution under the supremacy clause.

The SPEAKER. The gentleman, Representative Eachus, raises the point of order that amendment No. A04603 to SB 711 is unconstitutional. The Speaker, under rule 4, is required to submit the question of constitutionality of an amendment to the members of the House for consideration and for decision.

On the question,

Will the House sustain the constitutionality of the amendment?

PARLIAMENTARY INQUIRY

The SPEAKER. On that point of order, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I am confused. May I ask a question of the Chair?

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, last time this legislature convened, the topics of supremacy and federalism were raised, in which I asked of you: Did this Assembly have the power to supersede the supremacy clause, Article I, section 18, of the Federal Constitution in votes of constitutionality? You replied to me that we did have the authority to supersede the supremacy clause, which at the time I accepted because I respect you, Mr. Speaker, but in fact I know is incorrect.

Mr. Speaker, the supremacy clause of the Federal Constitution is rather clear; it is to rule supreme over all other Constitutions of the 50 States. Yet in your answer from the Chair from the dais, Mr. Speaker, I was told that was incorrect and that this legislature could vote constitutionality on Federal issues. I would like some clarity as to which is correct – what I was told last time we were in session or what is being contended now?

The SPEAKER. The rules of the House require that the Speaker issue questions of constitutionality to the membership for decision. It is not a decision that is made by the Speaker but by virtue of a vote and a decision by this House of Representatives. Both the United States Constitution and the State Constitution, questions of constitutionality at both levels are decisions that are made by this House of Representatives, by a vote of this House of Representatives.

Mr. PYLE. Thank you, Mr. Speaker, for that answer.

I continue to respectfully disagree and would urge our Parliamentarian to go back and read Article I of the Federal Constitution. I studied it rather in-depth and am very, very certain that in a federalist system, the Federal Constitution is supreme over all other Constitutions of any of the States.

The SPEAKER. The gentleman will yield. The Constitution may be supreme over the State Constitution in certain areas; however, an issue of constitutionality as raised in this House of Representatives is a decision that is made by the members of this House of Representatives. So the question of constitutionality on any bill that is raised by a member is decided by this House of Representatives.

Mr. PYLE. I respect that, Mr. Speaker. On a State level, I would agree wholeheartedly and concur with you; however, on Federal matters, we are not sworn in—

The SPEAKER. The gentleman, Mr. Pyle, will yield.

The Speaker will not debate you on that issue. Those are the rules of the House. The gentleman has the ability to debate the motion of constitutionality, whether or not the amendment is constitutional, and use those references in his debate.

Mr. PYLE. Thank you.

I would like to hold that until the appropriate time. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker. If I may speak on the motion?

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

Mr. CUTLER. Thank you.

I respectfully disagree with the majority leader in regards to the application of the supremacy clause in this situation. If I may, Mr. Speaker, I would like to bring up several other examples where State rights have in fact trumped the Federal supremacy clause. Any time, Mr. Speaker, that there is a conflict between State and Federal law, you first look at the supremacy clause, and it says it is the supreme law of the land. However, Mr. Speaker, at that time that cases head to the Supreme Court of the United States, they will perform a balancing act between the 10th Amendment and those rights that are reserved to the States in regards to the supremacy clause and see how it is applied overall.

Mr. Speaker, I have three examples of recent supremacy clause cases that have all been to the Supreme Court of the United States, where the Supreme Court has decided in the favor of the States. It is very important, Mr. Speaker, to remember that when these issues are decided that the controlling piece is the balancing act between the State's rights and the supremacy clause. Mr. Speaker, in *Gonzales v. Oregon*, the Supreme Court upheld Oregon's right-to-die law despite a Federal challenge from the U.S. Attorney General. Mr. Speaker, in *Northwest Austin Municipal Utility District Number One v. Holder*, the Supreme Court again allowed a smaller municipality to opt out of certain provisions of the Federal Voting Rights Act. And, Mr. Speaker, in *Horne v. Flores*, the Supreme Court once again held up the principles of federalism.

Mr. Speaker, the United States Constitution provides a floor of rights, and there is nothing that prohibits the States from enhancing those rights or putting other safeguards in place to protect its citizens. It is the very core ideals of federalism that the Supreme Court has upheld three separate times in the last 4 years.

Mr. Speaker, I would argue that this amendment is completely constitutional as it applies to Pennsylvania citizens, and this motion should be defeated. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Delaware County, Representative Barrar.

Mr. BARRAR. Thank you, Mr. Speaker.

I would ask the members to take a look at the amendment, at the way it is drafted, and in the amendment, it constantly refers to "in this Commonwealth," which would refer to candidates not running for Congress at the Federal level, but running for the State House or a State position or a local position.

So I would say that this amendment truly is constitutional and would ask for an affirmative vote.

The SPEAKER. On the question, the Chair recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the majority leader stand for brief interrogation?

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the gentleman be able to cite the exact portion of the U.S. Constitution he is relying upon for this argument?

