

Legislative Journal

MONDAY, MAY 12, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 31

SENATE

MONDAY, May 12, 1997

The Senate met at 2 p.m., Eastern Daylight Saving Time.

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the Chair.

PRAYER

The Chaplain, Reverend DONALD KNAPP, of ACTS Leadership in Life, Lansdale, offered the following prayer:

I invite you to join me in prayer now.

O God, this new day opens before us with a promise and an opportunity. It is Your gift to us. Help us to make it our gift to You.

The day lies before us like a page waiting to be written. Save us from scribbling over it meaningless marks and idle doodling. Help us to write somewhere upon it a poem of praise, a prayer of compassion, a significant sentence. Help us to say less and mean more, to make gestures of grace and not of haste.

Give us good words to speak within this Chamber. Give us good thoughts to think in our Caucus meetings and individual conversations. Give us good deeds to do. May this room be like a calm pond and we the ones who cast some missile on its silent waters, so may the good deeds reflected in this room expand ever outward until their effects reach the farthest corner of our State. And may these good deeds reach out to encompass all of our Pennsylvania constituents, so that they will bless our names today and our memories in years to come.

We offer our thanks for the State of Pennsylvania and these 50 citizens, our Senators, who offer their skill, experience, and energy to bring help and encouragement to all. But above all, evoke from us praise that we may be the best of all givers, thanksgivers, because we are Members of this Pennsylvania Senate and servants of our fellow Pennsylvanians.

O God, this new day opens up before us with promise and opportunity. Amen.

The PRESIDENT. The Chair thanks Reverend Knapp and acknowledges his work with older Pennsylvanians through the ACTS organization. The Chair would point out that Reverend Knapp is the guest today of Senator Salvatore.

JOURNAL APPROVED

The PRESIDENT. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of May 7, 1997.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator LOEPER, further reading was dispensed with and the Journal was approved.

COMMUNICATIONS FROM THE GOVERNOR

APPROVAL OF SENATE BILL

The PRESIDENT laid before the Senate communication in writing from His Excellency, the Governor of the Commonwealth, advising that the following Senate Bill had been approved and signed by the Governor:

SB 299.

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

May 8, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Joseph M. Alu, 719 Center Street, Dunmore 18512, Lackawanna County, Twenty-second Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Albert B. Melone, Jr., Pittston, resigned.

THOMAS J. RIDGE
Governor

MEMBER OF THE STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

May 8, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Albert M. Tantala, 1033 Wakeling Street, Philadelphia 19124, Philadelphia County, Second Senatorial District, for appointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Haunani S. L. Kekuna, Allentown, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
DANVILLE STATE HOSPITAL**

May 9, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Leonard P. Majikas, Ph.D., 312 McGuire Drive, Bloomsburg 17815, Columbia County, Twenty-seventh Senatorial District, for reappointment as a member of the Board of Trustees of Danville State Hospital, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

May 7, 1997

HB 595 -- Committee on Finance.

HB 909 -- Committee on Transportation.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

May 9, 1997

Senators TOMLINSON, HELFRICK, HART, WOZNAK, HECKLER and DELP presented to the Chair **SB 971**, entitled:

An Act amending the act of March 10, 1949 (P.L. 30, No. 14), entitled Public School Code of 1949, providing for the participation of home education pupils in extracurricular activities.

Which was committed to the Committee on EDUCATION, May 9, 1997.

Senators TOMLINSON, HELFRICK, WOZNAK, THOMPSON, COSTA, WAGNER, GERLACH, WHITE, PUNT, MELLOW, ROBBINS, SLOCUM, FUMO and MOWERY presented to the Chair **SB 972**, entitled:

An Act providing for licensure of athletic trainers; creating the Board of Athletic Training and providing for its powers and duties; imposing penalties; and making a repeal.

Which was committed to the Committee on CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, May 9, 1997.

Senators MADIGAN, MUSTO, MELLOW, STAPLETON, HOLL and BODACK presented to the Chair **SB 973**, entitled:

An Act providing for the identification and appropriate response action with respect to potential and existing environmental contamination associated with certain substances from drycleaning facilities; imposing powers and duties on the Environmental Hearing Board, the Environmental Quality Board, the Board of Claims, the Department of Environmental Protection and the Department of Revenue; providing for procedures and methods for evaluating releases from affected drycleaning facilities, for a method of determining response action necessary to address a release from an affected drycleaning facility and for a drycleaner response program; establishing the Drycleaner Environmental Response Fund; establishing the Drycleaner Environmental Response Fund Board; precluding certain actions other than those authorized under this act; requiring enhanced pollution prevention measures for drycleaners; establishing surcharges; and providing penalties.

Which was committed to the Committee on ENVIRONMENTAL RESOURCES AND ENERGY, May 9, 1997.

Senators MOWERY, EARLL, RHOADES, LEMMOND, KASUNIC and KUKOVICH presented to the Chair **SB 974**, entitled:

An Act amending the act of March 4, 1971 (P.L. 6, No. 2), entitled Tax Reform Code of 1971, exempting pet grooming services from sales tax.

Which was committed to the Committee on FINANCE, May 9, 1997.

Senators MOWERY, EARLL and LEMMOND presented to the Chair **SB 975**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for sentences for second or subsequent convictions.

Which was committed to the Committee on TRANSPORTATION, May 9, 1997.

May 12, 1997

Senators HELFRICK, PICCOLA, JUBELIRER, PUNT, MOWERY, WENGER, ARMSTRONG, THOMPSON, HECKLER, DELP, MADIGAN, CORMAN, BRIGHTBILL, SLOCUM, LOEPER, EARLL, WHITE and MURPHY presented to the Chair **SB 9**, entitled:

An Act amending the act of April 9, 1929 (P.L. 177, No. 175), entitled The Administrative Code of 1929, eliminating authority for the fair share fee for employees of school entities; and relieving certain employee organizations of certain duties and obligations.

Which was committed to the Committee on LABOR AND INDUSTRY, May 12, 1997.

Senators HELFRICK, PICCOLA, JUBELIRER, PUNT, MOWERY, WENGER, ARMSTRONG, THOMPSON, HECKLER, DELP, MADIGAN, CORMAN, BRIGHTBILL, SLOCUM, LOEPER, EARLL, WHITE and MURPHY presented to the Chair **SB 291**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), entitled The Administrative Code of 1929, eliminating authority for the fair share fee for employees of Commonwealth entities; and relieving certain employee organizations of certain duties and obligations.

Which was committed to the Committee on LABOR AND INDUSTRY, May 12, 1997.

Senators HELFRICK, PICCOLA, JUBELIRER, PUNT, MOWERY, WENGER, ARMSTRONG, THOMPSON, HECKLER, DELP, MADIGAN, CORMAN, BRIGHTBILL, SLOCUM, LOEPER, EARLL, WHITE and MURPHY presented to the Chair **SB 939**, entitled:

An Act repealing the act of June 2, 1993 (P.L.45, No.15), entitled Public Employee Fair Share Fee Law, relieving certain employee organizations of certain duties and obligations.

Which was committed to the Committee on LABOR AND INDUSTRY, May 12, 1997.

Senators MOWERY and HART presented to the Chair **SB 976**, entitled:

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further defining "basic contribution rate" by providing for additional employee contributions.

Which was committed to the Committee on FINANCE, May 12, 1997.

Senators THOMPSON, SCHWARTZ, HOLL, BELL, SALVATORE, WILLIAMS, HECKLER, GERLACH, KITCHEN, TARTAGLIONE, TOMLINSON and MADIGAN presented to the Chair **SB 977**, entitled:

An Act creating the Southeastern Pennsylvania Cultural and Scientific Asset District; and providing for a governing board and for powers and duties of the board.

Which was committed to the Committee on INTERGOVERNMENTAL AFFAIRS, May 12, 1997.

Senators MELLOW, BELAN, AFFLERBACH, WAGNER, KASUNIC, HART, THOMPSON and MUSTO presented to the Chair **SB 978**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, prohibiting the exclusion of certain victims from trials.

Which was committed to the Committee on JUDICIARY, May 12, 1997.

Senators DELP, JUBELIRER, O'PAKE, MADIGAN, WENGER, HART, SLOCUM, PUNT, LEMMOND, THOMPSON, GERLACH, TOMLINSON, EARLL and MOWERY presented to the Chair **SB 979**, entitled:

An Act establishing the Vocational Educational - Employer Partnership Program; and providing for business tax credits.

Which was committed to the Committee on EDUCATION, May 12, 1997.

Senators LEMMOND, SLOCUM, ROBBINS, O'PAKE, DELP, MUSTO and HART presented to the Chair **SB 980**, entitled:

An Act amending the act of December 13, 1982 (P.L.1127, No.257), entitled Commonwealth Agency Adjudicatory Expenses Award Law, by repealing the sunset provisions.

Which was committed to the Committee on STATE GOVERNMENT, May 12, 1997.

Senators ROBBINS, LEMMOND, WAGNER, BELL, SLOCUM, STOUT, SALVATORE, PUNT, STAPLETON, GERLACH, RHOADES and MUSTO presented to the Chair **SB 981**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for maintenance contracts to be performed by the Armory Board.

Which was committed to the Committee on MILITARY AND VETERANS AFFAIRS, May 12, 1997.

Senators JUBELIRER, RHOADES, CORMAN, KUKOVICH, MADIGAN, MOWERY, PUNT, ROBBINS, WHITE, WAGNER, MUSTO and HUGHES presented to the Chair **SB 983**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for approved reimbursable rental for leases hereafter approved and approved reimbursable sinking fund charges on indebtedness.

Which was committed to the Committee on EDUCATION, May 12, 1997.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on Rules and Executive Nominations to meet during today's Session to consider certain nominations.

REPORTS FROM COMMITTEE

Senator TILGHMAN, from the Committee on Appropriations, reported the following bills:

SB 420 (Pr. No. 437) (Rereported)

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing further procedures prior to name change orders.

SB 421 (Pr. No. 1078) (Rereported)

An Act repealing certain mandates imposed on counties; and discharging certain liabilities of counties.

SB 489 (Pr. No. 509) (Rereported)

An Act amending the act of December 31, 1965 (P.L.1257, No.511), entitled The Local Tax Enabling Act, further defining "net profits."

SB 875 (Pr. No. 1028) (Rereported)

An Act providing for the regulation of health insurance practices.

SB 968 (Pr. No. 1077) (Rereported)

An Act amending the act of December 10, 1968 (P.L.1158, No.365), entitled "An act creating and establishing the Legislative

Data Processing Committee: providing for its membership; prescribing its powers, functions and duties; and making an appropriation," providing for the members of the Legislative Data Processing Committee and for access to legislative information within computer information systems by persons outside the General Assembly.

HB 329 (Pr. No. 1794) (Rereported)

An Act amending the act of July 28, 1953 (P.L. 723, No. 230), known as the Second Class County Code, requiring a jointly appointed tax collector for a certain home rule municipality and school district in counties of the second class; further providing for the membership of boards of managers for monuments and memorials to war veterans; and providing for charters in second class counties.

HB 848 (Pr. No. 1786) (Amended)

An Act making appropriations from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

HB 849 (Pr. No. 951)

An Act making an appropriation from a restricted revenue account within the General Fund to the Office of Consumer Advocate in the Office of Attorney General.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Hughes, and a legislative leave for Senator Williams.

The PRESIDENT. Senator Mellow requests a legislative leave for Senator Williams, and a temporary Capitol leave for Senator Hughes. Without objection, those leaves are granted.

SENATE CONCURRENT RESOLUTION

RECESS ADJOURNMENT

Senator LOEPER offered the following resolution, which was read as follows:

In the Senate, May 12, 1997

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week it reconvene on Monday, June 2, 1997, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week it reconvene on Monday, June 2, 1997, unless sooner recalled by the Speaker of the House of Representatives.

On the question,

Will the Senate adopt the resolution?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson

Brightbill
Corman
Costa
Delp
Earl
Fumo
Gerlach
Greenleaf

Jubelirer
Kasunic
Kitchen
Kukovich
La Valle
Lemmond
Loeper
Madigan

Piccola
Punt
Rhoades
Robbins
Salvatore
Schwartz
Slocum
Stapleton

Uliana
Wagner
Wenger
White
Williams
Wozniak

NAY-0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

SPECIAL ORDER OF BUSINESS GUESTS OF SENATOR CHARLES D. LEMMOND AND SENATOR ROBERT J. MELLOW PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Luzerne, Senator Lemmond.

Senator LEMMOND. Mr. President, on behalf of Senator Mellow and myself, I would like to present to the Senate 18 young folks who are very special, very exceptional, very close to our hearts in the northeast. They are all about 11 years of age, and they are all students at the Scranton State School for the Deaf. They are with us in the balcony. They attend the school together with approximately 100 other young men and women. The school is located in Scranton in Lackawanna County, and it has been in business for 110 years. It is recognized as being one of the outstanding schools of its kind in the world, and we are just delighted that they could make the trip here today to see what it is that we are about and how we conduct our business.

Bringing them are Dr. Dorothy Bambach, who is the superintendent, and Margaret Davison-Matisko, the president of the Board of Trustees, all of whom we appoint. They have done a superb job. These are wonderful, fine, outstanding, strong young men and women, and I am delighted to present them to you and would hope that we could welcome them on their appearance today.

The PRESIDENT. Would our special guests please rise so the Senate may give you its usual warm welcome.

(Applause.)

The PRESIDENT. The Chair thanks both Senator Mellow and Senator Lemmond for making the arrangements.

GUEST OF SENATOR NOAH W. WENGER PRESENTED TO THE SENATE

The PRESIDENT. The Chair recognizes the gentleman from Lancaster, Senator Wenger.

Senator WENGER. Mr. President, it is my pleasure to introduce a young lady who is visiting us today in the Senate gallery. Her name is Cathryn Stoner, and she is an eighth grade student at Warwick Middle School, where she is in the gifted program. Cathryn has a real interest in State government, and she is my shadow for the day to see how we do

things here in the Senate of Pennsylvania. In fact, she told me she might want to become a lawyer, so I hope that today's experience will encourage her in that way. I would appreciate it if we would give her our usual warm welcome.

The PRESIDENT. Would our special guest please rise so that the Senate may give you its usual warm welcome.

(Applause.)

RECESS

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a Republican caucus to begin immediately in the first floor caucus room, with an expectation of returning to the floor at approximately 3:45 p.m.

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request that the Democratic Members report immediately to our caucus room. We have some training that we must take first--the gentleman from Delaware, Senator Loeper, will appreciate that--and then we will caucus on the Calendar immediately upon the conclusion of the sensitivity training.

The PRESIDENT. For purposes of a Republican Caucus meeting and special training for the Democratic Members, as well as a caucus--

Senator MELLOW. Mr. President, it cannot just be left as special training for Democratic Members only. I think we need a clarification on that point.

The PRESIDENT. The record should note that both Caucuses have training.

Senator LOEPER. Mr. President, I choose not to respond.

The PRESIDENT. For Caucus meetings to begin immediately following this announcement, with an expectation to return to the floor at approximately 3:45 p.m., this Senate stands in recess.

AFTER RECESS

The PRESIDENT. The time of recess having expired, the Senate will come to order.

CALENDAR

BILL ON CONCURRENCE IN HOUSE AMENDMENTS

SENATE CONCURS IN HOUSE AMENDMENTS

SB 184 (Pr. No. 1060) -- The Senate proceeded to consideration of the bill, entitled:

An Act redesignating the Pullman Viaduct (SR 3001) in Butler County as the Picklegate Crossing, and redesignating the Fifth Street Bridge (SR 0065) in Ellwood City, Lawrence County, as the Lincoln High School and Veterans Memorial Bridge.

On the question,

Will the Senate concur in the amendments made by the House to Senate Bill No. 184?

Senator LOEPER. Mr. President, I move that the Senate do concur in the amendments made by the House to Senate Bill No. 184.

On the question,

Will the Senate agree to the motion?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earl	La Valle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate inform the House of Representatives accordingly.

THIRD CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 90, HB 132 and HB 133 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL OVER IN ORDER TEMPORARILY

HB 148 -- Without objection, the bill was passed over in its order temporarily at the request of Senator LOEPER.

BILL OVER IN ORDER

SB 182 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL LAID ON THE TABLE

SB 219 (Pr. No. 211) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 2, 1966 (1965 P.L. 1860, No. 586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for definitions.

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILL OVER IN ORDER

SB 251 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 415 (Pr. No. 430) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 25, 1986 (P.L.89, No.33), entitled "An act amending the act of March 23, 1972 (P.L.136, No.52), entitled 'An act relating to the practice of psychology, providing for licensing of psychologists, making certain acts illegal and providing penalties,'....," further providing for the implementation of the required transition period for prospective psychologists.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

BILL LAID ON THE TABLE

SB 529 (Pr. No. 558) -- The Senate proceeded to consideration of the bill, entitled:

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

Upon motion of Senator LOEPER, and agreed to, the bill was laid on the table.

