

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 15, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 13

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (SAMUEL H. SMITH) PRESIDING

#### PRAYER

The SPEAKER. The prayer this morning will be offered by Rev. Glen Bayly, Mifflinburg Christian and Missionary Alliance Church, Mifflinburg, PA.

REV. GLEN BAYLY, Guest Chaplain of the House of Representatives, offered the following prayer:

Please join me in prayer:

Our gracious Heavenly Father, we pause at this time to honor You and to recognize Your presence in this place. We pause to give thanks for our many blessings. We are a people of great blessings, both the nation of the United States of America and our State of Pennsylvania. We are truly blessed by Your Almighty hand. As we come before You today, we do thank You for these many blessings. We thank You that You have made us all in Your image, that You are the creator of the universe, and that You have made each person special and unique, and yet, each person with equal worth. All are created equal – every man and woman, boy and girl.

So we pray for the people of our State today, that the business of this legislature might help to bless and encourage and strengthen each one that is a part of our State. May we do good and not evil. May we be led of Your spirit today, we ask. Lord, we think of our world today and the turmoil in many places. We ask that You would be at work in the hearts and lives of people. We pray for the nations of Iraq and Afghanistan as they continue to struggle. We ask for our troops this morning that You would be with each one and put Your hand of protection over them. We pray for those families that have lost loved ones in these struggles, and we ask Your ministry in their hearts, Your comfort in their lives today.

We pray, Lord, for the situation in the Middle East, in the nation of Egypt, and the other nations that are going through upheaval today. We pray that peace might prevail, that innocent lives would not be lost, and that governments that come to power would respect and honor the dignity of each human being. We pray for persecuted people in that area who are in minority religions, who are persecuted for their faith even today, some fleeing their lands because of the hostility and danger they face. So we ask that Your work might be done, Your will might be seen and experienced.

Lord, we pray for the members of this chamber today. We pray for their families. We pray for their personal needs, whether it be health, loved ones, relationships, whether it be their work here, that you might bless them, that they would seek Your presence and Your peace in their lives, that each one might have a personal relationship with You and know Your forgiveness and the hope of eternal life.

Now as we remember William Penn, the founder of this State, as he described Pennsylvania as a Holy Experiment, may we seek to live holy lives, to speak words that reflect holiness to each other in respect and dignity. And may we even, in our thought life, be holy before You, because You are holy. We pray in Your all-powerful name this morning. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, February 14, 2011, will be postponed until printed.

#### JOURNALS APPROVED

The SPEAKER. The following Journals, without objection, will be approved: Tuesday, January 4, 2011, and Tuesday, January 18, 2011.

The Speaker hears no objections.

#### LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman from Philadelphia, Mr. Dennis O'BRIEN, for the day and for the lady from Lebanon County, Mrs. SWANGER, for the day. Without objection, the leaves will be granted.

#### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 73** By Representatives BARRAR, BOYD, CALTAGIRONE, CLYMER, D. COSTA, CUTLER, DENLINGER, EVERETT, FLECK, GABLER, GEIST, GRELL, GROVE, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, KNOWLES, METCALFE, MILLER, PAYNE,

PETRI, RAPP, ROCK, SCHRODER, SWANGER and VULAKOVICH

A Resolution requesting that the Attorney General and Auditor General investigate the Association of Community Organizations for Reform Now.

Referred to Committee on JUDICIARY, February 15, 2011.

**No. 74** By Representatives BARRAR, BOBACK, BOYD, CALTAGIRONE, D. COSTA, DENLINGER, GEIST, GROVE, MILLER, MURPHY, MURT and RAPP

A Resolution directing the Legislative Budget and Finance Committee to study local hotel room taxes that support county and regional tourism marketing and convention centers and to determine if revenues are being appropriated in accordance with applicable statutes.

Referred to Committee on FINANCE, February 15, 2011.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 649** By Representatives CLYMER, BAKER, BOYD, CREIGHTON, DENLINGER, FLECK, HESS, HUTCHINSON, KAUFFMAN, MURT, STERN and TALLMAN

An Act regulating sexually oriented businesses; providing for licenses, for licensure requirements, for inspections and for enforcement; and prescribing penalties.

Referred to Committee on FINANCE, February 15, 2011.

**No. 678** By Representatives HALUSKA, CALTAGIRONE, D. COSTA, GEIST, HARHART, HORNAMAN, MURT, READSHAW and K. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, repealing provisions relating to powers of waterways patrolmen.

Referred to Committee on GAME AND FISHERIES, February 15, 2011.

**No. 679** By Representatives HALUSKA, BENNINGHOFF, D. COSTA, FLECK, GEIST, GINGRICH, GODSHALL, HARHART, KOTIK, KULA, MAHONEY, MYERS, PYLE, READSHAW, K. SMITH, STERN and WHITE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods.

Referred to Committee on GAME AND FISHERIES, February 15, 2011.

**No. 680** By Representatives MILLARD, GIBBONS, BAKER, BOBACK, BOYD, CARROLL, CAUSER, COHEN, DENLINGER, ELLIS, GABLER, GEORGE, GINGRICH, GROVE, HALUSKA, HARHART, HESS, HICKERNELL, HORNAMAN, HUTCHINSON, M.K. KELLER, KNOWLES, KORTZ, KULA, LONGIETTI, MAJOR, METCALFE, MILLER, MURT, OBERLANDER, PEIFER, PETRARCA, PICKETT, PYLE, RAPP, SCAVELLO, SCHRODER,

SONNEY, STEVENSON, WHITE, YOUNGBLOOD and EVERETT

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 tax.

Referred to Committee on FINANCE, February 15, 2011.

**No. 681** By Representatives ROSS, BARRAR, BOYD, CALTAGIRONE, CARROLL, CLYMER, D. COSTA, DENLINGER, EVERETT, FLECK, GEIST, GINGRICH, GOODMAN, GROVE, HESS, KORTZ, LONGIETTI, MANN, MARSHALL, MICOZZIE, MILLER, MILNE, MOUL, O'NEILL, REICHLEY, SCAVELLO, SCHRODER, STERN, SWANGER and WATSON

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for the purchase of agricultural conservation easements.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 15, 2011.

**No. 682** By Representatives ROSS, BARRAR, BOYD, CARROLL, D. COSTA, CUTLER, DENLINGER, EVERETT, FLECK, GEIST, GINGRICH, GRELL, GROVE, HARRIS, HESS, HORNAMAN, KORTZ, LONGIETTI, MAJOR, MANN, MARSHALL, MICOZZIE, MILLARD, MILLER, MILNE, MOUL, PICKETT, RAPP, REICHLEY, SCAVELLO, STERN and SWANGER

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 declarations of estimated tax.

Referred to Committee on FINANCE, February 15, 2011.

**No. 683** By Representatives ROSS, BOYD, CALTAGIRONE, CARROLL, P. COSTA, CUTLER, ELLIS, EVERETT, FLECK, GEIST, GINGRICH, GODSHALL, GOODMAN, GRELL, GROVE, HENNESSEY, HESS, HICKERNELL, KORTZ, KULA, LAWRENCE, MARSICO, MILLER, MILNE, MOUL, MURT, PICKETT, PYLE, REICHLEY, SCHRODER, K. SMITH, J. TAYLOR, WAGNER, WHITE and YOUNGBLOOD

An Act amending Title 15 (Corporations and Unincorporated Associations) of the Pennsylvania Consolidated Statutes, in officers, directors and members relating to nonprofit corporations, further providing for manner of giving notice.

Referred to Committee on COMMERCE, February 15, 2011.

**No. 684** By Representatives ROEBUCK, CARROLL, HARKINS, LONGIETTI, K. SMITH, BISHOP, V. BROWN, CALTAGIRONE, COHEN, DeLUCA, FABRIZIO, FLECK, FREEMAN, JOSEPHS, KIRKLAND, KORTZ, MUNDY, MURT, O'NEILL, PARKER, PASHINSKI, READSHAW, REICHLEY, SANTARSIERO, TALLMAN and THOMAS

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 granting of provisional college certificates; and providing for provisional vocational education certificates.

Referred to Committee on EDUCATION, February 15, 2011.

**No. 685** By Representatives ROEBUCK, CARROLL, CLYMER, HARKINS, LONGIETTI, M. O'BRIEN, K. SMITH, WAGNER, BISHOP, CALTAGIRONE, D. COSTA, CURRY, FABRIZIO, FREEMAN, HANNA, JOSEPHS, KAVULICH, KIRKLAND, KULA, MANN, MATZIE, MILNE, MUNDY, MURT, MYERS, PARKER, PASHINSKI, PRESTON, QUIGLEY, SANTARSIERO, SANTONI, STURLA, WATERS and WATSON

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 powers and duties of the board.

Referred to Committee on EDUCATION, February 15, 2011.

**No. 686** By Representatives ROEBUCK, CARROLL, LONGIETTI, M. O'BRIEN, K. SMITH, BARBIN, CALTAGIRONE, FABRIZIO, FREEMAN, JOSEPHS, KIRKLAND, MUNDY, MURT, PARKER, PASHINSKI, REICHLEY, SANTARSIERO, SHAPIRO, TALLMAN, THOMAS and VULAKOVICH

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 duties of public institutions of higher education and for the Transfer and Articulation Oversight Committee; providing for participation by State-related institutions and for retroactivity; and making a related repeal.

Referred to Committee on EDUCATION, February 15, 2011.

**No. 687** By Representatives HANNA, SAINATO, BRENNAN, CARROLL, CAUSER, CONKLIN, FABRIZIO, GEIST, GEORGE, GOODMAN, HESS, KULA, MANN, MIRABITO, MURT, READSHAW, STABACK and VULAKOVICH

An Act providing for reimbursement to certain emergency services providers of the cost of responding to a request for emergency services on certain State-owned lands.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 15, 2011.

**No. 688** By Representatives HANNA, BRENNAN, CALTAGIRONE, CARROLL, FABRIZIO, GEORGE, GOODMAN, HALUSKA, KULA, MIRABITO, MURPHY, MURT and READSHAW

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in matters affecting government units, providing for legal fees in Pennsylvania Game Commission matters.

Referred to Committee on GAME AND FISHERIES, February 15, 2011.

**No. 689** By Representatives HANNA, BRENNAN, FABRIZIO, JOSEPHS, KULA, MIRABITO, MURT, READSHAW, SAINATO and STABACK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in enforcement, providing for authority to arrest or cite outside of State park or forest lands.

Referred to Committee on TRANSPORTATION, February 15, 2011.

**No. 690** By Representatives HANNA, GEORGE, BRENNAN, CALTAGIRONE, CONKLIN, DENLINGER, FABRIZIO, GOODMAN, HALUSKA, KULA, MIRABITO, MURPHY, MURT, READSHAW and K. SMITH

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, in preliminary provisions, further providing for definitions; and, in enforcement and remedies, providing for securing compensation for surface damage.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 15, 2011.

**No. 691** By Representatives HANNA, BRENNAN, CALTAGIRONE, CAUSER, CONKLIN, FABRIZIO, GEORGE, HESS, MILLARD, MIRABITO, MURPHY and MURT

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in Pennsylvania Game Commission, further providing for organization of commission and for its powers and duties.

Referred to Committee on GAME AND FISHERIES, February 15, 2011.

**No. 692** By Representatives HANNA, STABACK, BRENNAN, CALTAGIRONE, FABRIZIO, KULA, MIRABITO, MURPHY and MURT

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for powers and duties of waterways conservation officers.

Referred to Committee on GAME AND FISHERIES, February 15, 2011.

**No. 693** By Representatives HANNA, STABACK, BRENNAN, CALTAGIRONE, FABRIZIO, KULA, MIRABITO, MURPHY and MURT

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in enforcement, further providing for powers and duties of enforcement officers.

Referred to Committee on GAME AND FISHERIES, February 15, 2011.

**No. 694** By Representatives HANNA, BRENNAN, CALTAGIRONE, DENLINGER, FABRIZIO, GEIST, KULA, MIRABITO, MURT and READSHAW

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for prohibitions against the grant of licenses and for distributors' and importing distributors' restrictions on sales, storage, etc.

Referred to Committee on LIQUOR CONTROL, February 15, 2011.

**No. 695** By Representatives HANNA, BRENNAN, CALTAGIRONE, CAUSER, CONKLIN, FABRIZIO, GEORGE, MIRABITO, MURPHY and MURT

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in fiscal affairs, further providing for deterrent fences for deer, bear and elk and the payment of claims for damages by certain elk; imposing duties on the Department of Agriculture; and providing for the establishment of the Elk Damage Fund.

Referred to Committee on GAME AND FISHERIES, February 15, 2011.

**No. 696** By Representatives HANNA, BRENNAN, CALTAGIRONE, CARROLL, DALEY, DENLINGER, FABRIZIO, FRANKEL, KULA, LONGIETTI, MANN, MILLARD, MIRABITO, MURPHY, MURT, REICHLEY, K. SMITH and VULAKOVICH

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions, further providing for duties concerning disaster prevention.

Referred to Committee on LOCAL GOVERNMENT, February 15, 2011.

**No. 697** By Representatives DeLUCA, KOTIK, D. COSTA, SCHRODER, BOBACK, BOYD, BUXTON, CALTAGIRONE, CREIGHTON, FLECK, GEORGE, GODSHALL, GOODMAN, GROVE, HARKINS, HARRIS, HESS, HORNAMAN, HUTCHINSON, KIRKLAND, KULA, MAHONEY, METZGAR, MICOZZIE, MILLARD, MOUL, MURPHY, MURT, PETRARCA, PYLE, REICHLEY, SWANGER, TALLMAN, YOUNGBLOOD and PASHINSKI

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, repealing imposition of tax; and further providing for inheritance tax.

Referred to Committee on FINANCE, February 15, 2011.

**No. 698** By Representatives DeLUCA, CALTAGIRONE, D. COSTA, GEORGE, KIRKLAND, KOTIK, MATZIE, MURT, MUSTIO, READSHAW, YOUNGBLOOD, KORTZ and VULAKOVICH

An Act establishing the Landslide Insurance and Assistance Program within the Department of Environmental Protection; providing for related powers and duties of the Pennsylvania Emergency Management Agency; establishing and providing for the powers and duties of the Landslide Insurance and Assistance Board; establishing the Landslide Insurance Fund and the Landslide Assistance Fund; and providing for loans from the Coal and Clay Mine Subsidence Insurance Fund.

Referred to Committee on INSURANCE, February 15, 2011.

**No. 699** By Representatives HICKERNELL, AUMENT, BARRAR, BEAR, BOYD, CUTLER, DAY, DENLINGER, EVERETT, GEIST, GINGRICH, GODSHALL, HENNESSEY, HESS, METZGAR, MILLARD, MILLER, MILNE, MURT, PEIFER, PETRI, SCHRODER and WATSON

An Act amending the act of January 19, 1968 (1967 P.L.992, No.442), entitled, as amended, "An act authorizing the Commonwealth

of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for definitions and for local taxing options.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, February 15, 2011.

**No. 700** By Representatives SAYLOR, AUMENT, BARRAR, CALTAGIRONE, D. COSTA, CREIGHTON, EVERETT, FARRY, GROVE, HESS, HORNAMAN, HUTCHINSON, MILLER, MURT, PYLE, READSHAW, ROAE, ROCK, SCHRODER, TALLMAN, VULAKOVICH and MILNE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, requiring compliance with Federal Selective Service requirements as part of application for learners' permits or drivers' licenses.

Referred to Committee on TRANSPORTATION, February 15, 2011.

**No. 701** By Representatives HARHAI, BRENNAN, CALTAGIRONE, CARROLL, COHEN, D. COSTA, J. EVANS, FABRIZIO, GOODMAN, HARKINS, HESS, JOSEPHS, W. KELLER, KORTZ, KOTIK, KULA, MILLARD, MIRABITO, MURT, MYERS, PASHINSKI, PETRARCA, READSHAW, REICHLEY, SAINATO, SCAVELLO, K. SMITH, VULAKOVICH, YOUNGBLOOD and MOUL

An Act relating to the rights of purchasers and lessees of defective recreational vehicles.

Referred to Committee on CONSUMER AFFAIRS, February 15, 2011.

**No. 702** By Representatives BOYD, BARRAR, B. BOYLE, BRENNAN, CALTAGIRONE, CARROLL, CLYMER, D. COSTA, GINGRICH, GOODMAN, GROVE, HARRIS, HICKERNELL, HUTCHINSON, KAUFFMAN, KAVULICH, KOTIK, LAWRENCE, MICOZZIE, M. O'BRIEN, O'NEILL, PICKETT, K. SMITH, STURLA, VITALI and WAGNER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, exempting hybrid electric vehicles from the requirement for periodic inspection of vehicles.

Referred to Committee on TRANSPORTATION, February 15, 2011.

**No. 703** By Representatives BOYD, AUMENT, BAKER, CALTAGIRONE, CHRISTIANA, CLYMER, D. COSTA, DeLUCA, DENLINGER, FLECK, GEIST, GIBBONS, GILLESPIE, GINGRICH, HARKINS, HENNESSEY, HESS, HICKERNELL, KILLION, KNOWLES, KORTZ, MILLARD, MILLER, MILNE, MIRABITO, MURT, OBERLANDER, PICKETT, PYLE, READSHAW, SCAVELLO and STABACK

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for vehicles exempt from registration.

Referred to Committee on TRANSPORTATION, February 15, 2011.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—199**

Adolph	Emrick	Knowles	Rapp
Aument	Evankovich	Kortz	Ravenstahl
Baker	Evans, D.	Kotik	Readshaw
Barbin	Evans, J.	Krieger	Reed
Barrar	Everett	Kula	Reese
Bear	Fabrizio	Lawrence	Reichley
Bishop	Farry	Longietti	Roae
Bloom	Fleck	Maher	Rock
Boback	Frankel	Mahoney	Roebuck
Boyd	Freeman	Major	Ross
Boyle, B.	Gabler	Maloney	Sabatina
Boyle, K.	Galloway	Mann	Saccone
Bradford	Geist	Markosek	Sainato
Brennan	George	Marshall	Samuelson
Briggs	Gerber	Marsico	Santarsiero
Brooks	Gergely	Masser	Santoni
Brown, R.	Gibbons	Matzie	Saylor
Brown, V.	Gillen	McGeehan	Scavello
Brownlee	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Shapiro
Buxton	Godshall	Miccarelli	Simmons
Caltagirone	Goodman	Micozzie	Smith, K.
Carroll	Grell	Millard	Smith, M.
Causar	Grove	Miller	Sonney
Christiana	Hackett	Milne	Staback
Clymer	Hahn	Mirabito	Stephens
Cohen	Haluska	Moul	Stern
Conklin	Hanna	Mullery	Stevenson
Costa, D.	Harhai	Mundy	Sturla
Costa, P.	Harhart	Murphy	Tallman
Cox	Harkins	Murt	Taylor
Creighton	Harper	Mustio	Thomas
Cruz	Harris	Myers	Tobash
Culver	Heffley	Neuman	Toepel
Curry	Helm	O'Brien, M.	Toohil
Cutler	Hennessey	O'Neill	Truitt
Daley	Hess	Oberlander	Turzai
Davidson	Hickernell	Parker	Vereb
Davis	Hornaman	Pashinski	Vitali
Day	Hutchinson	Payne	Vulakovich
Deasy	Johnson	Payton	Wagner
DeLissio	Josephs	Peifer	Waters
Delozier	Kampf	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolamo	Killion	Quigley	Smith, S.,
Dunbar	Kirkland	Quinn	Speaker
Ellis			

**ADDITIONS—1**

Donatucci

**NOT VOTING—0****EXCUSED—3**

Benninghoff      O'Brien, D.      Swanger

**LEAVES ADDED—4**

Cohen      Galloway      Metzgar      Wagner

**LEAVES CANCELED—1**

Galloway

The SPEAKER. One hundred ninety-nine members having voted on the master roll call, a quorum is present.

**GUESTS INTRODUCED**

The SPEAKER. The House will come to order.

The Speaker would like to recognize a few of the guests we have in the House today. To the left of the Speaker, we welcome Gordon and Carolyn Cochrane, and Harry and Mary Alice Black. They are guests of Representative Gordon Denlinger. Will the guests please rise.

Also, the Speaker welcomes Mitch Wirth and Erin Moyer, who attend Mechanicsburg Area Senior High School. Mitch and Erin are serving as guest pages today. They are seated in the well of the House, and they are the guests of Representative Sheryl Delozier. Welcome to the House.

Additionally, the Speaker welcomes Nate Coulter, who attends Susquehannock High School. Nate is serving as a guest page today and is also seated in the well of the House. He is a guest of Representative Ron Miller. Nate, please stand.

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

The SPEAKER. The House will come to order. Members and all guests will please take their seats. The Sergeants at Arms will clear the aisles. We are about to take up a special order of business. I would appreciate it if the members would please take their seats. Clear the aisles, and all guests please be seated.