Mr. EACHUS. Yes, sir, Mr. Speaker; I can.

If you look at the amendment, it would be line 21 through 22, and the final defining line would be 29. The gentleman who spoke previous to me did not quote the entire line here. It says in this line, 21 through 22, that "A candidate for nomination or

election to any public office in this Commonwealth...." That would mean the President of the United States, U.S. Senate, U.S. Congress, and all State candidates, which we under State law have purview.

If you look at the last line, it also criminalizes, it makes a misdemeanor of the third degree on Federal candidates. That is why I raised the issue of the supremacy clause. We have no right under State law to impact Federal candidates.

Mr. REICHLEY. Thank you, Mr. Speaker.

But I think I asked for the citation of the U.S. Constitution, not within the amendment, that the gentleman was relying upon.

Mr. EACHUS. Once again, Mr. Speaker, it was the supremacy clause.

Mr. REICHLEY. Well, yeah, but that does not tell me where in the Constitution, Mr. Speaker. There is an article and a section that usually go along with that.

Mr. EACHUS. I am getting my pocket U.S. Constitution out, Mr. Speaker, if you can give me a second.

Mr. REICHLEY. Great. Thank you.

Mr. EACHUS. Thank you, Mr. Speaker. It would be Article VI.

Mr. REICHLEY. And what is the provision of the Pennsylvania Constitution that that conflicts with under this amendment?

Mr. EACHUS. Mr. Speaker, the U.S. Constitution states that Federal law preempts State law.

Mr. REICHLEY. Now, Mr. Speaker, back during your reference to the gentleman's amendment, you made reference to the fact of certain language within the amendment and you said that we cannot regulate Federal candidates. Is that correct?

Mr. EACHUS. No, sir; I said that the language in the gentleman's amendment would apply to Federal candidates – U.S. Senate, President, U.S. Congress.

Mr. REICHLEY. And you are stating that we cannot do that. Is that correct?

Mr. EACHUS. That is what I have stated in the motion.

Mr. REICHLEY. Mr. Speaker, we have certain requirements under State law that affect petition circulation, petition signatures for candidates for State and Federal office, do we not?

Mr. EACHUS. Mr. Speaker, not in the area of campaign finance.

Mr. REICHLEY. But, Mr. Speaker, the State laws that set the requirements for the number of petition signatures that are required and how those petitions must be filed are in fact a State law that impacts the Federal candidate, do they not?

Mr. EACHUS. Mr. Speaker, you are off subject. This amendment does not deal with nominating petitions; it deals with Federal contributions to Federal candidates, not nominating petitions.

Mr. REICHLEY. I understand what the amendment does, Mr. Speaker, but I believe, with all due respect, you are incorrect in your assertion that the States cannot regulate the conduct of Federal candidates for office by the fact that we already have limits within State law regarding candidate petitions and how they must be submitted to the Department of State – the form in which they must be submitted, the signatures that must be required, the information that is required upon those very petitions.

May I ask you another question? Would the State law that prohibits the desecration or destruction of yard signs on behalf of a candidate not also apply?

Mr. EACHUS. Mr. Speaker, I think that House rules apply to commenting on the amendment, sir. My motion on constitutionality is specific to this language and none other in State law.

Mr. REICHLEY. Well, I understand that, Mr. Speaker, but I am trying to point out that the assertion that somehow the State does not have any role in regulating the behavior behind Federal candidates is in fact not true because we already do that on candidate petitions, on the First Amendment abilities for candidates to place yard signs, for the material that must be distributed.

The SPEAKER. Is the gentleman done with interrogation? That is a matter and a subject of debate. Are you through with your interrogation of the majority leader?

Mr. REICHLEY. No.

The SPEAKER. You are debating, not questioning.

Mr. REICHLEY. Well, I understand that, Mr. Speaker. I appreciate that.

Mr. Speaker, does the gentleman believe that there is any kind of campaign limitation which is under State law which applies to Federal candidates whatsoever?

Mr. EACHUS. Mr. Speaker, once again, on this amendment, this amendment applies to Federal candidates and it conflicts with Federal constitutional requirements that do not allow States to regulate that. That is the nature of my motion and it is specific to this amendment.

Mr. REICHLEY. Well, is there a Federal law that would preclude the kinds of campaign contributions the gentleman's amendment seeks to preclude?

Mr. EACHUS. Once again, I will repeat, Article VI of the U.S. Constitution, under the supremacy clause. I am happy to repeat myself, Mr. Speaker.

Mr. REICHLEY. Well, I understand that, Mr. Speaker. You have cited the supremacy clause, but the supremacy clause would take effect when there is a Federal law which would override the State law. I am asking you: Is there a Federal law which regulates the kind of campaign contribution which the gentleman is seeking to prohibit?

Mr. EACHUS. There is a Federal Election Campaign Act that regulates Federal contributions to candidates at the Federal level, if that was your question.