BILL OVER IN ORDER

SB 640 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON THIRD CONSIDERATION
AND FINAL PASSAGE

SB 672 (Pr. No. 714) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), entitled, as amended, The Fiscal Code, further providing for reports to the Secretary of Revenue.

Considered the third time and agreed to,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present said bill to the House of Representatives for concurrence.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request temporary Capitol leaves for Senator Fumo, Senator Kasunic, and Senator O'Pake.

The PRESIDENT. Without objection, those leaves are granted.

THIRD CONSIDERATION CALENDAR RESUMED

BILL AMENDED

SB 726 (Pr. No. 759) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a section of Legislative Route 48 in Allegheny County as the Leonard A. Funk, Jr. Highway.

On the question,
Will the Senate agree to the bill on third consideration?
Senator BELAN offered the following amendment No. A1896:

Amend Sec. 1, page 1, line 6, by inserting after "in": the City of
 Amend Sec. 1, page 1, line 6, by inserting after "McKeesport": ,
 Allegheny County,

Amend Sec. 1, page 1, line 7, by inserting after "in": the Borough
 of

Amend Sec. 1, page 1, line 7, by inserting after "Monroeville": ,
 Allegheny County,

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in
 its order at the request of Senator LOEPER.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILL AMENDED

HB 329 (Pr. No. 1754) — The Senate proceeded to consider-
 ation of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L. 723, No. 230),
 known as the Second Class County Code, requiring a jointly appointed
 tax collector for a certain home rule municipality and school district in
 counties of the second class; further providing for the membership of
 boards of managers for monuments and memorials to war veterans; and
 providing for charters in second class counties.

On the question,

Will the Senate agree to the bill on third consideration?

Senator LOEPER offered the following amendment No.
 A2208:

Amend Sec. 3 (Sec. 3103-C), page 6, line 17, by striking out
 "SPECIFIC" and inserting: proposed

Amend Sec. 3 (Sec. 3103-C), page 6, line 26, by striking out
 "THE" and inserting: Notwithstanding the provisions of 53 Pa.C.S. §
2921 (relating to report of findings and recommendations), the

Amend Sec. 3 (Sec. 3103-C), page 6, line 28, by inserting a period
 after "ARTICLE"

Amend Sec. 3 (Sec. 3103-C), page 6, lines 28 and 29, by striking
 out "RATHER THAN AS ESTABLISHED BY 53 PA.C.S." in line 28
 and all of line 29

Amend Sec. 3 (Sec. 3103-C), page 6, line 30, by striking out
 "THE" where it appears the first time and inserting: Notwithstanding
the provisions of 53 Pa.C.S. § 2921, the

Amend Sec. 3 (Sec. 3103-C), page 7, line 2, by inserting a period
 after "COUNTY"

Amend Sec. 3 (Sec. 3103-C), page 7, lines 2 and 3, by striking out
 "RATHER" in line 2 and all of line 3

Amend Sec. 3 (Sec. 3104-C), page 7, line 15, by striking out
 "SHALL" and inserting: may

Amend Sec. 3 (Sec. 3104-C), page 7, line 18, by inserting after
 "COUNTY": for at least five (5) years

Amend Sec. 3 (Sec. 3104-C), page 7, line 21, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3104-C), page 7, line 24, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3104-C), page 7, line 27, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3104-C), page 8, line 1, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3104-C), page 8, line 3, by inserting after
 "COUNTY": It is the intent of this legislation that no more than two
of the remaining four appointees shall be of the same party.

Amend Sec. 3 (Sec. 3104-C), page 8, line 9, by inserting after
 "GEOGRAPHIC": , age

Amend Sec. 3 (Sec. 3104-C), page 8, lines 12 and 13, by striking
 out "APPOINTMENT BY THE BODY THAT MADE THE APPOINT-
 MENT THAT HAS BEEN VACATED" and inserting: nominations, if
required, and appointment as was the case for original appointments
under subsection (b)

Amend Sec. 3 (Sec. 3104-C), page 8, line 20, by striking out
 "SECOND CLASS"

Amend Sec. 3 (Sec. 3105-C), page 9, line 4, by striking out "EX-
 ECUTIVES" and inserting: executive

Amend Sec. 3 (Sec. 3105-C), page 9, line 11, by inserting after
 "FOR": no more than

Amend Sec. 3 (Sec. 3105-C), page 9, line 14, by inserting after
 "FOR": no more than

Amend Sec. 3 (Sec. 3105-C), page 9, line 21, by inserting after
 "EXPENSES": The charter shall provide that there shall be no paid
personal staff for individual council members.

Amend Sec. 3 (Sec. 3106-C), page 10, line 8, by inserting after
 "ACT": Public notice of any hearing shall be given at least one (1)
week in advance and shall be adequately announced to inform the
general public.

Amend Sec. 3 (Sec. 3107-C), page 10, line 29, by striking out
 "CONSOLIDATIONS" and inserting: consolidation

Amend Sec. 3 (Sec. 3107-C), page 12, line 11, by striking out
 "HIS" and inserting: that former or present employee's

Amend Sec. 3 (Sec. 3107-C), page 13, line 3, by striking out "MU-
 NICIPAL"

Amend Sec. 3 (Sec. 3108-C), page 13, line 28, by inserting after
 "QUESTION:"

If the committee frames an interpretive statement, such statement shall
be deemed to fulfill the requirements of section 201.1 of the "Pennsyl-
vania Election Code" and such statement shall be published and posted
pursuant to the requirements for statements contained in section 201.1.

Amend Sec. 3 (Sec. 3109-C), page 14, line 7, by inserting after
 "COUNTY": for at least five (5) years

Amend Sec. 3 (Sec. 3109-C), page 14, line 9, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3109-C), page 14, line 13, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3109-C), page 14, line 16, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3109-C), page 14, line 20, by striking out
 "MUST" and inserting: shall

Amend Sec. 3 (Sec. 3109-C), page 16, line 2, by striking out
 "THE" and inserting: final

Amend Sec. 3 (Sec. 3109-C), page 16, line 5, by inserting after
 "COUNTY:"

Public hearings conducted under this section shall be considered an
open meeting for which public notice must be given in accordance with
the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."
Public notice of any hearing shall be given at least one (1) week in
advance and shall be adequately announced to inform the general pub-
lic.

Amend Sec. 3 (Sec. 3109-C), page 16, line 9, by striking out "THE
 VOTERS" and inserting: electoral

Amend Sec. 3 (Sec. 3109-C), page 16, line 16, by striking out
 "INCORPORATED TOWN,"

Amend Sec. 3 (Sec. 3109-C), page 16, lines 28 and 29, by striking
 out "THE ACT OF DECEMBER 13, 1974 (P.L. 947, NO. 312)," in line
 28 and all of line 29 and inserting: 53 Pa.C.S. Ch. 9 (relating to munic-
ipal reapportionment)

Amend Sec. 3 (Sec. 3111-C), page 18, line 2, by striking out
 "VOTERS" and inserting: electors

Amend Sec. 3 (Sec. 3111-C), page 18, line 4, by striking out
 "PROPOSED"

On the question,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator LOEPER and were as follows, viz:

YEA-50

Afflerbach	Hart	Mellow	Stout
Armstrong	Heckler	Mowery	Tartaglione
Belan	Helfrick	Murphy	Thompson
Bell	Holl	Musto	Tilghman
Bodack	Hughes	O'Pake	Tomlinson
Brightbill	Jubelirer	Piccola	Uliana
Corman	Kasunic	Punt	Wagner
Costa	Kitchen	Rhoades	Wenger
Delp	Kukovich	Robbins	White
Earll	LaValle	Salvatore	Williams
Fumo	Lemmond	Schwartz	Wozniak
Gerlach	Loeper	Slocum	
Greenleaf	Madigan	Stapleton	

NAY-0

A majority of all the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

Senator BODACK offered the following amendment No. A2204:

Amend Sec. 3 (Sec. 3103-C), page 6, lines 11 and 12, by striking out "APPOINTMENT BY THE BODY THAT MADE THE APPOINTMENT THAT HAS BEEN VACATED," and inserting: the unanimous vote of the remaining members of the committee

Amend Sec. 3 (Sec. 3103-C), page 6, line 14, by striking out "MAY" and inserting: shall

Amend Sec. 3 (Sec. 3103-C), page 6, line 15, by striking out all of said line and inserting: by appointment by the President Judge of the fifth judicial district.

Amend Sec. 3 (Sec. 3103-C), page 7, lines 5 through 7, by striking out "APPOINTMENT BY THE GOVERNING BODY" in line 5, all of line 6, "THAT HAS BEEN VACATED," in line 7 and inserting: the unanimous vote of the remaining members of the commission.

Amend Sec. 3 (Sec. 3103-C), page 7, lines 9 through 11, by striking out "REMAINING MEMBERS OF THE" in line 9, all of lines 10 and 11 and inserting: vacancy shall be filled by appointment by the President Judge of the fifth judicial district.

Amend Sec. 3 (Sec. 3104-C), page 7, line 16, by inserting after "COMMITTEE": which shall consist of eight elected members

Amend Sec. 3 (Sec. 3104-C), page 7, lines 17 through 30; page 8, lines 1 through 10, by striking out all of said lines on said pages and inserting:

(b) Each member shall be a resident and registered voter of the county and shall be elected in accordance with 53 Pa.C.S. Ch. 29 Subch. E (relating to general powers and limitations of home rule charter municipalities) at the first primary, municipal or general election at least sixty (60) days after the effective date of this act. No individual seeking election the Charter Drafting Committee may seek election to or serve coterminously on the apportionment commission established under section 3109-C.

Amend Sec. 3 (Sec. 3104-C), page 8, lines 12 and 13, by striking out "APPOINTMENT BY THE BODY THAT MADE THE APPOINTMENT THAT HAS BEEN VACATED," and inserting: the unanimous vote of the remaining members of the committee.

Amend Sec. 3 (Sec. 3104-C), page 8, line 15, by striking out "MAY" and inserting: shall

Amend Sec. 3 (Sec. 3104-C), page 8, line 16, by striking out all of said line and inserting: by appointment by the President Judge of the fifth judicial district.

Amend Sec. 3 (Sec. 3105-C), page 9, line 5, by inserting after "OFFICE": and a lifetime limit of twelve (12) years

Amend Sec. 3 (Sec. 3108-C), page 13, line 12, by striking out "AND" and inserting a comma

Amend Sec. 3 (Sec. 3108-C), page 13, line 12, by inserting after "CHARTER": and the apportionment plan

Amend Sec. 3 (Sec. 3108-C), page 13, lines 13 and 14, by striking out "ITS PUBLIC REPORT BY THE CHARTER DRAFTING COMMITTEES" and inserting: the filing of such by the Charter Drafting Committee and the apportionment commission

Amend Sec. 3 (Sec. 3108-C), page 13, line 19, by inserting after "REPORT" and inserting: and the commission's plan

Amend Sec. 3 (Sec. 3108-C), page 13, line 20, by inserting after "CHARTER": and the apportionment plan

Amend Sec. 3 (Sec. 3109-C), page 13, lines 29 and 30; page 14, line 1, by striking out "IF THE" in line 29, all of line 30, page 13, "ARTICLE" in line 1, page 14 and inserting: Within thirty days of the effective date of this act

Amend Sec. 3 (Sec. 3109-C), page 14, line 9, by striking out "MEMBER" and inserting: majority vote of the members

Amend Sec. 3 (Sec. 3109-C), page 14, line 13, by striking out "MEMBER" and inserting: majority vote of the members

Amend Sec. 3 (Sec. 3109-C), page 14, line 17, by striking out "MEMBER" and inserting: majority vote of the members

Amend Sec. 3 (Sec. 3109-C), page 14, line 21, by striking out "MEMBER" and inserting: majority vote of the members

Amend Sec. 3 (Sec. 3109-C), page 14, line 26, by striking out "GOVERNING BODY OF THE COUNTY SHALL UNANIMOUSLY" and inserting: President Judge of the fifth judicial district shall

Amend Sec. 3 (Sec. 3109-C), page 15, lines 1 through 3, by striking out "APPOINTMENT BY THE GOVERNING BODY" in line 1, all of line 2, "THAT HAS BEEN VACATED," in line 3 and inserting: the unanimous vote of the remaining members of the committee.

Amend Sec. 3 (Sec. 3109-C), page 15, lines 5 through 7, by striking out "REMAINING MEMBERS OF THE" in line 5, all of lines 6 and 7 and inserting: vacancy shall be filled by appointment by the President Judge of the fifth judicial district.

Amend Sec. 3 (Sec. 3109-C), page 15, line 29, by striking out "PUBLICATION OF A" and inserting: appointment of the apportionment commission, the commission shall publish a

Amend Sec. 3 (Sec. 3109-C), page 15, line 30, by striking out "PLAN," and inserting: plan. Within four (4) weeks thereafter.

Amend Sec. 3 (Sec. 3109-C), page 16, by inserting between lines 7 and 8

(g) Within ten (10) days after the close of the last public hearing conducted pursuant to this section, the apportionment commission shall make any corrections or changes necessary to the plan. Any person aggrieved by the draft apportionment plan shall have the same ten (10) day period to file exceptions with the commission in which case the commission shall have twenty (20) days after the date the exceptions were filed to prepare and file with the chief clerk of the county a final apportionment plan. If no exceptions are filed within ten (10) days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(h) Any aggrieved person may file an appeal from the final plan with the court of common pleas for the fifth judicial district within ten (10) days after the approval thereof by the commission. If the appellant establishes that the final plan is contrary to the law, the court may issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order and within twenty (20) days.

Amend Sec. 3 (Sec. 3109-C), page 16, line 8, by striking out "(G)" and inserting: (i)

Amend Sec. 3 (Sec. 3109-C), page 16, lines 9 and 10, by striking out "THE VOTERS' APPROVAL OF THE CHARTER" and inserting: its appointment

Amend Sec. 3 (Sec. 3109-C), page 16, line 11, by striking out "A MAJORITY OF THE" and inserting: four of the five appointed

Amend Sec. 3 (Sec. 3109-C), page 16, line 12, by striking out "(H)" and inserting: (I)

Amend Sec. 3 (Sec. 3109-C), page 16, line 27, by striking out "(I)" and inserting: (k)

Amend Sec. 3 (Sec. 3113-C), page 18, lines 11 through 15, by striking out all of said lines

On the question,

Will the Senate agree to the amendment?

Senator LOEPER. Mr. President, may we be at ease for a moment.

The PRESIDENT. At the request of Senator Loeper, the Senate will be at ease.

(The Senate was at ease.)

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, we did not have an opportunity to review this amendment in our caucus today. We are not certain exactly what all the implications of the amendment are. Maybe if the gentleman would explain to us what the amendment is and what effect or impact it may have upon the legislation that is before us that is endorsed by CompAC 21 to change the form of government in Allegheny County, maybe he could enlighten us as to how this would change it.

The PRESIDENT. The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, what this amendment does is first elects eight members to the charter drafting committee. We in Allegheny County feel that two people from Delaware County and Altoona should not be the people to select the committee to change Allegheny County's governance of 200-plus years. We feel and are very certain that the public should and must decide in this issue.

It also provides for four members of the apportionment commission to be appointed by the county commissioners upon the recommendation of each legislative delegation in this building, the fifth member to be mutually agreed upon by the other four members, and if no agreement is reached, the president judge of the Court of Common Pleas would make that determination. I would point out that that is similar to the system which is used for legislative reapportionment, and it also allows Allegheny Countians who understand the legislative process to make the decisions and to control and direct the appointment process.

This amendment also calls for the committee and the commission to run concurrently, and the referendum to consider the charter will also include an apportionment plan. We feel that the voters should have the opportunity to approve or disapprove their legislative council representation at the very same time that they consider the change of their governing structure. It also provides that should a vacancy occur in the charter drafting committee or in the apportionment commission and the remaining members cannot unanimously decide on a re-

placement, the president judge of the Court of Common Pleas then would make that determination.

Mr. President, this tracks an established precedent under the Home Rule Law, and it is preferable to legislative leaders or to the county commissioners making that decision. An individual also can petition the court, under this amendment, to challenge the apportionment plan. This also tracks legislative apportionment procedure. This amendment also requires a supermajority to approve the apportionment plan and it protects against a political power grab. It eliminates the expiration date. Presently the bill reads that it will not expire until the election of a county executive. This precludes Allegheny County from using the regular home rule process in the future if it does not agree to a new charter. We feel this cleans up a lot of the problems in the bill and, if adopted, truly would make it a nonpartisan effort.