Without objection, the House will now take up a special order of business the swearing-in of Representative-elect Maria P. Donatucci. The Speaker hears no objections.

**ELECTION RETURNS PRESENTED**

The SPEAKER. The Speaker recognizes the Sergeant at Arms.

The SERGEANT AT ARMS. Mr. Speaker, the Executive Deputy Secretary of the Commonwealth, Thomas J. Weaver.

The SPEAKER. The Speaker recognizes Executive Deputy Secretary of the Commonwealth Thomas J. Weaver.

Mr. WEAVER. Good morning, Mr. Speaker.

Mr. Speaker, on behalf of the Department of State and the Secretary of the Commonwealth, I have the privilege and honor of presenting the official returns of the special election for Representative in the General Assembly of the Commonwealth of Pennsylvania for the 185th Legislative District held on February 1, 2011.

The SPEAKER. The Speaker thanks Deputy Secretary Weaver.

The clerk will read the returns.

The following election returns were read:

COMMONWEALTH OF PENNSYLVANIA

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

I have the honor to present the official returns of the Special Election for Representative in the General Assembly of the Commonwealth of Pennsylvania held in the one hundred eighty-fifth Legislative District, as the same have been certified to and filed with my office by the Delaware and Philadelphia County Board of Elections. Maria P. Donatucci, having received the highest number of votes in the Special Election, and having complied with the provisions of Article XVI of the Pennsylvania Election Code pertaining to Primary and Election Expenses, was duly elected a Representative in the General Assembly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of the office of the Secretary of the Commonwealth at the city of Harrisburg, this fourteenth day of February in the year of our Lord two thousand eleven and of the Commonwealth the two hundred thirty-fifth.

(SEAL)

Carol Aichele  
Acting Secretary of the Commonwealth

\* \* \*

OFFICIAL

RESULTS

SPECIAL ELECTION  
REPRESENTATIVE IN THE GENERAL ASSEMBLY  
185th Legislative District

February 1, 2011

<u>REPUBLICAN</u>	<u>VOTES</u>
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Lewis Harris, Jr. 7124 Dorel Street Philadelphia, PA 19153	120
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DEMOCRATIC

Maria P. Donatucci 2336 S. 2nd Street Philadelphia, PA 19145-3418	1,843
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Commonwealth of Pennsylvania  
Department of State  
Bureau of Commissions, Elections and Legislation  
February 14, 2011

**CERTIFICATE ON ELECTION EXPENSES**

COMMONWEALTH OF PENNSYLVANIA

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

In accordance with the provisions of Section 1632(b) of the Pennsylvania Election Code, 25 P.S. § 3252(b), I do hereby certify that the candidate who was elected Representative in the General Assembly from the 185th District in the Special Election held February 1, 2011, Maria P. Donatucci, has filed all of the reports and statements of contributions and expenditures required by the provisions of Article XVI of the Pennsylvania Election Code entitled "Primary and Election Expenses."

Witness my hand and the seal of the office of the Secretary of the Commonwealth this fourteenth day of February, 2011.

(SEAL)

Carol Aichele  
Acting Secretary of the Commonwealth

**COMMITTEE APPOINTED TO  
ESCORT MEMBER-ELECT**

The SPEAKER. The Speaker appoints the majority leader, the Honorable Mike Turzai, and the Democratic leader, the Honorable Frank Dermody, to escort Representative-elect Donatucci for the purpose of taking the oath.

**OATH OF OFFICE ADMINISTERED**

The SPEAKER. The oath of office required by Article VI, section 3, of the Constitution of Pennsylvania will now be administered by the Honorable Matthew Carrafiello, judge, court of common pleas of Philadelphia. Your Honor.

JUDGE CARRAFIELLO. It is my distinct honor and pleasure to administer this oath to an individual that I know, one that I love, one that I know will fulfill the duties of her office with fidelity, and one that we all take joy in this moment.

Now, please place your hand on the Bible and raise your right hand and repeat after me: I, Maria P. Donatucci, do solemnly swear that I will support, obey, and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.

(Member asserted oath.)

JUDGE CARRAFIELLO. Congratulations.  
Ms. DONATUCCI. Thank you.

**REMARKS BY SPEAKER**

The SPEAKER. Representative Donatucci, let the Speaker offer you, likewise, the same congratulations. Although the circumstances surrounding your arrival here are obviously not of the most positive in nature, I think you certainly have a great

understanding of the role that you now have assumed. I read one of the articles surrounding the election, just some of the clips and all, and I saw where you described yourself as a pro bono community liaison for your husband. Having grown up in a house of a former legislator myself, I know exactly what that role is like when people call the house. It does not matter if the legislator is not there, you are the one that is on call. And your willingness and ability to be that kind of staff person that would fill in at certain times, I know that gives you a little headstart on some of the challenges of this job. I certainly hope that you are able to put those to very effective use as you take up this new role in your life, and I hope that you find it very rewarding.

On swearing-in day, one of the things that I kind of wanted to point out is that each of us has a role, and it is a different role. The Speaker has a role. The floor leaders have a role. The chairmen of committees have a role. Each member has their own role, and each one of them is of equal importance. As Speaker, I have one vote on the floor of the House. I have additional authority, but it is really vested because of the members. And you, as the newest member of this legislative body, have your role to play, and it is equally important to that of the leader, the floor leaders, the Speaker, or any of the chairmen. I hope that you recognize that, and your execution of that is important for the collective wisdom that actually comes out of the end product of the legislation that passes this House and that ultimately is signed into law by the Governor.

I have no doubt that you will continue to work towards the goals of your husband and that you will be able to adequately and ably carry on that tradition and certainly wish you the best of success in the coming years as a member of this body. I hope that you find it rewarding, as the challenges sometimes take you in one direction, and that you will find the rewards in that. God bless you in your service.

### REMARKS BY MAJORITY LEADER

The SPEAKER. The Speaker recognizes the majority leader, Representative Turzai, for remarks.

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

Congratulations, Representative Donatucci. It is an honor to have you here as a colleague. As the Speaker said, each and every one of us represents Pennsylvania citizens here in the House of Representatives, and we each have an important role. You, on your first day, share in that individual and collective responsibility with the rest of your colleagues here in the State House of Representatives. Your 13 years of experience working in the Philadelphia city government, specifically at the Bureau of Administrative Adjudication, I am sure will hold you in good standing. Your involvement with your community – the American Swedish Historical Museum, the Colon Cancer Alliance, past president of the Lioness Lions Club and the Girard Farms Community Club – that will all hold you with relevant experience that we are going to be addressing.

In addition, working with your husband, involved on both the political and I am sure jumping into issues and making sure that things worked well in your communities, all will make you a great legislator. But above all, as a wife and a mother of two lovely children, Thomas, age 25, and Dierdre, age 22, who are obviously very, very proud of you, I think bringing that experience will make you the best legislator possible.

Thank you very much for giving me the opportunity to speak on your important day here. It is a great honor to have you. I look forward to working with you, as do all of my colleagues on the Republican side. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. Before I recognize the minority leader, I want to apologize. I should have introduced your guests when I was making my remarks. I am still learning my role a little bit, too, some days. But I would like to introduce some of your guests you have: Maria's son and daughter, Thomas and Dierdre Donatucci. Please stand. Maria's brother-in-law, Ron Donatucci, and his wife, Rita, are here. Ron was a member of this House in 1977-80. Welcome.

Also here in the well of the House, we have many additional friends and family of Maria's. Will all of you guests please rise, and welcome to the hall of the House.

### REMARKS BY MINORITY LEADER

The SPEAKER. The Speaker now recognizes the minority leader, Mr. Dermody, for remarks.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, for the entire time I have been a member of this House, I could look up at the board and see the name "Donatucci," or I could look to the back of the hall of the House and see Bob Donatucci holding court and imparting his wisdom to colleagues on both sides of the aisle. Bob was a quiet force in this House. He did his work mostly behind the scenes. He did not go for the headlines, but he worked hard and he got a lot done. That was until last November, when Bob was taken from us far too soon. But, Mr. Speaker, today "Donatucci" is back up on the board and it makes us all very happy.

We welcome Maria Donatucci, the newest member of the House. Maria represents the 185th District, mostly in Philadelphia, with a part of eastern Delaware County. More than most incoming legislators, she understands what it takes to do this job. That is because she was a partner for many years with her husband, Bob. She went to community meetings when Bob was stuck up here in session late at night. She talked to Bob's constituents on his behalf, and she understands their concerns. More importantly, she talked to Bob and had the benefit of all of his years of experience. She is part of the community that she now represents, and because of that connection, they gave her a resounding victory in the special election 2 weeks ago. She has worked with museums, parks, the Colon Cancer Alliance, the Lion's Club, and many other groups, large and small. Maria is a great listener, a skill that is at a premium in this institution, and each of us should try to do a little more listening.

Most of the session remains before us. There is much work to be done, starting with the State budget. With Maria's arrival today we are once again with our full complement of 203 members. Each one of us will be tested in this session. We need to listen to our constituents and we need to listen to each other. Maria, we are glad you are with us here now, and we are just proud that you are here to carry on the Donatucci tradition of serving the people of the Commonwealth.

Maria's son, Thomas, and daughter, Dierdre, are with us here today. They are both great young people. We need to thank them for the sacrifices they have made, for as we all know, our family members make great sacrifices so that we can engage in this public service. Representative Donatucci, welcome to this House. Good luck, God bless, and I am sure you are going to do an excellent job.

The SPEAKER. The Speaker thanks the gentleman and once again congratulates Representative Donatucci.

### REMARKS BY MS. DONATUCCI

The SPEAKER. Would you like to be recognized under unanimous consent?

The Speaker recognizes Representative Donatucci.

Ms. DONATUCCI. Thank you.

Mr. Speaker, members of the General Assembly, friends, and family, I rise today with a full range of mixed feelings. I feel honored today to have the opportunity to continue the legacy and hard work of my loving husband, a person whom I strongly supported for many years from behind the scenes. More than nearly anything, I wanted him to stand here and represent the people of the 185th District.

Mr. Speaker, I also feel humbled by the support and faith that the people of the 185th District have provided to me in choosing me to serve as their State Representative. For that I say thank you to one and all. I will do my utmost to live up to that faith and support, and yet, Mr. Speaker, members of the General Assembly, and friends and family, today in a way also stands out for the sadness that goes with this day. What I refer to, Mr. Speaker, is the catalyst that got me to where I am today. It truly became the saddest day in my life and that of my children. It was the passing of my husband, their father, the late State Representative Robert C. Donatucci.

Bobby was an amazingly wonderful person, both politically and privately. I am not going to stand here and list his achievements, because at this point, we are well aware of the legacy he left behind in serving the people of the 185th District for 30 years and leading the Liquor Control Committee as its chairman over the last several years. Yes, he had built quite a legacy in that service. I hope to live up to and continue that legacy.

However, when Bob died, an important decision had to be made and it had to occur quickly. So I sat down with my children and some family members, took a deep breath, received and accepted the nod from the Democratic Party and decided to run and continue my husband's service to the people of the 185th District. At that point, my son, Thomas – whom I refer to as my political whiz – he became my campaign manager. My daughter, Dierdre, whose only interest in politics is voting, exhaled and became political for a few months; you did. My brother-in-law and ward leader, Ron Donatucci, walked with me every step of the way, while my sister-in-law, Bob's sister, Rita, supported me by throwing my first fundraiser. Family and friends rallied, the voters of the 185th somehow took notice, and the rest, as they say, is history.

On an icy February day a special election was held, and with 94 percent of the vote, I succeeded my husband as the new State Representative for the 185th District – almost 31 years after Bobby was elected in a special election on March 11, 1980. So as I begin this first step in a new journey in my life, I want to

publicly thank my family and friends – both social and political – who, without their support, I could not have done this. I thank all of the voters of the 185th District who had enough faith in me to support me as their State Representative and give me the honor to try to continue my husband's legacy.

And last, but by no means least, I want to thank my new colleagues. Mr. Speaker, all of you have embraced me, not only with this election but also during those days after the loss of my husband. I want to thank all of you for the notes and letters you sent to me and my children regarding Bobby; the words were beautiful and touching. Most of all, Mr. Speaker, I want to thank you for the leadership you demonstrated regarding this election and for showing that you truly believe in democracy. I also want to thank all those who helped make the special election happen, from the people who worked the polls on up, because it is all of you who make the engine of democracy work. I express that thanks because my humble late husband always taught me and all of those around him to appreciate the goodness and kindness of people and to truly believe that the system will work. It truly did despite some bumps in the road, so to speak, because it was a chilling day and a lot of ice.

Now I stand ready to begin working with all of you on the many tough decisions that we have before us. I hope we can mostly work together. I know we will not always agree, but I also know that we all will work hard. That is something else I learned from my Bobby, to always work hard and do your very best for the people. I stand ready to get started with all of you. Thank you very much for listening. Let us begin. Thank you.

The SPEAKER. The Speaker thanks the lady.

This concludes the special order of business. You are free to go to your seat. You can sit down there with your family if you want.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. Just for the information of the members, we are going to probably just do the uncontested calendar and we are going to break and come back. If the guests are comfortable just sitting there, we will be breaking shortly and then you are free to go to a little celebration with the newly sworn-in member.

### UNCONTESTED CALENDAR

### RESOLUTIONS PURSUANT TO RULE 35

Mr. PYLE called up **HR 55, PN 407**, entitled:

A Resolution recognizing and paying tribute to the important role the coal mining industry plays in the economy of this Commonwealth and recognizing 2010 as a year in which there were no coal mining fatalities in this Commonwealth and congratulating all those who contributed to this significant achievement.

\* \* \*

Mr. M. KELLER called up **HR 58, PN 472**, entitled:

A Resolution designating the week of February 19 through 26, 2011, as "FFA Week" in Pennsylvania.



\* \* \*

Mr. GOODMAN called up **HR 65, PN 566**, entitled:

A Resolution commemorating February 16, 2011, as "Lithuanian Independence Day" in Pennsylvania.

\* \* \*

Mr. BOYD called up **HR 72, PN 606**, entitled:

A Resolution honoring the Borough of Millersville on its 250th anniversary year which commences on February 26, 2011.

On the question,  
Will the House adopt the resolutions?

The following roll call was recorded:

## YEAS—200

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Bear	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causser	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	Helm	O'Neill	Truitt
Daley	Hennessey	Oberlander	Turzai
Davidson	Hess	Parker	Vereb
Davis	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Wagner
DeLissio	Johnson	Peifer	Waters
DeLozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker
Dunbar	Kirkland		

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff O'Brien, D. Swanger

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

## GUESTS INTRODUCED

The SPEAKER. The Speaker would like to welcome to the hall of the House Pennsylvania FFA (Future Farmers of America) State officers. They are seated to the left of the Speaker. Please stand as you are recognized. Kerri Wickard, president; Matthew Reutlinger, vice president; Jillian Gordon, eastern vice president; Adam Folk, northern vice president; Andrew Roth, south central vice president; Caitlin Clarke, secretary; Cassie Gutshall, sentinel; Benjamin Shughart, chaplain; Howard Poole III, treasurer; Caleb Grove, reporter; and their adviser, Michael Brammer. Welcome to the hall of the House.

## STATEMENT BY MR. M. KELLER

The SPEAKER. Under unanimous consent, the Speaker recognizes the gentleman from Perry County, Mr. Keller.

Mr. M. KELLER. Thank you, Mr. Speaker.

I just want to bring to the members' attention that we just passed a resolution, uncontested of course, HR 58, which designates the week of February 19 through 26 as "FFA Week" here in Pennsylvania. And of course, we have our FFA officers with us today, and it is always fitting to recognize our youth. These are the young men and women who will be leading our State and our country. And what better than the offices of FFA for them to be here, Future Farmers of America, which we all look to our farmers and agriculture community to feed us here, not only in Pennsylvania but also throughout the world.

Two things that I wanted to point out to you were that the FFA State theme for this year is "Act Today – Impact Tomorrow." The FFA national theme is "Infinite Potential." FFA is represented throughout the United States, also Puerto Rico and the Virgin Islands, with over 520,000 members. And of course, we are honored today to have the State president, Kerri Wickard, of Shippensburg, here representing this whole organization. So again, thank you so much for your unanimous vote on HR 58.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

## GUEST INTRODUCED

The SPEAKER. One other guest who is among the other guests is the daughter of Representative Jewell Williams, Jewel Williams. Please rise and be recognized.

# UNCONTESTED SUPPLEMENTAL CALENDAR B

## RESOLUTION PURSUANT TO RULE 35

Mr. KORTZ called up **HR 77, PN 681**, entitled:

A Resolution paying tribute to the heroic efforts and sacrifices of the United States Armed Forces during the Battle of Iwo Jima on its 66th anniversary.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Bear	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causar	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	Helm	O'Neill	Truitt
Daley	Hennessey	Oberlander	Turzai
Davidson	Hess	Parker	Vereb
Davis	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Wagner
DeLissio	Johnson	Peifer	Waters
Delozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker
Dunbar	Kirkland		

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff O'Brien, D. Swanger

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

## STATEMENT BY MR. PYLE

The SPEAKER. For the purpose of an announcement, the Speaker recognizes the gentleman, Mr. Pyle.

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

Mr. Speaker, I, too, rise to express thanks to the House. The Commonwealth's coal mining industry every year employs over 49,000 of our fellow citizens. I rise, Mr. Speaker, to proudly report that the year 2010 was fatality-free for the Pennsylvania coal mining industry. Whereas over 48 coal mining deaths were tragically lost last year across the United States, none of these losses were in our Commonwealth.

Mr. Speaker, as chair of the Coal Caucus, and on behalf of my Democratic counterpart, the gentleman from Westmoreland, we thank the members for their support of HR 55 and remind the members that tonight the annual reception of the Coal Caucus is being held at 6 p.m. If anyone is interested, please contact Representative Harhai or myself.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

Any other announcements?

## STATEMENT BY MR. DeWEESE

The SPEAKER. For what purpose does the gentleman rise?

Mr. DeWEESE. To speak on unanimous consent relative to Mr. Kortz's resolution.

The SPEAKER. Without objection, the gentleman is recognized under unanimous consent.

Mr. DeWEESE. Just 30 seconds, Mr. Speaker. On behalf of Jake Wheatley, our colleague, and Harry Readshaw, former Marines, I would like to thank Representative Kortz and the House for recognizing the most significant and horrific battle in the Pacific during World War II. This is the anniversary of the Battle of Iwo Jima.

And on behalf of all Marines in the State, we wanted to at least pause for a few seconds and thank the Assembly for recognizing the anniversary of the Battle of Iwo Jima. Thank you.

The SPEAKER. The Speaker thanks the gentleman for drawing specific attention to that resolution.

**COMMERCE COMMITTEE MEETING**

The SPEAKER. For the purpose of an announcement, the gentleman, Mr. Hess, is recognized.

Mr. HESS. For an announcement, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. HESS. I would like to announce that the Commerce Committee meeting that was supposed to meet tomorrow at noon has been changed to 10 o'clock in room B-31; at 10 o'clock. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The Commerce Committee will meet in room B-31 at 10 o'clock tomorrow.

**BILLS REREPORTED FROM COMMITTEE****HB 38, PN 14**

By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in governance of the system, further providing for establishment of fees and charges and for costs; and, in budget and finance, further providing for Commonwealth portion of fines.

APPROPRIATIONS.

**HB 67, PN 66**

By Rep. ADOLPH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of greyhound racing.

APPROPRIATIONS.

**HB 143, PN 317**

By Rep. ADOLPH

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for split-off, separation or transfer, leasing for wireless service, utilization of land or conveyance of rights for exploration or extraction of gas, oil or coal bed methane, utilization of land for commercial alternative energy generation, death of landowner and temporary leases.

APPROPRIATIONS.

**HB 262, PN 530**

By Rep. ADOLPH

An Act providing for the transfer of certain powers and duties from the Pennsylvania Gaming Control Board to the Office of Attorney General; establishing a Gaming Unit in the Office of Attorney General; and making related repeals.

APPROPRIATIONS.

**HB 303, PN 678**

By Rep. ADOLPH

An Act amending the act of May 21, 1943 (P.L.595, No.259), entitled, "An act authorizing the Department of Property and Supplies to establish, operate and maintain restaurants, as herein defined, creating a revolving fund for this purpose, to be known as The State Restaurant Fund; and providing additional duties for the State Treasurer and the Department of Health in connection therewith," further providing for inspection authority and for definitions; and making editorial changes.

APPROPRIATIONS.

**HB 345, PN 300**

By Rep. ADOLPH

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

APPROPRIATIONS.

**HB 378, PN 342**

By Rep. ADOLPH

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for definitions and for the State Civil Service Commission.

APPROPRIATIONS.