Mr. REICHLEY. Yes, but does it deal specifically with regard to a ban upon those involved in the gaming area such that it would conflict with what the gentleman is trying to do here?

Mr. EACHUS. Mr. Speaker, once again, this amendment applies a regulation standard to Federal candidates which, as I made in my motion, conflicts with our ability to regulate those Federal candidates under the Constitution. That is my motion.

Mr. REICHLEY. Okay. Well, that is the end of my interrogation, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question. Does the gentleman wish to be recognized on the question?

The gentleman is in order and may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

The nature of the questioning for the gentleman was not just for some sort of arcane academic purpose. I think the gentleman is misinformed in that there are certain areas, of course, which the States, under the 10th Amendment, can regulate. And the manner in which campaign contributions are made would certainly be a legitimate matter for this legislature to consider and to enact. And furthermore, I think that the gentleman's

argument does not necessarily imply some kind of prohibition, which is against Federal law. All it says is a candidate in this Commonwealth. So I do not think it is clear that because a congressional candidate, U.S. senatorial candidate, Presidential candidate may file petitions that necessarily this also would have applicability on the Federal candidates.

But I believe the gentleman's amendment is perfectly constitutional, meets all the requirements and that in fact without citation to a specific Federal statute, under which the supremacy clause could be invoked to invalidate this potential amendment to the law, that the gentleman's motion to rule this unconstitutional is in fact invalid. So I would urge the members to vote against finding that the Barrar amendment is unconstitutional. Vote that it is constitutional, in fact. Thank you, Mr. Speaker.

The SPEAKER. Does the gentlelady from Chester, Representative McIlvaine Smith— She waives off.

On the point of order, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I was delighted to discover that the majority leader has a pocket copy of the United States Constitution, and I would like to see if we could arrange to get him a copy of the Pennsylvania Constitution.

Thank you, sir.

The SPEAKER. On the question, those who believe the amendment is constitutional will vote "aye"; those believing the amendment is not constitutional will vote "nay."

On the question recurring,

Will the House sustain the constitutionality of the amendment?

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the minority whip, Representative Turzai, who requests a leave of absence for the gentlelady from Lancaster County, Representative TRUE, for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF SB 711 CONTINUED

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS-87

Adolph	Everett	Maher	Rapp
Baker	Fairchild	Major	Reed
Barrar	Farry	Marshall	Reese
Bear	Gabig	Marsico	Reichley
Benninghoff	Gabler	Metcalfe	Roae
Beyer	Geist	Metzgar	Rock
Boback	Gillespie	Micozzie	Ross

Boyd	Gingrich	Millard	Saylor
Brooks	Godshall	Miller	Scavello
Causser	Grell	Milne	Schroder
Christiana	Grove	Moul	Smith, S.
Civera	Harhart	Mustio	Sonney
Clymer	Harper	O'Brien, D.	Stern
Creighton	Harris	O'Neill	Stevenson
Cutler	Hennessey	Oberlander	Swanger
Dally	Hess	Payne	Tallman
Day	Hickernell	Peifer	Taylor, J.
Delozier	Hutchinson	Perzel	Turzai
Denlinger	Kauffman	Phillips	Vereb
DiGirolamo	Keller, M.K.	Pickett	Vulakovich
Ellis	Knowles	Pyle	Watson
Evans, J.	Krieger	Quinn	

NAYS-102

Barbin	Eachus	Levdansky	Samuelson
Belfanti	Evans, D.	Longietti	Santarsiero
Bishop	Fabrizio	Mahoney	Santoni
Boyle	Frankel	Manderino	Seip
Bradford	Freeman	Mann	Shapiro
Brennan	Galloway	Markosek	Siptroth
Briggs	George	Matzie	Smith, K.
Brown	Gerber	McGeehan	Smith, M.
Burns	Gergely	McI. Smith	Solobay
Buxton	Gibbons	Melio	Staback
Caltagirone	Goodman	Mirabito	Sturla
Carroll	Grucela	Mundy	Taylor, R.
Casorio	Haluska	Murphy	Thomas
Cohen	Hanna	Myers	Vitali
Conklin	Harhai	O'Brien, M.	Wagner
Costa, D.	Harkins	Oliver	Walko
Costa, P.	Hornaman	Pallone	Wansacz
Curry	Houghton	Parker	Waters
Daley	Johnson	Pashinski	Wheatley
Deasy	Josephs	Payton	White
DeLuca	Keller, W.	Petrarca	Williams
DePasquale	Kessler	Preston	Youngblood
Dermody	Kirkland	Readshaw	Yudichak
DeWeese	Kortz	Roebuck	
Donatucci	Kotik	Sabatina	McCall,
Drucker	Kula	Sainato	Speaker

NOT VOTING-0

EXCUSED-13

Cox	Killion	Murt	Quigley
Cruz	Lentz	Perry	Rohrer
Fleck	Miccarelli	Petri	True
Helm			

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

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

The SPEAKER. It is the Chair's understanding that the gentlelady, Representative Brooks from Mercer County, is withdrawing amendment A04612. The Chair thanks the gentlelady.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentlelady, Representative Harper, rise?