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would just respond to the gentleman on one point, and that is that the apportionment commission is made up with representation from each of the four Caucuses of the General Assembly. The Members of the Allegheny County delegation in each of those Caucuses would make recommendations to both the Speaker of the House and the President pro tempore of the Senate for their respective Caucuses to be forwarded on to Allegheny County. Those members would be Allegheny County residents. There is a residency requirement that they have to be residents of Allegheny County for at least 5 years before they could be considered for that appointment, and I believe that it addresses the issue very fairly the way it is already in the bill. Therefore, Mr. President, I would ask for a negative vote on the amendment.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator BODACK and were as follows, viz:

YEA-20

Afflerbach	Hughes	Mellow	Stout
Belan	Kasunic	Musto	Tartaglione
Bodack	Kitchen	O'Pake	Wagner
Costa	Kukovich	Schwartz	Williams
Fumo	LaValle	Stapleton	Wozniak

NAY-30

Armstrong	Hart	Mowery	Thompson
Bell	Heckler	Murphy	Tilghman
Brightbill	Helfrick	Piccola	Tomlinson
Corman	Holl	Punt	Uliana
Delp	Jubelirer	Rhoades	Wenger
Earll	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	
Greenleaf	Madigan	Slocum	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

The PRESIDENT. Without objection, House Bill No. 329 will go over in its order, as amended.

LEGISLATIVE LEAVES

The PRESIDENT. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Helfrick and Senator Jubelirer have been called from the floor, and I request temporary Capitol leaves on their behalf.

The PRESIDENT. Without objection, those leaves are granted.

The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Afflerbach.

The PRESIDENT. Without objection, that leave is granted.

LEGISLATIVE LEAVE CANCELLED

The PRESIDENT. Senator Hughes has returned, and his temporary Capitol leave is granted.

The PRESIDING OFFICER (David J. Brightbill) in the Chair.

CONSIDERATION OF CALENDAR RESUMED

SECOND CONSIDERATION CALENDAR

BILLS OVER IN ORDER

HB 77 and HB 87 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILLS REREFERRED

SB 91 (Pr. No. 89) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 5, 1968 (P.L. 140, No. 78), entitled "An act regulating the writing, cancellation of or refusal to renew policies of automobile insurance;....," further providing for cancellation or refusal to renew and for review procedures and policy termination.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

SB 95 (Pr. No. 1071) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1967 (P.L. 746, No. 345), entitled Savings Association Code of 1967, adding or amending certain definitions; providing for conversion to federally insured status; further providing for refund of capital deposits, for alternate conversion procedures, for dissolution of associations, for appointment of directors and for the dissolution of the Pennsylvania Savings Association Insurance Corporation; and making repeals.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

SB 114 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 211 (Pr. No. 940) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of February 1, 1966 (1965 P.L. 1656, No. 581), entitled The Borough Code, further providing for tax levies.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL OVER IN ORDER

SB 254 -- Without objection, the bill was passed over in its order at the request of Senator LOEPER.

BILL REREFERRED

SB 418 (Pr. No. 433) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 23 (Domestic Relations) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support orders; and further providing for revocation and suspension of drivers' licenses.

Upon motion of Senator LOEPER, and agreed to, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 479, SB 506, SB 509, SB 510, SB 512, SB 538, SB 539, SB 540, SB 541, SB 542, SB 631, SB 669, SB 861, SB 862, SB 864 and SB 965 -- Without objection, the bills were passed over in their order at the request of Senator LOEPER.

BILL ON SECOND CONSIDERATION

SB 428 (Pr. No. 451) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of October 28, 1966 (1st Sp.Sess., P.L. 55, No. 7), entitled Goods and Services Installment Sales Act, further providing for the definition of "goods."

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, at this time I request a recess of the Senate for the purpose of a meeting of the Committee on Rules and Executive Nominations to take place immediately in the Rules room at the rear of the Senate Chamber.

The PRESIDING OFFICER. For the purpose of a meeting of the Committee on Rules and Executive Nominations to take place in the Rules room at the rear of the Senate Chamber, the Senate will stand in recess.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having expired, the Senate will come to order.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE BOARD OF TRUSTEES OF FARVIEW STATE HOSPITAL

April 30, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated February 28, 1997 for the appointment of Elisabeth Baker, Box 69, Lehman 18627, Luzerne County, Twentieth Senatorial District, as a member of the Board of Trustees of Farview State Hospital, to serve until the third Tuesday of January 1999, and until her successor is appointed and qualified, vice William H. Beck, Carbondale, deceased.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

April 24, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1997 for the appointment of Duncan Campbell, 4171 Kitatinny Drive, Mechanicsburg 17055, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, to fill a new position, pursuant to Act 164, approved December 18, 1996.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE
Governor

MEMBER OF THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE

April 24, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In accordance with the power and authority vested in me as Governor of the Commonwealth, I do hereby recall my nomination dated March 18, 1997 for the appointment of Carol Webber, 110 November Drive - #6, Camp Hill 17011, Cumberland County, Thirty-first Senatorial District, as a member of the Pennsylvania Board of Probation and Parole, to serve for a term of six years or until her successor is appointed and qualified, but not longer than ninety days beyond that period, to fill a new position, pursuant to Act 164, approved December 18, 1996.

I respectfully request the return to me of the official message of nomination on the premises.

THOMAS J. RIDGE
Governor

NOMINATIONS RETURNED TO THE GOVERNOR

Senator SALVATORE. Mr. President, I move that the nominations just read by the Clerk be returned to His Excellency, the Governor.

The motion was agreed to.

The PRESIDING OFFICER. The nominations will be returned to the Governor.

REPORT FROM COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS

Senator SALVATORE, from the Committee on Rules and Executive Nominations, reported the following nominations made by His Excellency, the Governor of the Commonwealth, which were read by the Clerk as follows:

MEMBER OF THE STATE BOARD OF ACCOUNTANCY

March 25, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Andrew B. Zelenkofske, Esquire, 1868 Nicole Drive, Dresher 19025, Montgomery County, Twelfth Senatorial District, for appointment as a member of the State Board of Accountancy, to serve for a term of four years and until his successor is appointed and qualified, but not longer than six months beyond that period, vice Steven J. Sholtz, Melrose Park, whose term expired.

THOMAS J. RIDGE
Governor

MEMBER OF THE COUNCIL OF TRUSTEES OF CALIFORNIA UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION

March 25, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Aaron A. Walton, 4283 Forest Glen Drive, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of California University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2001, and

until his successor is appointed and qualified, vice The Honorable Frank R. Mascara, Charleroi, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA CANCER
CONTROL, PREVENTION AND RESEARCH
ADVISORY BOARD**

March 26, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Karen D. Robinson, 292 Heather Drive, Monroeville 15146, Allegheny County, Forty-fifth Senatorial District, for appointment as a member of the Pennsylvania Cancer Control, Prevention and Research Advisory Board, to serve for a term of four years and until her successor is appointed and qualified, vice Nancy L. Bohnet, Pittsburgh, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
CLARION UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 26, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Kenneth E. Gaudi, 302 Sarah Court, Jeannette 15644, Westmoreland County, Thirty-ninth Senatorial District, for reappointment as a member of the Council of Trustees of Clarion University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
EDINBORO UNIVERSITY OF PENNSYLVANIA
OF THE STATE SYSTEM OF HIGHER EDUCATION**

March 25, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Harold C. Shields, 2030 Piper Court, Allison Park 15101, Allegheny County, Fortieth Senatorial District, for appointment as a member of the Council of Trustees of Edinboro University of Pennsylvania of the State System of Higher Education, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Edwin D. Dombrowski, Erie, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
HAVERFORD STATE HOSPITAL**

March 17, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Ann Arty, 527 Lehann Circle, Springfield 19064, Delaware County, Twenty-sixth Senatorial District, for reappointment as a member of the Board of Trustees of Haverford State Hospital, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE PENNSYLVANIA
HOUSING FINANCE AGENCY**

March 18, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Thomas B. Hagen, 5727 Grubb Road, Erie 16506, Erie County, Forty-ninth Senatorial District, for appointment as a member of the Pennsylvania Housing Finance Agency, to serve until July 20, 2000, and until his successor is appointed and qualified, vice J. Roger Glunt, Pittsburgh, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE COUNCIL OF TRUSTEES OF
INDIANA UNIVERSITY OF PENNSYLVANIA**

March 26, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, David Osikowicz, 901 East Mahoning Street, Punxsutawney 15767, Jefferson County, Forty-first Senatorial District, for appointment as a member of the Council of Trustees of Indiana University of Pennsylvania, to serve until the third Tuesday of January 2003, and until his successor is appointed and qualified, vice Robert S. Dougherty, Esquire, Indiana, whose term expired.

THOMAS J. RIDGE
Governor

**BRIGADIER GENERAL, PENNSYLVANIA
NATIONAL GUARD**

March 7, 1997

To the Honorable, the Senate of the Commonwealth of
Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Colonel James F. Barnette, 201 Walnut Drive, Queenstown, Maryland 21658, for appointment as Brigadier General, Chief of Staff, Headquarters, Pennsylvania Air National Guard, to serve until terminated.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD
OF NURSING**

April 3, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, K. Stephen Anderson, 1442 Beibel Avenue, Erie 16509, Erie County, Forty-ninth Senatorial District, for appointment as a member of the State Board of Nursing, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Sister Rita Moriarty, Williamsport, resigned.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES
OF POLK CENTER**

February 26, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Irene B. Smerick, 1816 East Fourth Street, Erie 16511, Erie County, Forty-ninth Senatorial District, for reappointment as a member of the Board of Trustees of Polk Center, to serve until the third Tuesday of January 2003, and until her successor is appointed and qualified.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE REGISTRATION
BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS AND GEOLOGISTS**

April 22, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, John M. Brinjac, 67 South Terrace, Wormleysburg 17043, Cumberland County, Thirty-first Senatorial District, for reappointment as a member of the State Registration Board for Professional Engineers, Land Surveyors and Geologists, to serve for a term of six years or until his successor is appointed and qualified, but not longer than six months beyond that period.

THOMAS J. RIDGE
Governor

**MEMBER OF THE BOARD OF TRUSTEES OF
SCOTLAND SCHOOL FOR VETERANS' CHILDREN**

February 20, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mary Ann Nobers, Ph.D., 16 South 21st Street, Harrisburg 17104, Dauphin County, Fifteenth Senatorial District, for appointment as a member of the Board of Trustees of Scotland School for Veterans' Children, to serve until the third

Tuesday of January 2001, and until her successor is appointed and qualified, vice Virginia L. James, Philadelphia, whose term expired.

THOMAS J. RIDGE
Governor

**MEMBER OF THE STATE BOARD OF
VETERINARY MEDICINE**

March 25, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brian Harpster, V.M.D., 628 Aspen Lane, Lebanon 17042, Lebanon County, Forty-eighth Senatorial District, for appointment as a member of the State Board of Veterinary Medicine, to serve for a term of four years or until his successor is appointed and qualified, but not longer than six months beyond that period, vice Eugene Witiak, V.M.D., Bethlehem, whose term expired.

THOMAS J. RIDGE
Governor

NOMINATIONS LAID ON THE TABLE

Senator SALVATORE. Mr. President, I request that the nominations just read by the Clerk be laid on the table.

The PRESIDING OFFICER. The nominations will be laid on the table.

LEGISLATIVE LEAVE CANCELLED

The PRESIDING OFFICER. Senator Jubelirer has returned, and his temporary Capitol leave is cancelled.

EXECUTIVE NOMINATIONS

EXECUTIVE SESSION

Motion was made by Senator SALVATORE,

That the Senate do now resolve itself into Executive Session for the purpose of considering a certain nomination made by the Governor.

Which was agreed to.

NOMINATION TAKEN FROM THE TABLE

Senator SALVATORE. Mr. President, I call from the table a certain nomination and ask for its consideration.

The Clerk read the nomination as follows:

SHERIFF, BEDFORD COUNTY

January 31, 1997

To the Honorable, the Senate of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Jim D. Wright, R. D. 1, Box 220, Everett 15537, Bedford County, Thirtieth Senatorial District, for appointment as Sheriff, in and for the County of Bedford, to serve until the first Monday of January 1998, vice Max H. Norris, Sr., deceased.

THOMAS J. RIDGE
Governor

On the question,

Will the Senate advise and consent to the nomination?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Blair, Senator Jubelirer.

The PRESIDENT pro tempore. Mr. President, the nomination we have before us is for Mr. Jim Wright to be the sheriff of Bedford County. This nomination is being considered and voted under some extremely unusual and pressing circumstances. Mr. President, the vacancy was created by the death of the incumbent sheriff, Max Norris. Governor Ridge nominated Jim Wright to fill the vacancy and the 25th day for action falls tomorrow, and as we in this body know, a nominee must be voted on prior to that time. Because the nomination occurs in an election year, there are partisans on both sides, and I emphasize on both sides, who see this only in a political context and urge defeat or recall of the nomination.

Under ordinary circumstances, election politics might be allowed to prevail, but, Mr. President, there is nothing ordinary about the Bedford County situation. The chief deputy sheriff, who by law became the acting sheriff, resigned and abruptly left the county and the State. So you see, there is a hole in the system. As the Bedford Gazette headlined their editorial last weekend, and I quote, "Wanted: A Sheriff," unquote.

I have a number of letters from local officials of the community imploring us to address this situation and confirm Mr. Wright. President Judge Dan Howsare writes that, and I quote, "...it is my concern that this situation will substantially interfere with the proper administration of the court system in Bedford County." The chairman of the county commissioners, Nora Ickes, terms confirmation as absolutely imperative. The District Attorney of Bedford County, Tom Ling, has asked that we confirm the sheriff of Bedford County because, as he says, in the current situation it is creating many problems in the operation of county government. As you know, the sheriff's office is responsible for "process service, prisoner transport, extradition, execution sales, issuance of protection permits and many law enforcement duties that are too numerous to mention."

The absence of a sheriff is a serious matter for the people of Bedford County. I do not believe that Mr. Wright's confirmation will affect either the primary, and there are three people in that primary on the Republican side, or the general election, where there is one person on the Democratic side. As is usually the case in local elections, the outcome rides on local issues, not what takes place here in Harrisburg. I have not taken sides in the primary, Mr. President. This is not my guy, so to speak. I am not involved in the primary in Bedford County at all, so this is not a case of giving a push to an individual I have endorsed or promoted, but I know that rejection of this nominee will affect the people of Bedford County both in terms of the services they receive and their confidence in us. It is not the fault of the people in the county that there is a conflict between the political calendar and the confirmation calendar.

It is my hope, along with State Representative Dick Hess, to introduce legislation both in the Senate and the House to

correct what is surely a loophole in the law today, but that is a far way off before we have that particular problem solved. There may be other instances, Mr. President, where there will be other row officers and there will be the same situation. It happens to be in Bedford County right now. The people of Bedford County should have a sheriff carrying out the duties of the office, serving the people, and here today we have the power, and yes, Mr. President, the responsibility to make sure that happens.

I recognize the situation and I know that there is always a conflict when it takes two-thirds to confirm a row officer. I implore Members on both sides of the aisle to recognize the unique situation, the unusual set of circumstances, the circumstances that are literally creating chaos in the county, and I ask for the support of all Members of the Senate in this extremely important matter.

Thank you, Mr. President, for the opportunity to make these remarks on Mr. Wright.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I request a temporary Capitol leave for Senator Stout.

The PRESIDING OFFICER. Senator Mellow requests a temporary Capitol leave for Senator Stout. Without objection, that leave is granted.

The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Tilghman has been called to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDING OFFICER. Senator Loeper requests a temporary Capitol leave for Senator Tilghman. Without objection, the leave is granted.

And the question recurring,

Will the Senate advise and consent to the nomination?

The yeas and nays were required by Senator SALVATORE and were as follows, viz:

YEA-30

Armstrong	Hart	Mowery	Thompson
Bell	Heckler	Murphy	Tilghman
Brightbill	Helfrick	Piccola	Tomlinson
Corman	Holl	Punt	Uliana
Delp	Jubelirer	Rhoades	Wenger
Earl	Lemmond	Robbins	White
Gerlach	Loeper	Salvatore	
Greenleaf	Madigan	Slocum	

NAY-20

Afflerbach	Hughes	Mellow	Stout
Belan	Kasunic	Musto	Tartaglione
Bodack	Kitchen	O'Pake	Wagner
Costa	Kukovich	Schwartz	Williams
Fumo	LaValle	Stapleton	Wozniak

Less than a constitutional two-thirds majority of all the Senators having voted "aye," the question was determined in the negative.

Ordered, That the Governor be informed accordingly.