**HB 391, PN 355**

By Rep. ADOLPH

An Act providing for appointment of members of the Pennsylvania Gaming Control Board by imposing restrictions on appointment of members or former members of the General Assembly.

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND TABLED****HB 144, PN 711 (Amended)**

By Rep. MAHER

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for utilization of land or conveyance of rights for exploration or extraction of gas, oil or coal bed methane.

AGRICULTURE AND RURAL AFFAIRS.

**HB 176, PN 709 (Amended)**

By Rep. MARSICO

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 365, PN 710 (Amended)**

By Rep. MARSICO

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 Schedule I controlled substances.

JUDICIARY.

**HB 495, PN 450**

By Rep. MARSICO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in rules of evidence, providing for benevolent gesture or admission by health care provider or assisted living residence or personal care home.

JUDICIARY.

**HB 562, PN 540**

By Rep. MAHER

An Act amending the act of June 30, 1981 (P.L.128, No.43), known as the Agricultural Area Security Law, further providing for definitions; and abrogating a regulation.

AGRICULTURE AND RURAL AFFAIRS.

**HB 567, PN 544**

By Rep. MARSICO

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.

**ANNOUNCEMENT BY MINORITY LEADER**

The SPEAKER. The Speaker recognizes the minority leader, Mr. Dermody, for the purpose of an announcement.

Mr. DERMODY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. DERMODY. Mr. Speaker, I would just like to announce there will be a reception for Representative Donatucci immediately following the recess in 60 East Wing.

The SPEAKER. The Speaker thanks the gentleman.

**RECESS**

The SPEAKER. This House now stands in recess until 1 p.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

**BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED****HB 197, PN 712 (Amended)**

By Rep. CREIGHTON

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in area government and intergovernmental cooperation, further providing for review of agreement by Local Government Commission.

LOCAL GOVERNMENT.

**HB 372, PN 337**

By Rep. CREIGHTON

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for suits and property.

LOCAL GOVERNMENT.

**HB 373, PN 338**

By Rep. CREIGHTON

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers.

LOCAL GOVERNMENT.

**HB 374, PN 713 (Amended)**

By Rep. CREIGHTON

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated towns and providing penalties," further providing for power to convey.

LOCAL GOVERNMENT.

The SPEAKER. Members will report to the floor. We are about to begin the voting schedule.

**SUPPLEMENTAL CALENDAR A****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 143, PN 317**, entitled:

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for split-off, separation or transfer, leasing for wireless service, utilization of land or conveyance of rights for exploration or extraction of gas, oil or coal bed methane, utilization of land for commercial alternative energy generation, death of landowner and temporary leases.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the lady, the maker of the bill, stand for brief interrogation?

The SPEAKER. The lady indicates she will. The gentleman is in order.

Mr. VITALI. I have a couple of questions. If I may first, perhaps, ask for just a brief explanation of what the bill does and why.

Ms. MAJOR. Thank you, Mr. Speaker.

HB 143 is an amendment to the Clean and Green preferential tax assessment law that will offer guidance to our county assessors on how to apply rollback taxes and fair market value assessment when a landowner obtains a small noncoal surface mining permit.

And, Mr. Speaker, I would like the members to be aware that it does nothing to change the existing requirement for obtaining a small noncoal surface mining permit that would be applied for under the Noncoal Surface Mining and Reclamation Act or its regulations.

Thank you, Mr. Speaker.

Mr. VITALI. Okay. Now, how does this change existing law, Mr. Speaker?

Ms. MAJOR. Mr. Speaker, it does not change existing law; it is a clarification to the law, to add language so that county assessors can interpret the law with the rollback.

Mr. VITALI. Okay.

I am actually not overly familiar with this, but I just— So Clean and Green, basically, that law applies to certain land, I think, certain agricultural lands, certain agricultural preserves and forest land. And it basically says that this will be taxed for property tax purposes at a lower rate, at the rate at which it is actually used, instead of its fair market value, if it is used in a

certain way; in other words, if it is used, if it is preserved, if there are, like, 10 contiguous acres and it is preserved in its agricultural or forest state. So you get a tax break if you keep it in this sort of natural or undeveloped, as it were, state. Is that essentially the existing law?

Ms. MAJOR. That is correct, Mr. Speaker.

Mr. VITALI. Okay. Now, so you have to have 10 contiguous acres of undeveloped land. Now, does this allow for something called small noncoal surface mining on that land, this bill, your bill, to still get the tax break for that land?

Ms. MAJOR. Mr. Speaker, let us use, for example, if a property owner, if a farmer had 10 acres – and let us realize that a lot of the farms in my legislative district where the small noncoal surface mining activity occurs, those parcels of land are much larger than 10 acres – but to your question, if someone did apply for a small noncoal surface mining permit, they could indeed do so, because it is only on 5 acres that they could obtain one.

Mr. VITALI. Okay. Now, again, I am not from your part of the world, but what is noncoal surface mining? What is that? I do not know what noncoal surface mining is. Your bill talks about noncoal surface mining on page 2, line 6. What is that?

Ms. MAJOR. That is basically the bluestone industry, Mr. Speaker.

Mr. VITALI. I think of that as, like, those things you put in your ears; I do not really know what they are.

Ms. MAJOR. Mr. Speaker, if you would walk in most places on the outside of this Capitol Complex, you will see what is a gray stone. In "my part of the world," as you referred to it, that is known as the bluestone industry. It is a huge industry in northeastern Pennsylvania that has been extremely successful. And because of other legislation that has passed this chamber in the past that dealt with anything from windmills to cell towers that have been given this rollback opportunity, I am merely trying to define the law now so county assessors would only roll back that 5-acre parcel. As I indicated earlier, my legislation only deals with the Clean and Green Act; it has nothing to do with permitting of small noncoal mining.

Mr. VITALI. Right. So noncoal surface mining, that is the mining of rock? Is that what that is?

Ms. MAJOR. Bluestone.

Mr. VITALI. Okay. So what this bill does is, whereas under existing law – and I am just asking; I truly do not know – under existing law, to get this tax break you have to have 10 contiguous acres preserved for forest or farm?

Ms. MAJOR. That is correct, Mr. Speaker.

Mr. VITALI. Now you are saying, if this law passes, you can also mine for bluestone on that?

Ms. MAJOR. No, Mr. Speaker; we have been mining on bluestone with small noncoal permits for years and years. Mining of bluestone has currently been going on on this acreage. I am merely clarifying the law to address the rollback issue.

Mr. VITALI. So you could – if I can interrupt – so you could, under existing law you could still get the Clean and Green tax break even if you had this mining going on on those 10 acres? Is that it? Under existing law, you are saying under existing law you could still get that tax break if you had this small noncoal surface mining going on on the Clean and Green land?

Ms. MAJOR. That is correct. And, Mr. Speaker, what is occurring is, as I indicated, it could be on a parcel of 100 acres or more, and what is currently happening is assessors are rolling back that entire parcel, that 100 acres. So what my legislation would say is that they would only roll back the 5-acre parcel where the permit exists.

Mr. VITALI. So under existing law, you do not get the Clean and— Let us say you had 10 acres or 100 acres that met the Clean and Green thing, under existing law, if you had this nonsurface coal mining you could not get the Clean and Green, you would not qualify or you would—

Ms. MAJOR. No, Mr. Speaker, you would qualify, but the law is not clear on the rollback issue. I am attempting to clarify the law so it is now clear for county assessors when they would be able to roll back and how much acreage they would be able to roll back.

Mr. VITALI. So right now they are just saying, basically, we are taking back your tax break if you violate the terms of Clean and Green by mining. Now, under your laws, that we are not going to take away your tax break, we are just going to deal with the tax break on the 2 acres as opposed to the 10 acres or the 100 acres.

Ms. MAJOR. Five acres, Mr. Speaker, not two. It would be 5 acres. Okay? There have been some inconsistencies with the interpretation from county assessors from county to county, so that is whereby I have determined that needs to be clarified in the law.

Mr. VITALI. Okay. Thank you.

Ms. MAJOR. Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On that question, the Chair recognizes gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Last session we cleaned up the Clean and Green law a bit to provide for farmers harvesting energy in the form of wind, harvesting energy in the form of gas. And that same legislation, which passed this House unanimously, included the provisions for farmers harvesting nature's bounty in the form of bluestone. The Farm Bureau supports this bill. You may see an e-mail in your in-basket today to clear up whatever confusion may have occurred in some conversations not on this floor. And it really is rather a simple thing: to provide clarity about how your local county assessors deal with the question of this form of a harvest with respect to the Clean and Green law. The counties need that clarity. Your school districts need that clarity. The townships need that clarity. And it is a very simple, straightforward thing that, again, passed this House unanimously before succumbing to a gut-and-replace amendment in the final strokes of last session.

So any of you who were here last session already voted in favor of this, just for your information. And those of you who are new I hope will join those of you who are returning, and I urge your support.

Thank you, Mr. Speaker.

The SPEAKER. The question is, shall the bill pass finally?

On the question, the Speaker recognizes the gentleman from Philadelphia, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, we are usually aggressive in responding to situations where we think it is not going the way that it should be going.

But I wanted to rise and thank Representative Major for her explanation. I just learned something today about bluestone and about some other issues with respect to this bill. So I just want to thank you for taking the time to explain that, especially in a way that I now understand. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On the question, the Speaker recognizes the gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Historically, Clean and Green was about just that, about maintaining the land as open to the public and clean and green. Over the years we have eroded that definition. We have allowed for the expansion of commercial activities on Clean and Green parcels, and as the Ag chairman just noted, last year we took a considerable step in that direction when we broadened the exemptions to Clean and Green to include windmills, solar, and we went as far as Marcellus Shale, which draws an interesting parallel with what the lady is doing with this legislation.

The Marcellus Shale exemptions essentially say that the footprint of a Marcellus Shale well is now subject to rollback taxes. Whereas that footprint typically is somewhere between 5 and 10 acres, it is very much in line with what the gentlelady is doing with this legislation in saying that a 5-acre mine is also subject to the exemption to the rollback taxes – or the balance of the property is subject to the rollback taxes and only the 5 acres are subject to the rollback taxes.

The real question that each and every one of you has to answer for yourself is, how much further are we going to go in saying that Clean and Green can allow for, one, commercial enterprise, and two, for mining?

Last year we debated this question at length in the Ag Committee. We explored it completely, and quite frankly, in the Ag Committee I voted against this proposal to expand to allow for the bluestone quarrying. I voted against it in committee. Because we worked as a committee and it passed in committee, as the chairman of the committee I felt obligated to support the committee's decision and voted for it here on the House floor. But today I will vote against it, because I felt in committee last year and I feel today that we have to draw the line somewhere. We have to say at some point that we are not going to allow commercial activity on grounds that are subject to a tax preference. They are subject to a property tax preference, and we gave them that preference because we said they were going to keep it clean and green, and I believe we have to draw the line somewhere. I believe that we should draw it at this point. We should allow the Marcellus but we should not allow what essentially is this bluestone quarry, which, in essence, is a strip mine. It is a strip mine and it is inconsistent with the very idea of Clean and Green. It is inconsistent with the idea that the property is being protected clean and green.

So I am going to vote against this, but I fully understand the lady's motivation here. I understand that as we have eroded the Clean and Green law over the years, we have gone down this road. This is the point where I want to draw the line and say we cannot go to allow strip mines as part of a Clean and Green parcel. So I am going to vote against the legislation. I just wanted to share with you the historical reasons of how we find ourselves in this position today.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—148

Adolph	Gabler	Longiotti	Rapp
Aument	Galloway	Maher	Ravenstahl
Baker	Geist	Mahoney	Readshaw
Barrar	Gergely	Major	Reed
Bear	Gibbons	Maloney	Reese
Bloom	Gillen	Mann	Reichley
Boback	Gillespie	Markosek	Roae
Boyd	Gingrich	Marshall	Rock
Brooks	Godshall	Marsico	Ross
Brown, R.	Goodman	Masser	Sacccone
Burns	Grell	Matzie	Sainato
Buxton	Grove	Metcalfe	Saylor
Carroll	Hackett	Metzgar	Scavello
Causar	Hahn	Miccarelli	Schroder
Christiana	Haluska	Micozzie	Simmons
Clymer	Harhai	Millard	Smith, K.
Conklin	Harhart	Miller	Smith, M.
Cox	Harkins	Milne	Sonney
Creighton	Harper	Mirabito	Staback
Culver	Harris	Moul	Stephens
Cutler	Heffley	Mullery	Stern
Daley	Helm	Murphy	Stevenson
Davidson	Hennessey	Murt	Tallman
Day	Hess	Mustio	Taylor
Deasy	Hickernell	Neuman	Tobash
Delozier	Hornaman	O'Neill	Toepel
Denlinger	Hutchinson	Oberlander	Toohil
DePasquale	Kampf	Payne	Truitt
DiGirolamo	Kauffman	Peifer	Turzai
Dunbar	Kavulich	Perry	Vereb
Ellis	Keller, F.	Petrarca	Vulakovich
Emrick	Keller, M.K.	Petri	Wagner
Evankovich	Killion	Pickett	Watson
Evans, J.	Knowles	Preston	Wheatley
Everett	Kotik	Pyle	
Fabrizio	Krieger	Quigley	Smith, S.,
Farry	Kula	Quinn	Speaker
Fleck	Lawrence		

#### NAYS—52

Barbin	Cruz	Hanna	Roebuck
Bishop	Curry	Johnson	Sabatina
Boyle, B.	Davis	Josephs	Samuelson
Boyle, K.	DeLissio	Keller, W.	Santarsiero
Bradford	DeLuca	Kirkland	Santoni
Brennan	Dermody	Kortz	Shapiro
Briggs	DeWeese	McGeehan	Sturla
Brown, V.	Donatucci	Mundy	Thomas
Brownlee	Evans, D.	Myers	Vitali
Caltagirone	Frankel	O'Brien, M.	Waters
Cohen	Freeman	Parker	White
Costa, D.	George	Pashinski	Williams
Costa, P.	Gerber	Payton	Youngblood

#### NOT VOTING—0

#### EXCUSED—3

Benninghoff	O'Brien, D.	Swanger
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

\* \* \*

The House proceeded to third consideration of **HB 345, PN 300**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—200

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Bear	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causar	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern
Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	Helm	O'Neill	Truitt
Daley	Hennessey	Oberlander	Turzai
Davidson	Hess	Parker	Vereb
Davis	Hickernell	Pashinski	Vitali

Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Wagner
DeLissio	Johnson	Peifer	Waters
DeLozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker
Dunbar	Kirkland		

NAYS—0

NOT VOTING—0

EXCUSED—3

Benninghoff O'Brien, D. Swanger

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

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

\* \* \*

The House proceeded to third consideration of **HB 378, PN 342**, entitled:

An Act amending the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act, further providing for definitions and for the State Civil Service Commission.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman, Mr. Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

HB 378 would require at least one member of the State Civil Service Commission be a veteran. This bill actually passed last session in the committee, and I want to thank the chairs and the members of the committee for passing this bill out of committee.

The legislation would ensure that someone on the commission would thoroughly understand veterans' preferences and veterans' issues. So it is important that we support our veterans, and I appreciate an affirmative vote. Thank you.

The SPEAKER. The question is, shall the bill pass finally?

On the question, the Speaker recognizes the gentleman from Montgomery County, Mr. Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 378.

Mr. Speaker, our veterans in Pennsylvania are living in a period of great unease. They are fighting on many fronts. Every day they put their health and, in many cases, their lives on the line in places like Afghanistan and Iraq. They should not have to fight for jobs when they return to less hostile places like Scranton, Philadelphia, and Pittsburgh.

Mr. Speaker, our Auditor General, Jack Wagner, a decorated Vietnam veteran himself, noted that in 2008 alone the Veterans' Preference Program that is designed to make sure that veterans are being fairly considered for employment has repeatedly failed in its mission. The Auditor General found that the Civil Service Commission's policies and procedures allowed several Commonwealth agencies to circumvent the hiring of qualified veterans. He found instances where veterans' preferences were not granted in a timely manner and that the commission was inadequately monitoring the agencies' hiring practices.

Mr. Speaker, the Auditor General issued a report noting that 25 State agencies filled at least 569 civil service positions without considering qualified veterans seeking employment, even though the agencies requested employment lists that included these veterans with test scores that were among the top three highest scoring job candidates. Mr. Speaker, simply stated, the Civil Service Commission has not adequately administered the Veterans' Preference Program. Clearly, changes need to be made.

Mr. Speaker, the Auditor General has recommended 19 changes to improve the Veterans' Preference Program, including that a veteran be appointed to the State Civil Service Commission. HB 378 would make this recommendation law.

Mr. Speaker, I conclude by reminding our members that the rate of unemployment for veterans is much higher than it is for the general population. Sadly, the current rate of unemployment for our veterans is over 15 percent. We must do better for the men and women who have served our nation and our Commonwealth with great honor in the war on terror and live in communities throughout Pennsylvania. The greatest concern our veterans have when they return to Pennsylvania is not their health care; it is their jobs. HB 378 will help our veterans find employment, and I strongly encourage my colleagues to support the legislation.

Thank you, Mr. Speaker.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—199

Adolph	Ellis	Kirkland	Quinn
Aument	Emrick	Knowles	Rapp
Baker	Evankovich	Kortz	Ravenstahl
Barbin	Evans, D.	Kotik	Readshaw
Barrar	Evans, J.	Krieger	Reed
Bear	Everett	Kula	Reese
Bishop	Fabrizio	Lawrence	Reichley
Bloom	Farry	Longietti	Roae
Boback	Fleck	Maher	Rock
Boyd	Frankel	Mahoney	Roebuck
Boyle, B.	Freeman	Major	Ross
Boyle, K.	Gabler	Maloney	Sabatina
Bradford	Galloway	Mann	Saccone
Brennan	Geist	Markosek	Sainato

Briggs	George	Marshall	Samuelson
Brooks	Gerber	Marsico	Santarsiero
Brown, R.	Gergely	Masser	Santoni
Brown, V.	Gibbons	Matzie	Saylor
Brownlee	Gillen	McGeehan	Scavello
Burns	Gillespie	Metcalfe	Schroder
Buxton	Gingrich	Metzgar	Shapiro
Caltagirone	Godshall	Miccarelli	Simmons
Carroll	Goodman	Micozzie	Smith, K.
Causser	Grell	Millard	Smith, M.
Christiana	Grove	Miller	Sonney
Clymer	Hackett	Milne	Staback
Cohen	Hahn	Mirabito	Stephens
Conklin	Haluska	Moul	Stern
Costa, D.	Hanna	Mullery	Stevenson
Costa, P.	Harhai	Mundy	Sturla
Cox	Harhart	Murphy	Tallman
Creighton	Harkins	Murt	Taylor
Cruz	Harper	Mustio	Thomas
Culver	Harris	Myers	Tobash
Curry	Heffley	Neuman	Toepel
Cutler	Helm	O'Brien, M.	Toohil
Daley	Hennessey	O'Neill	Truitt
Davidson	Hess	Oberlander	Turzai
Davis	Hickernell	Parker	Vereb
Day	Hornaman	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Wagner
DeLissio	Johnson	Payton	Waters
Delozier	Josephs	Peifer	Watson
DeLuca	Kampf	Perry	Wheatley
Denlinger	Kauffman	Petrarca	White
DePasquale	Kavulich	Petri	Williams
Dermody	Keller, F.	Pickett	Youngblood
DeWeese	Keller, M.K.	Preston	
DiGirolamo	Keller, W.	Pyle	Smith, S.,
Donatucci	Killion	Quigley	Speaker
Dunbar			

#### NAYS—1

Vitali

#### NOT VOTING—0

#### EXCUSED—3

Benninghoff      O'Brien, D.      Swanger

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

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

\* \* \*

The House proceeded to third consideration of **HB 67, PN 66**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in other offenses, further providing for the offense of greyhound racing.

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

(Bill analysis was read.)



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

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman, Mr. Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

I just rise to respectfully ask the House to support final passage of HB 67. HB 67, as the Speaker mentioned, would prohibit the simulcasting of greyhound racing in Pennsylvania.

This is a very important bill, Mr. Speaker, for a couple of reasons. We banned greyhound racing a number of years back. Now this is the next logical step, in prohibiting the simulcasting of it. We would need to be very careful with regards to this issue because greyhounds are known for being mistreated and abused at the tracks and in the kennels in which they are housed in different areas of the country where this racing takes place. Just late last year in Ebro, Florida, there were a number of greyhounds, I believe it was 37 or so, that were found dead from dehydration and starvation at one track alone, and that is just one of a number of atrocities that have been cited across the country.

So, Mr. Speaker, passage of this legislation will go a long way to making sure that we prevent Pennsylvania from feeding into that industry which is so harmful to those animals. So I appreciate the support of the members of the Gaming Oversight Committee when this bill came out, and I would ask for the support in the House as well.

Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—200

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Bear	Everett	Lawrence	Reichley
Bishop	Fabrizio	Longietti	Roae
Bloom	Farry	Maher	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causar	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Cohen	Hahn	Moul	Stern

Conklin	Haluska	Mullery	Stevenson
Costa, D.	Hanna	Mundy	Sturla
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Taylor
Creighton	Harkins	Mustio	Thomas
Cruz	Harper	Myers	Tobash
Culver	Harris	Neuman	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	Helm	O'Neill	Truitt
Daley	Hennessey	Oberlander	Turzai
Davidson	Hess	Parker	Vereb
Davis	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Wagner
DeLissio	Johnson	Peifer	Waters
Delozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker
Dunbar	Kirkland		

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—3

Benninghoff      O'Brien, D.      Swanger

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

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

\* \* \*

The House proceeded to third consideration of **HB 262, PN 530**, entitled:

An Act providing for the transfer of certain powers and duties from the Pennsylvania Gaming Control Board to the Office of Attorney General; establishing a Gaming Unit in the Office of Attorney General; and making related repeals.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

On that question, the Speaker recognizes the gentleman from Erie, Mr. Fabrizio.

Mr. FABRIZIO. Thank you, Mr. Speaker.

Would the gentleman from Montgomery County rise for brief interrogation, please?

The SPEAKER. The gentleman indicates he will. The gentleman may proceed.

Mr. FABRIZIO. Thank you, Mr. Speaker.

I thank the gentleman. Would the gentleman please just give for this august body a brief description of the bill?

Mr. VEREB. The bill transfers BIE (Bureau of Investigations and Enforcement) to the Attorney General.

Mr. FABRIZIO. Well, that is as brief as we are going to get. And what is BIE?

Mr. VEREB. B stands for Bureau, not brief, of Investigations and Enforcement.

Mr. FABRIZIO. Thank you.

Last year with SB 711 we took the recommendations of the bicameral, bipartisan commission and incorporated their recommendations into reform as we saw fit to enhance the gaming industry. What is different about this bill? How would it affect the gaming industry and the regulatory process in a more efficient fashion?

Mr. VEREB. Would SB 711 be the expansion of gaming, that bill?

Mr. FABRIZIO. That is correct. What is different about your bill now that we— Do you see what I am saying?

Mr. VEREB. Respectfully, I do not, sir.

Mr. FABRIZIO. Okay. Let me repeat that. We made several reforms based upon the commission's recommendation. This was not one of the recommendations. How would this enhance the gaming industry by incorporating this law as a freestanding act?

Mr. VEREB. The difference between SB 711's era and HB 262 is I tried to introduce this language and I did not receive the opportunity to run this bill and was asked to not attach this amendment to that bill. So I am not sure what your question would be leading to other than to say while there was a very small reform, or political eye candy, during that hearing, I had agreed that I would no longer attempt to amend that table games bill with my language if other language was put in for now. But that was relative to that bill. And I will say that while table games has passed, improvements to the integrity and the public trust for gaming and the investigations, or lack thereof, there have been no changes, Mr. Speaker.

Mr. FABRIZIO. I thank the gentleman.

The SPEAKER. Would the speaker just suspend for one minute.

The Speaker would like to remind the members and in general that under interrogation and particularly the questions should be addressed to the Speaker, the answers should be addressed to the Speaker, that the members are not directly speaking to each other, and that they should address them towards the Chair.

Mr. FABRIZIO. Thank you, Mr. Speaker.

The SPEAKER. Thank you. You may proceed.

Mr. FABRIZIO. And I apologize for that.

Mr. Speaker, if I may, to clarify SB 711, there were significant changes, reforms initiated by SB 711 to the gaming industry, which, in my opinion, obviously have enhanced the public trust. I have never been concerned about the public trust because I do not think there has been a real question of public trust in the gaming industry. I think in fact the gaming industry has gotten off the ground in a smooth fashion except for a couple of small bumps along the way. But under SB 711, we separated the BIE from the board in a very distinct fashion.

What would your bill, Mr. Speaker, if I may, what would the speaker's bill do to make it any different?

## PARLIAMENTARY INQUIRY

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

Is it appropriate, may I ask the gentleman to stand for questioning on SB 711? He is informing me of language that transferred BIE that I do not recall ever seeing or being caucused on. Is it appropriate for me to ask the gentleman to stand for interrogation on a bill that he has brought up?

The SPEAKER. At this point in time the gentleman from Erie has been recognized to speak on the bill and he chose to ask for interrogation, at which point in time you indicated that you were willing to stand for interrogation. I would say, number one, that at this point in time you are here to basically answer — you have stood to answer his questions, his interrogation. At a later point when you are recognized on the bill, you could interrogate him.

I might add that perhaps the two of you could, if you want, we would suspend for a minute if the two of you wanted to kind of iron out between you privately which way you are going to go with these questions, but at this point in time I would say that you are not to be asking him questions; he is recognized to ask you questions.

Mr. VEREB. Thank you, Mr. Speaker.

I do not know that there is a need to suspend—

The SPEAKER. For what purpose do you seek recognition?

Mr. VEREB. I am going to answer the fine gentleman's question, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. VEREB. I do not think there is a need for a suspension, Mr. Speaker. I think we would open the blinds up and let the sun in the place here.

If you could, respectfully, explain what you feel the reforms were with BIE. I do not recall exactly what they were except for the one that I did mention to you.

Mr. FABRIZIO. Mr. Speaker, I thought you just explained to him—

Mr. VEREB. The answer to my question, Mr. Speaker, is—

The SPEAKER. Let me repeat. The gentleman from Erie has been recognized on the bill and he is seeking to interrogate the maker of the bill. It would be your questions, his answers.

Mr. VEREB. Thank you, Mr. Speaker.

Could you repeat the question, please?

Mr. FABRIZIO. Mr. Speaker, if I may?

The SPEAKER. The gentleman may proceed.

Mr. FABRIZIO. When we adopted SB 711, there were several significant changes, reforms to the regulatory process of gaming. How does your bill differ from those reforms and how would that enhance the gaming industry?

Mr. VEREB. Mr. Speaker, I will tell you that my bill is reform. I disagree and will say that my bill will enhance reform but will have no relative comparison to SB 711 because SB 711 was not a reform bill; it was a table games bill. So the answer to your question is, my bill will reform in a much more drastic way than any other excuse that might have been used on SB 711, Mr. Speaker.

Mr. FABRIZIO. Thank you.

Mr. Speaker?

The SPEAKER. On the bill, the gentleman is recognized.

Mr. FABRIZIO. Table games was an amendment to the bill. The original intent of the bill, of SB 711, was gaming reform.

Table games was a significant amendment. If the distinguished gentleman from Montgomery County does not know that, then obviously I could give him a history lesson and read a litany of all the reforms that were incorporated in SB 711, but I will not do that.

I will move on to another question, Mr. Speaker, if I may?

Mr. VEREB. Mr. Speaker, parliamentary inquiry.

The SPEAKER. Does the gentleman seek further interrogation?

Mr. FABRIZIO. Yes, I do, Mr. Speaker. I would move on to another question.

The SPEAKER. The gentleman may proceed.

Mr. FABRIZIO. Thank you, Mr. Speaker.

It has been a matter of record that you have indicated that this would be providing cost savings to the Commonwealth. Could you explain that?

### PARLIAMENTARY INQUIRY

Mr. VEREB. Mr. Speaker, a parliamentary inquiry, please?

The gentleman was just given the answer to the question he is asking me. Perhaps it would benefit the chamber if he just gives the answer and I can agree or disagree with what that answer is. He had indicated what reforms SB 711 had done, and I believe there is a rule that prohibits members from asking questions that they already have talking points to or answers to, Mr. Speaker.

The SPEAKER. The gentleman is correct. The purpose of interrogation is to find out information to which you already do not know, so a member should not be asking questions to which they know the answers.

Mr. FABRIZIO. Thank you, Mr. Speaker.

### POINTS OF ORDER

Mr. FABRIZIO. Mr. Speaker, if I may, a point of order?

The SPEAKER. The member will state his point of order.

Mr. FABRIZIO. I really, to be perfectly honest with you, do not know the answer. It has been said this would be a cost savings to the Commonwealth. I am looking to find out what that cost savings would be, and I do not know the answer.

The SPEAKER. The gentleman is in order to interrogate. I would perhaps advise it as a point of guidance that SB 711 that has been referenced in this interrogation so far is not the bill before us, that it is HB 262, and perhaps if the gentleman's interrogation were to focus on what HB 262 does or does not do, that might help focus the general debate on the issue.

Mr. FABRIZIO. Thank you, Mr. Speaker.

Mr. Speaker, another point of order.

I was referencing HB 262. I was not referencing SB 711. It has been brought to our attention that HB 262 would provide a cost savings to the Commonwealth.

The SPEAKER. The gentleman will suspend.

The gentleman should frame his question as a parliamentary inquiry and is not in order to debate the Chair on the substance of your questions. So I would advise the gentleman to try to redirect his questions to get to the point of the information that you seek. The gentleman under interrogation, obviously, has the option to answer or not answer. If he thinks you already know the answer, he can state that way. So ask your question as directly as you can.

You may proceed.

Mr. FABRIZIO. I apologize, Mr. Speaker. I was not trying to debate the Chair. I was just trying to state some fact.

Mr. Speaker, with regard to HB 262, it has been stated that there would be a cost savings to the Commonwealth. Is there a number?

Mr. VEREB. Mr. Speaker, I will be glad to answer that question. That is a new question; I will be glad to answer it. The cost savings that I see in my bill, while the Gaming Board's numbers that appear to be on steroids that they sent over for the transition, that one-time cost, beyond that, Mr. Speaker, the cost savings will be that of defense lawyers and caucuses that had been working on this language, number one, Mr. Speaker. The investigations that have gone on: the Barden issue that has cost a significant amount of delay and a significant amount of gaming money to fight those cases into court; the DeNaples issue. How much money would have been saved if the Commissioner of the State Police would have been able to give the criminal intelligence that he had to therefore provide for a potentially different outcome of that matter? The cost savings is we are eliminating a level of bureaucracy that has no power to do what needs to be done, and that is a criminal investigation, and that agency as recognized by the FBI in 2006 is not a criminal justice agency. The cost savings is we are eliminating a level of bureaucracy, Mr. Speaker.

Mr. FABRIZIO. Thank you, Mr. Speaker.

Mr. Speaker—

The SPEAKER. Further interrogation?

Mr. FABRIZIO. From my understanding, then, we are moving it but we are not eliminating it. Am I correct in my assumption there?

Mr. VEREB. I am sorry?

Mr. FABRIZIO. We are moving the bureau but we are not eliminating it?

Mr. VEREB. We are transferring the unit, Mr. Speaker.

Mr. FABRIZIO. So would there be attendant costs, Mr. Speaker, that would accompany the movement of that?

Mr. VEREB. I actually just recognized that, in the fiscal note the numbers provided to the Appropriations Committee, and I actually suggested that they are on steroids. They were provided by the Gaming Board for a one-time transfer fee, Mr. Speaker. That would be the cost. But the reality is, the reality is that we are eliminating a level of bureaucracy and we are taking politics out of the work of future criminal investigators, Mr. Speaker.

Mr. FABRIZIO. Mr. Speaker, I am somewhat confused, because there are some fixed costs at this point. Now, the fiscal note indicates it would be approximately \$2 million – am I correct? – to make this transfer?

Mr. VEREB. I have already answered that it is a one-time cost, Mr. Speaker, that the Gaming Board gave numbers to the Appropriations Committee.

Mr. FABRIZIO. But it would—

Mr. VEREB. May I please finish answering, Mr. Speaker?

It is a one-time cost of \$2 million, indicated in the fiscal note, and that is it, Mr. Speaker.

Mr. FABRIZIO. Thank you. Mr. Speaker, does this include anything for document imaging, case management, application tracking, or any of the other attendant services that are provided by the Gaming Board at this point?

Mr. VEREB. It is all in the fiscal note, Mr. Speaker.

Mr. FABRIZIO. Well, looking at this then, that may be an additional \$2 to \$3 million that is not included.

Mr. VEREB. Mr. Speaker, it is the same \$2 million that I have been speaking of.

Mr. FABRIZIO. And that does include the contracts for maintenance, Mr. Speaker?

Mr. VEREB. I think I have answered your question. You asked what the costs were; I indicated what the costs were, and I indicated that it is a one-time cost and a longtime savings, Mr. Speaker.

Mr. FABRIZIO. Thank you. Mr. Speaker, there are four employees in the Attorney General's Office at this point that have been involved with the gaming industry. Am I correct?

Mr. VEREB. I am sorry; would you repeat that?

Mr. FABRIZIO. There are four employees in the Attorney General's Office that have been involved, Mr. Speaker, with the gaming industry. Am I correct?

Mr. VEREB. I do not know, Mr. Speaker.

Mr. FABRIZIO. That is my understanding. It is also my understanding, Mr. Speaker, that the Gaming Board transferred \$900,000 to the Attorney General for gaming-related investigations. Am I correct?

Mr. VEREB. Would you repeat that, please?

Mr. FABRIZIO. That \$900,000 was transferred to the Attorney General from the Gaming Board's budget for investigatory—

Mr. VEREB. It was appropriated; correct.

Mr. FABRIZIO. Okay. If in fact, to carry this from the ridiculous to the sublime, Mr. Speaker—

The SPEAKER. Well, I think the gentleman is already there.

Mr. FABRIZIO. If in fact we move another 88 individuals, what could the cost possibly be by running this operation out of the Attorney General? Well, I will not dwell on that.

Mr. VEREB. Mr. Speaker, respectfully, I believe you were at the hearing and the committee meeting, but for the benefit of the—

Mr. FABRIZIO. That was tongue in cheek, Mr. Speaker.

Mr. VEREB. —viewing public here, let me just suggest that all we are doing is moving the Bureau of Investigations and Enforcement. We most likely— And my bill gives a 6-month review period to eliminate, possibly, the bloated management structure of BIE, but we are simply moving the unit over to the Attorney General. So the cost of running that unit that is funded fully by gaming revenue will continue to fund it. My bill enables those funds to transfer over to do exactly what it does now for BIE except that it will be under the Attorney General.

Mr. FABRIZIO. Thank you. Mr. Speaker, why are we moving it?

Mr. VEREB. It is going to be a long answer, Mr. Speaker. If we already have not heard enough about grand jury investigations; if we have not already heard enough about the law when it was originally passed being changed overnight against the consultant's opinion that was hired to offer an opinion to the administration, and that opinion was that BIE should not be reporting to the Gaming Board; if we have not heard enough, Mr. Speaker, about the instance where the convicted felon clause was changed, perhaps for one applicant; if we have not heard enough about the series of suspensions of licenses, of financial inequities, of newspaper article after newspaper article about gaming, more importantly about the Gaming Board and the Bureau of Investigations and

Enforcement; if we have not heard enough about that, then perhaps it would be pretty easy to just sit down and do nothing.

But you see, Mr. Speaker, in my law enforcement career and from the very first day I stepped in this building, this issue has been passionate for me, and I will tell you why. We cannot allow politicians to control criminal investigations. It does not happen on a local level; it should not happen on a State level, and it is exactly what happened as reported in The Morning Call. Specifically, Mr. Speaker, the counsel to BIE, Mr. Michael Schwoyer, was overruled by the Gaming Board when he tried to extend an investigation. In the newspaper, Mr. Speaker, it was reported. He was quashed. The investigation's ultimate report was washed and rewritten.

No matter how you look at it, Mr. Speaker, my legislation will allow for a criminal investigation to be conducted by a criminal justice agency. And let me just tell you this, Mr. Speaker: There is not one person in this building, no matter who they appoint, that can go over to that Attorney General's Office and have a report altered, Mr. Speaker. It will not happen. If it attempts to happen, we all know what that outcome will be.

All I want is integrity in this process. I disagree with you that people do not have a lack of trust in this process. I disagree with you emphatically, in fact, Mr. Speaker, and the reason I disagree with you is the newspaper reports, the cost of defending all of these opportunities for casinos to open, some of the cast of the characters that are with the casinos, and the ongoing publicly reported grand jury investigations that are going to do nothing but have a major impact not only on gaming revenue but to the taxpayers of the Commonwealth trying to defend all the actions that are being taken.

Mr. FABRIZIO. Thank you.

Mr. Speaker, I do not have a shingle after my name and I do not know if you do or not, Mr. Speaker, but the powers that be and those legal beagles that we have talked to have said there is a clear distinction between the collection of criminal information and the sharing of that criminal information with civil regulatory investigative bodies.

Now, since the primary responsibility of the control board is regulatory and civil in nature, how can this criminal information — if it is criminal information — that is obtained by the Attorney General, who is nonpolitical, be shared with the regulatory body that has to make the ultimate decision dealing with the gaming industry?

Mr. VEREB. The information would not be shared with the board. The application would be rejected — or have a recommendation to reject the application, and I believe there is a process in the bill that would allow the applicant to then go to the source and ask why that recommendation has been concluded, Mr. Speaker.

Mr. FABRIZIO. Thank you, Mr. Speaker.

So in a sense, Mr. Speaker, are you saying that the regulatory board will abrogate some of its responsibility?

Mr. VEREB. I am sorry; would you repeat that?

Mr. FABRIZIO. Mr. Speaker, in a sense are you saying that the regulatory body would abrogate some of its responsibility then?

Mr. VEREB. Not at all, Mr. Speaker.

Mr. FABRIZIO. The application would be rejected, Mr. Speaker; the application would be rejected.

Okay. It is my understanding that under the gaming law, applications are either approved or denied by the regulatory agency, not the Attorney General's Office. Now, maybe I am wrong on this, and I do not think that your bill, Mr. Speaker, with all due respect, does this.

The SPEAKER. The gentleman will suspend.

That was not actually a question.

Mr. FABRIZIO. Can you explain?

The SPEAKER. That would make it a question.

Mr. VEREB. Would you repeat your question, please?

Mr. FABRIZIO. I have indicated your bill would have the Attorney General reject applications. Am I correct?

Mr. VEREB. My bill would have the Attorney General, at the conclusion of their investigation, make a recommendation to the Gaming Board. The difference between what my bill would do and what we currently do is you as a Gaming Board member, and just speaking in general, a Gaming Board member is not going to go to the Attorney General and have them change the background report. What has happened in the past— In fact, David Kwait, the former head of BIE, is quoted in the paper in saying it is routine that these reports get changed. So once the Attorney General's Office would hand down the recommendation or a rejection or a negative finding on an application, the board can, I am sure, just go ahead and award it. They have been doing it anyway except they have been scrubbing reports before they get to the board. So this would have an independent view of a background on somebody. They would simply make a recommendation to the Gaming Board. So those political appointees that are on the board, they are all grown individuals; if they would choose to overrule or just ignore the recommendation of the Attorney General, then I guess they could do so.

Mr. FABRIZIO. Thank you, Mr. Speaker.

Mr. Speaker, you have indicated that we would remove politics from this process by putting it in the Attorney General's Office, and for all intents and purposes, that may well be. But I think that the installation of four appointees by the four different caucuses and appointees by the Governor provide a better installation than the determination by one individual who may or may not be political.

My question to you is, can you discern between what you think is political activity and what is not on the part of these applications? You are indicating that there is some politics involved or you are removing it from politics. I have a question as to how political activity occurs when the law specifically precludes the board from being involved in politics and the law does not preclude the Attorney General from being involved in politics.

Mr. VEREB. I am not understanding your question, and the reason why I am not understanding it is because you kind of hit on four things and then at the end through a cover-all question. If you could ask individually— I just do not understand your question, Mr. Speaker.

Mr. FABRIZIO. Okay.

Mr. VEREB. If you would rephrase it, I would appreciate it.

Mr. FABRIZIO. Let me ask one more question and we will pass it on. It seems that it has become a matter of integrity, from my understanding. Am I correct, Mr. Speaker?

Mr. VEREB. That is correct, Mr. Speaker.

Mr. FABRIZIO. And there seems to be some question as to who can conduct this matter with more integrity and generate the public trust. Am I correct?

Mr. VEREB. That is correct.

Mr. FABRIZIO. And it seems as if there is a question of politics involved. Am I correct?

Mr. VEREB. Yes.

Mr. FABRIZIO. Why then have you not recommended that the Bureau of Investigations and Enforcement be transferred to the Pennsylvania State Police instead of the Attorney General?

Mr. VEREB. I support that, Mr. Speaker. Let us make something clear: You are going to see that bill coming to a theater near you as well. I am not set on the Attorney General. That is my bill. Our Governor publicly stated either/or, PSP or the Attorney General. I am supportive of both, Mr. Speaker. I think they are the highest standard of credibility and ethics in the country. I support PSP, and if by that question I have your support, then I would absolutely put all my energy behind moving it to the PSP. I am not going to the Attorney General. I am going to the Attorney General because my good friend from Dauphin County has a bill to go to the State Police. If you put two out there, there are options, Mr. Speaker. That is our job as legislators, to put options out there to our colleagues. We have an option. You can go to the Pennsylvania State Police—

The SPEAKER. Will the gentleman suspend.