Ms. HARPER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentlelady will state her parliamentary inquiry.

Ms. HARPER. Well, Mr. Speaker, it is 10:30 and under our rules the session must end at 11, and we still have a number of amendments left to debate on SB 711. So I was wondering if it would be in order to postpone or table SB 711 until tomorrow or the next voting session in order that we might renew the gentlelady from Bucks County's motion regarding Penn State, Pitt, Temple, and Lincoln?

Mr. Speaker, I am asking whether those two procedural maneuvers would be in order at the present time?

The SPEAKER. Procedural to postpone the consideration of the bill? It is a motion that you can make.

Ms. HARPER. Well, I would make it to a date certain, which I would hope the body could arrive at by some consensus, and the stated purpose would be so that we could then take up those bills dealing with the universities.

The SPEAKER. That would require a special order of business. We are now debating SB 711. We will debate SB 711 until 11 o'clock and we will be back in session at 8 tomorrow morning, debating amendments to SB 711 again.

Ms. HARPER. Well, Mr. Speaker; I am sorry.

The SPEAKER. So you would need a special order of business to thwart that action.

Ms. HARPER. Well, Mr. Speaker, I guess what I am saying is, I would like to make a motion to postpone consideration of SB 711 until tomorrow morning. And after that motion is determined, I would make my second motion regarding a special order of business so that we could take up the universities.

The SPEAKER. The gentlelady would be in order for a motion to postpone to a time certain.

MOTION TO POSTPONE

Ms. HARPER. Mr. Speaker, I make that motion to postpone consideration of SB 711 until tomorrow at 11 o'clock.

The SPEAKER. The session has already been sunshined for 8 a.m. Is the gentlelady wanting to postpone or adjourn until 11 a.m.?

Ms. HARPER. No, Mr. Speaker. I want to postpone consideration of this bill until tomorrow at 11 a.m. so that I may then make another motion for a special order of business to take care of the universities.

The SPEAKER. You would have to do that special order of business at 11 a.m., but the House is scheduled to be in session at 8 a.m.

Ms. HARPER. Mr. Speaker, I have no problem with us making a motion to postpone consideration of SB 711 until 8 tomorrow morning, but I am not making a motion to adjourn. I am making a motion to postpone consideration of this bill until 8 tomorrow morning, which would still leave us time, under the rules, would still leave us now 25 minutes to deal with the other issue.

The SPEAKER. The gentlelady, Representative Harper, has made a motion to postpone the business of this House until 8 tomorrow morning.

Ms. HARPER. I am sorry, Mr. Speaker; it is a motion to postpone consideration of SB 711 only, not the business of the House.

The SPEAKER. The Chair thanks the gentlelady.

The gentlelady, Representative Harper, makes a motion to postpone consideration of SB 711 until 8 tomorrow morning.

On the question,

Will the House agree to the motion?

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

Mr. EACHUS. Thank you, Mr. Speaker.

As you know, we arrived this evening on the House floor at about 6 p.m. We have spent the great majority of this evening dealing with procedural motions to delay, long talkers talking about each county in the State – not to use a "Seinfeld" term. We have potential motions to possibly recess. We did not need to play. We have been working all night. And frankly, postponement is unnecessary. We have 20 more minutes under the rules of the House to complete the work at hand.

I oppose this motion. I oppose the delay tactics. Let us get on with the work of the people.

The SPEAKER. On the question, the Chair recognizes the gentlelady from Warren County, Representative Rapp.

Ms. RAPP. Mr. Speaker, I rise to support the gentlelady on her motion. Listening to the majority leader, he talks about the events of this evening, but I have been here all afternoon only to hear, we will be in session at 2, recess is extended until 2:30, till 3 o'clock, until 3:30, until 4 o'clock, until 4:30, until 5 o'clock, until 5:30, until 6 o'clock. So while the majority leader—

The SPEAKER. The gentlelady will yield.

Ms. RAPP. —Mr. Speaker, talks about delay—

The SPEAKER. The gentlelady will yield.

It has been a long day, a long day for all of us. The gentlelady will confine her remarks to the question before the House, whether or not to postpone.

Ms. RAPP. Thank you, Mr. Speaker.

In light of the fact that we have spent so much time this afternoon in delay and this evening in all this debate, I rise to support the gentlelady in her motion.

Thank you, Mr. Speaker, and thank you for finally calling us to the floor this evening for debate and session.

The SPEAKER. The Chair thanks the lady.

The Chair recognizes the gentleman from Clearfield County, Representative Gabler.

(Remarks by Mr. Gabler were stricken from the record.)

The SPEAKER. The gentleman will yield. The gentleman will yield.

Remarks will be stricken from the record. No personal attacks on the members on the floor of the House.

On the question of postponement, the gentleman is recognized.

Mr. GABLER. Thank you.