EXECUTIVE SESSION RISES

Senator SALVATORE. Mr. President, I move that the Executive Session do now rise.

The motion was agreed to.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 2

BILLS ON SECOND CONSIDERATION

SB 421 (Pr. No. 1078) -- The Senate proceeded to consideration of the bill, entitled:

An Act repealing certain mandates imposed on counties; and discharging certain liabilities of counties.

On the question,

Will the Senate agree to the bill on second consideration?

Senator ULIANA offered the following amendment No. A2247:

Amend Title, page 1, line 7, by inserting after "REPEALING": and suspending

Amend Sec. 1, page 1, line 18, by striking out "REPEALS" and inserting: Repeal and suspension

Amend Sec. 1, page 1, line 19, by striking out "ABSOLUTE" and inserting: Repeal

Amend Sec. 1, page 2, line 6, by striking out "OTHER" and inserting: Suspension

Amend Sec. 1, page 2, line 8, by striking out "REPEALED" and inserting: suspended until June 30, 1999

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, we did not have the opportunity of seeing this amendment in caucus, and would Senator Uliana please give us a proper explanation of the amendment.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, this bill is designed to make good on an agreement whereby the County Commissioners Association would agree to engage in the intergovernmental transfer which allows the State to maximize the amount of Medicaid money from the Federal government. In exchange for them agreeing to be part of the intergovernmental transfer, the State is going to withhold and withdraw from assessing them liability on two fronts, one for the forensic MH/MR portion, which accrues to about \$8 million a year, and the second is for the nonreimbursable through Federal government funds to county nursing homes. That is about \$26 million in this year.

The concern that I have is that if we do not have an intergovernmental transfer next year or the year in the future, which is wholly likely since the Federal government is chang-

ing around their Medicaid reimbursement systems, they are trying to balance the Federal budget, thereby we have an unpredictable future, that especially with the county nonreimbursable portion increasing at about 8 percent to 9 percent a year, we may get stuck with a rather substantial bill in the future.

The language I am adding is to allow this language for the county nursing home portion to be suspended for 2 years and not repealed. That will have the same effect as being repealed for 2 years, but in June of 1999 this legislature gets to go back and reassess whether we are continuing to make money off the IGT, the intergovernmental transfer, or if the Federal government has withdrawn that, we will ensure that we will not get left holding the bag. The concern I have is when we are paying and somebody else is managing, it traditionally has been a bad deal for this government. I ask anybody to look at what happened under special ed programs under excess costs. We were paying, someone else was managing, and we had no way of capping those expenditures. We are now at \$26 million a year. This is up from \$20 million a year in 1993-94. I worry that that will spiral and continue to increase and increase and we will be at a point in time where this will be very expensive for us if someone else is managing it.

Mr. President, all I am asking in this amendment is for a 2-year suspension, not a full repeal, so that in the future we can come back as elected representatives and see if this is still a good deal for the Commonwealth. I would say that this was a deal that was worked out by the administration, without legislative approval, with the County Commissioners Association. I think this reasserts our fundamental constitutional perspective to guard the purse of this Commonwealth. I urge all Members, Mr. President, to accept this amendment because its modification ensures we will not be stuck with long-term liabilities.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, may we be at ease for a moment.

The PRESIDING OFFICER. The Senate will stand at ease. (The Senate was at ease.)

AMENDMENT WITHDRAWN

The PRESIDING OFFICER. The Chair recognizes the gentleman from Northampton, Senator Uliana.

Senator ULIANA. Mr. President, after consultation with the leaders, I would like to withdraw this amendment from consideration at this time but reserve the right to offer it tomorrow if the bill is moved to third consideration.

The PRESIDING OFFICER. Senator Uliana withdraws his amendment. Without objection, the amendment is withdrawn.

And the question recurring,

Will the Senate agree to the bill on second consideration?

It was agreed to.

Ordered, To be printed on the Calendar for third consideration.

SB 968 (Pr. No. 1077) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 10, 1968 (P.L.1158, No.365), entitled "An act creating and establishing the Legislative Data Processing Committee: providing for its membership; prescribing its powers, functions and duties; and making an appropriation," providing for the members of the Legislative Data Processing Committee and for access to legislative information within computer information systems by persons outside the General Assembly.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 3

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 329 (Pr. No. 1794) — The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No. 230), known as the Second Class County Code, requiring a jointly appointed tax collector for a certain home rule municipality and school district in counties of the second class; further providing for the membership of boards of managers for monuments and memorials to war veterans; and providing for charters in second class counties.

Considered the third time and agreed to,

And the amendments made thereto having been printed as required by the Constitution,

On the question,

Shall the bill pass finally?

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise in support of House Bill No. 329, as amended, and I ask my colleagues to support the bill as well. Mr. President, for the last couple of years Allegheny County commissioners have been requesting this General Assembly to consider adopting an expedited form of home rule to allow that county to design a new form of government. This legislation provides that. We have support from many sectors, businesspeople, private citizens. The three county commissioners, in fact, have supported this proposal, Mr. President. What we are doing here is allowing the appointment of a charter drafting committee to draft a new charter for the Allegheny County government. We are also allowing, by this legislation, an apportionment committee to be appointed. This committee would draft new districts for council members who will represent all sectors of Allegheny County.

Mr. President, Allegheny County is a unique county in Pennsylvania. It is very large and it also has more municipalities than any other county. It has been represented under the three-commissioner system for over 200 years, and this county has, unfortunately, not given the opportunity for representation to people throughout the county. There have been concerns from my constituents in the northern and eastern parts of the

county. I have heard concerns from people all around the borders of the county that they have not been part of county government.

Mr. President, what this bill does is allows this charter drafting committee to adopt a charter that gives 13 to 15 council districts to those voters of Allegheny County so that each will have a councilperson who will be their representative in county government. It also allows for an elected county executive, that person to have the final say and be accountable to the people of Allegheny County, who will be an elected executive. It also provides for an administrative person who will deal with the day-to-day running of the county.

Mr. President, we have seen in recent years the difficulties that the three-commissioner system has caused. The three commissioners are traditionally elected either from the city or from very near the city, and again I believe that this form of government will allow more say from the constituents within the county from all ends of the county.

Mr. President, I encourage a positive vote on this bill. It does give the final say to the public. It provides for the charter drafting committee to be appointed, but the charter drafting committee during its drafting of the charter must hold five hearings in all portions of the county. It must, after it completes the draft of this charter, hold five additional hearings on the charter so that the public has real input during this process. It also requires that if this charter is adopted by the electors in Allegheny County, that the apportionment of the council districts will also be done with hearings so that the public again will have the input regarding the hearings. It also provides that input be given from an appointed advisory committee, that advisory committee to be made up of residents of the county, members of the councils of governments which have been very active in the communities of interest within Allegheny County, and also from municipalities that are not represented by the councils of governments.

Mr. President, we have been working, we the legislators from Allegheny County, with people who were from a study commission called CompAC 21, which originally recommended that this form of government be advanced to the voters, and we believe that this is the best piece of legislation to bring the opportunity to the voters to change their form of government, allowing them to have the final say, as they should, Mr. President. So I would encourage my colleagues to give a positive vote on this bill.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, many of the people I know who are involved in this bill are well-intentioned. They are honorable, they are respectable people. There have been some positive changes to the legislation over the course of the past month or so in an attempt to address some of the legitimate concerns that we on the Democratic side have expressed. However, the changes that we made, however well we did or poorly we did with working out changes to the bill, did not go far enough. And in the final analysis, I know I am not convinced that this provides for the kind of real or meaningful change that we need in Allegheny County.

There have been no hearings on this legislation. And over a month ago, I am sure we will all recall that every Democratic Member of the Senate and the House from Allegheny County did call for public hearings on the ComPAC 21 legislation in order to garner citizen input and expert testimony before we advance on this proposal. Our call for public hearings was completely ignored by the Republican Majority leadership. And before we move this legislation to circumvent the normal home rule process, as is provided for by law, as based on our Constitution, we should have the opportunity for public hearings. That did not happen. Once again our request for public hearings was ignored.

Now, Mr. President, you will recall that Act 62 of 1972, the Home Rule Charter legislation, clearly envisions a central role for the voters of the county in which home rule is to be discussed. That Home Rule Act says that the citizens will decide whether or not they want a commission to study a change in their form of government, not just implement a change. It also says that they elect their neighbors and their fellow citizens to write a charter, not some people in Harrisburg. The people of the county will vote on a new form of government, so Act 62 says. Now the process that was envisioned by ComPAC 21, now incorporated into House Bill No. 329, precludes the decision of the voters to decide whether or not they want a commission to change their form of government. They also do not have the opportunity to elect their neighbors and their fellow citizens to write a charter.

If we pass this legislation, Mr. President, Allegheny County would become the first county or municipality in this State to undergo a radical change in the form of its government by totally circumventing Pennsylvania's 35-year-old Home Rule Law. The private interests and the consultants who drafted this bill tell us they know better than the people of Allegheny County. They tell us that the input of the citizens at the start of this process is not important. They also tell us we need to fast-track this short-circuiting of the law in order to suit someone's political agenda, but they want the citizens involved at the tail end of this process.

Mr. President, the proposal for key appointments to both the charter drafting committee and the apportionment committee by the Republican President pro tempore of the Senate and the Republican Speaker of the House smacks of a blatant Harrisburg power play and a power grab by the Republicans. It seeks to divide and also dilute the representative authority of 4 Democratic Senators from Allegheny County and 20 Democratic State Representatives from Allegheny County. It is a slap in the face to the people of Allegheny County and it is an attempt to grab partisan control. We know that the Democratic Party in Allegheny County holds better than a 2 to 1 voter registration edge over the Republicans. We know that it is actually a 5 to 2 ratio, and I do not think that we are about to let our Republican friends use county government restructuring to fulfill their objective of a permanent takeover of county government when they cannot do it at the ballot box. They prefer to do it with the stroke of a pen.

Right now, Mr. President, the county of Allegheny does not have any legislative power. This new bill would give them

legislative power that is now exclusively in the hands of 130 different municipalities. What they would do with this bill is add a bureaucracy to the existing system of each municipality having its own legislative power. What this bill implies, and what one can infer from it when reading it, is that all of the local municipalities will be eliminated. The county government would be the only government in existence, and, Mr. President, to me not only does that reek of metropolitanism, it is metropolitanism. The regional concept of selecting members to this board by district rather than at large would make any reform in government virtually impossible. Each person who would represent a region on the board would be vying for a piece of the pie for their own districts. We do it here in Harrisburg every day.

I would like to cite the example to you of some years ago when they were selecting a site for the Allegheny County Greater Pittsburgh Airport, which is presently, and was agreed upon in those days, in Findley Township. Because we had a three-member board of commissioners, that choice was not so difficult. I cite that example, Mr. President, because if this so-called reform structuring of our county government in Allegheny is to happen by 13 or 14 or 15 or maybe even 17 regional districts, we would never have had an airport such as we have with that structure in place back in those days. I do not know that the county would even have an airport today. And there is much confusion that has arisen by this proposal that the public has yet to learn about. There is certain language that has been included in an effort to protect the municipalities, and the language is, I am sure, not sufficient to achieve that goal. That is why we are so concerned about the metropolitanism and what happens to 130 municipalities.

You know, it is very interesting that at a Friday afternoon news conference our current chairman of the Allegheny County Board of Commissioners, Larry Dunn, made a statement that, you know, if this thing looks like metropolitanism and if it smells like metropolitanism, it must be metropolitanism. Well, I always heard if it looks like, walks like, and talks like a duck, it must be a duck. Larry apparently agrees with that. I have no problem. Mr. President, we on the Democratic side of the aisle, especially those from Allegheny County, also say what Larry Dunn says about this legislation.

Now, in light of what the people of Allegheny County have witnessed over the past 17 months in our county government, I do not think there is anyone in the county who can dispute that there is a need for change. We go from the property assessment scandal to the failure to provide for a responsible county budget to the threat to the county's bond rating system to the hiring of a county solicitor who did not pay his taxes to the departure of an economic development director who just wanted more money. We go also to the newly announced resignation of a budget director who knows how bad things are, all the way up to the embarrassing political bickering among the majority commissioners.

Yeah, Mr. President, we all in Allegheny County recognize the need for reform, and that is in spite of the fact that Allegheny County is working the way it is supposed to. Those commissioners are all supposed to exert their own feelings and

their own minds in making decisions. Now that that is occurring, there are a lot of people who do not seem to think that is the proper form of government. Well, it worked for over 200 years. Last year it was the newly-elected Republican County Commissioner, Bob Cranmer, in a February 14, 1996, *Post-Gazette* article, and I quote, "The problem isn't the form of government here in Allegheny. We basically had a county executive for 25 years in Tom Foerster. The problem is a lack of leadership and lack of action." That problem, Mr. President, exists to this day, and it was Republican Bob Cranmer who made that statement. Today, Commissioner Cranmer and I could not agree more. That is exactly the problem. Regardless of what we do here today, there is no change in our county government structure that can replace the need for real leadership and meaningful action.

I thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Murphy.

Senator MURPHY. Mr. President, I also rise in support of House Bill No. 329, as amended, saying it is due time that the residents in Allegheny County had an opportunity to enter the 20th century and prepare for the 21st century with a government that is fitting and truly representative of the people.

I have had an opportunity to meet with representatives from the 22 municipalities in my Senate district, and throughout that they continue to be concerned that county commissioners for many, many decades have come more from the city of Pittsburgh or its immediate surroundings rather than from suburban areas. We have seen growth change in Allegheny County where 15 and 20 years ago the residents were primarily from the city and now primarily they are from the outer areas of the county, and yet they feel they no longer have a strong voice in their government.

We also need to end this century and prepare for the 21st century in providing for a government that can truly be responsive. These are changing times of rapid growth, times in which Pennsylvania has to be ready for that rapid growth and those rapid changes, a time when Pennsylvania continues to be plagued for many years with lost jobs, which are now rebounding, I am thankful to say, but still we need to be ready.

This legislation was drafted from the hard work that took place over many months from many people who traveled the country studying different forms of government in different counties. What they came back with was when counties had a county executive and responsive government, those were the counties that really had a government that was able to be vital and alive and vibrant and respond and help with economic growth. Look at areas such as Montgomery County in Maryland, a place that is absolutely booming with business, a place that is responsive and that has a good responsive government.

But the changes in this legislation did not end there. We had some meetings with Members of both sides of the aisle which added some important changes to this legislation. Senator Costa brought to mind that we needed to have caps on taxes, a good idea. Senator Wagner offered that it was important to have a supermajority vote on the charter drafting committee, a very good idea. Senator Belan and Senator Costa and

others also recommended that we make sure that we have hearings throughout the area, and 15 hearings will be held before this measure is really enacted in the communities. It is important, of course, to have a voter referendum, and that is a fundamental and important issue on this bill, so that the voters themselves will finally have a say in implementing an effective county government in Allegheny County.

This holds the promise of a revitalized government for our district and competitive region, and we need to enact it. I also add to this point, too, whether or not these people should be appointed or elected, I am concerned that running through an elective process for the delegates to put together this charter for the county may in itself not be effective. The ballot may be filled with dozens, perhaps 100 people running for those offices and positions, some who may be dedicated to change and some who are less knowledgeable on that.

Are there precedents for appointing people in this Commonwealth to work on issues? Yes, Mr. President, there are. The Declaration of Independence was written by an appointed committee of Jefferson, Franklin, and Adams, who came out of a group of delegates that were elected out of the colonies. The Constitution was also put together in a similar way in its drafting by people who were appointed to sit down and do the rough work. What the voters will be left with is actually a document that they can vote on. Whether they will support that or whether they will not support that is up to each individual voter. What is important is that they will have something of substance to vote on, and that is why I urge all the Members to vote for this very important legislation and give Allegheny County a fighting chance.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Belan.

Senator BELAN. Mr. President, I rise to strongly oppose this legislation. Mr. President, when we think about creating a new form of government, we must think about the people first. We must think about what we do here and how it will affect the working men and women of Allegheny County. We need to think about how the reform proposed here in Harrisburg will be felt in living rooms, not in the boardrooms of the corporate towers downtown. We need a reform that is grounded in the people, a reform that makes sense and which has the support of people who work every day to pay the bills, the people who are rubbing two pennies together from day to day, and the people who go to the polls religiously and faithfully. We do not need the corporate powerbrokers dictating how they think reform should be.

Mr. President, this is an issue that should be handled by Allegheny County from within the county. If the people want change, they should be able to petition the government to do just that, but do it within their own county and not rely on the politicians here from Harrisburg, but for the corporate community and the elites of Allegheny County, it is not. Mr. President, we make provision in our Constitution and laws for just this case. I believe it is called home rule. It is a process that allows all of Allegheny County and its people to participate, a fair process with a reasonable time to examine all the issues

involved in creating a new government. That is the kind of reform that we should be applauding here, not trying to circumvent.