Mr. VEREB. Thank you, Mr. Speaker.

The SPEAKER. In the Speaker's judgment, you have answered the question and are now making your own speech.

The gentleman from Erie is in order.

Mr. FABRIZIO. Thank you, Mr. Speaker.

The SPEAKER. The gentleman has concluded?

Mr. FABRIZIO. Yes, I have.

The SPEAKER. On the bill, the Speaker recognizes the gentleman, Mr. Markosek.

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

Mr. Speaker, this issue, like so many of the other issues that we are going to be facing this year, can really be divided up into two segments. One is the policy segment, you know, should we or should we not have a certain policy in Pennsylvania of the way we do things? And the other part of it is the fiscal part of it – how much is it going to cost and is it money well spent or are we going to be sending some of our very hard-earned State dollars after something that perhaps we do not really need?

Mr. Speaker, I agree with the gentleman from Erie who just spoke that this is probably something that has – in fact, it is something that we dealt with last year, in my opinion is unnecessary, and yet the fiscal note for this says it is as little as \$2 million, upfront cost, at a time when we are looking at major, major budget cuts and a \$4 billion structural deficit. My staff tells me that it is even more than that; it is really probably between a \$2.2 million and \$3 million upfront cost with about a \$300,000 to \$400,000 per year cost ad infinitum after that to do something that, quite frankly, we already do in another way.

This boils down to really a cost issue, and I am not going to stand up here and argue the policy part of this – should the BIE be here or somewhere else – but rather I will argue that we should not do this today because of the cost. If any of us in here is trying to cut government, is trying to preserve necessary programs, then we should not be spending a lot of money on something that we do not have to spend it on. We are talking about up to \$3 million upfront costs, \$200,000 to \$300,000 per year ad infinitum for this program that we could eliminate. We do not need to spend all that if we just leave the status quo alone.

So I think we can be against this bill for really two levels. One is the policy: we already do it; we already have this service. And two, it is a relatively high cost in a year when we will be faced with huge budget cuts of very worthwhile programs.

I would suggest, Mr. Speaker, that we all vote "no" for no other reason than the cost, but also because this is a service that we currently carry out, currently in another way, in another very efficient way.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the bill, the Speaker recognizes the gentleman from Delaware, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I would like to clarify the fiscal note and where the funds are coming from as it pertains to HB 262. The gaming bureau worked with the Appropriations staff, and we are assuming a \$2 million one-time transfer of funds out of the State gaming restricted funds. The only purpose of these funds is to be used in the gaming industry.

The previous speaker was talking about some of the fiscal woes that we may have in the general appropriations. However, this fund, which has approximately \$23 million in it as we speak, would merely be transferring money out of that.

The previous speaker also talked about this being taxpayers' money. I just want to remind the members of the General Assembly that the money that is in this restricted fund is paid by the gaming licensee. So this money is there for the purpose of enforcing the gaming industry, and this is a very good transfer of funds into the Attorney General.

There will be no ongoing expenses because the entire unit will be transferred out of gaming over to the Attorney General. So make no mistake about it: This is not a new expenditure. This is a transfer of funds, and this is the only type of money that can be spent with those funds.

I hope that explains to the members of the General Assembly the one-time transfer out of this restricted fund. Thank you.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Centre County, Mr. Conklin.

Mr. CONKLIN. Thank you, Mr. Speaker.

I was wondering if the gentleman would stand for just a couple of questions?

The SPEAKER. Would you like to interrogate the maker of the bill?

Mr. CONKLIN. Yes, sir.

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

Mr. CONKLIN. I just have a couple quick questions for you. First off, can you tell me exactly how many agents now are working in the Gaming Control and will be transferred over to the Attorney General's Office?

Mr. VEREB. There are 88 that I know of.

Mr. CONKLIN. Will all those agents be transferred over, or will they be left go and new agents be hired?

Mr. VEREB. My bill calls for a 6-month review, but those in collective-bargaining agreements will be kept. The Attorney General's Office at that point can adjust staff as they – I guess in this case, she – will see fit.

Mr. CONKLIN. Could you tell me if, out of those agents that are there today, any of them have in any way been negligent in their process of doing their job?

Mr. VEREB. No, not that I know of.

Mr. CONKLIN. When these agents are transferred over, will they be supplied with cars and daily expenses?

Mr. VEREB. You would have to ask the Attorney General after we do that transfer, Mr. Speaker.

Mr. CONKLIN. Okay. Thank you. I was just wondering, when they are paid then, will they be paid through the Attorney General's Office or will they be paid through the gaming revenues?

Mr. VEREB. I believe they will be paid by the Attorney General's Office, but the funds will be coming from gaming revenue, Mr. Speaker.

Mr. CONKLIN. Can you tell me how we who sit on Appropriations and the members of this august body, when it comes budget time, will there be a separation within the budget so we know how much money to go to the Gaming Board for, or will this become strictly a General Fund line item in the future?

Mr. VEREB. Mr. Speaker, there is a specific bill every session that appropriates these funds in gaming.

Mr. CONKLIN. Can you tell me who will specifically transfer that money and who will be in charge of it?

Mr. VEREB. The Department of Revenue, I believe, Mr. Speaker.

Mr. CONKLIN. I am sorry; I did not hear.

Mr. VEREB. I believe it is the Department of Revenue.

Mr. CONKLIN. Could the gentleman tell me, is that stated within the bill?

Mr. VEREB. They handle the 1401 accounts, Mr. Speaker.

Mr. CONKLIN. Thank you.

You had mentioned earlier that this is reform. Is this what you would consider a reform bill?

Mr. VEREB. Yes.

Mr. CONKLIN. Thank you.

If the Speaker would so wish, I am done with my interrogation. May I just make a statement?

The SPEAKER. On the bill, the gentleman is in order.

Mr. CONKLIN. I want to thank everyone for listening so diligently, and I understand what the gentleman is trying to do. But just about a week ago we talked about reform packages, and one of the reform packages we talked about line by line through members of this body was that it would cost \$75,000 or it would cost \$100,000. We are not talking about \$75,000. We are not talking about \$100,000. We are talking in excess of \$2 million. And I know people are going to say, you know, that is the Gaming Board money, but I do not know how you all control your house, but my wife works and I work, and when money comes into our house – just as the State is our house and our family – it is our money; it is the family's money. And whether that money is coming from the Gaming Control Board or whether it is coming from the General Fund, those are taxpayers who are putting that money in, and they deserve to have their dollars spent.

And all I hear today is about how we have deficit, how we have budgets. All I heard about was how we could not do reform because reform costs money. Even if it was good reform, maybe we could do a bill later. But, Mr. Speaker, I want you to look at this. We have stated very clearly that the members doing their job have done their job with integrity. There is no problem with the gentlemen doing their job; they have done it well, and the ladies have done it well.

So this comes down to, whose money is it? We are trying to say that this is not Pennsylvanians' money. We are saying that this is the Gaming Control Board. This is not. This is our money in this House, and this is no reason to transfer at this time.

I understand what he wants to do and my hat is off to him, but we have a fiscal responsibility and we also have a moral responsibility. Morally, the job is being done, but fiscally, this is \$2 million. Can you imagine in your district what a constituent could do with a little LIHEAP (Low-Income Home Energy Assistance Program) today? Can you imagine what your senior citizens can do with a little rent rebate today or a little tax relief, a little property relief, a little change?

So let us not take this money and spend \$2 million to create a new bureaucracy that we have no idea how much it is going to cost in the long run, that we are not even sure where the money is going to come from. If we are going to transfer it, we say where it is going to come from, but it is not laid out. Remember, we can talk about it any way we want, but at the end of the day, this is your money. This is \$2 million; \$2 million that can be spent to help your senior citizens, your school districts, and your families.

Thank you, Mr. Speaker. And I am asking my colleagues to vote "no," for fiscal responsibility.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Lehigh County, Mr. Brennan.

Mr. BRENNAN. Thank you, Mr. Speaker.

Would the maker of the bill answer a few questions?

The SPEAKER. The gentleman indicates he will. You may proceed.

Mr. BRENNAN. Thank you, Mr. Speaker.

Mr. Speaker, are the casino compliance representatives who work in the current 10 facilities across the Commonwealth, are they in any way impacted by this bill, or could they be? These are the folks day to day in the slot parlors and casinos.

Mr. VEREB. Mr. Speaker, that is a great question. I think you asked that in committee and I was not properly prepared to answer it, but, boy, am I ever prepared to answer it today.

The Gaming Act set up something called BIE, and it worked so great that the Gaming Board then, without statute, formed a new unit, the unit you just described. So the agents that are at the casinos, according to the Gaming Board, are in a different unit and would not be transferred. So I know that that perhaps answers your question, but I think the bigger question should be, who authorized the new unit, Mr. Speaker?

Mr. BRENNAN. Thank you, Mr. Speaker.

Mr. Speaker, how would this legislation impact the regional compliance offices not located in Harrisburg?

Mr. VEREB. This bill transfers BIE to the Attorney General, and the employees and those decisions will be made at a later date when a transfer occurs, Mr. Speaker.

Mr. BRENNAN. So essentially, these regional offices that are dotted throughout the State could be shut down and their jobs— Even if their employment is retained, they may be required to move to Harrisburg or close to the area to continue their employment, correct?

Mr. VEREB. Mr. Speaker, if I could predict the future— Let me just say this: The Attorney General's Office does not work out of Harrisburg. I know that most of us think that the only place the Attorney General's Office is is here in Harrisburg, but they have multiple offices across this State performing multiple

functions, and I would think that the Attorney General's Office would want to have the folks in those regions, especially where the casinos are, to be able to do their job.

So I do not know what the Attorney General would ultimately do, but it would seem to not make sense to have them here just in Harrisburg but to follow their practices for the last dozens of years.

Mr. BRENNAN. Thank you, Mr. Speaker.

I would like to point out that the Attorney General's Office which was located in the Lehigh Valley was shut down I believe a year or so ago as a cost-saving measure by the prior Attorney General, Corbett, current Governor. So again, I think they are looking in the other direction, but I respect you. Thank you.

Mr. VEREB. Is that a question, Mr. Speaker? Because I believe the budget for the Attorney General was cut in the last two budgets.

The SPEAKER. The gentleman will suspend.

The gentleman is correct. Are you still under— Do you wish—

Mr. BRENNAN. Thank you, Mr. Speaker.

The SPEAKER. —to further interrogate, or do you want to speak?

Mr. BRENNAN. Yes; still further interrogation. I am sorry; just a few more questions, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. BRENNAN. Mr. Speaker, has the newly appointed acting Attorney General taken a position on this legislation or how it might impact her department should she be confirmed?

Mr. VEREB. No.

Mr. BRENNAN. No. Okay. Thank you, Mr. Speaker.

No further questions. On the bill?

The SPEAKER. On the bill, the gentleman is in order.

Mr. BRENNAN. Mr. Speaker, I serve on the Gaming Oversight Committee, and I applaud the prime sponsor for his hard work over the past 4, 5, 6 years on this legislation, but in my opinion, Mr. Speaker, this is a bad move at the wrong time.

SB 711 corrected many of the problems that existed with the prior situation that the prime sponsor keeps referring to. Those changes have been made; things are running much smoother. The Gaming Board testified, their legal people testified at the committee meeting and indicated, and I am confident, that they are doing a significantly better job than had been done in the past.

I urge my colleagues to join me and vote "no" on this legislation.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, there is an old saying, follow the money. Each year the gaming industry contributes tens of millions of dollars to political interests around the nation. The board the way it is currently constituted, those members are prohibited from accepting any gifts. They cannot have political PACs (political action committees) that raise money. They are held to a different standard. But now under this legislation we are going to say it is okay for the Attorney General to be the one in charge of this. And that Attorney General runs political campaigns, not only for themselves, but they also raise money for organizations like the Republican Governors Association and the Republican State Leadership Committee, and then they in turn get funds back from those committees, and they raise that money from the gaming industry.

Not too many years ago we had an Attorney General that went to jail for illegally taking contributions from the gaming industry. So the question is, who is going to be the watchdog of the watchdog here? Currently if the Attorney General thinks there is any wrongdoing going on over on the board, they can investigate it. Now, who is going to watch over the Attorney General when they raise money from the gaming industry? This bill does not prohibit the Attorney General from raising money from the gaming industry for other organizations, it does not prohibit the Attorney General from receiving funds from an organization that had raised money from the gaming industry, and it is fraught with the possibility of abuse and corruption.

So why the rush to do it? Why do we want to spend \$2 million of taxpayers' money that is over in the Gaming Board right now? Well, it is pretty obvious. Follow the money. We did not even know that it was going to cost \$2 million until yesterday or today after we got done with second-reading amendments, so we cannot even change that today.

I would implore you, follow the money. That is the reason for this legislation. Follow the money.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the sentiments expressed earlier by people on my side of the aisle – by Mr. Fabrizio, by Mr. Sturla, by Mr. Markosek, by Mr. Brennan. I especially agree with the statements of Mr. Sturla. Under the *Citizens United* court decision of the U.S. Supreme Court, which certainly covers Pennsylvania, industrial interests, including casinos, are allowed to spend unlimited amounts of money on political campaigns. They are allowed to spend this money directly from corporate revenues.

Now, we have an Attorney General who runs for reelection and who very often then runs for Governor. Governor Corbett is not the first Attorney General to run for Governor, and I am sure he will not be the last Attorney General to run for Governor. The Office of Attorney General is a very good platform for anybody to run a gubernatorial campaign, and the casinos are allowed to spend unlimited amounts of corporate funds promoting the candidate of their choice.

Now, when we originally set this process up, we specifically banned casinos from being active politically, but then came a State Supreme Court decision saying our ban on casino political involvement was unconstitutional, and then came the *Citizens United* decision saying there is no limit on corporate money being spent for political campaigns, provided that the corporation spends it directly and does not give it to a campaign committee.

We know how much the casinos raise in funds because we are getting a percentage of it. Our various casinos have the ability, if they choose to exercise it, to spend far more money than all other interests combined, and they have an incentive to do so because they are being regulated. And we know from past experience with Attorneys General that Attorneys General are not incorruptible and candidates for Attorney General are not incorruptible. The year we elected the Attorney General who later went to prison, his Democratic opponent was later also convicted of crimes. So Pennsylvania had a choice in that election between two future candidates who later went to prison.

The Attorney General election process is not perfect. The Attorneys General are not incorruptible. Our attempts to ban the casinos from being active in politics have completely failed. We

have not banned their political participation, and the *Citizens United* decision at the Federal level has opened up the doors far beyond what anybody imagined when the Supreme Court of Pennsylvania overturned our ban on casino political participation.

The net effect of all this is this bill makes the process more political, not less political. As Representative Sturla stated in great detail, members of the gaming commission are prohibited from engaging in political activity. There has been no court decision overturning that ban, so there is no source of money that they can raise.

Further, the way the bill is established, there is guaranteed bipartisan representation on the casino control commission so both parties have representation that can act as a check and balance. The casino commission is set up in a similar fashion to our own State Ethics Commission, which also guarantees that there is bipartisan representation as investigations are conducted.

This system has been a good system. There has been no allegation of improprieties in the way the 88 people whose jobs will be in jeopardy have conducted themselves. There is no reason to make this change. It costs \$2 million to \$3 million for us to make this change at a time in which there are going to be massive cuts in expenditures, and we are making the operation of casino law enforcement considerably more political, considerably more political than it is today.

For all these reasons, I join with my colleagues and urge a "no" vote on this bill.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Philadelphia County, Mr. Thomas. Does the gentleman, Mr. Thomas, seek recognition?

Mr. THOMAS. Thank you, Mr. Speaker.

Forgive my delay; I was talking to my delegation leader.

Mr. Speaker, I rise to vote HB 262 for the following reasons, and I do not know whether I had a chance to share this with all of my colleagues on both sides of the aisle, but my commitment on January 1, 2011, was to return to this body and to kind of apply a reasonable standard to all of these legislative prescriptions, or at least most of them. And that standard really comes down to whether or not the public policy articulated in a bill – or in this particular case, HB 262 – is about people or is it about politics. Is it about people or is it about politics? Or some might articulate it is a question of people versus special interests.

And the unfortunate situation that I am in, when I look at a proposal that my colleague is advancing and somebody that I have a lot of respect for, there are some questions that I have to ask in making a decision on whether this is about people or is it about politics. One, is there something about the current bureau that is troubling or reflects misfeasance, malfeasance, or nonfeasance? Does the current bureau that is in place, has it been operating above and aboard the standards that we have laid out in making enforcement decisions? Does the current bureau operate in the best interests of people or against the current interests and therefore require this recommended change?

Secondly, when I look at whether this is about people, one of the most glaring facts about the Commonwealth of Pennsylvania is structural and systemic unemployment in both rural and urban – and in some cases, parts of suburban – communities of Pennsylvania. No community is totally immune from structural and systemic unemployment.



And so to that end, my question is whether or not HB 262 is going to encourage, increase, or improve the employment situation, the job situation, in the Commonwealth of Pennsylvania. In fact, I have heard my colleague under interrogation indicate that at some point there is going to be a review of whether or not 88 members of the bureau will be sustained under this new arrangement. Arguably, it is not going to be maintained at that level. So to that end, it is arguable to conclude that this transition will reflect in job reduction rather than job increase.

Thirdly, the bill as it is currently outlined is fiscally deficient. It is fiscally deficient because our Excellency, the Governor, has made it very clear that we are facing a \$5 – what is it? – million or billion shortfall. Is it million or billion? Is it billion or trillion? It might be trillion. Oh; that is DC. In Pennsylvania we are looking at a major fiscal problem, and by all standards, we can conclude that this transition is going to result in increased expenses. Some have said \$2 million, some have said less than \$2 million, but we all agree that it is going to reflect an increase in expenditures that we currently do not have. And so the question is, how do the people of Pennsylvania, how can the people of Pennsylvania benefit from a transition that spends money that we do not have? Have you ever known what it has been like wanting to buy something and you do not have anything in your pocket? It will create problems for the people of Pennsylvania.

Last but not least, there is something fundamentally wrong with us making a decision to offer a legislative prescription or articulate a policy that is not substantiated by some compelling interest. There is no rational basis for bringing about this transition at this time, under this circumstance, in this Commonwealth. There is no rational or compelling interest to bring about this kind of hostile transition.

And so for those reasons, for those reasons, even the ones of us that have special needs, you have to vote "no" on HB 262; vote "no" on HB 262. And when you go back home, when that block captain, when that institutional director, and sometimes maybe even your sons and daughters, you will be able to say to them, I voted "no" because, one, it is fiscally deficient. I voted "no" because there is no rational or compelling reason to bring about this kind of transition this time, under these circumstances. And last but not least, tell them you voted "no" because there is nothing about this that will result in increased jobs, and it is arguable to conclude that good jobs will be lost.

Those are the three reasons why you vote "no" on HB 262, and you will continue to join W. Curtis Thomas in deciding whether legislative prescriptions are about people or are about politics. In this case, we are coming down on the side of people, and we are going to vote "no."

Thank you, Mr. Speaker.

The SPEAKER. On the bill, the Speaker recognizes the gentledady from Delaware County, Mrs. Davidson.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

Will the maker of the bill, Mr. Speaker, stand for interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation. The lady is in order.

Mrs. DAVIDSON. I just have a few brief questions regarding the bill. It is my understanding that the current structure is a bipartisan unit that is appointed by both Houses. It is also my understanding that the Attorney General's Office is an elected position.

Mr. Speaker, my question is, how then is this bill making the investigative unit less political if we have an elected official as opposed to a bipartisan appointed board? How is it less political?

Mr. VEREB. Thank you, Mr. Speaker.

The BIE agents are not bipartisan. They are not appointed by political officials and leaders. Perhaps you may have been referencing the actual Gaming Board members who are appointed by political leaders, and they are only bipartisan because they are appointed by the caucuses of Republican and Democrats and the Governor's Office. So are you referencing the Gaming Board or are you referencing the Bureau of Investigations and Enforcement?

Mrs. DAVIDSON. Mr. Speaker, I am asking about the investigative unit of the Gaming Board. Are they also appointed by the bipartisan Gaming Board?

Mr. VEREB. No.

Mrs. DAVIDSON. How are they employed in the investigative unit? How do they come to be a part of the Bureau of Investigations or the investigating unit?

Mr. VEREB. Before we get too far down, I would like to answer your initial question of bipartisanship, because I thought we were talking about how it is not political. A person who would want to become an agent of the Bureau of Investigations and Enforcement would apply for a job just like every other job in this Commonwealth. They are hired by the superiors of the Bureau of Investigations and Enforcement.