I believe that our constituents sent us here to do the people's business. We have been here ready to do the people's business

all day. A promise has been made to college students around this Commonwealth, and tying two unrelated issues together is not doing the people's business. The gentelady has made a motion that would get the people's business done. That motion should be supported, and I thank the House for your consideration on this. And I ask for an affirmative vote on the lady's motion.

The SPEAKER. On the question, the Chair recognizes the gentelady from Montgomery County, Representative Harper.

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

I would like to point out that we are at 20 minutes to 11 right now. There are seven more amendments that are in order tonight. If we only spend 2 minutes debating each one of them, we are going to run out of time and not get them done. It takes about a minute to vote each one. It makes a lot more sense to come back tomorrow. And if we were to postpone the vote until tomorrow, have time to go through each amendment as we should, we would still have just enough time to vote on the appropriations for Pitt, Penn State, Temple, Lincoln, and the University of Pennsylvania veterinary school.

So for that reason, I would ask my colleagues to do the rational thing and agree with me that we will just postpone SB 711 until tomorrow morning and take this matter up then.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—88

Adolph	Everett	Krieger	Quinn
Baker	Fairchild	Maher	Rapp
Barrar	Farry	Major	Reed
Bear	Gabig	Marshall	Reese
Benninghoff	Gabler	Marsico	Reichley
Beyer	Geist	Metcalfe	Roae
Boback	Gillespie	Metzgar	Rock
Boyd	Gingrich	Micozzie	Ross
Brooks	Godshall	Millard	Saylor
Causer	Grell	Miller	Scavello
Christiana	Grove	Milne	Schroder
Civera	Harhart	Moul	Smith, S.
Clymer	Harper	Mustio	Sonney
Creighton	Harris	O'Brien, D.	Stern
Cutler	Hennessey	O'Neill	Stevenson
Dally	Hess	Oberlander	Swanger
Day	Hickernell	Payne	Tallman
Delozier	Houghton	Peifer	Taylor, J.
Denlinger	Hutchinson	Perzel	Turzai
DiGirolamo	Kauffman	Phillips	Vereb
Ellis	Keller, M.K.	Pickett	Vulakovich
Evans, J.	Knowles	Pyle	Watson

NAYS—101

Barbin	Eachus	Longietti	Santarsiero
Belfanti	Evans, D.	Mahoney	Santoni
Bishop	Fabrizio	Manderino	Seip
Boyle	Frankel	Mann	Shapiro
Bradford	Freeman	Markosek	Siptroth
Brennan	Galloway	Matzie	Smith, K.
Briggs	George	McGeehan	Smith, M.
Brown	Gerber	McI. Smith	Solobay
Burns	Gergely	Melio	Staback
Buxton	Gibbons	Mirabito	Sturla

Caltagirone	Goodman	Mundy	Taylor, R.
Carroll	Grucela	Murphy	Thomas
Casorio	Haluska	Myers	Vitali
Cohen	Hanna	O'Brien, M.	Wagner
Conklin	Harhai	Oliver	Walko
Costa, D.	Harkins	Pallone	Wansacz
Costa, P.	Hornaman	Parker	Waters
Curry	Johnson	Pashinski	Wheatley
Daley	Josephs	Payton	White
Deasy	Keller, W.	Petrarca	Williams
DeLuca	Kessler	Preston	Youngblood
DePasquale	Kirkland	Readshaw	Yudichak
Dermody	Kortz	Roebuck	
DeWeese	Kotik	Sabatina	McCall,
Donatucci	Kula	Sainato	Speaker
Drucker	Levdansky	Samuelson	

NOT VOTING—0

EXCUSED—13

Cox	Killion	Murt	Quigley
Cruz	Lentz	Perry	Rohrer
Fleck	Miccarelli	Petri	True
Helm			

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 agree to the bill on second consideration as amended?

The SPEAKER. For what purpose does the gentleman from Allegheny County, Representative Costa, rise?

Mr. P. COSTA. Mr. Speaker, I would like to make a motion. We only have 15 minutes left on our session day and I do not have a problem staying all night. I would like to make a motion that we suspend the 11 o'clock rule to go through every amendment until we finish it.

The SPEAKER. We have a motion made by the gentleman from Allegheny County, Representative Paul Costa, to extend session under rule 15. The vote required is a three-quarters vote of this House.

The gentleman, Representative Costa, withdraws his motion.

On the question recurring,

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Montgomery County, Representative Murt.

Mr. MURT. May I speak to— May I come to the dais?

The SPEAKER. Yes. We will go over the amendment.

On the question recurring,

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

Mr. MAHER offered the following amendment
No. A04878:

Amend Bill, page 166, line 5, by striking out "AND (E)"

Amend Bill, page 177, lines 18 through 30; pages 178 through

186, lines 1 through 30; page 187, lines 1 and 2, by striking out all of said lines on said pages and inserting

§ 1406. Distributions from Pennsylvania Race Horse Development Fund.