But that is not all that is before us today. Today, in my view, we are considering change for the sake of change and nothing more. Mr. President, I support changing county government to make it more effective and more efficient. I support changing county government so it can adjust to economic opportunities. I support changing government because the people deserve a chance for change if they so desire one. But, Mr. President, I will not support a change in the county government because the business community cannot get along with the current county commissioners. I will not support a change in county government because the business community wants a greater tax base, sharing our municipal consolidation. I simply am not going to support any change in government that serves as a vehicle to increase taxes, dissolve municipalities, or consolidate programs simply for the sake of change.

Mr. President, I have been involved in government for more than 30 years and I am proud of my service and I am more proud of the people whom I have served, but sadly in this reform we give these people no credit for being able to figure out for themselves what kind of county government they would like. We have been told that there is a need to get around home rule because the citizens of the county will never approve of any new charter that was developed in this county. We have been told that the county needs to create a new executive and at least two new layers of government to somehow be more efficient. We have been told that now is the time to make the change because all of the county commissioners agree that it is the right time. We have been told that this is what the people want.

Mr. President, that is not what the people in my district are telling me. They are not telling me that they want a new form of government. They are telling me that they want new county commissioners, ones who will work together for the people, not just simply a few people. They are telling me that they should have a say in how government is formed. They are telling me that they worry about any new government layering one tax on another so they will suffocate under its weight.

Mr. President, let us be honest with each other. This process that is being used here today is being done for one reason only, so that the taxpayers are cut out of discussions and prevented from having any input into forming their own government. Is that what we are here for in the Senate, cutting the taxpayers out, stifling input? No, Mr. President, that is not what I am about. I think the people of Allegheny County deserve to be involved in the process and be part of the solution. I think what we are doing here in passing this bill is a disservice to all of the taxpayers of Allegheny County, and it is something that they and we will long regret.

I am going to vote against this measure because I support real, truthful reform, not a plastic version which was created by big business for big business. Mr. President, the people of Allegheny County are smarter than the corporate powerbrokers think. They can see fakers and expose them better than anyone here today. They can see that this is an attempt by the cor-

porate community to spread the tax burden, consolidate communities, and remove efficient controls that limit power. Mr. President, I am confident in the ability of the taxpayers to recognize these facts about this reform, and I am confident that they will have the final say.

Mr. President, good reform should be grounded in the people, not ground into them by corporate elites. I think we could have done a better job for all of the people of Allegheny County, not just for a simple few. I think they should have a role in determining how they are governed. I think they should be part of the solution, not looked upon as the problem. I think they deserve no less. After all, Mr. President, it is their government, not yours and not mine. It is theirs. The little people deserve a chance in this reform.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I rise in all due respect to my colleagues on this side of the aisle who have spoken against House Bill No. 329, and I rise in support of House Bill No. 329 for a number of good reasons, which I am going to state here today, and I am very optimistic that House Bill No. 329 is in the best interests of the future of Allegheny County.

For the sake of the Members of the Senate who are not part of Allegheny County and those out there listening, CompAC 21 is really what House Bill No. 329 is all about. CompAC 21 is the committee to prepare Allegheny County for the 21st century. It was a committee formed several years ago and chaired by Dr. John Murray, the president of Duquesne University, one of the finest universities certainly in Pennsylvania, if not the country. The committee also consisted of a broad range of people concerned and interested and committed to the future of Allegheny County and southwestern Pennsylvania. What it is really about, Mr. President, is creating a single executive for Allegheny County, a concept that I have supported for years, rather than the three commissioner form of government. I personally believe very strongly that the present form of government with the majority commissioners being Republican and prior to these previous commissioners who were Democrats in the majority, under either scenario, Allegheny County government has not worked in the best interest, and I repeat, the best interest of the people. Allegheny County government is old and stale, and let me repeat that: it is old and stale. It is over 200 years old, and has more responsibility in 1997 than ever in its history. And there becomes a time in our history when we have to face up to certain changes that are necessary if that county and that region is going to move forward.

What we are trying to do today with House Bill No. 329 is give the voters the opportunity, just the opportunity, to decide if they want a change in county government. We are not mandating a change. We are giving them a referendum question this fall, or possibly next spring if the charter drafting committee does not get its work done by that time, for the voters to vote at the ballot box, potentially 1.4 million people in Allegheny County, to determine their own future. If they think this proposal is good, they will vote "yes." If they think this proposal is bad, they will vote "no," and I should state that they

have voted "no" twice before in the 1970s. In 1978 and I believe 1972 or 1974, a similar home rule question was put in front of them and the voters of Allegheny County voted it down. So the potential exists again this year or early next year for the same thing to occur. If they vote "yes," in my opinion, we will move Allegheny County into the next century, into the next millennium.

Mr. President, as some of the speakers have said, there have been long and hard negotiations in the past several weeks, in the past several months, in regard to this bill. Originally there was a bill proposed by CompAC 21. That legislation has undergone significant, and I repeat, significant revisions in the last several weeks and even revisions today on the Senate floor. I want to speak briefly to some of those revisions just to reemphasize their importance as some of my colleagues have spoken to them. There is now, or will be if this bill passes the Senate and the House, 15 public hearings throughout the entire process of changing the government of Allegheny County. It is required in this legislation that those hearings occur in the north, south, east, and west, and also in the city of Pittsburgh, at least three times under different scenarios progressing with this proposal. I think that is a very positive change in this legislation.

As part of the legislation, we are protecting the integrity of 130 municipalities in Allegheny County, so that there will not be mergers, as was suspected when there were referendum questions in the past that was the intent of Home Rule Charter. That, Mr. President, is not going to occur because it is part of the written document that is in front of you today. There will not be encroachment by county government on those municipalities. In other words, county government will not force those municipalities to do things they do not want to do. There will also be, in addition to a single executive, a county legislative body. Today, as everyone knows, under the form of government, the executive and legislative body is all in one with three commissioners. Quite frankly, in a county the size of Allegheny County, it simply does not work.

Under the proposal in front of us, there would be 13 to 15 district council members in Allegheny County, the final determination to be made by the charter drafting committee and, ultimately, the voters. In addition, there would be one to three at-large members as part of that legislative body, with the total being an odd number, and the charter drafting committee, which will determine the final numbers, as was indicated I believe by Senator Murphy, will require a supermajority vote within that committee in order for it to be agreed upon so it can go on to a ballot.

There will also be a separate committee called an apportionment commission that is modeled after this Senate, something that Senator Mellow and Senator Loeper were involved in in a recent meeting that occurred last week, and it really is, I think, probably the most controversial issue related to this entire document, and I believe we have come as far as we potentially can in a bipartisan way to create an apportionment commission that is fair to all the people of Allegheny County. There are also limitations placed on property taxes and tax

caps in general as they sit today in Allegheny County and also related to assessments.

Those are some of the particulars in front of us today, Mr. President, but what this issue is really about is local control of Allegheny County government by Allegheny County citizens, and as everyone in the Senate and the General Assembly knows, whenever a minor, and I mean a very minor, change needs to occur in county government within Allegheny County, Allegheny County must come to the General Assembly for the passage or an amendment of a bill to permit Allegheny County to change its form of government today. Under home rule, that would not be the case.

The control of Allegheny County would be more directly in the hands of the citizens of Allegheny County, and I very much believe that that is what the citizens of the second largest county of this Commonwealth truly want. But, Mr. President, what I really think this issue is about is leadership, and when I say leadership, I mean a county moving in a positive direction on many critical items facing it today and its future, and I just want to talk about a couple of them.

Senator MELLOW. Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow. For what purpose does the gentleman rise?

Senator MELLOW. Mr. President, this is a very important piece of legislation. I think there should be order on the floor, and if people want to carry on discussions, perhaps the Chair should ask them to leave the floor so we can hear the speaker discuss this appropriately.

The PRESIDING OFFICER. The objection is well-taken.

The Senate will come to order, and the gentleman from Allegheny, Senator Wagner, is again recognized.

Senator WAGNER. Mr. President, presently in Allegheny County there are three commissioners. And you can pick up the newspaper any day, the Pittsburgh Post-Gazette, the Pittsburgh Tribune-Review, or any of the other local newspapers in southwestern Pennsylvania, and you can see almost on a daily basis that there is not agreement on many, many issues facing Allegheny County. I call the present form of government a three-headed monster in Allegheny County because you are always getting differing opinions and differing signals no matter what the issue is. But that is just not today, Mr. President. It has been the case literally for years on many, many important issues.

Now, the Members of this Senate may not be aware, but Allegheny County government and the municipalities that it represents, except the city of Pittsburgh and one or two others, do not have a 911 emergency system. Now, it is hard to believe in the year 1997 that the second largest county in the Commonwealth of Pennsylvania and the largest county in southwestern Pennsylvania, which is the 18th largest metropolitan area in this country, does not have a 911 emergency system. And I can stand before you today, Mr. President, and tell you absolutely that people have died in Allegheny County because of it and people will continue to die in Allegheny County because of it. And there is no logical reason for a 911 system in our modern technological world not to exist except

that the government that presently exists has truly not taken the bull by the horns and put into place an emergency system that should have been in place years ago. That is one flaw that exists today, and I am not blaming anyone, but I am saying that it is causing that county from being the county that it can be and it should be to its residents. And I believe at the core of the issue is the lack of leadership. At the core of the issue is the lack of a singular person to make critical daily decisions that impact the lives and the future of the people of the second largest county of Pennsylvania.

I could go on and on, Mr. President. There are many, many other issues. Allegheny County has been in desperate need of a new convention center. We have the 97th largest convention center in the country and the 18th largest market. It has been very, very difficult to get a consensus and a commitment to move forward on what I consider to be the number one infrastructure project in southwestern Pennsylvania. We built a new airport and we bragged that we have the finest airport in the country, but we still today do not have a mass transit system between the airport and one of the finest downtowns in America. Why? Because there has not been leadership on a critical issue facing Allegheny County and southwestern Pennsylvania.

And I do not believe there will be leadership as long as we continue to live with the stale, old, outdated form of government in Allegheny County. I am not saying that this legislation will solve everything, but I think this legislation is a new beginning for a new attitude in Allegheny County and southwestern Pennsylvania, and I believe it is the right thing to do. Keep in mind, Mr. President, you cannot have three governors and expect to get a clear decision out of State government. You cannot have three presidents of a corporation, you cannot have three union leaders of a singular union. You must have clearly defined leadership and responsibilities associated with it, and I believe that is what this proposal gives us today.

Mr. President, Allegheny County, as I indicated, is the second largest county in Pennsylvania. Allegheny County is not the same as other counties. I am sure that in other counties the three-commissioner form of government works and works very well. But in Allegheny County it just does not work anymore. The city of Pittsburgh is a minor piece of Allegheny County. Allegheny County has 1,400,000 citizens, the city of Pittsburgh has 350,000 citizens. The majority of the citizens are in the suburbs of Allegheny County. The city of Pittsburgh is 55 square miles. Allegheny County is over 500 square miles. Allegheny County has truly become the third largest government in the Commonwealth of Pennsylvania in size. After the Commonwealth itself, after Philadelphia and Philadelphia County, there is Allegheny County.

Allegheny County needs to move forward. As all of you know, it has a great legacy. We have some of the finest universities in the country. We have some of the finest medical facilities in the country. And I am very proud that we have some of the finest corporations in the country, if not the world. We have some of the finest labor groups in Allegheny County, and Allegheny County has a great history and a great legacy. We need to make sure that that legacy continues. We need to

make sure that what has happened in recent years with children leaving Allegheny County to go to other parts of the country due to the lack of jobs and economic development, that we can reverse that trend. Mr. President, I believe this legislation is about those children, and it is about the future of all the children in Allegheny County and southwestern Pennsylvania, and for that reason I would please ask for an affirmative vote on House Bill No. 329.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Costa.

Senator COSTA. Mr. President, House Bill No. 329, which we are about to vote on, is a very historic piece of legislation. As has been stated by some of my colleagues, we are changing the form or possibly changing the form of a county government which has been in place for almost 200 years. Mr. President, there has been a lot of discussion about this particular piece of legislation. The ComPAC 21 version has been modified to some degree to a position or a point where now we have addressed many of the issues that have been of great concern to me.

Mr. President, the issue of taxes, one which is very close to my heart, and my concern that we have too many taxes and to prevent Allegheny County government, whatever the form of government might be, that the mandates with respect to tax caps remain in place. I raise this issue and it is part of House Bill No. 329. I am happy to see that. Also, Mr. President, the issue of assessments. There has been discussion in the ComPAC 21 report with respect to the assessments and the 100 percent evaluation assessment and the like. There was also discussion about anti-windfall mechanisms which would be in place as part of the charter, and they are in place in part of House Bill No. 329 as well. The concern that we all had about public hearings, to some degree they have been addressed. We have 15 hearings scheduled at various stages of this whole process, and I am very happy to see that as well.

And finally, Mr. President, I am very pleased to see that the recommendations that we Democrats put into place regarding the number of districts increasing from 9 to 11 actually now taking the 13 to 15 number as well as 1 to 3 at large. By doing that, Mr. President, we are now encompassing or permitting to be part of our county council government in the event that this legislation passes ultimately, to assure that minority representation will be placed within that council, and I think that is a very important issue that needed to be addressed and we were able to address that, and we did that with the support of both Democrats and Republicans.

But, Mr. President, there are several things in this particular piece of legislation that I am not happy about. In a meeting that was convened by the Majority Leader, Senator Loeper, we had discussions about the particulars of the charter drafting commission and the provisions as it relates to the apportionment drafting commission. Mr. President, my concern was that in Allegheny County we have county commissioners who, quite frankly, just simply do not get along. But yet when those county commissioners had the opportunity to put this issue on the ballot today, they failed to do so and they thrust it upon the

General Assembly to take care of this particular issue. When I requested that the county commissioners and their unanimous vote or unanimous veto power with respect to the apportionment commission be removed or in some way be structured so that they would not have the final say-so, Mr. President, that issue for the most part has been ignored.

But despite that glaring issue and glaring problem that I have with this, the commissioners being involved, as was stated by the gentleman from Allegheny, Senator Wagner, and other Members of this Senate, this piece of legislation, quite frankly, is something that its time has come. The time has come with respect to moving forward in Allegheny County, moving forward for the protection of the economic development in our community so that our children, my children, Mr. President, my three young children, will have the opportunity to stay here.

So after a very long, very deliberate, very thoughtful contemplation on my part, I am very reluctantly voting in favor and to support this particular concept because I think its time has come. My hope is that the people of Allegheny County ultimately will have the final say-so as to whether or not the new form of government that we are suggesting actually should take place. I think that is an important element of this whole process, and my concern is that we do whatever we can to make sure the voters of Allegheny County actually understand and know what it is that they will be getting in the event that this bill ultimately passes.

So, Mr. President, I urge my colleagues to support the current version of CompAC 21 despite its glaring problem, in my view, with respect to the commissioners being involved, but while I think it is not the perfect vehicle or the perfect bill, it is one that I think deserves support today so that we can move this process forward and let the people of Allegheny County ultimately have their decision with respect to the form of county government.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Westmoreland, Senator Kukovich.

Senator KUKOVICH. Mr. President, I had not intended to speak on this issue originally, and I guess everyone from Allegheny County is done now, right? All the Allegheny County Senators have spoken. I viewed it, I suppose, as more of an Allegheny County issue. I read in the papers about what looked like a partisan issue, and maybe it is all of that, but as I began to follow the debate and read the bill and looked at some of the work product of this CompAC 21 group, the whole dynamic took on a kind of surreal Alice-in-Wonderland atmosphere, and I think we kind of heard that today on the floor. There are all these grandiose platitudes that have talked about the future and the economy of the county and the region, and there has been debate on whether or not we should accept this bill because a lot of specific little minutia that has been broken down between the various parties, but as I look at the work product, that does not seem to reflect reality.

In Westmoreland County, I guess objective economists would say that we are doing quite well there, especially compared to some of the problems in Allegheny County. Most of

the prime movers behind this legislation have stated that they are concerned about the economic future of Allegheny County. In Westmoreland County, although we have a three-commissioner setup and although they have some problems among themselves, not as highly publicized perhaps as in Allegheny County, they have had for some time one individual designated as the economic and community development planner and the three commissioners do not get involved hands-on with a lot of that work. As a result, they have been able to be streamlined and targeted and make sure that their programs are wisely done to fit the areas of the county, and that can be done whether you have a council or whether you have commissioners. So the reality of what people have talked about, and it has been mentioned on the floor, has to do with the personalities, and I think that is where some of the surreal aspects of this come in, because you can have economic development no matter what the system is, depending on whom people elect.