Mrs. DAVIDSON. So they are hired. They apply for employment under the civil code? They are civil servants? Is that correct, Mr. Speaker?

Mr. VEREB. Could you repeat that, please?

Mrs. DAVIDSON. The question is, are the persons that are a part of the Bureau of Investigations and Enforcement, when they are hired, they are hired as civil servants. Is that correct, Mr. Speaker?

Mr. VEREB. They are not civil servants.

Mrs. DAVIDSON. They are hired by the bipartisan – this is a question – they are in fact hired by the bipartisan appointed Gaming Board. Is that correct?

Mr. VEREB. The Gaming Board is not a bipartisan Gaming Board. It does not dictate that a Democrat must appoint a Democrat or a Republican must appoint a Democrat. Rather, it says each caucus has an appointee. So what folk's political party is on the Gaming Board, I have no idea.

Mrs. DAVIDSON. So it is appointed in a bipartisan fashion in that each House gets a vote as to who is on the Gaming Board. Is that correct, Mr. Speaker?

Mr. VEREB. You will have to repeat that, because at this point, you are confusing me, Mr. Speaker.

Mrs. DAVIDSON. It is a nonpartisan board in that the House and the Senate get to appoint the officials on the Gaming Board. Is that correct?

Mr. VEREB. They are partisan people that are appointed to this position. In fact, the latest one I think still has a PAC open. So no; they are political people.

Mrs. DAVIDSON. I am still just trying to get some clarity, Mr. Speaker, as to how appointments made by both Houses in a nonpartisan fashion are less political than the Attorney General who is elected and is a member of a political party. How is it less political than the Bureau of Investigations and Enforcement?

Mr. VEREB. I guess by the nature of your question, we might suggest that our courts are political. The Attorney General's Office hires qualified people for the job, suitable for the role that they need to conduct for the Attorney General.

The Attorney General is independently elected by all of Pennsylvania every 4 years. To suggest that our previous Attorney General was partisan, I would categorically disagree with you. And to suggest that the future Attorneys General, who are charged with one of the greatest duties of this Commonwealth as the chief law enforcement officer, frankly, I think that that suggestion that many others have made is nothing short of egregious.

We elect our courts; we elect our Governor; we elect our Attorney General. The State Police Commissioner is appointed by the Governor. At some point, someone who is elected has the role of making sure these units operate. The difference between the Attorney General and the Gaming Board is that the Gaming Board appointees are done without your caucus's knowledge and the other caucus's knowledge, and most of the time you will find out in a newspaper whom your leaders appointed. An Attorney General, you find out in the mail during a campaign, you find out their background, and they are held to a higher degree of accountability to the State Constitution than the current Gaming Board members are, Mr. Speaker.

Mrs. DAVIDSON. Okay. I will conclude that that question is answered, so I am going to move to another question, Mr. Speaker.

The SPEAKER. The lady is in order.

Mrs. DAVIDSON. My next question has to do with the fiscal note. According to what I am reading, I am asking the gentleman, Mr. Speaker, is it correct that in 2010 to 2011, the cost for this measure was zero, and in 2011 through 2012, the cost will be \$2 million? Is that correct?

Mr. VEREB. It is a one-time projected cost coming out of gaming revenue.

Let us be very crystal clear; enough of the skulduggery about taxpayer dollars. This is gaming revenue, which the licensees have been assessed; in this case, overassessed. There is \$26 million of assessment funds sitting in the account that pays for the operation of the Gaming Board. So the fiscal note, the four corners of that note, speaks for itself. That information was ascertained by the Appropriations Committee from the Gaming Board, and while I may disagree with some of the transitional costs, that document is what it is.

But let us just make something very clear for those of us who were not here when the gaming law passed: This is gaming revenue already sitting in an account that was overassessed to the licensees of the Commonwealth. Frankly, Mr. Speaker, I am honored that the conservatives in the Democratic Caucus have risen to the occasion for Pennsylvania.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

I just needed a yes-or-no answer to the question. There is a \$2 million cost to the measure.

I have another question. The final question, Mr. Speaker, has to do with what the gentleman referred to under previous interrogation, which was that he was in agreement with the investigative authority being possibly transferred to the State Police. So my question, Mr. Speaker, is, is the gentleman willing to withdraw the measure to have it go to the State Police, which is arguably much more nonpartisan than the Attorney General's Office?

Mr. VEREB. I first would consult with the Senate on what I would do with my bill. But we are going to run this bill today and we are going to send it over to the Senate with bipartisan support, and we will see how it works. But when the State Police bill does come up, I will be supporting that bill as well. Thank you.

Mrs. DAVIDSON. Thank you, Mr. Speaker. I would like to speak on the bill.

The SPEAKER. The lady is in order on the bill.

Mrs. DAVIDSON. During the time that I was not a member of the legislature, my distinguished predecessor indicated that he did not support the gaming legislation because it did not return enough property tax relief to the taxpayer. I stand today in agreement with my predecessor in that not enough money is currently being returned to the taxpayer under the gaming laws.

This bill further reduces the amount of money that could be returned to the taxpayer, as if the money sitting in the fund did not belong to the taxpayer and we could then spend it willy-nilly because it is already there. At a time when we have a \$5 billion deficit and we are asking Pennsylvania families to make sacrifices, it is not necessary to simply not reduce government but to shuffle government in moving the responsibilities of one unit into the hands of another governmental agency.

I would argue, Mr. Speaker, also that many of my constituents do not believe that the Attorney General's Office is in fact nonpartisan or bipartisan. In recent articles in my local newspaper, there was an instance where the Attorney General's Office, in the minds of many of my constituents, failed to properly prosecute an instance of criminality, in their opinion, based on petitions. There is arguably some political prosecution that takes place in the minds of some.

So I would argue that simply transferring the investigative functions from one place to another where there are less nonpartisan— The gentleman said that the Attorney General's Office is elected. So are we all elected in each House. Having more people involved in the process reduces the amount of partisanship, so I cannot support, and I urge a bipartisan spirit in this House to vote down a measure that simply shuffles government. It does not reduce government in any form; it takes taxpayer money to the tune of \$2 million to do something that is already being done.

So I would ask my distinguished colleagues on both sides of the aisle to reject this measure, as it is useless. Thank you.

## GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize some guests in the rear of the House. They are guests of Representative Cruz: Emmanuel Morales, Mike Joynes, Jose Giral, and Michael Henry. Will our guests please rise and be recognized.

## LEAVES OF ABSENCE

The SPEAKER. Additionally, the Speaker returns to leaves of absence and recognizes the minority whip, who requests leaves of absence for the gentleman from Bucks County, Mr. GALLOWAY, for the remainder of the day; and for the lady from Allegheny County, Ms. WAGNER, for the remainder of the day. Without objection, the leaves will be granted.

**CONSIDERATION OF HB 262 CONTINUED**

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Allegheny County, Mr. Gergely. The gentleman waives off.

On the bill, the Speaker recognizes the gentleman from Bucks, Mr. Clymer.

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

Mr. Speaker, I rise in support of HB 262. I just want to very briefly throw some observations your way.

Back in 2004 when this legislation was being considered, it was the intent and it was the thinking at that time that the Pennsylvania State Police would have the oversight in conducting research into the casino applications, as the young lady from Delaware had mentioned – the State Police. Lo and behold, at the eleventh hour changes were made, and we had that the Pennsylvania Gaming Control Board with the BIE was now doing the investigations – a total surprise to many of us. But someone said taking politics out; I think that was politics in.

Another thing about the issue of politics. In the casino slots license legislation that was passed, the promoters put in two poison pills, two poison pills so that if either one of these items were maneuvered, the \$50 million would go back to each of the casino owners. The one poison pill was that the State could receive no more than 34 percent as a tax, and the second poison pill was that you could not increase the members on the Gaming Control Board to more than seven.

Mr. Speaker, follow the money? Well, I have an observation: The Governor who signed this bill into law received, prior to him signing the gambling bill into law, received thousands of dollars from the casino, from the gambling operatives – thousands of dollars of campaign money. So I am not making any suggestions, but I am just giving an observation here.

It was also at that time, for those members who were here back in 2004, do you remember how quickly they were moving the applications through? The Pennsylvania Gaming Control Board was kind of moving them forward so that we could get casino gambling so that we could get these property tax dollars for the people of Pennsylvania. How many times did we read in the paper where the other applicants were saying, how come I did not get the license? What I submitted was as equal or better to what the person who got the license got. I think there are even a couple of lawsuits, because some people, some organizations, who had submitted the application for a casino license in that particular area felt that they were not properly given their due reward.

And then, Mr. Speaker, we have the whole issue then of this casino industry – an industry that has to be tightly regulated; an industry in which millions of dollars are transacted on a daily basis. And if we do not have the high regulation, what we are going to see is crime and corruption, and we are going to see many Pennsylvania families who already have been hurt, some destroyed, we are going to see that continue to grow.

And how do we try to bring some common sense to this whole issue? We do it by supporting HB 262. This is a measure that will help in the stabilization of this industry, make sure that it is under tight regulation, and that in this global economy where people from across countries want to invest into these casinos, we have a law enforcement agency that can get that protected information, that protected information that a non-law enforcement agency cannot secure.

So for those reasons, Mr. Speaker, I ask for a "yes" vote on HB 262. Thank you.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Lycoming County, Mr. Mirabito.

Mr. MIRABITO. Thank you, Mr. Speaker.

Would the maker please stand for interrogation?

The SPEAKER. The gentleman indicates he will. The member may proceed.

Mr. MIRABITO. Is it correct – I am trying to understand your bill – that the A.G.'s Office currently receives money from the restricted gaming account?

Mr. VEREB. Yes.

Mr. MIRABITO. Have they received about \$900,000?

Mr. VEREB. The amount would have been in the appropriations bill that moves for the budget.

Mr. MIRABITO. Okay. Are you able to tell us what success they have had with that, or what have they done with the money?

Mr. VEREB. One would assume that they did their jobs with that money, Mr. Speaker.

Mr. MIRABITO. Well, wait, I am not asking us to assume. I am asking, have they had success in investigating the gaming industry with the money, and if so, what successes have they had?

Mr. VEREB. I am assuming we will hear the success when the grand jury in Pittsburgh convenes with a report. Other than that, I have no direct knowledge of how successful their criminal investigations have been going. But I am assuming, Mr. Speaker, that somebody in that office did something to initiate the publicly reported grand jury into gaming that has to do with a license in Erie.

Mr. MIRABITO. Mr. Speaker, on the bill.

I guess I am concerned about—

The SPEAKER. The gentleman is recognized on the bill.

Mr. MIRABITO. Thank you.

I guess I am concerned, if we really do not know what success we have had with almost \$1 million committed already, I am concerned about committing additional money without being able to say to the taxpayers what we have done with the money that we have given them so far. I think it is curious it is not— It is all, whether it is from a restricted fund from the gaming industry or where it is coming from, it is money that should be for the benefit of the people of Pennsylvania.

So for that reason, I think I would have to vote against it. Thank you.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Berks County, Mr. Santoni.

Mr. SANTONI. Thank you, Mr. Speaker; sorry about that. I have to catch my breath.

Mr. Speaker, I have been sitting here for the last couple of hours and I have been trying to figure out why we are actually trying to pass HB 262, and I think I have it figured out.

It has been discussed about that we are going to try to make the BIE agency under the bureau of the Attorney General nonpolitical. Well, that to me is laughable. The Office of Attorney General is an elected official and it is a political office, so I do not think that is the reason we are doing this.

Another reason that has been talked about is the cost, and obviously that is not a reason to pass this because it is going to cost us more money to move the agency from under the auspices of the Pennsylvania Gaming Control Board to the Attorney General's Office, so that cannot really be the reason.

Is reform the reason? Maybe, but the prime sponsor of the bill was intimately involved in the passage of SB 711 last session, at least the reform part, because that is really how it started. I know there was discussion on the floor of this House as to what that bill was. It started out as a reform bill and it remained that way. Yes, we amended table games into it, but there were many reform measures in that that both sides worked on and agreed to, including the prime sponsor of HB 262. So I do not think the reform part is the biggest reason.

Are there concerns about the Pennsylvania Gaming Control Board? I think there were missteps early on in the process with the Gaming Control Board, and admittedly there were, and I think they would admit that. But most recently under the direction and leadership of Chairman Fajt, the Pennsylvania Gaming Control Board has done an outstanding job of overseeing Pennsylvania's gaming industry. As a matter of fact, the prime sponsor of the bill, HB 262, publicly has stated that Chairman Fajt has done a great job. So I do not really know; I do not think that is the reason either.

Is it because the Attorney General in Pennsylvania would do a better job? Maybe, but I do not think that is the case either, because there are two States right now that have investigations and enforcement under the auspices of the Attorney General, the States of New Jersey and West Virginia. And just as a fact, they are trying to get away from that. They are getting away from having it under the auspices of the Attorney General to another agency. So if this bill passes and West Virginia and New Jersey do what they are saying, we are going to be the only State that has enforcement and investigations under the auspices of the Attorney General. So I do not think we are the smartest State in the country; I do not think we have the best way to do it. Everybody else does it another way. So I do not think that is the reason.

Why I think the reason is, quite frankly, is there was a slippage in the prime sponsor's comments a little bit earlier when he said, there was a question posed to him about would you support the enforcement and investigations to go under the State Police, and he said he supports that. As a matter of fact, that bill will be "coming to a theater near you," and that is the real reason why this bill is being introduced. It is the first step, Mr. Speaker, in the majority party's attempt to dismantle the gaming industry. HB 262 is costly and political and not necessary, but this is the first step in the majority party's attempt to dismantle an industry. I cannot believe they want to overregulate and overtax an industry that has created thousands of jobs, that has increased tourism in our State, economic development, rejuvenated communities, has contributed millions of dollars to our local communities, and is supported by a very large percentage of the people of this Commonwealth.

Mr. Speaker, I think it is a mistake to pass HB 262, because it is going to cost too much money and it is a political maneuver. But I really believe that the underlying feeling is that we are going to pass this bill to try to put more roadblocks up in the gaming industry, and we are going to pass another bill and another bill and another bill, and before you know it, we are not going to have an industry that is creating all these jobs. Show me an industry that is creating all those thousands of jobs. Show that to me, because we cannot have one; we do not have one. This industry has done a good job.

Yes, I understand there are social concerns with gaming, and we have addressed that. We have appropriated millions of dollars to deal with the issue of social ills in our Commonwealth

related to gaming. But this is an industry that has been successful. Other States are looking at our business plan of how we do it, and we should continue to fight those people and those interests that want to defeat an industry that is successful in this Commonwealth.

Please vote "no" on HB 262 and any other bill that comes before this theater. Thank you, Mr. Speaker.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Chester County, Mr. Schroder.

Will the gentleman suspend just one second.

## GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize and welcome Joseph and Christina Gabbay, who are in the rear of the House. They are the guests of Representative Youngblood. Will the guests please rise and the members welcome them.

## CONSIDERATION OF HB 262 CONTINUED

The SPEAKER. The gentleman, Mr. Schroder, is in order on the bill.

Mr. SCHRODER. Thank you, Mr. Speaker.

Well, Mr. Speaker, there has been so much said that I scarcely know where to begin to correct the inaccuracies, the half-truths, the misstatements or whatever you want to call them that we have been subjected to by the opponents of this bill. So I will not go through all of them for time purposes, but I will select some of the highlights that I feel need to be corrected and addressed.

We heard about "follow the money," Mr. Speaker. We heard it suggested that we want to do this so the Attorney General can somehow raise money. Well, first of all, it is ludicrous on its face, but let me state this: Our gaming control act and the amendments that were passed, I believe in early 2010, reinstated the ban on political contributions from gaming interests. That ban has not been attacked in court, it is the law of the land, and we believe it is an iron-tight, an ironclad ban on political contributions.

Now, the next speaker who got up took that argument a little further and really went off the tracks with it. He claims that the infamous case of *Citizens United* has basically wrecked and destroyed our ban on gaming contributions. Mr. Speaker, such is not the case. In fact, it is part of the continuing big lie about the case of *Citizens United* that is put out there by those on the far left who believe that if they say something often enough, after a bit, people will believe it, and indeed that is what has happened with this interpretation of *Citizens United*.

Let me explain that *Citizens United* does not, does not allow corporate or casino contributions to individual candidates or their committees. Mr. Speaker, I have a document right here from the Pennsylvania Department of State, March 4, 2010 – that was Governor Rendell's Department of State – that clarifies this, and I would be happy to share it with anyone. It says, "The Court in *Citizens United* left undisturbed the" legal "provisions...that prohibit corporations and labor unions from making contributions to candidates and political committees...." It is plain as day, right there. So let us not continue to throw around this false claim that *Citizens United* has somehow torn asunder our prohibition on casinos and casino licensing interests making contributions.

Now, we also heard an impassioned defense, Mr. Speaker, of the beleaguered casino taxpayer. I cannot believe how impassioned the defense was on the other side of the room about the poor casinos. Mr. Speaker, let us understand once and for all that the taxpayers back home in your district – your individuals, your companies, your businesses – are not going to be impacted by any cost whatsoever of the transfer of the Bureau of Investigations and Enforcement to the Attorney General. That is simply not the case.

Mr. Speaker, we also heard a good bit about SB 711 and the reforms that were made in that bill with regards to BIE. Yes, there were some reforms in there that, at least on the face, addressed some of the issues. But do you know what the problem is with those reforms in SB 711, Mr. Speaker? The problem is, we have no way of knowing, we have no way of knowing, no way of monitoring – absent, say, a whistleblower coming forward – we have no way of knowing whether those provisions in the act are being abided by or not or whether they are being violated. So, Mr. Speaker, because we have no way to know that, that brings me to the merits of this bill and why it is so important that we take the Bureau of Investigations and Enforcement out from under the Pennsylvania Gaming Control Board.

Mr. Speaker, during testimony to the Gaming Oversight Committee on this bill, we heard from the assistant district attorney in Dauphin County, a gentleman by the name of Fran Chardo. Mr. Speaker, the Dauphin County district attorney conducted, impaneled a grand jury that investigated the awarding of some licenses and the background behind the awarding of a certain license, specifically the DeNaples license in Mount Airy.

Well, first of all, one of the things that the grand jury recommended to the legislature was that the General Assembly consider legislation to remove the Bureau of Investigations and Enforcement from oversight by the Gaming Control Board. Why did they suggest that? Why did they call for that, Mr. Speaker? Believe me, it was not so we could shuffle around a bureau or two, as has been suggested by some on that side of the aisle. I think the Dauphin County district attorney and the grand jury have better things to do than to suggest ways that we can shuffle things around, with all due respect. The reason they did it is because they realize there is a very basic axiom in law, and that is, the investigator and the prosecutor cannot and should not be under the same roof as the judge.

And, Mr. Speaker, the Gaming Control Board has a quasi-judicial function. They are the judge in matters that come before them. The BIE, they both investigate and prosecute. There is administrative law that goes back to the case of Dr. Lyness, a very famous case, that said that those powers should be separated; they should not be under one roof.

And, Mr. Speaker, let me finally suggest to you that had we done it right, had the administration and the legislature listened to the recommendation of its advisers, Spectrum Gaming, when the law was originally written, I submit that you would not have had reports in the Allentown Morning Call that stated that the Gaming Control Board sent the DeNaples background investigation back to the BIE to have it rewritten because there were certain things in there that were damaging to the applicant and they just did not want to hear it. That, Mr. Speaker, is why we need to take BIE out from under the Gaming Control Board.

If you are satisfied with the status quo, if you think that is the way government should operate, then by all means, vote against

the Vereb bill. But if you want to make sure that this type of corruption – and I will call it what it is, corruption – never occurs again, then vote for Representative Vereb's bill. Thank you.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, would the gentleman from Montgomery submit to brief interrogation?

The SPEAKER. The gentleman indicates he will. The gentleman, Mr. Shapiro, is in order.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, there have been several questions and comments back and forth about the cost of this, and I would like to just ask for some clarification from you. I know the gentleman, the Appropriations Committee chairman, spoke to this earlier. The \$2 million figure that has been thrown out, that is a one-time transfer of funds from a set-aside account of gaming money, not from the General Fund. Is that correct?

Mr. VEREB. That is absolutely correct.

Mr. SHAPIRO. Okay. Thank you, Mr. Speaker.

And do you anticipate, Mr. Speaker, added costs beyond that, or do you believe the fiscal note is accurate in saying that it is just a one-time transfer of \$2 million?

Mr. VEREB. I believe the fiscal note is accurate in that the numbers that were given to the authors of that in Appropriations were given by the Gaming Board. One would think that their indication was that that would be for computers and other types of equipment that needed to be, you know, reprogrammed, purchased, whatever it might be, to make the transition successful.