(a) Distributions.—Funds from the Pennsylvania Race Horse Development Fund shall be distributed to each active and operating Category 1 licensee conducting live racing [in the following manner] as follows:

(1) An amount equal to 18% of the daily gross terminal revenue of each Category 1 licensee shall be distributed to each active and operating Category 1 licensee conducting live racing unless the daily assessments are affected by the daily assessment cap provided for in section 1405(c) (relating to Pennsylvania Race Horse Development Fund). In cases in which the daily assessment cap affects daily assessments, the distribution to each active and operating Category 1 licensee conducting live racing for that day shall be a percentage of the total daily assessments paid into the Pennsylvania Race Horse Development Fund for that day equal to the gross terminal revenue of each active and operating Category 1 licensee conducting live racing for that day divided by the total gross terminal revenue of all active and operating Category 1 licensees conducting live racing for that day. [The] Except as provided in paragraph (2), the distributions to licensed racing entities from the Pennsylvania Race Horse Development Fund shall be allocated as follows:

[(i) Eighty percent] (i) (A) From licensees that operate at thoroughbred tracks, 80% shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen. The earned interest on the account shall be credited to the purse account. Licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen.

(B) From licensees that operate at standardbred tracks, 64% shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen. The earned interest on the account shall be credited to the purse account. Licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen. A minimum of one-sixth of the amount of those purses shall be used for live races limited to harness horses that are regularly stabled in this Commonwealth, are greater than three years of age and were sired by a standardbred stallion regularly standing in this Commonwealth.

(C) From licensees that operate at standardbred tracks, 16% shall be deposited on a monthly basis into the Pennsylvania Sire Stakes Fund as defined in section 224 of the Race Horse Industry Reform Act.

(ii) For thoroughbred tracks, 16% shall be deposited on a monthly basis into the Pennsylvania Breeding Fund as defined in section 223 of the Race Horse Industry Reform Act. For standardbred tracks, 8% shall be deposited on a monthly basis in the Pennsylvania Sire Stakes Fund as defined in section 224 of the Race Horse Industry Reform Act, and 8% shall be deposited on a monthly basis into a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders Development Fund. The State

Harness Racing Commission shall, in consultation with the Secretary of Agriculture by rule or by regulation, adopt a standardbred breeders program that will include the administration of Pennsylvania Stallion Award, Pennsylvania Bred Award and a Pennsylvania Sired and Bred Award.

(iii) Four percent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack at which the licensed racing entity operates for the benefit of the organization's members, their families, employees and others in accordance with the rules and eligibility requirements of the organization, as approved by the State Horse Racing Commission or the State Harness Racing Commission. This amount shall be deposited within five business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount, \$250,000 shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed racing entity operates for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules and eligibility requirements of that organization.

(2) [(Reserved).] For fiscal years 2009-2010 through 2012-2013, distributions from the Pennsylvania Race Horse Development Fund shall be allocated as follows:

(i) Each week, 17% of the money in the Pennsylvania Race Horse Development Fund shall be transferred to the General Fund.

(ii) Each week, 83% of the money in the Pennsylvania Race Horse Development Fund shall be distributed to each active and operating Category 1 licensee conducting live racing in accordance with the following formula:

(A) Divide:

(I) the total daily assessments paid, by each active and operating Category 1 licensee conducting live racing, into the Pennsylvania Race Horse Development Fund for that week; by

(II) the total daily assessments paid, by all active and operating Category 1 licensees conducting live racing, into the Pennsylvania Race Horse Development Fund for that week.

(B) Multiply the quotient under clause

(A) by the amount to be distributed under this subparagraph.

(iii) The distribution under subparagraph (ii) shall be allocated as follows:

(A) The greater of 4% of the amount to be distributed under subparagraph (ii) or \$220,000 shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack at which the licensed racing entity operates for the benefit of the organization's members, their families, employees and others in accordance with the rules and eligibility requirements of the organization, as approved by the State Horse Racing Commission or the State Harness Racing Commission. This amount shall be deposited within five business days of the end of each week into a separate account to be established by each

respective horsemen's organization at a banking institution of its choice. Of this amount, a minimum of \$250,000 shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed racing entity operates for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules and eligibility requirements of that organization.

(B) Of the money remaining to be distributed under subparagraph (ii) after application of clause (A), the following disbursements shall be made:

(I) For licensees that operate at thoroughbred tracks, eighty-three and one-third percent of the money to be distributed under this clause shall be deposited on a weekly basis into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen. The earned interest on the account shall be credited to the purse account. Licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen.

(II) For licensees that operate at standardbred tracks, 67 1/3% shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen. The earned interest on the account shall be credited to the purse account. Licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen. A minimum of one-sixth of the amount of those purses shall be used for live races limited to harness horses that are regularly stabled in this Commonwealth, are greater than three years of age and were sired by a standardbred stallion regularly standing in this Commonwealth. From licensees that operate at standardbred tracks, 16% shall be deposited on a monthly basis into the Pennsylvania Sire Stakes Fund as defined in section 224 of the Race Horse Industry Reform Act.