The other argument has been about streamlining, and every way I look at this bill, whether I turn it inside out or upside down, I see three people being replaced by either 15 or 17, or something like that. I do not see the streamlining nature. I have heard conflicting arguments on the floor about whether this will disrupt local governments, whether they will be forced to merge, or whatever, and I looked at the work product of CompAC 21 and they have some language about disincorporation, not recommending elimination of various municipalities in the county but saying very specifically that the committee is recommending that municipalities have the right to decide to go out of business. And they even highlight a quote from Milwaukee County, Wisconsin, which they say is one of their great economic competitors, and the quote to be highlighted is, "You have to be kidding, you have 130 different municipalities? We thought we had problems, and we have 19 municipalities in our county."

On page 11 of the bill they very specifically say, "The charter shall maintain the integrity of municipal boundaries and shall prohibit the county from forcing annexation, merger or consolidations....," et cetera. So there is conflicting language. On one hand, CompAC 21 wants to streamline, but for political purposes, in terms of the bill, they are being wise in how they get a bill passed. So what we see really is not all this talk about the future of the children of Allegheny County or the future of their economy, we are talking about the political future of a few individuals.

I would suggest that we take a look at what happened in this county back in 1974 and I believe 1978, whenever the voters decided to reject the Home Rule Charter. Now, I cannot recall all the details in the early and mid-1970s of the substance of that charter, but I would suggest that they actually tried to do more in terms of streamlining county government than what this bill does, which I think creates more bureaucracy. But those bills were defeated, as I remember the newspaper accounts, because of the specter of a tax increase. And that is again why the language in this bill goes to making sure everything is capped, so that the opponents of this bill cannot say that there would be a tax increase. It does very little

to address streamlining or creating a structure within the county to make sure that their economic development programs are focused. I am at a loss at how a council of 13 to 15 and an elected executive and an appointed manager are going to be able to solve the real problem of parochialism versus regionalism, and that is at the heart of this problem. I guess it could be done under this bill, again, if the right personalities are in place. But no legislation enacted here can dictate whether or not that will happen. So it does not deal with streamlining, it does not deal with economic advancement. It is kind of like blue smoke and mirrors.

I guess I would conclude by saying that I do have a concern that after a quarter of a century or more of Act 62 that what is really behind doing it this way is the history of what happened to Allegheny County in the 1970s when the voters rejected a Home Rule Charter, and that is why the people behind this do not want the voters to have a vote. In the entire history of that law, it has never been circumvented in this way. Now, if the Members here want to just say let Allegheny County do what they want, I do not think any of us would want the State legislature to come in and circumvent the law so our counties cannot have their say. And you can talk about hearings, and public hearings are nice, but most of us who have been around here know that depending upon the people involved, public hearings can be a sham. It might not necessarily be real input.

The beauty of Act 62 was, and some of my colleagues have quoted Presidents and great people, well, one of my favorite Republicans was Abe Lincoln, and I do not remember everything he said, but I remember a quote from him talking about government by the people, and that was the beauty of Act 62. The study commission would be drafted by the people elected, not because of some public hearings, and that is what is eviscerated in this legislation. I do not want that to happen in my county. I do not think any of you want that to happen to your county, and this legislation certainly sets that precedent. Mr. President, I ask for a negative vote on the bill.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Allegheny, Senator Hart.

Senator HART. Mr. President, I rise to offer into the record a letter that was sent today to Senator Loeper from the three current county commissioners in Allegheny County. The letter, Mr. President, is a bipartisan letter showing bipartisan support for House Bill No. 329, as amended, and was sent today to the Majority Leader. The gist of the letter says that that board plans to act unanimously to make appointments for the drafting committee and to move forward so the committee can begin its work. They are committed to the charter effort, and their final statement, Mr. President, is that it is based on making Allegheny County government function more efficiently. I offer this for the record.

(The following letter was made a part of the record at the request of the gentlewoman from Allegheny, Senator HART:)

OFFICE OF THE COMMISSIONERS
County of Allegheny
119 Courthouse, 436 Grant Street
Pittsburgh, Pennsylvania 15219-2499

May 12, 1997

The Honorable Senator F. Joseph Loeper
Senate Majority Leader
Main Capital [sic] Building
Room 362
Harrisburg, PA 17120

Dear Senator Loeper:

We are writing to express our unanimous support [sic] H.B.329 as amended with of the Second Class County Charter legislation.

The Allegheny County Board of Commissioners, as the governing body of Allegheny County, is fully committed to establishing the Charter Drafting Committee called for in H.B. 329. We plan to establish the committee by ordinance as soon as the legislation is signed into law by Governor Ridge. In addition, we plan to act unanimously to make the appointments to the Charter Drafting Committee, including the legislative nominees, so that the Committee can begin its work as soon as possible.

As members of the board, we are committed to the county charter effort. This is a bipartisan effort. It is not based on politics. It is based on making Allegheny County government function more efficiently.

Thank you for you [sic] consideration.

Sincerely,

LARRY DUNN,
Chairman, Allegheny County
Board of Commissioners

BOB CRANMER
MIKE DAWIDA

The PRESIDING OFFICER. The gentlewoman from Allegheny, Senator Hart, may continue.

Senator HART. Mr. President, the comments made by the gentleman from Westmoreland I believe are misplaced. CompAC 21 did produce a report. The legislators, Mr. President, produced a bill that is not identical to the CompAC 21 report. It is based on what we the legislators who worked on this bill as well as Members of the House believe would work well. CompAC 21 worked in a vacuum. We the legislature do not. We work clearly with input from our constituents and from our colleagues.

Mr. President, to refute some statements that were made, I think it is important to be clear about what is contained in the legislation. In fact, under this bill, property tax millage limits that currently exist will continue to exist. So there is not, as the gentleman from Allegheny, Senator Belan, stated, an opening for tax increases. Also, Mr. President, the protections that are currently in place for municipal boundaries, as stated by the gentleman from Westmoreland, Senator Kukovich, do stay in place. We clearly want to have cooperation between the county and municipalities. To have this bill eliminate those municipal boundaries would certainly not set the stage for intergovernmental cooperation. Also, the charter provides for term limits for the county executive and limits on council staffing and expenses. This is certainly not expansion of government or making that government more powerful and more controlling of the citizens of Allegheny County.

Mr. President, finally, the comments that were made about home rule and about the 25-year-old Home Rule Law we have in the Commonwealth of Pennsylvania. We are a legislative body, we deal with changes in the law. Clearly, 25 years, in

light of a Commonwealth in which its charter began in 1681, is only a blip on the radar screen. If we in the legislature believe that we should provide for our local governments or for a second-class county the opportunity for a more streamlined approach to achieve home rule, then we certainly should do that, Mr. President, without regard to the fact that there is a short-lived Home Rule Law already on the books.

Finally, Mr. President, in advancing legislation that gives us a single county executive in Allegheny County, we are following the steps taken by other counties in the United States that have been very successful with economic development. Clearly having three executives arguing over which economic development projects to pursue or which entrepreneurs to try to attract to the county is difficult. Having a single executive will make it much easier for us to move forward in Allegheny County with the growth that we so much need.

Also, Mr. President, simply to refute some comments made by the other side of the aisle, I think by Senator Bodack, the appointments to the charter drafting committee and to the apportionment commission are not made in a partisan manner. In fact, Mr. President, these appointments are made in a clearly bipartisan manner, and the amendment today added to the bipartisan nature of this bill. The Speaker and the President pro tempore appoint from nominations made by both the Democratic and Republican Caucuses from Allegheny County. That is right. The Democrats and the Republicans make nominations which shall be appointed then by the President pro tempore and the Speaker. That means that that commission will be completely bipartisan. That is the charter drafting committee and the apportionment commission. The amendment today made sure that the appointments made to the charter drafting committee by the county commissioners would also be bipartisan. That is it is a unanimous vote by the Democratic and Republican county commissioners to appoint two from one party and two from another party to that charter drafting committee.

So, Mr. President, the arguments on the floor are certainly not borne out by the facts in the legislation, by the legislation itself, and that is what we are voting on here today, not statements that are inaccurate that have been made by Members of this body. So I would hope that people would reconsider their concerns with this and take a look at the specifics in the bill and the bipartisan nature of this bill and support it, for the final decision is made by the people, the electorate of Allegheny County, with quite a bit of input, as was stated earlier, with 15 public hearings throughout the county. So I would again request my colleagues to take a moment, and like Commissioner Mike Dawida said, this is about us being able to control our own destiny. The real key to reform is to get the county out from under the thumb of the State legislature.

Thank you, Mr. President.

LEGISLATIVE LEAVES

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, Senator Musto and Senator Belan have been called to their offices, and I request temporary Capitol leaves on their behalf.

The PRESIDING OFFICER. Senator Mellow requests temporary Capitol leaves on behalf of Senator Musto and Senator Belan. Without objection, those leaves are granted.

And the question recurring,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-33

Armstrong	Hart	Murphy	Tilghman
Bell	Heckler	Piccola	Tomlinson
Brightbill	Helfrick	Punt	Uliana
Corman	Holl	Rhoades	Wagner
Costa	Jubelirer	Robbins	Wenger
Delp	Lemmond	Salvatore	White
Earl	Loeper	Schwartz	
Gerlach	Madigan	Slocum	
Greenleaf	Mowery	Thompson	

NAY-17

Afflerbach	Kasunic	Musto	Williams
Belan	Kitchen	O'Pake	Wozniak
Bodack	Kukovich	Stapleton	
Fumo	La Valle	Stout	
Hughes	Mellow	Tartaglione	

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, we have one item of business left on today's regular Calendar and I understand there are some amendments to be offered to that. I have had a request from one of my Members that we have a very short caucus, and at this time I therefore request a very brief recess of the Senate for the purpose of a Republican caucus to take place in the Rules room at the rear of the Senate Chamber.

The PRESIDING OFFICER. For the purpose of a brief recess for a Republican caucus to take place in the Rules room, the Senate is now in recess.

AFTER RECESS

The PRESIDING OFFICER. The time of recess having expired, the Senate will come to order.

THIRD CONSIDERATION CALENDAR RESUMED**HB 148 CALLED UP**

HB 148 (Pr. No. 158) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 2 of the Third Consideration Calendar, by Senator LOEPER.

BILL AMENDED

HB 148 (Pr. No. 158) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for credit card fraud; defining the offense of unlawful device-making equipment; and providing penalties.

On the question,

Will the Senate agree to the bill on third consideration?

TOMLINSON AMENDMENT A2153

Senator TOMLINSON offered the following amendment No. A2153:

Amend Title, page 1, line 4, by inserting after "equipment;": providing for racetrack gaming;

Amend Bill, page 6, by inserting between lines 26 and 27:

Section 3. Chapter 71 of Title 18 is amended by adding a subchapter heading and a subchapter to read:

CHAPTER 71
SPORTS AND AMUSEMENTS
SUBCHAPTER A
GENERAL PROVISIONS

SUBCHAPTER H
RACETRACK GAMING DEVICES

Sec.

7181. Declaration of policy.

7182. Definitions.

7183. Racetrack Gaming Control Board established.

7184. Powers and duties.

7185. Authorized gaming device licenses.

7186. Gaming device license application.

7187. Gaming device licenses operations.

7188. Supplier licenses and applications.

7189. Occupation permit and applications.

7190. Additional licenses and permits.

7191. Gaming device tax; State Gaming Device Fund; distributions from fund.

7192. Pennsylvania Standardbred Breeders' Development Fund.

7193. Uncashed pari-mutuel ticket fund.

7194. State license fee.

7195. Additional revenue disbursements.

7196. Conduct of referendum.

7197. Declaration of exemption from Federal laws prohibiting gaming devices.

7198. Repeals.

§ 7181. Declaration of policy.

The General Assembly hereby finds and declares it to be the public policy of this Commonwealth as follows:

(1) The General Assembly recognizes that several neighboring states of this Commonwealth have approved or are considering the approval of gaming devices at licensed racetrack facilities.

(2) This competition is adversely affecting the racing industry in this Commonwealth, which is a significant component of the Commonwealth's agricultural industry and a major contributor to the

preservation of 520,000 acres of open space and agricultural land devoted to breeding, raising and training horses.

(3) This competition threatens the 35,000 jobs that Pennsylvania racing supports.

(4) This competition jeopardizes the \$752,000,000 total annual economic output and the capital facilities worth an estimated \$1,200,000,000 that Pennsylvania racing produces in this Commonwealth.

(5) The General Assembly believes that permitting gaming devices at Pennsylvania's racetracks enhances their existing business purposes of preserving live racing, wagering, tourism, entertainment and employment.

(6) The General Assembly declares the following objectives:

(i) Ensure that this Commonwealth's horse racing industry remains competitive with neighboring states.

(ii) Positively assist this Commonwealth's horse racing industry to produce additional tax revenues and to create new jobs.

(iii) Promote the further growth of tourism by offering limited forms of regulated gaming at licensed racetracks where live horse racing takes place.

(iv) Strictly monitor and control any limited gaming activity by the regulation and licensing of all specified locations, persons, associations, practices and activities.

(v) Strictly monitor and control the manufacturers and distributors of any gaming device installed at racetracks.

(vi) Establish strict financial integrity and eligibility requirements which would include public disclosure of ownership and interest.

(vii) Prohibit gaming devices at nonprimary locations without further action by the General Assembly.

(viii) Take into consideration the social effect of such gaming and any potential for addictive behavior.

§ 7182. Definitions.

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

"Associated equipment." Any equipment or mechanical, electro-mechanical or electronic contrivance, component or machine used in connection with gaming or with any game that would not otherwise be classified as a gaming device, including links which connect to progressive slot machines, equipment which affects the proper reporting of gross revenue, computerized systems for monitoring gaming devices and devices for weighing or counting money.

"Board." The Racetrack Gaming Control Board established under section 7183 (relating to racetrack gaming control board established).

"Fund." The State Gaming Device Fund established under section 7191 (relating to gaming device tax and state gaming device fund).

"Gaming device" or "gaming machine." Any:

(1) mechanical, electromechanical or electronic contrivance used in connection with gaming or any game which affects the result of a wager by determining win or loss;

(2) machine that is part of a network of linked machines with an aggregate progression prize or prizes;

(3) machine in which bills, coins or tokens are deposited in order to play in a game of chance in which the results, including options available to the player, are randomly and immediately determined by the machine;

(4) device which may use spinning reels or video displays, or both, or may or may not dispense coins or tokens directly to winning players; or

(5) machine as defined herein, notwithstanding the fact that it may use an electronic credit system making the deposit of bills, coins or tokens unnecessary.

"Gaming device license." A license authorizing a licensed corporation to place and operate gaming devices or gaming machines at its racetrack pursuant to this subchapter.

"Gaming device licensee." A licensed corporation which obtains a gaming device license.

"Gaming employee." Any employee, including, but not limited to:

- (1) cashiers;
- (2) change personnel;
- (3) counting room personnel;
- (4) floormen;
- (5) hosts or other persons empowered to extend credit or complimentary services;
- (6) machine mechanics;
- (7) security personnel; and
- (8) supervisors or managers.

The term also includes employees of a person holding a supplier's license whose duties are directly involved with manufacture, repair or distribution of gaming devices in this Commonwealth. The term does not include bartenders, cocktail servers or other persons engaged solely in preparing or serving food or beverage, secretarial personnel, janitorial, stage, sound and light technicians and other nongaming personnel.

"Gross revenue." The total of cash or the cash equivalent received by a gaming device and cash received in payment for credit extended by a gaming device licensee to a patron for the purpose of playing a gaming device minus the total of:

(1) Cash or the cash equivalent paid out to patrons as a result of playing a gaming device.

(2) Cash paid to purchase annuities to fund cash paid to patrons over several years by independent administrators as a result of playing a gaming device.

(3) Any personal property distributed to a patron as the result of playing a gaming device but not travel expenses, food, refreshments, lodging or services. The term "gross revenue" does not include counterfeit money or tokens, coins of other countries which are received in gaming devices, except to the extent that they are readily convertible to official currency, cash taken in fraudulent acts perpetrated against a gaming device licensee for which the licensee is not reimbursed, or cash received as entry fees for contests or tournaments in which the patrons compete for prizes.

"Licensed corporations." Corporations that have obtained a license from either the State Horse Racing Commission or the State Harness Racing Commission to conduct thoroughbred or harness horse race meetings respectively with pari-mutuel wagering.

"Nonprimary location." Any facility in which pari-mutuel wagering is conducted by licensed corporations other than the racetrack location.

"Person." A natural person, corporation, organization, business trust, estate, trust, partnership, association or any other legal entity.

"Progressive jackpot." A prize that increases as one or more gaming devices are connected to a progressive system.