Mr. SHAPIRO. So your reliance, Mr. Speaker, that there be no additional costs is based on information submitted to you through the Appropriations Committee from the Gaming Control Board, correct?

Mr. VEREB. That is correct.

Mr. SHAPIRO. Okay.

And, Mr. Speaker, there were some comments made earlier about the potential loss of jobs. As I read the legislation, effectively the unit at BIE today would be, if your legislation were to pass and become law, would just be moved over to the Attorney General's Office without job loss. Is that correct, Mr. Speaker?

Mr. VEREB. That is correct. And we also added an amendment proposed by a member of the Democratic Caucus which further protects the workers and the unit under a collective-bargaining agreement.

Mr. SHAPIRO. Thank you, Mr. Speaker.

On the bill, Mr. Speaker?

The SPEAKER. The gentleman is in order on the bill.

Mr. SHAPIRO. Mr. Speaker, I rise in support of this legislation. I think this legislation will create a level of independence that is necessary in our gaming industry today and as we seek to regulate this somewhat nascent industry here in Pennsylvania.

I have heard the comments by many on my side about the political nature, Mr. Speaker, of the Attorney General's Office, and while I do not argue with the sentiments expressed by my colleagues, and frankly, if the shoe were on the other foot, I am sure some of the comments would be similar from the other side. But, Mr. Speaker, I believe it is our job as a legislative body to pay less attention, frankly, to the personalities or the

political parties that occupy a particular office but rather to set up a regulatory structure that will work for the people of Pennsylvania, and in this case I think having a regulatory structure that involves the Attorney General's Office to conduct this very important work that BIE is charged to do is the better approach.

And I want to state for the record, that is not in any way, shape, or form to take a shot at or undermine the outstanding work that Chairman Fajt has done under his leadership at the Gaming Board, but I do believe this is an important reform, and I will be voting in favor of HB 262. Thank you, Mr. Speaker.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Allegheny County, Mr. Kortz.

Mr. KORTZ. Thank you, Mr. Speaker.

I want to thank the gentleman from Montgomery County for bringing HB 262 to the House floor today. And I want to thank my colleagues for this very informative debate. I was very concerned about this issue, concerned so much that I signed on as a cosponsor this session and last session, because I felt we needed to have an independent agency really take a look at this. I was very concerned about the DeNaples issue, and I felt we had to have a change; we needed some reform.

I agreed with the concept but I still had some concerns, concerns so much that I did attend the hearing this past Monday, and I want to thank the majority chair for holding that hearing, because it did answer some questions that I had. But again, many of the questions have been answered today, and I thank my colleagues. Outstanding concerns and questions were these: cost; politics, the politics that deal with the employees of the BIE, not the other politics everybody is thinking about; their employees' futures; and the big question, is BIE doing the job.

I just received this fiscal note dated the 14th of February claiming that it is a \$2 million cost, and the gentleman explained it came out of the restricted account. Well, one of the things that is happening back home to me, people keep asking me, what about this money from gaming? You are not using it for property tax relief. Where is this? And because we have such a deficit, I guess the question comes to my mind: If we have \$25 million or so in this account, do we really need to keep it all there? Can we keep \$4 million there and move the other to education or wherever else we may need these funds?

The other issue of the politics, and I have had some of the members of BIE who are now in the union contact me saying that they are very concerned about their jobs. And again, I heard the gentleman address that and say that there is going to be a 6-month grace period where they will get a review.

I am still very concerned about some of these things. And again, I want to thank my colleagues for the informative debate, but I must, Mr. Speaker, reluctantly pull my support of this. I am going to vote negative, because I think really probably the best-case scenario is the State Police. But I thank the gentleman, and I am sorry that I must vote the other way. Thank you.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, I think we have had the benefit of a very thorough debate. I would not be able to match the passion from the gentleman from Chester County in his remarks, nor probably those of the gentleman from Montgomery, who is the prime sponsor of the bill. But I think for the benefit of the

members, perhaps the newly elected members or members who have not been here since the time when this all came about, a little bit of historical perspective would be helpful.

This issue came about two sessions ago when a retired member of the State Police came forward to the gentleman from Montgomery, Mr. Vereb, and myself to inform us that the State Police had not been able to provide important background investigation information to the Gaming Control Board before the awarding of a license to the Mount Airy designation which could have impacted the decision, and that applicant had a felony record at the time which had involved certain moral turpitude.

In addition, as the hearings went on over the last 4 years that were conducted by my colleague, now the majority leader, the gentleman from Allegheny, it was revealed that the Gaming Control Board had more or less shrugged off issues, which would have been important to the gentleman from Allegheny who just spoke, that the applicant, the original applicant there, had millions of dollars of gambling debts that had been unresolved at the time his license was awarded and that the Gaming Control Board had no interest in further inquiry into whether those debts had been resolved, to whom those debts were owed, or whether the people who were owed the money had any ownership interest in his potential license. There was a subsequent allegation, I think, that another principal of a third applicant had a drug conviction from out of State that had not been pursued either.

Now, some members have mentioned that maybe this should be a responsibility transferred to the State Police. I have two responses to that: number one, that I think to make sure that there is not any allegation of impropriety, any question of the credibility of these kinds of investigations, you would want to separate the background investigation completely away from the executive branch. And as we know, the Governor has the ability to appoint the commander, the leader, of the State Police. I am in no way implying that the State Police would ever be influenced or not conduct their investigation with all due respect in accord to the law, but this legislation eliminates that possibility, that insinuation, that innuendo that somehow the executive branch would influence a background investigation.

I should also refer the members, especially on the other side of the aisle who made such pointed references to SB 711, that in the interim 2 hours that we have had to debate this, I happened to look up a bill analysis of the Conference Committee Report of SB 711. On page 2 of that it indicates that that legislation would require that the positions of the executive director of the Gaming Control Board, the director of the Bureau of Investigations, the chief counsel of the Gaming Control Board, or the Office of Enforcement Counsel shall submit to a background investigation conducted not by the Gaming Control Board itself but by an outside entity, and this was why we needed to ensure that the people of Pennsylvania have full faith and trust in what was happening.

The gentleman from Erie in his original remarks asked the gentleman from Montgomery, how does this enhance the gaming industry? This legislation is not meant to enhance the gaming industry; it is meant to make sure the people feel this industry is operating on the up and up and there is no question as to who is receiving these very important licenses. So I would urge the people on both sides of the aisle not to fall prey to

really some half-truths and hyperbole and a little bit of hypocrisy, but look at this legislation as the most straightforward way to convince the people of Pennsylvania that gaming is being operated in this honest fashion.

Thank you, Mr. Speaker.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker notices the presence of the gentleman from Bucks County, Mr. Galloway, and he will be added back to the master roll call.

### CONSIDERATION OF HB 262 CONTINUED

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Lancaster County, Mr. Cutler. The gentleman waives off.

On the bill, the Speaker recognizes the gentleman from Philadelphia, Mr. Cohen, for a second time.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in regards to the remarks from the gentleman from Chester County, I would like to reiterate what I said. What I said was that the *Citizens United* decision allows corporations, including gaming corporations, to make an unlimited expenditure of corporate funds provided that they do it directly and not give it to candidates. Could any casino in Pennsylvania legally give \$50 or \$100 for a political fundraiser to any candidate? No; they cannot buy a ticket for any amount of money, no matter how small, from corporate funds and give it to a political campaign committee.

Could a corporation in Pennsylvania spend \$1 million, \$5 million, or \$10 million out of corporate funds directly and buy ads or send direct mails or pay for robocalls or hire door-to-door canvassers or do anything else legally allowed in Pennsylvania for campaign purposes? Yes; they can spend an unlimited amount of money under *Citizens United* provided that they control directly the distribution of funds.

Now, as a practical matter, a manufacturing company that sells to other manufacturing companies might well not have an advertising agency on the payroll. Do corporations of advertising agencies own the payroll? Sure they do. A corporation that deals directly with other businesses might not have lobbyists or other politically skilled people on the payroll. Do gaming companies have lobbyists and other politically knowledgeable people on the payroll? Of course they do. So clearly, the gaming industry has both extreme resources and extreme capability of utilizing those resources for political purposes.

Now, why is that relevant? It is relevant because the Attorney General of Pennsylvania is eligible to run for reelection, and it is relevant because the Attorney General of Pennsylvania is eligible to run for other offices. If the Attorney General chose to run for United States Senator, as the Attorney General of Connecticut recently did, and was victorious, corporations could, through normal PACs, contribute to that campaign for United States Senator. Whatever the Attorney General chose to run for – reelection, Federal office, State office – the gaming interests have unlimited capability to directly spend money for or against the Attorney General. So therefore,

giving more power to the Attorney General's Office enmeshes the process of casino regulation much more in politics than it is now.

We have never had a gaming commissioner run for other offices. We have had them run before they were elected for office, before they served on the gaming commission, but no person has ever used the gaming commission as a stepping-stone for any other candidacy, and the nature of it makes it rather unlikely that they would do that.

But certainly, Attorneys General run for other offices. We have had that experience in Pennsylvania. Virtually every State that has an elected Attorney General has seen Attorneys General running for other offices. And I think that we ought to keep the nexus between the Attorney General and the casino industry as far apart as possible. And I think that the Attorney General's Office should play a vital role of safeguarding, but the Attorney General's Office should not have direct power over the casino industry as this bill does, because that would only further enmesh the Attorney General with the casino industry.

I urge a "no" vote on HB 262.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. I would urge anyone that has a gaming license not to rely on the analysis that was just offered to go about spending funds for political purposes, because I think you will lose your license. The case to which the gentleman refers, *Citizens United*, deals with a Federal campaign law; it does not deal with Pennsylvania's gaming law. And as a condition of license, those who hold these licenses, as a condition of the license, must agree to abide by Pennsylvania's laws, so in the imaginary world where these people could contribute to campaigns, that may exist somewhere, but it does not exist in Pennsylvania. So the whole "following the money" chatter does not make a lot of sense to me in Pennsylvania, because in Pennsylvania, those that have gaming licenses may not contribute.

Now, PENNDOT, PENNDOT issues driver's licenses. PENNDOT does not issue speeding tickets. Everybody at home understands that. What we are saying is that what makes sense when it comes to your driver's license makes some sense when it comes to gaming interests. Those doing the licensing are different than those writing the speeding tickets. That is what this bill does.

And to the extent that there is a cost in the transition, we have got a lot of streamlining to do in Pennsylvania. Streamlining typically involves an upfront investment to get from the way things are to the way they ought to be. And in the real world, we see this all the time. Whenever you hear about company X, Y, or Z making a strategic change, you will usually hear "and is taking a charge to earnings" of X million or X billion dollars to accomplish this change.

The people of Pennsylvania want change in the way that government proceeds. This is an important change, from a good-government perspective, in the longtime streamlining, because the way it is right now, the folks doing these investigations cannot receive information from law enforcement. The Department of Justice will not provide it to them, the FBI will not provide it to them, because they are not viewed as law enforcement. So if they are going to accomplish a competent investigation, they are going to have to spend in the

status quo a lot more time and money on that investigation than if they could simply share the information that the FBI or the Department of Justice on the Federal level has.

So please join me in supporting this good-government effort to streamline Pennsylvania, and do not be confused about some other jurisdiction where maybe gaming licensees can contribute, because in Pennsylvania, they cannot. Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

For the information of the members, the remaining individuals who would like to speak on this bill, we are down to the two floor leaders and the maker of the bill, and as a general courtesy, we try to allow those people to wrap up the debate. I just wanted to alert the members to that fact.

With that, on the bill, the Speaker recognizes the gentleman from Allegheny, the minority leader, Mr. Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief. I think many of the points have already been made throughout the day. But I would just like to point out again that last session, a bipartisan, bicameral task force met to discuss problems with the Gaming Board and develop legislation, if necessary, to correct those problems. That was SB 711.

The issue of transferring BIE to the Attorney General was discussed thoroughly there. They discussed it at length. It was not recommended. It was found that it would not solve the problems, that BIE was doing their job. And particularly the legal issues we have heard discussed here today, those problems would not be solved by sending the agency over to the Attorney General.

What we have today is once again a solution in search of a problem. It does not take politics out of the operation; as a matter of fact, it puts it back in. We are putting it in the hands of an Attorney General who runs for office as a member of a political party, has to raise money, as we have heard, and will be involved and gambling interests will be involved, if it is not directly through the campaigns, as we have heard, through the other operations that are in place now after the Supreme Court case.

Why should we go down this path when it is unnecessary, when it costs us jobs, and it costs us money? This makes no sense, and I urge a "no" vote from all my colleagues. Thank you, Mr. Speaker.

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman from Somerset County, Mr. METZGAR. Without objection, the leave will be granted.

### CONSIDERATION OF HB 262 CONTINUED

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Allegheny County, the majority leader, Mr. Turzai.

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

Mr. Speaker, there are two important issues that need to be closed before the final vote on this important piece of legislation: the purposes behind the legislation and why it is of significant value to the credibility and trust of the operation of

the gaming system; and second, the fiscal implications with respect to this important piece of legislation.

Fiscal notes. Prior to this morning, there had not been a fiscal note because information was awaited from the Gaming Control Board itself. Let me make it clear that the Gaming Control Board has put a figure on the fiscal note, and it has been noted, we think it is heavily inflated and it is completely based on supposed computer installation costs.

Second, the gaming legislation itself, the existing law under sections 1401 and 1402; 1402 is entitled, and please take note of this, "Gross terminal revenue deductions." From the gaming proceeds itself, the existing law says that the act provides that the costs – and I am actually quoting from a January 11, 2007, letter from the head of the Gaming Control Board at that time, Thomas Decker, and from the Secretary of the Department of Revenue, Gregory Fajt – the act provides that the costs and expenses of the board, the department, the Pennsylvania State Police, and the Attorney General that are associated with the implementation of gaming in this Commonwealth are to be reimbursed by the licensed slot machine operators through their section 1401 accounts.

How does that work? Under sections 1401 and 1402, the Gaming Control Board assesses 1 1/2 percent of the gross terminal revenues, and those costs and expenses to be incurred by the State Police – I am reading right from the statute – and the Attorney General are covered by that 1 1/2-percent fee that is set forth in the statute itself.

In that account today there is sitting \$26 million that has been carried forward and would absolutely be used to cover, if you assume that there are some costs for computers, would cover every cent of those computers. The fact of the matter is, there are no general revenue implications with respect to this proposal at all – zero. To the extent there is any cost for these supposed computer costs, they would come out of section 1401 accounts, which is the assessed fee for the gross terminal revenue deductions. This is fact. This is specifically in the bill that already exists; not the proposal today but in law. It is already in law. That is how it works.

Now, here we go to why you have to have this shift. I have talked to many folks with respect to the gambling bills that were enacted. If you talk to anybody, "yes" votes and "no" votes, nobody disagrees that if you went back to the boards and had to write this statute over that you would put the functions of BIE under the Attorney General and not the Gaming Board. Attorney General Corbett at the time testified that we had it backwards and we needed to do what New Jersey does, which is considered to have the standard law enforcement model, and that model has these investigatory powers under the Attorney General. Expert after expert who used to be in U.S. attorneys offices across the State concurred with that opinion of then Attorney General Tom Corbett. The fact of the matter is, these investigatory powers should not be under an administrative board but should be under a law enforcement power, period. It is that simple.

So this bill is aimed to restore integrity to the State's gaming industry, and when somebody asks – well, I think it was the good gentleman from Philadelphia County who is a very, very principled individual and asks very astute questions – what is it that has happened that says that it should be there? First of all, the precedence of the best States that deal with gaming and have



oversight with gaming have done it the way that is set forth in Representative Vereb's legislation. But in addition, there were real concerns with how the board itself has handled things. They did license several vendors who were convicted felons. They did grant a license to an operator who did not have the financial means to hold a license. They did license the owner of the proposed Foxwoods Casino in Philadelphia who was being sued in Connecticut for alleged nonpayment on a \$5.2 million loan for the casino he operated in that State. And the former executive director and the general counsel to the Gaming Control Board personally acknowledged ordering the investigators at BIE to change a background report of a licensee, which was ultimately indicted by a grand jury.

What Representative Vereb, my colleague from Montgomery County, is putting on the table is common sense. It is backed up by the experts in the law enforcement community with respect to gaming across the State. The then Attorney General made this recommendation. Third, there is evidence that the Gaming Control Board has in fact made mistakes with respect to background checks. So why not take the opportunity to correct it, to do what is right, and, in addition, to recognize that in fact it is a shift. And this notion that somehow there is any impact on the General Fund is disingenuous. Not a single cent will come from the General Fund. If there is in fact a cost for the computers, it will come out of the 1401 accounts. Those accounts are set up by 1 1/2 percent of the gross terminal revenues, and there is already \$26 million sitting in that pot. Let us just be very direct about that.

I am not saying that— We have work to do with our colleagues, both in the Senate and in the Governor's Office. We are working hand in hand to do what is best for the citizens of Pennsylvania. The House Republicans have been talking about this reform, and we have had a lot of cooperation and hand-in-hand work on these reforms with our colleagues on the other side of the aisle and across the other side of the Capitol.

My colleague from Montgomery County I think has been a champion on this bill. He has worked long and hard and thought about the issue in significant detail. I applaud him for his efforts, and I ask everybody to please vote "yes."

The SPEAKER. For what purpose does the gentleman from Philadelphia, Mr. Thomas, seek recognition?

Mr. THOMAS. Mr. Speaker, I rise to just ask for some clarification.

The SPEAKER. The gentleman is seeking to make a parliamentary inquiry?

Mr. THOMAS. Yes, Mr. Speaker.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. THOMAS. Mr. Speaker, the money that is in this reserve account, which represents 1 1/2 percent or some percent of terminal fees—

The SPEAKER. The gentleman will suspend.

Mr. THOMAS. So my question is, Mr. Speaker—

The SPEAKER. The gentleman will suspend.

From what you have said, I do not believe that is a parliamentary inquiry. I believe you would like to be recognized on the bill to interrogate the maker of the bill?

Mr. THOMAS. Mr. Speaker, yes, for clarification.

The SPEAKER. Will the gentleman stand for interrogation? He indicates he will. The gentleman, Mr. Thomas, may proceed.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, the money, the \$26 million that several members have referred to, where did that money come from?

Mr. VEREB. That is money that was assessed from the casinos.

Mr. THOMAS. Thank you.

Mr. VEREB. Section 1402.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, is that money a result of public investments?

Mr. VEREB. No.

Mr. THOMAS. So, Mr. Speaker, when we created the statute that allowed for casino gambling in the Commonwealth of Pennsylvania and laid out some standards in terms of licensing fees and all of these other things, when we created that, are we now saying that there is some money that has been collected from this industry that is not there because, one, the public did not invest in it, and two, the public has not participated in it? Is that correct, Mr. Speaker?

Mr. VEREB. Mr. Speaker, the \$26 million that sits in that account, that assessment was made on the revenue going into the casinos. The statement of a public investment, I think your question is, how did it get there? It got there through everyone gambling at our casinos, and that revenue was part of the proceeds of gaming. But there was not, like, an investment; this was an actual assessment made to each of the licensees, and that is where the funds sit today, in that account.

Mr. THOMAS. Mr. Speaker, that is part of the clarification I was searching for.

Now, my second question is, does this body have authority to move moneys from that account, from one account to another account, or for a purpose that is yet to be decided upon?

Mr. VEREB. Mr. Speaker, by a change of statute – and I surely would love to work together with you, because I am assuming, if I may, that we would all love to see excess money, including economic development money, go into the taxpayer relief fund, which is a separate fund. So we would actually have to enact legislation and send it over to the Senate and have them concur to be able to alter any of the revenues sitting in this account that is primarily by the act; by law, it is used to operate the Gaming Board.

Mr. THOMAS. So, Mr. Speaker, your bill, 262, could have designated \$2 million going to education rather than transfer of enforcement from one unit to another unit?

Mr. VEREB. No, that is not correct. My bill does not open up the Gaming Act. We would need legislation that would actually open up the Gaming Act to move that revenue. My bill allows for the funds that are currently disbursed via the Gaming Act to run operations. My bill enables the transfer of that money that is already coming out. But my bill does not open up the Gaming Act, and therefore, it does not have the ability, even via amendment, to remove any funds that have been passed in the original gaming law.

Mr. THOMAS. So we do not have the ability to transfer, to authorize transfer of moneys from this account to something else that fits within the scheme of this particular account? Is that correct?

Mr. VEREB. I believe that would be correct. This fund, Mr. Speaker, is strictly for the operations of the Gaming Board.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, my last concern runs to, I heard a lot of information about things that have happened with respect to the

gaming commission and how it has overlooked information regarding certain licensing applicants. Mr. Speaker, if I am not incorrect, and you can correct me, once— Well, number one, Chairman Fajt was not the chair of the gaming commission at the time that this information was revealed; and secondly, some structural changes have occurred as a result of enforcement since the revelation of this information. Is that correct?