(III) For thoroughbred tracks, 16 and 2/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Breeding Fund established in section 223 of the act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act. For standardbred tracks, 8 and 1/3% of the money to be distributed under this clause shall be deposited on a weekly basis into the Pennsylvania Sire Stakes Fund as defined in section 224 of the Race Horse Industry Reform Act; and 8 and 1/3% of

the money to be distributed under this clause shall be deposited on a weekly basis into a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders Development Fund. The State Harness Racing Commission shall, in consultation with the Secretary of Agriculture, promulgate regulations adopting a standardbred breeders program that will include the administration of the Pennsylvania Stallion Award, the Pennsylvania Bred Award and the Pennsylvania Sired and Bred Award.

* * *

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Mr. Speaker, you may have noticed that I think I had 10 amendments filed to this bill, and candidly, in the interest of moving forward with all due speed, I have been trying to sort through them with the expectation that most of them would be withdrawn.

AMENDMENT PASSED OVER TEMPORARILY

Mr. MAHER. I am still in that sorting-through process, and I might ask that we could go over this amendment for the moment while I, you know, pull the weeds. Thank you.

The SPEAKER. Without objection, we will go over the amendment.

On the question recurring,

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

Mr. REICHLEY offered the following amendment No. **A04599**:

Amend Bill, page 162, lines 14 and 15, by striking out "INTO THE GENERAL FUND AND" in line 14 and "DISTRIBUTED" in line 15

Amend Bill, page 162, by inserting between lines 15 and 16

(1) Into the General Fund for fiscal years 2010 through 2014 as follows:

Amend Bill, page 162, line 16, by striking out "(1)" and inserting (i)

Amend Bill, page 162, line 18, by striking out "(2)" and inserting (ii)

Amend Bill, page 162, line 20, by striking out "(3)" and inserting (iii)

Amend Bill, page 162, by inserting between lines 21 and 22

(2) For fiscal years 2015 and thereafter, into the General Fund to be transferred to the Public School Employees Retirement Fund.

Amend Bill, page 164, lines 22 through 30, by striking out all of said lines

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Lehigh County, Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment seeks to address what is probably going to be the most crushing fiscal challenge that the Commonwealth will be facing in the next few years, that is the pension spike to take place in the Public School Employees' Retirement System Fund starting in 2012. Now, I am respectful of the interests by some members to have table games revenue coming back into the General Fund in order to provide a funding source for a variety of different programs – there are General Fund programs which all of us feel are very valuable and need to have some kind of financial support, especially during this recessionary economy when tax revenue is down – but I think it also has to be recognized that we owe it to property owners throughout Pennsylvania to try to mitigate the potential 500-percent increase in the employer contribution rate on the teacher pension fund which will take effect in 2012. So in an attempt to find some degree of accommodation with those who want to see table games revenue coming back into the General Fund and not to undercut that effort, this amendment would seek to provide that table games revenue still flows into the General Fund until 2014. At that time all table games revenue would then be diverted over to the Public School Employees' Retirement System Fund.

This would hopefully help to alleviate the – I know based upon one study from PSERS – potential \$500-per-year increase in school district property taxes, which would be needed to sustain the employer contribution rate from school districts much less the similar kind of increase from the State to maintain the defined benefit pension obligation in that situation.

So I would ask the members to really take into account that this amendment is trying to take advantage of this new revenue source and would seek to meet the interests of those who want to see it as a short-term revenue fix, but also try to address the longer-term issue, which I think is going to be a significant drag on our fiscal health not only here at the State level but also down at the school district level for many, many years to come and would ask the members for their support.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Berks County, Representative Santoni.

Mr. SANTONI. Thank you, Mr. Speaker.

I appreciate the gentleman's concern for the concerns that we have with the pension fund, both now and in the future, but the fact of the matter is that as our economy gets better and as it gets back on its feet, the money generated from the table games will be put into the Property Tax Relief Fund and the gentleman's amendment would jeopardize that. So I would ask the members to defeat the Reichley amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Lehigh County, Representative Reichley, for the second time.

Mr. REICHLEY. May I defer to the gentleman from Adams?

The SPEAKER. Yes. The Chair recognizes the gentleman from Adams County, Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, please?

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

Mr. MOUL. Thank you, Mr. Speaker.

Mr. Speaker, if I read your amendment correctly, these funds would transfer to help the school retirees in 2014. Is that correct?

Mr. REICHLEY. I am sorry, Mr. Speaker; may we have some order and may I hear the question again?

The SPEAKER. The gentleman will yield. The House will come to order.

Does the gentleman want to restate his question.

Mr. MOUL. Thank you, Mr. Speaker.

I will repeat the question. If I read this amendment correctly, the funds do not kick in to go to the retirement fund until 2014. Is that correct?