"Progressive system." A computerized system linking gaming devices in one or more licensed establishments and offering one or more common progressive jackpots.

"Race Horse Industry Reform Act." The act of December 17, 1981 (P.L.435, No.135), known as the Race Horse Industry Reform Act.

"Racetrack." The physical facility where a licensed corporation conducts thoroughbred or harness race meetings respectively with pari-mutuel wagering.

"Supplier." A person who manufactures, assembles, produces, programs, sells, leases, markets, offers or otherwise produces, distributes or makes modifications to any gaming device for use or play in this Commonwealth.

§ 7183. Racetrack Gaming Control Board established.

(a) Establishment of board.—There is hereby established a Race-track Gaming Control Board, which shall consist of the following nine members:

- (1) Three members of the State Horse Racing Commission.
- (2) Three members of the State Harness Racing Commission.
- (3) Three members who shall be appointed by the Governor with the advice and consent of the Senate.

(b) Members.—All members shall be reimbursed for expenses and other related items as are the State Horse Racing Commissioners and the State Harness Racing Commissioners under the Race Horse Industry Reform Act.

(c) Chairman.—The chairman shall be selected by the Governor from among the appointees of the Governor to serve a term designated by the Governor.

(d) Terms.—The three members of the board appointed by the Governor shall each serve three-year terms, except that the initial appointees shall have staggered terms so that one member shall be appointed for a one-year term, one member shall be appointed for a two-year term and one member shall be appointed for a three-year term.

(e) Qualifications.—The three members of the board appointed by the Governor shall have the following qualifications:

(1) One member shall be a person having a minimum of five years of responsible administrative experience in public or business administration and possessing broad management skills.

(2) One member shall be a certified public accountant licensed to practice in this Commonwealth with experience in gaming related activities.

(3) One member shall possess substantial experience of a senior nature in law enforcement.

(f) Attorneys.—The board shall, if needed, hire attorneys, accountants, staff, secretaries and other persons deemed necessary who have experience and qualifications to perform the functions delegated by the board.

§ 7184. Powers and duties.

(a) General duties.—The board shall establish, administer and ensure the integrity of gaming devices at racetracks and shall have jurisdiction over the location and operation of gaming devices at racetracks.

(b) Specific powers and duties.—The board shall have the following specific powers and duties:

(1) Investigate, evaluate and decide upon applications for all licenses provided for in this subchapter.

(2) Issue gaming device licenses pursuant to the provisions of section 7185 (relating to authorized gaming device licenses).

(3) Promulgate regulations as the board deems necessary to carry out the policy and purposes of this subchapter and to enhance the credibility and integrity of racetrack gaming devices in this Commonwealth. Notwithstanding any other provision of law to the contrary, and in order to facilitate the prompt implementation of this subchapter, regulations promulgated by the board during the first two years of its existence shall not be subject to review pursuant to section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, or the act of June 25, 1982 (P.L.633, No. 181), known as the Regulatory Review Act. Regulations adopted after the two-year period shall be promulgated, adopted and published as provided by law.

(4) Levy, set and provide for the collection of license, permit and other fees and of fines and penalties for violations of this subchapter and regulations promulgated by the board. All fines and penalties shall be paid to the State Treasurer through the board and credited to the State Gaming Device Fund.

(5) Revoke or suspend any license provided for in this subchapter if the board finds by a preponderance of the evidence that a licensee under this subchapter, its officers, employees or agents do not comply with the provisions of this subchapter or the rules and regulations of the board and that it would be in the public interest, convenience or necessity to revoke or suspend the license. None of the licenses provided for in this subchapter are transferable or assignable in any manner.

(6) Cooperate with the Department of Revenue in administering the collection of taxes under this subchapter.

(7) Authorize no more than 3,000 gaming devices per racetrack.

(8) Restrict access to confidential information obtained under this subchapter and ensure that the confidentiality of information is maintained and protected.

(9) Prescribe financial reporting and internal control requirements for gaming device licensees operating gaming devices pursuant to section 7185.

(10) Prescribe the manner in which gross revenue must be computed and reported by the gaming device licensee relating to gaming devices.

(11) Require audits of the financial statements of all gaming device licensees operating gaming devices.

(12) Require periodic financial reports from each gaming device licensee consistent with standards and intervals prescribed by the board.

(13) Prescribe the procedures to be followed by gaming device licensees for cash transactions affecting gaming devices.

(14) Prescribe criteria and conditions for the operation of gaming device progressive systems.

(15) Prescribe reasonable hours for the operation of gaming devices. No time period of 24-hour operation is permitted.

(16) Prohibit the offering of free alcohol or free malt or free brewed beverages to patrons operating or using gaming devices.

(17) Prohibit wagering by minors under 18 years of age on gaming devices.

(18) Determine the payout of gaming machines by gaming device licensees.

(19) Prescribe any other regulations necessary for the efficient implementation and administration of this subchapter.

§ 7185. Authorized gaming device licenses.

(a) Requirements.—A licensed corporation shall be entitled to receive a gaming device license to place and operate gaming devices at its racetrack subject to the referendum provision of section 7196 (relating to conduct of referendum) if that licensed corporation meets all of the following:

(1) The licensed corporation has conducted live racing or its predecessor has conducted live racing within the two years immediately preceding the enactment of this subchapter.

(2) The licensed corporation maintains its license to conduct racing in good standing with the appropriate commission.

(3) The licensed corporation continues to provide for live horse racing as provided for in the Race Horse Industry Reform Act.

(4) The licensed corporation abides by all of the provisions and regulations of this subchapter.

(b) Limitation.—The board shall upon request by a licensed corporation that has obtained a gaming device license pursuant to subsection (a) grant permission to operate gaming devices within its racetrack facility. Such permission to operate gaming devices shall be limited to those gaming device licensees:

(1) That have a written live racing agreement with a horsemen's organization representing a majority of owners and trainers at the racetrack where the licensed corporation conducts racing dates.

(2) That have scheduled 95% of the total number of horse or harness racing days scheduled in 1986 by it or its predecessor at the racetrack where the licensed corporation conducts racing dates.

(3) That, subject to actions or activities beyond the control of the licensee, conduct not fewer than eight live races per race date during each meet at the racetrack where the licensed corporation conducts racing dates, except for thoroughbred tracks on the day designated as Breeder's Cup Event Day, when the racetrack shall hold a minimum of five live races. The horsemen's organizations representing a majority of owners and trainees at a racetrack may consent to waiving or modifying the provisions pertaining to the required number of racing days under subsection (b)(2) and races per day scheduled in this subsection by the licensed corporation at that racetrack.

(4) Notwithstanding the provisions of paragraph (1), in the event that a written live racing agreement has not been entered into, permission for any gaming device licensee to operate gaming devices shall be granted, provided that the licensed corporation has continued to conduct live racing or has scheduled to

conduct live racing in accordance with paragraphs (2) and (3) and keeps its racetrack open to the general population of owners, trainers and horses currently stabled there for training and stabling on a regular basis during the periods when it is normally open for live racing and, during such period, pays as purses the applicable statutory percentages of the licensed corporations' retention of moneys from pari-mutuel pools or, if the percentages are not mandated by statute, pays as purses 50% of the licensed corporations' retention of moneys from pari-mutuel pools or 50% of the licensed corporations' share of moneys from the simulcasting of its live races to other locations, plus the applicable purse revenue for operating a gaming device license under this section. § 7186. Gaming device license application.

(a) Application.—Any licensed corporation which meets the requirements of section 7185 (relating to authorized gaming device licenses) that desires to install gaming devices and operate or alter the number of or location of gaming devices within its racetrack shall file an application form with the board.

(b) Board.—Pursuant to subsection (a), an application form shall be developed by the board.

(c) Contents of application.—The application form for a license shall include, but not be limited to:

(1) The name and address of the licensed corporation.

(2) The proposed location of the gaming devices within the racetrack facility.

(3) The number of gaming devices requested.

(4) The justification and explanation for the number and location of the gaming devices within the racetrack facility.

(5) The current standing of the licensed corporation's racetrack license.

(6) A specified comment section for the respective commission regulating the applicant to make comments and suggestions.

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

No gaming device shall be set to pay out less than 87% or more than 95% of all wagers on an average annual basis unless specifically approved otherwise by the board.

§ 7187. Gaming device licenses operations.

(a) Required approval.—Each licensed corporation which desires to install and operate gaming machines at its racetrack shall first obtain approval of its internal control systems and audits from the board.

(b) Controls and audits.—At a minimum, the internal controls and audits shall consist of:

(1) The safeguarding of its assets and revenues, especially the recording of cash and evidences of indebtedness related to the gaming devices.

(2) The provision of reliable records, accounts and reports of transactions, operations and events, including reports to the board related to the gaming devices.

(3) The ensuring that all gaming devices within each racetrack facility are directly connected to each racetrack's central computerized system and can provide details of all transactions, including, but not limited to, coin in, coin out, jackpots, machine door openings and power failures.

(c) Additional requirements.—The internal controls and audits shall also be designed to reasonably ensure that all of the following issues related to gaming devices are addressed:

(1) Assets are safeguarded.

(2) Financial records are accurate and reliable.

(3) Transactions are performed only in accordance with the management's general or specific authorization.

(4) Transactions are recorded adequately to permit proper and timely reporting of gaming revenue and of fees and taxes and to maintain accountability for assets.

(5) Access to assets is permitted only in accordance with management's specific authorization.

(6) Recorded accountability for assets is compared with actual assets at reasonable intervals and appropriate action is taken with respect to any discrepancies.

(7) Functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel.

(d) Copy of system.—Each licensed corporation which seeks to operate gaming devices at its racetrack shall describe, in the manner the board may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each licensed corporation which seeks to operate gaming devices at its racetracks shall submit a copy of its written system to the board. Each written system shall include:

(1) An organizational chart depicting appropriate segregation of functions and responsibilities.

(2) A description of the duties and responsibilities of each position shown on the organizational chart.

(3) A detailed, narrative description of the administrative and accounting procedures designed to satisfy the requirements of subsection (a).

(4) A written statement signed by the chief financial officer of the licensed corporation and the chief executive officer of the licensed corporation attesting that the system satisfies the requirements of this section.

(5) Any other item that the board may require.

(e) Other requirements.—A licensed corporation may submit other internal controls and audits to the board which it or the board deems necessary to implement this subchapter.

§ 7188. Supplier licenses and applications.

(a) Suppliers.—Any person that desires to supply gaming devices or associated equipment to a gaming device licensee shall apply to the board for a supplier license.

(b) Application.—The application for a supplier license shall include, but not be limited to:

(1) The name and business address of the person.

(2) The length of time the person has been in the business related to the application.

(3) The background and financial standing of the person.

(4) Details of any supplier license granted by other jurisdictions where gaming is legal.

(5) The type of goods and services to be supplied.

(6) Any other information and details the board may require.

(c) Qualifications.—

(1) Any supplier that the board determines to be qualified to receive a supplier license under the provisions of this section may be issued a license.

(2) A license shall not be granted unless the board finds that the applicant satisfies all of the following criteria:

(i) The applicant is a person of good character, honesty and integrity.

(ii) The applicant is a person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest or to the effective regulation and control of gaming or create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to it.

(iii) The applicant in all other respects is qualified to be licensed or found suitable consistent with the laws of this Commonwealth.

§ 7189. Occupation permit and applications.

(a) Permit.—Any person that desires to be a gaming employee shall apply to the board for an occupation permit. A person may not be employed as a gaming employee unless the person holds an appropriate occupation permit issued under this section.

(b) Application for permit.—The application for an occupation permit shall include, but not be limited to:

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

(2) The previous employment history of the person.

(3) Any criminal record of the person.

(4) The nature and scope of the proposed duties of the person.

(5) Any other information and details the board may require.

(c) Issuance of permit.—

(1) Any person that the board determines to be qualified to receive an occupation permit under the provisions of this section may be issued a permit.

(2) A permit shall not be granted unless the board finds that the applicant satisfies all of the following criteria:

(i) The applicant is a person of good character, honesty and integrity.

(ii) The applicant is a person whose prior activities, criminal record, if any, reputation, habits and associations do not pose a threat to the public interest or to the effective regulation and control of gaming or create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of gaming or the carrying on of the business and financial arrangements incidental to it.

(iii) The applicant is in all other respects qualified to be licensed or found suitable consistent with the laws of this Commonwealth.

§ 7190. Additional licenses and permits.

(a) Other requirements.—The board may determine the suitability of any person who furnishes services or property to a gaming device licensee related to gaming devices at its racetrack under any arrangements under which that person receives payments based directly or indirectly on earnings, profits or receipts from the gaming devices. The board may require any person to comply with the requirements of this subchapter and the regulations of the board.

(b) Other permits.—The board may require a license or permit from any person who satisfies any one of the following criteria:

(1) The person does business on the premises.

(2) The person does business with a gaming device licensee as a ticket purveyor, a tour operator, the operator of a bus program, or the operator of any other type of travel program or promotion related to gaming devices.

(3) The person provides any goods or services to a gaming device licensee related to gaming devices at the racetrack for a compensation which the board finds to be disproportionate to the value of the goods or services.

(c) Approval or agreement.—Any agreement which entitles a person to conduct a business with a gaming device licensee relating to gaming devices is subject to the approval of the board. Every agreement shall be in writing and include a provision for its termination without liability on the part of the gaming device licensee upon a finding by the board that the agreement is not approved or that it is terminated. Failure to expressly include this condition in the agreement is not a defense in any action brought under this section to terminate the agreement.

§ 7191. Gaming device tax; State Gaming Device Fund; distributions from fund.

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

(b) Tax.—All licensed corporations shall pay a tax in the amount of 25% of the gross revenue arising from the operation of the gaming devices.

(c) Department of Revenue.—The tax imposed by this section shall be paid by the licensed corporation through the department for credit to the fund monthly on or before the twentieth day of the month next succeeding the month in which the tax accrues.

(d) Commissions.—The commissions shall distribute moneys from the fund together with the interest earned thereon at least once annually on September 1, 1997, and each September 1 thereafter to the State Treasurer for deposit in the following manner:

(1) Sixty percent shall be directed to funding public education programs in all 501 school districts in this Commonwealth and distributed in accordance with the formula set forth in section 2502 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949. Of this 60%, the sum of \$5,000,000 shall be

allocated to fund the temporary special aid to school districts suffering loss of tax revenue due to reduction in assessed valuation of taxable property pursuant to section 2502.30 of the Public School Code of 1949.

(2) Fifteen percent shall be transferred to the Department of Community and Economic Development for stadium and exposition facilities.

(3) Eight percent shall be transferred to the State Fire Commissioner in order to establish and fund the Volunteer Fire Company Grant Program. This program shall operate under the guidelines and procedures promulgated by an oversight board composed of the State Fire Commissioner and one member appointed by each of the following: the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives.

(4) Five percent shall be transferred to the Department of Aging for augmentation of the PACE program.

(5) Two percent shall be transferred to the Agricultural Conservation Easement Purchase Fund.

(6) Five percent shall be distributed among the counties hosting a racetrack which operates gaming devices based upon the licensed corporation's percentage of contribution to the fund. If the racetrack is located in two or more counties, the amount available shall be distributed on a pro rata basis determined by the percentage of acreage located in each county to the total acreage in all counties occupied by the racetrack.

(7) Two and one-half percent shall be distributed among the municipalities hosting a racetrack which operates gaming devices based upon the licensed corporation's percentage of contribution to the fund. If the racetrack is located in two or more municipalities, the amount available shall be distributed on a pro rata basis determined by the percentage of acreage located in each municipality to the total acreage in all municipalities occupied by the racetrack.

(8) Two and one-half percent shall be distributed equally among the school districts hosting a racetrack which operates gaming devices based upon the licensed corporation's percentage of contribution to the fund. If the racetrack is located in two or more school districts, the amount available shall be distributed on a pro rata basis determined by the percentage of acreage located in each school district to the total acreage in all school districts occupied by the racetrack.

(e) Collections and refunds.—If the amount of tax required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid by the licensed corporation, the board shall:

(1) assess and collect the additional tax determined to be due with interest thereon until paid; or

(2) provide for a refund of any overpayment, with interest thereon, to the licensed corporation.

§ 7192. Pennsylvania Standardbred Breeders' Development Fund.

(a) Restricted account.—There is hereby created a restricted account in the State Racing Fund to be known as the Pennsylvania Standardbred Breeders' Development Fund, which shall consist of the money appropriated under the provisions of section 221 of the Race Horse Industry Reform Act or other sections relating to slot machine revenues and which shall be administered by the State Harness Racing Commission.