Mr. VEREB. No.

Mr. THOMAS. So, Mr. Speaker, you are saying that Chairman Fajt was the chair of the commission at the time that we learned that there were some problems associated with an original applicant for a license?

Mr. VEREB. Well, if you could separate your questions, or if you do not mind, maybe I will separate my answers.

Mr. Fajt, to my knowledge, was not chairman of the Gaming Board when this information was revealed, and I have publicly applauded Chairman Fajt. This was a previous one or two other chairmen, I believe, when this information came out.

Mr. THOMAS. Okay. I concur with that.

And my second concern runs to, to the best of my understanding, there is a very seasoned enforcement investigative officer from New Jersey that is now with this bureau, which occurred as a result of information that was revealed in reference to this original, to one of the early applicants. I understand that that team that is currently a part of that bureau is the best in the country and did not exist there at the time that some of these early applicants had some problems. Is that correct?

Mr. VEREB. Could you kindly repeat the question?

Mr. THOMAS. The question, Mr. Speaker, is at the time— Several members have made reference to problems associated with early applicants around their efforts to secure a license. And as that information became available to the public, it is my understanding that since that time, since the revelation of that information, the gaming commission under the new chair has now brought in a seasoned investigative team from New Jersey and from some other parts of Pennsylvania, so that the investigative team that is currently in place was not there at the time that these early applicants made their application for a license. Is that correct, Mr. Speaker?

Mr. VEREB. Mr. Speaker, I am not questioning the pedigree of anyone in the investigative unit. This bill moves those folks. Have there been personnel changes? Yes; there have been personnel changes. In fact, some of the personnel that have left are now working for the industry. Imagine that. So changing personnel will not change, Mr. Speaker, what happened in the DeNaples license. We do not know what job they did and did not do with that license. We keep reading articles, all of us, about a grand jury in Pittsburgh looking into gaming. We just do not know what will happen. I am making a structural change.

The gentleman that I believe you are referring to I believe came from New Jersey. He worked in New Jersey for a number of years under a system that we are trying to somewhat replicate. We are looking at practices of other States. We are looking at opportunities, not just for cost savings, but fair and ethical and sound investigations which currently most likely are being done. But, Mr. Speaker, they are not being changed in New Jersey by the Gaming Board, which is what we are trying to stop. We are trying to move the good talent of good people in BIE over to an independent agency, the chief law enforcement officer of this Commonwealth, the Attorney General.

Mr. THOMAS. Thank you, Mr. Speaker.

I conclude my interrogation, and I will make a very brief comment.

The SPEAKER. The gentleman is in order on the bill.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I raised the question earlier about whether or not there was a rational or a compelling interest to engage in this kind of transition right now, and I guess I will only say that until such time that this current investigative team, until this investigative team raises questions about its veracity, because what happened with the earlier team can also happen over in the Attorney General's Office. The Attorney General's Office is not, is not God. It is like all the rest of us. We are working to do our best with what we have to work with. And so to that end, because we are transferring from one group of folk to another group of folk does not mean that some of the problems we faced early on, that we will continue to face those problems.

I have a comfort level with this current investigative team. And if you look at the background of this current team, this BIE or BEI or BOR, you will find that the character, history, and commitment of this team is beyond question. And so until such time that there is a problem that requires legislative intervention or until such time that we have to look at it with a jaundiced eye, let us go with what we got. Vote "no" on HB 262.

The SPEAKER. On the bill, the Speaker recognizes the gentleman from Montgomery County, Mr. Vereb.

Mr. VEREB. Thank you, Mr. Speaker.

Thank you to all my colleagues for the greatest opportunity we as lawmakers have, and that is the opportunity to bring a bill to the House floor, an opportunity I have been waiting for for 5 years and an opportunity that has been forever educational, helpful, and I think long-term better for the citizens of this Commonwealth, whether they gamble or not.

I am very positive about this debate. I think we have learned a lot. I think we learned that we truly have a conservative caucus in the Democratic Caucus. I see we truly have, this year, true concern for the taxpayers, and I think we all do that.

I ask you to support HB 262 for final passage, and I do so for a few reasons. For those who have risen to call into question the credibility of the Attorney General, let me just say this: There are few of us in this room who served in police departments, countywide agencies, and I myself served this Attorney General when he was interim Attorney General supervising a municipal drug unit, and I just have to tell you, there is not a day in my life that I have seen anyone in the Attorney General's Office go to any agent in the Attorney General's Office and tell them they must change the findings in a report that they have authored.

You see, Mr. Speaker, this is what my bill is about. Of course the Attorney General has a campaign; of course the Attorney General has supporters. So does the Philadelphia district attorney, and what a great job the prior district attorney and the current district attorney is doing. To take the debate to a level of calling into question a chief law enforcement officer of this Commonwealth is frightening.

So let us stick to the merits of the bill now that we are beyond the skulduggery. We are focused on one thing, are not we all? Are we not focused on one thing? We are focused on making sure that we sanitize this industry. We are not here to lobby for the gaming industry; we are here to lobby for the citizens of Pennsylvania. A lot of the legislation that we have

run does such a thing, but to act as if this cloud that has been hovering over the Commonwealth for years, about all of the newspaper articles, all the grand juries, are we seriously proud of that? Do we think it is going to go away? Do we think that members of the Gaming Board – who cannot be fired as easily as an Attorney General can be voted out – do we really think that we are going to enact change?

So if you live in these communities and you like these newspaper articles and your constituents are okay with them, then, you know what? I guess you are going to vote "no" for status quo. But we are going to send this bill over to the Senate, and yes, we have our work to do, and yes, we have blockades to get through, but we are going to do it and we are going to do it for the best interests of the taxpayers of Pennsylvania, not the gaming industry, not the felons, and not any other individual of shady character that tries to get a license or a contract to do work for a licensee in this Commonwealth.

We have heard a lot about property tax relief. Come on. Come on. Really? We should have equitable floor debate that sticks at least somewhat to the facts. If you want to do something about property tax relief, then why do we not work together and pull this money out of this fund and put it into property tax relief? Why do we not get rid of the hundreds of millions of dollars of economic development projects, of arenas, of 12-year commitments? Let us get some of that money.

I encourage you that that is absolutely what we should do. If you want to stand for property tax relief, then stand to get rid of some of what leadership's counties have gotten over the years. Come on. We are all, I believe, truly at heart about property tax relief, but we are not going to go get it by pitting this bill and \$2 million of a fund that licensees were overassessed with and saying that Vereb and the Republicans and the Democrats that will hopefully support this bill are against property tax relief. We are not against property tax relief. And if that is the case, every one of you that spoke, I would like you to cosponsor a bill that I will be glad to run. I am not sure what my luck will be in the Senate with that one, but the reality of it is, I would love you to cosponsor a bill that eliminates some of these accounts and we would put it into the property tax payers' pockets. See, I got one hand; good, two hands.

The underlying issue of this bill is currently the judge, the jury, and a prosecutor sit in one office, under one roof. How does that work? We want to move it. We want to move it so that all three of those in gaming industry are not under the same roof. That is what this bill is about. Political timing, political timing— I am sorry if I am making you tired. Reading the articles about corruption has made me tired.

We are here to run a great bill that even a Dauphin County grand jury report has suggested to us to run. I encourage all of you, if we take rhetoric from both sides about this bill out of the equation, it will stand a fair chance to become law, ultimately to do one thing: represent very clearly what we are here to do, and that is to stick up for the tax-paying citizens of this Commonwealth that pay on the back end of all of these investigations and all of the issues that we have disclosed that take place.

I respectfully thank the members of both sides of the aisle, certainly the Gaming Oversight Committee, and I thank the Senate for accepting a great bill, not just reform for gaming industry, but reform for Pennsylvania. I thank you for the opportunity to speak, and I ask for your "yes" vote on HB 262. Thank you.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—126

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Maher	Reichley
Baker	Freeman	Major	Roae
Barrar	Gabler	Maloney	Rock
Bear	Galloway	Marshall	Ross
Bloom	Geist	Marsico	Saccone
Boback	Gerber	Masser	Samuelson
Boyd	Gillen	Metcalfe	Santarsiero
Bradford	Gillespie	Miccarelli	Saylor
Briggs	Gingrich	Micozzie	Scavello
Brooks	Godshall	Millard	Schroder
Brown, R.	Grell	Miller	Shapiro
Buxton	Grove	Milne	Simmons
Caltagirone	Hackett	Moul	Sonney
Causar	Hahn	Mundy	Stephens
Christiana	Harhart	Murt	Stern
Clymer	Harper	Mustio	Stevenson
Cox	Harris	O'Brien, M.	Tallman
Creighton	Heffley	O'Neill	Taylor
Culver	Helm	Oberlander	Tobash
Cutler	Hennessey	Payne	Toepel
Day	Hess	Payton	Toohil
DeLozier	Hickernell	Peifer	Truitt
Denlinger	Hornaman	Perry	Turzai
DePasquale	Hutchinson	Petrarca	Vereb
DiGirolamo	Kampf	Petri	Vitali
Dunbar	Kauffman	Pickett	Vulakovich
Ellis	Keller, F.	Pyle	Watson
Emrick	Keller, M.K.	Quigley	Wheatley
Evankovich	Killion	Quinn	
Evans, J.	Knowles	Rapp	Smith, S.,
Everett	Krieger	Reed	Speaker

#### NAYS—72

Barbin	Deasy	Josephs	Parker
Bishop	DeLissio	Kavulich	Pashinski
Boyle, B.	DeLuca	Keller, W.	Preston
Boyle, K.	Dermody	Kirkland	Ravenstahl
Brennan	DeWeese	Kortz	Readshaw
Brown, V.	Donatucci	Kotik	Roebuck
Brownlee	Evans, D.	Kula	Sabatina
Burns	Fabrizio	Longietti	Sainato
Carroll	Frankel	Mahoney	Santoni
Cohen	George	Mann	Smith, K.
Conklin	Gergely	Markosek	Smith, M.
Costa, D.	Gibbons	Matzie	Staback
Costa, P.	Goodman	McGeehan	Sturla
Cruz	Haluska	Mirabito	Thomas
Curry	Hanna	Mullery	Waters
Daley	Harhai	Murphy	White
Davidson	Harkins	Myers	Williams
Davis	Johnson	Neuman	Youngblood

#### NOT VOTING—0

#### EXCUSED—5

Benninghoff	O'Brien, D.	Swanger	Wagner
Metzgar			

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

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

\* \* \*

The House proceeded to third consideration of **HB 303, PN 678**, entitled:

An Act amending the act of May 21, 1943 (P.L.595, No.259), entitled, "An act authorizing the Department of Property and Supplies to establish, operate and maintain restaurants, as herein defined, creating a revolving fund for this purpose, to be known as The State Restaurant Fund; and providing additional duties for the State Treasurer and the Department of Health in connection therewith," further providing for inspection authority and for definitions; and making editorial changes.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

### LEAVE OF ABSENCE

The SPEAKER. On the bill, the Speaker recognizes the gentleman, Mr. Hanna.

Mr. HANNA. Not on the bill, Mr. Speaker, but to request leave for the gentleman from Philadelphia, Mr. COHEN, for the balance of the day.

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

### CONSIDERATION OF HB 303 CONTINUED

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—197

Adolph	Ellis	Kirkland	Rapp
Aument	Emrick	Knowles	Ravenstahl
Baker	Evankovich	Kortz	Readshaw
Barbin	Evans, D.	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Bishop	Fabrizio	Lawrence	Roae
Bloom	Farry	Longietti	Rock
Boback	Fleck	Maher	Roebuck
Boyd	Frankel	Mahoney	Ross
Boyle, B.	Freeman	Major	Sabatina
Boyle, K.	Gabler	Maloney	Saccone
Bradford	Galloway	Mann	Sainato
Brennan	Geist	Markosek	Samuelson
Briggs	George	Marshall	Santarsiero
Brooks	Gerber	Marsico	Santoni

Brown, R.	Gergely	Masser	Saylor
Brown, V.	Gibbons	Matzie	Scavello
Brownlee	Gillen	McGeehan	Schroder
Burns	Gillespie	Metcalfe	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causer	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Conklin	Hahn	Moul	Stern
Costa, D.	Haluska	Mullery	Stevenson
Costa, P.	Hanna	Mundy	Sturla
Cox	Harhai	Murphy	Tallman
Creighton	Harhart	Murt	Taylor
Cruz	Harkins	Mustio	Thomas
Culver	Harper	Myers	Tobash
Curry	Harris	Neuman	Toepel
Cutler	Heffley	O'Brien, M.	Toohil
Daley	Helm	O'Neill	Truitt
Davidson	Hennessey	Oberlander	Turzai
Davis	Hess	Parker	Vereb
Day	Hickernell	Pashinski	Vitali
Deasy	Hornaman	Payne	Vulakovich
DeLissio	Hutchinson	Payton	Waters
DeLozier	Johnson	Peifer	Watson
DeLuca	Josephs	Perry	Wheatley
Denlinger	Kampf	Petrarca	White
DePasquale	Kauffman	Petri	Williams
Dermody	Kavulich	Pickett	Youngblood
DeWeese	Keller, F.	Preston	
DiGirolamo	Keller, M.K.	Pyle	Smith, S.,
Donatucci	Keller, W.	Quigley	Speaker
Dunbar	Killion	Quinn	

NAYS—0

NOT VOTING—0

EXCUSED—6

Benninghoff	Metzgar	Swanger	Wagner
Cohen	O'Brien, D.		

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

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

\* \* \*

The House proceeded to third consideration of **HB 38, PN 14**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in governance of the system, further providing for establishment of fees and charges and for costs; and, in budget and finance, further providing for Commonwealth portion of fines.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—197

Adolph	Ellis	Kirkland	Rapp
Aument	Emrick	Knowles	Ravenstahl
Baker	Evankovich	Kortz	Readshaw
Barbin	Evans, D.	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Bishop	Fabrizio	Lawrence	Roae
Bloom	Farry	Longietti	Rock
Boback	Fleck	Maher	Roebuck
Boyd	Frankel	Mahoney	Ross
Boyle, B.	Freeman	Major	Sabatina
Boyle, K.	Gabler	Maloney	Saccone
Bradford	Galloway	Mann	Sainato
Brennan	Geist	Markosek	Samuelson
Briggs	George	Marshall	Santarsiero
Brooks	Gerber	Marsico	Santoni
Brown, R.	Gergely	Masser	Saylor
Brown, V.	Gibbons	Matzie	Scavello
Brownlee	Gillen	McGeehan	Schroder
Burns	Gillespie	Metcalfe	Shapiro
Buxton	Gingrich	Miccarelli	Simmons
Caltagirone	Godshall	Micozzie	Smith, K.
Carroll	Goodman	Millard	Smith, M.
Causar	Grell	Miller	Sonney
Christiana	Grove	Milne	Staback
Clymer	Hackett	Mirabito	Stephens
Conklin	Hahn	Moul	Stern
Costa, D.	Haluska	Mullery	Stevenson
Costa, P.	Hanna	Mundy	Sturla
Cox	Harhai	Murphy	Tallman
Creighton	Harhart	Murt	Taylor
Cruz	Harkins	Mustio	Thomas
Culver	Harper	Myers	Tobash
Curry	Harris	Neuman	Toepel
Cutler	Heffley	O'Brien, M.	Toohil
Daley	Helm	O'Neill	Truitt
Davidson	Hennessey	Oberlander	Turzai
Davis	Hess	Parker	Vereb
Day	Hickernell	Pashinski	Vitali
Deasy	Hornaman	Payne	Vulakovich
DeLissio	Hutchinson	Payton	Waters
DeLozier	Johnson	Peifer	Watson
DeLuca	Josephs	Perry	Wheatley
Denlinger	Kampf	Petrarca	White
DePasquale	Kauffman	Petri	Williams
Dermody	Kavulich	Pickett	Youngblood
DeWeese	Keller, F.	Preston	
DiGirolamo	Keller, M.K.	Pyle	Smith, S.,
Donatucci	Keller, W.	Quigley	Speaker
Dunbar	Killion	Quinn	

## NAYS—0

## NOT VOTING—0

## EXCUSED—6

Benninghoff	Metzgar	Swanger	Wagner
Cohen	O'Brien, D.		

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

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

\* \* \*

The House proceeded to third consideration of **HB 391, PN 355**, entitled:

An Act providing for appointment of members of the Pennsylvania Gaming Control Board by imposing restrictions on appointment of members or former members of the General Assembly.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—189

Adolph	Dunbar	Knowles	Quinn
Aument	Ellis	Kortz	Rapp
Baker	Emrick	Kotik	Ravenstahl
Barbin	Evankovich	Krieger	Readshaw
Barrar	Evans, D.	Kula	Reed
Bear	Evans, J.	Lawrence	Reese
Bishop	Everett	Longietti	Reichley
Bloom	Fabrizio	Maher	Roae
Boback	Farry	Mahoney	Rock
Boyd	Fleck	Major	Roebuck
Boyle, B.	Frankel	Maloney	Ross
Boyle, K.	Freeman	Mann	Sabatina
Bradford	Gabler	Markosek	Saccone
Brennan	Galloway	Marshall	Sainato
Briggs	Geist	Marsico	Samuelson
Brooks	George	Masser	Santarsiero
Brown, R.	Gibbons	Matzie	Saylor
Brown, V.	Gillen	McGeehan	Scavello
Brownlee	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Miccarelli	Shapiro
Buxton	Godshall	Micozzie	Simmons
Caltagirone	Grell	Millard	Smith, K.
Carroll	Grove	Miller	Smith, M.
Causar	Hackett	Milne	Sonney
Christiana	Hahn	Mirabito	Stephens
Clymer	Haluska	Moul	Stern
Conklin	Harhai	Mullery	Stevenson
Costa, D.	Harhart	Mundy	Sturla
Costa, P.	Harkins	Murphy	Tallman
Cox	Harper	Murt	Taylor
Creighton	Harris	Mustio	Tobash
Cruz	Heffley	Myers	Toepel
Culver	Helm	Neuman	Toohil
Curry	Hennessey	O'Brien, M.	Truitt
Cutler	Hess	O'Neill	Turzai
Daley	Hickernell	Oberlander	Vereb
Davidson	Hornaman	Parker	Vitali
Davis	Hutchinson	Pashinski	Vulakovich
Day	Johnson	Payne	Waters
Deasy	Josephs	Payton	Watson
DeLissio	Kampf	Peifer	Wheatley
DeLozier	Kauffman	Perry	White
DeLuca	Kavulich	Petrarca	Williams
Denlinger	Keller, F.	Petri	Youngblood
DePasquale	Keller, M.K.	Pickett	
DeWeese	Keller, W.	Preston	Smith, S.,

DiGirolamo Donatucci	Killion Kirkland	Pyle Quigley	Speaker
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**NAYS—8**

Dermody Gerber	Gergely Goodman	Hanna Santoni	Staback Thomas
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**NOT VOTING—0****EXCUSED—6**

Benninghoff Cohen	Metzgar O'Brien, D.	Swanger	Wagner
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

**STATEMENT BY MR. KAUFFMAN**

The SPEAKER. Does the gentleman, Mr. Kauffman, seek recognition under unanimous consent?

The gentleman may proceed.

Mr. KAUFFMAN. Thank you, Mr. Speaker.

I appreciate the overwhelming support of this chamber in passing HB 391. Although it seems like most of this chamber and many in the press did not realize it, this bill has been introduced on several occasions previously and in other sessions. I have waited several years to see this come to fruition, and I think this is a great step for Pennsylvania as we continue to improve the way we regulate gaming in Pennsylvania and we prove to the people of this Commonwealth that we are genuinely deserving of their trust and deserve the confidence that they place in us as we attempt to reform the way we do business and end the pay-to-play cronyism that surrounds this Capitol.

Thank you very much, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

For the information of the members, there will be no further votes.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 197 be removed from the tabled calendar.

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

**BILL RECOMMITTED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 197 be recommitted to the Committee on Appropriations.

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

**COMMITTEE OFFICER CHANGES**

The SPEAKER. The clerk will read the following committee officer changes.

The following committee officer changes were read:

Committee Officer Changes**Appropriations**

\*Subcommittee Chairman on Criminal Justice – Rep. Petri replaces Rep. Scavello

\*Subcommittee Chairman on Education – Rep. Scavello replaces Rep. Petri

**Labor & Industry**

\*Vice-Chairman – Rep. Bear replaces Rep. Boyd

**Finance**

\*Vice-Chairman – Rep. Denlinger replaces Rep. Bear

**CALENDAR****RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER. The Speaker recognizes the gentleman, Mr. Kavulich from Lackawanna County, who moves that this House do now adjourn until Wednesday, February 16, 2011, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 4:16 p.m., e.s.t., the House adjourned.