Mr. REICHLEY. That is correct, Mr. Speaker.

Mr. MOUL. Okay. And everything that we have heard over the past year or so in this House is that the retirement funds are actually going to fall off this so-called cliff in 2012. Is that also correct?

Mr. REICHLEY. Based upon information that has been provided from the Public School Employees' Retirement System, PSERS, they have indicated that the significant spike in the employer contribution rate would take effect in 2012, 2 years before the transition of the funds, as I am proposing in this amendment, from the General Fund go over to PSERS. So yes, 2012 is the point when the spike occurs.

Mr. MOUL. But if we do not transfer these funds from the gaming revenue until 2014, would that necessarily mean, in your opinion, that we would have to literally borrow money to fill in that gap?

Mr. REICHLEY. Mr. Speaker, maybe you can clarify. Would PSERS have to borrow the money or is the State borrowing the money?

Mr. MOUL. Would the State have to borrow the money? If we promised that money to PSERS to fill that gap, would we have to borrow it, being that this money would not transfer until 2014?

Mr. REICHLEY. Mr. Speaker, we would not necessarily have to borrow funds at the State level in order to satisfy our 55-percent requirement for the employer contribution rate starting in 2012. However, if you do not borrow it, you may be in a position where you have to increase taxes in order to satisfy that, or thirdly, you shift around General Fund payments to such a degree that you take money from other programs to satisfy the requirement upon the State to go into the PSERS Fund. The reason we selected 2014 was to try to address concerns which have been raised, I think somewhat articulated by the gentleman from Berks, that those who are advocates of the enactment of table games want the money all to flow into the General Fund. That is different from where the slots revenue comes from the State. That goes into the Property Tax Relief Fund. But this would have funding continue into the General Fund, would provide a nontax source of revenue for programmatic needs – does not mean it cannot be shifted into PSERS at an earlier time, but it would obligate that the money would start getting shifted into PSERS in 2014.

Mr. MOUL. Thank you, Mr. Speaker.

The previous speaker from Berks also mentioned that as the economy gets better, this money would transfer from the General Fund into the Property Tax Relief Fund. Is there any surety that the economy is going to get better, in your opinion?

Mr. REICHLEY. Well, Mr. Speaker, I think most economic analysis has indicated that the recovery in the economy is going to be quite an extended one. We may not be seeing a recovery

for some time, 2 to 3 years. But I should hasten that I think under the original language within this act, the table games revenue does not go into the Property Tax Relief Fund but goes into the Rainy Day Fund, and if it reaches over \$750 million, at that point, it then goes back into the Property Tax Relief Fund. So there is not any guarantee that table games revenue does anything to assist, to mitigate on property taxes. Slot revenue would continue to do that, but there is nothing within the language of the bill as it is right now which addresses property tax relief.

I think that this amendment would in fact go towards assisting all of our constituents on property tax relief because the major factor driving school district property taxes 5 years from now is going to be the extraordinarily high pension contributions which are mandated under State law and which have been upheld by the State Supreme Court on three different occasions in the last 20 years. That is going to be an obligation that we all have to face. We need to find some kind of alternative so that our homeowners are not driven out of their homes by these extraordinarily high property taxes. This table games revenue would be a part of helping to chip away at that, because once the PSERS spike takes place in 2012, it stays at that level for an extended number of years, maybe as many as 10 to 12 years.

Mr. MOUL. Thank you, Mr. Speaker.

On the amendment?

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

Mr. MOUL. Thank you, Mr. Speaker.

I stand here today to support the Reichley amendment, 04599, to transfer this money to the retirement fund in 2014. If we do not do this, there will become a point in time that this House would have to vote for a tax increase on our citizens to make up this gap. That is something none of us wants to do in the House of Representatives, is go home and tell our constituents that we did not funnel the money from the gaming revenues to the proper places; we stuck it in the General Fund to pay other bills and now we have to raise their taxes. So I want to express my support and ask for an affirmative vote on the Reichley amendment.

Thank you, Mr. Speaker.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. There are three more speakers. The rules do not allow for us to call for a roll call after 11 o'clock, unless the House so decides to move forward with the three-quarters vote to extend.

Without seeing any, this House will adjourn.

There will be no further votes. The Speaker will do at least one administrative matter.

Are there any announcements? We will take announcements.

ANNOUNCEMENT BY MAJORITY LEADER

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Luzerne County, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

We will be ready for floor action at 8 a.m.

The SPEAKER. The Chair thanks the gentleman.

COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Berks County, Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

I would like to cancel the Judiciary Committee hearing that we were planning to hold tomorrow. It will be rescheduled for December 21. The location and time will be sent to the members.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1502 and HB 1503 be removed from the tabled calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1502 and HB 1503 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. Are there any further 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. The hour of 11 p.m. having arrived, this House stands adjourned, and we will reconvene tomorrow at 8 a.m., e.s.t., unless sooner recalled by the Speaker.