(b) Awards.—After the deduction of expenses related to the administration and development of the Pennsylvania Standardbred Breeders' Development Fund program incurred by the Pennsylvania Standardbred Breeders' Association, the State Harness Racing Commission shall, by rule or regulation, provide for Pennsylvania Stallion Award, Pennsylvania Bred Award and Pennsylvania Sired and Bred Award as follows:

(1) The Pennsylvania Stallion Award as calculated in subsection (c)(2) shall be paid to the owner or, if applicable, the syndicate manager to be distributed to the owners of a standardbred stallion standing in Pennsylvania based upon the winnings of any standardbred horse sired by the standardbred stallion standing in Pennsylvania in any Pennsylvania pari-mutuel or fair race. The total winnings

by all Pennsylvania-sired standardbred horses in all Pennsylvania pari-mutuel or fair races shall bear a weight factor of one in the distribution formula set forth in subsection (c)(2).

(2) The Pennsylvania Bred Award as calculated in subsection (c)(2) shall be paid to the breeder of record of a Pennsylvania bred standardbred horse. A Pennsylvania bred standardbred horse shall be a standardbred horse foaled and remaining in Pennsylvania at least 90 consecutive days after foaling, but sired by a stallion standing outside Pennsylvania. The award shall be paid to the breeder of record of a Pennsylvania bred standardbred horse based upon the winnings of the Pennsylvania bred standardbred horse in any Pennsylvania pari-mutuel or fair race. The total winnings by all Pennsylvania bred standardbred horses in all Pennsylvania pari-mutuel or fair races shall bear a weight factor of two in the distribution formula set forth in subsection (c)(2).

(3) The Pennsylvania Sired and Bred Award as calculated in subsection (c)(2) shall be paid to the breeder of record of a Pennsylvania sired and bred standardbred horse. A Pennsylvania sired and bred standardbred horse shall be a standardbred horse foaled and remaining in Pennsylvania at least 90 consecutive days after foaling and sired by a stallion standing in Pennsylvania. The award shall be paid to the breeder of record of a Pennsylvania sired and bred standardbred horse based upon the winnings of the Pennsylvania sired and bred standardbred horse in any Pennsylvania pari-mutuel or fair race. The total winnings by all Pennsylvania sired and bred standardbred horses in all Pennsylvania pari-mutuel or fair races shall bear a weight factor of seven in the distribution formula set forth in subsection (c)(2).

(c) Adjustment factor.—

(1) The adjustment factor shall be calculated as provided in this subsection. At the end of each calendar year, the total purses won in Pennsylvania pari-mutuel or fair races by horses qualifying under each of the categories in subsection (b) shall be determined. After the total purses won by horses in each category are determined, the weighting factors described in subsection (b) shall be applied to the total amount in each category, resulting in a weighted total amount for each category. The weighted total amount in each category shall be aggregated into a weighted grand total. The total amount in the Pennsylvania Standardbred Breeders' Development Fund at the end of each year, after deduction of expenses described in subsection (e), shall be divided by the weighted grand total, resulting in an adjustment factor.

(2) The total category awards and individual awards shall be calculated as provided in this subsection. The adjustment factor determined in subsection (c)(1) shall be multiplied by the weighted total amount described in subsection (c)(1) for each award category to determine the total amount available for awards in each category. In order to determine individual awards for each of the categories described in subsection (b), the amount of money won in the Pennsylvania pari-mutuel or fair race by the qualifying standardbred horse shall be multiplied by the weighting factor attributable to the particular category and the adjustment factor.

(d) Payments.—The individual awards for each category under subsection (b) shall be paid after calculation of the foregoing amounts, which payment shall be made during the calendar year following the year in which the applicable purses were won.

(e) Records.—The Pennsylvania Standardbred Breeders' Association shall be the sole responsible body for the registration and records of Pennsylvania stallions, Pennsylvania bred and Pennsylvania sired and bred. The Pennsylvania Standardbred Breeders' Association shall advise the State Harness Racing Commission, when called upon, and shall determine the qualifications for Pennsylvania stallions, Pennsylvania bred and Pennsylvania sired and bred. Its registration and records are hereby declared official Pennsylvania records. At the close of each calendar year, the Pennsylvania Standardbred Breeders' Association shall submit to the State Harness Racing Commission for its approval an itemized budget of projected expenses for the ensuring year relating to the administration and development of the Pennsylvania Standardbred Breeders' Development Fund program. The State

Harness Racing Commission, on no more than a quarterly basis, shall reimburse from the fund the Pennsylvania Standardbred Breeders' Association for those expenses actually incurred in the administration and development of the Standardbred Breeders' Development Fund program.

§ 7193. Uncashed pari-mutuel ticket fund.

The moneys forwarded by licensed corporations to the State Treasurer through the Department of Revenue for uncashed pari-mutuel tickets under section 202(b)(3) of the Race Horse Industry Reform Act shall be distributed in the following manner:

(1) One-half of the moneys forwarded by each corporation licensed by the State Horse Racing Commission to conduct pari-mutuel meets shall be divided equally among the municipalities that host the nonprimary locations of that licensed corporation.

(2) One-half of the moneys forwarded by each corporation licensed by the State Horse Racing Commission to conduct pari-mutuel meets shall be divided equally among the school districts that host the nonprimary locations of that licensed corporation.

(3) One-half of the moneys forwarded by each corporation licensed by the State Harness Racing Commission to conduct pari-mutuel meets shall be divided equally among the municipalities that host the nonprimary locations of that licensed corporation.

(4) One-half of the moneys forwarded by each corporation licensed by the State Harness Racing Commission to conduct pari-mutuel meets shall be divided equally among the school districts that host the nonprimary locations of that licensed corporation.

§ 7194. State license fee.

Each licensed corporation shall annually pay to the Commonwealth a gaming device license fee of \$150 per gaming device based upon the number of gaming device machines in operation at that racetrack on September 1 of each calendar year beginning with September 1 after the effective date of this section. The license fee shall be deposited into a restricted receipts account to be annually appropriated by the General Assembly for programs to provide treatment to compulsive gamblers.

§ 7195. Additional revenue disbursements.

(a) Disbursements.—Each licensed corporation, after the monthly payment of the gaming device tax, shall distribute from the balance of the monthly gross revenues arising from the operation of the gaming devices of that licensee the following amounts indicated in subsection (b), (c) or (d).

(b) Fewer than 2,000 gaming devices.—If an average of 2,000 or fewer gaming devices are operated by the licensed corporation at its racetrack during the month such gaming revenues are received:

(1) Fourteen percent of the balance under subsection (a) is to be used as additional moneys to fund the purses for the live races at that racetrack, in addition to existing purse agreements.

(2) (i) From licensed corporations that operate gaming devices at thoroughbred racetracks, 3.5% of the balance under subsection (a) is to be paid into the Pennsylvania Breeding Fund as described in section 223 of the Race Horse Industry Reform Act and distributed as directed therein; or

(ii) from licensed corporations that operate gaming devices at standardbred racetracks:

(A) One-half of 3.5% of the balance under subsection (a) is to be paid to the Pennsylvania Sire Stakes Fund as described in section 224 of the Race Horse Industry Reform Act and distributed as directed therein.

(B) One-half of 3.5% of the balance under subsection (a) is to be paid to the Pennsylvania Standardbred Breeders' Development Fund established in section 7192 (relating to the Pennsylvania Standardbred Breeders' Development Fund) and distributed to the Pennsylvania Stallion Awards, Pennsylvania Bred Awards and Pennsylvania Sired and Bred Awards as directed therein.

(3) One-half percent of the balance under subsection (a) is to be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack of that licensed corporation and, also to fund health in-

surance and benefits to active and disabled thoroughbred jockeys or standardbred drivers who are or were members of the thoroughbred jockeys' or standardbred drivers' organization at the racetrack of that licensed corporation as follows:

(i) Two hundred fifty thousand dollars annually from each licensed corporation is to be paid to the thoroughbred jockeys' or standardbred drivers' organization at the racetrack of that licensed corporation for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules of that organization for eligibility for such benefits.

(ii) The balance of the 0.5% after the annual payment under subparagraph (i) is to be paid to the horsemen's organization at the racetrack of that licensed corporation for health and pension benefits for its members in accordance with the rules of that organization for eligibility for such benefits.

(c) More than 2,000 gaming devices.—If an average of more than 2,000 but less than 2,501 gaming devices are operated by the licensed corporation at its racetrack during the month such gaming revenues are received:

(1) Fourteen and eight-tenths percent of the balance under subsection (a) is to be used as additional moneys to fund the purses for the live races at that racetrack in addition to existing purse agreements.

(2) (i) From licensed corporations that operate gaming devices at thoroughbred racetracks, 3.7% of the balance under subsection (a) is to be paid into the Pennsylvania Breeding Fund as described in section 223 of the Race Horse Industry Reform Act and distributed as directed therein; or

(ii) from licensed corporations who operate gaming devices at standardbred racetracks:

(A) One-half of the 3.7% of the balance under subsection (a) is to be paid to the Pennsylvania Sire Stakes Fund as described in Section 224 of the Race Horse Industry Reform Act and distributed as directed therein.

(B) One-half of the 3.7% of the balance under subsection (a) is to be paid to the Pennsylvania Standardbred Breeders' Development Fund established in section 7192 and distributed to Pennsylvania Stallion Awards, Pennsylvania Bred Awards and Pennsylvania Sired and Bred Awards as directed therein.

(3) One-half percent of the balance under subsection (a) is to be used to fund health and pension benefits for the members of the horsemen's organization representing the owners and trainers at the racetrack of that gaming device licensee and, also to fund health insurance and benefits to active and disabled thoroughbred jockeys or standardbred drivers who are or were members of the thoroughbred jockeys' or standardbred drivers' organization at the racetrack of that licensed corporation as follows:

(i) Two hundred fifty thousand dollars annually from each licensed corporation is to be paid to the thoroughbred jockeys' or standardbred drivers' organization at the racetrack of that licensed corporation for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules of that organization for eligibility for such benefits.

(ii) The balance of the 0.5% after the annual payment under subparagraph (i) is to be paid to the horsemen's organization at the primary racetrack of that licensed corporation for health and pension benefits for its members in accordance with the rules of that organization for eligibility for such benefits.

(d) More than 2,500 gaming devices.—If an average of 2,501 gaming devices or more are operated by the licensed corporation at its racetrack during the month such gaming revenues are received:

(1) Fifteen and six-tenths percent of the balance under subsection (a) is to be used as additional moneys to fund the purses for the live races at that racetrack in addition to existing purse agreements.

(2) (i) From licensed corporations that operate gaming devices at thoroughbred racetracks, 3.9% of the balance under subsection

(a) is to be paid into the Pennsylvania Breeding Fund as described in section 223 of the Race Horse Industry Reform Act and distributed as directed therein.

(ii) From licensed corporations who operated gaming devices at standardbred racetracks:

(A) One-half of the 3.9% of the balance under subsection (a) is to be paid to the Pennsylvania Sire Stakes Fund as described in section 224 of the Race Horse Industry Reform Act and distributed as directed therein.

(B) One-half of the 3.9% of the balance under subsection (a) is to be paid to the Pennsylvania Standardbred Breeders' Development Fund established in section 7192 and distributed to Pennsylvania Stallion Awards, Pennsylvania Bred Awards and Pennsylvania Sired and Bred Awards as directed therein.

(3) One-half percent of the balance under subsection (a) is to be used to fund health and pension benefits for the members of the horsemen's organization representing the owners and trainers at the racetrack of that licensed corporation and, also to fund health insurance and benefits to active and disabled thoroughbred jockeys or standardbred drivers who are or were members of the thoroughbred jockeys' or standardbred drivers' organization at the racetrack of that licensed corporation as follows:

(i) Two hundred fifty thousand dollars annually from each licensed corporation is to be paid to the thoroughbred jockeys' or standardbred drivers' organization at the racetrack of that licensed corporation for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers in accordance with the rules of that organization for eligibility for such benefits.

(ii) The balance of the 0.5% after the annual payment under subparagraph (i) is to be paid to the horsemen's organization at the racetrack of that licensed corporation for health and pension benefits for its members in accordance with the rules of that organization for eligibility for such benefits.

§ 7196. Conduct of referendum.

(a) Statewide referendum.—A Statewide referendum to determine whether racetrack gaming activities as described in this subchapter shall be permitted in this Commonwealth will be conducted at the primary, municipal or general election occurring at least 60 days next following the effective date of this subchapter. The General Assembly directs that the Secretary of the Commonwealth certify the form of the referendum question under subsection (b) to the county boards of elections and the county boards of elections shall cause a question to be placed on the ballot.

(b) Referendum question.—The referendum question shall be in substantially the following form:

Do you favor authorizing strictly regulated slot machines only at the four existing racetracks in Pennsylvania with tax revenues from the slot machines applied to the following public purposes: Statewide public education, Statewide economic development, volunteer fire companies, farmland preservation and the PACE program?

(c) Advertising referendum.—The referendum shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

(d) Approval.—A licensed corporation shall not receive a gaming device license and shall not install, operate or otherwise utilize gaming devices at its racetrack under this subchapter unless and until the referendum provided in this section has been approved by a majority of those voting on the referendum.

§ 7197. Declaration of exemption from Federal laws prohibiting gaming devices.

(a) Exemptions.—Pursuant to section 2 of the act of January 2, 1951 (64 Stat. 1134, 15 U.S.C. § 1172), the Commonwealth declares that it is exempt from section 1134 of that act.

(b) Legal shipments.—All shipments of gaming devices or gaming machines, including slot machines, into this Commonwealth, the registering, recording and labeling of which has been effected by the

supplier of those devices, in accordance with sections 5 and 7 of the act of January 2, 1951 (64 Stat. 1134, 15 U.S.C. §§ 1175 and 1177), shall be deemed legal shipments of gaming devices into this Commonwealth.

§ 7198. Repeals.

(a) Absolute.—Section 4 of the act of June 7, 1993 (P.L. 86, No. 18), entitled "An act amending the act of December 17, 1981 (P.L. 435, No. 135), entitled 'An act providing for the regulation of pari-mutuel thoroughbred horse racing and harness horse racing activities; imposing certain taxes and providing for the disposition of funds from pari-mutuel tickets,' further providing for general powers of the commission, for the Pennsylvania Sire Stakes Fund and for simulcasting of horse races," is repealed.

(b) Specific.—Section 202(b)(3) of the Race Horse Industry Reform Act, is repealed insofar as it is inconsistent with this subchapter.

Section 4. The State Horse Racing Commission shall insure that:

(1) Each licensed thoroughbred corporation's racing secretary or designated official for developing the condition book for that corporation shall provide at least once a month conditions of restricted entry to registered Pennsylvania breds. The three bottom level claiming and nonclaiming conditions at said corporation's facility shall be written into the condition book or as an overnight extra condition so as to effectuate the intent of this paragraph.

(2) Any Pennsylvania bred which advances through any restricted registered Pennsylvania bred condition, as set forth in paragraph (1) shall, notwithstanding restricted entry victory, be eligible for nonmaiden conditions in similar open claiming and nonclaiming allowance events of Pennsylvania-licensed corporations and said corporations shall write their condition books and overnight extra conditions to reflect the same.

(3) Notwithstanding any statute, regulation or agreement to the contrary, paragraphs (1) and (2) shall not be violated or waived by any licensed corporation or other statutorily authorized agency or body.

Amend Sec. 3, page 6, line 27, by striking out "3" and inserting:

5

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Bucks, Senator Tomlinson.

Senator TOMLINSON. Mr. President, I stand before the body to ask for its support for this amendment. This amendment attempts to put Philadelphia Park and the other four racetracks in Pennsylvania back in competition with the State of Delaware and the State of West Virginia. This issue is an issue of competitiveness with surrounding States, Mr. President.

Philadelphia Park has suffered tremendous losses in the last year, ever since the advent of slot machines at Delaware Park. I understand the same situation takes place in The Meadows out in western Pennsylvania. Mr. President, this means 4,000 jobs at Philadelphia Park, to my district. Philadelphia Park has a \$100 million investment that provides 4,000 jobs, has a payroll of \$23 million, and pays out an annual purse of \$22 million. Philadelphia Park has been a good corporate citizen. In Bensalem Township it has paid \$1 million of property tax every year for 30 years.

The economic impact is not just from my district alone. Statewide the job implications are for 35,000 people, and it is a \$750 million industry that affects this entire Commonwealth. It affects 530,000 acres of open space associated with the horseracing industry, and with my amendment, Mr. President,

it would create another 1,000 jobs at my park and another 6,000 jobs around the State.

Mr. President, this is an important economic issue for my district and an important economic issue for the State of Pennsylvania. It is important to keep the horseracing industry in Pennsylvania. Pennsylvania has the largest horse breeding farm in the world and employs other people in agriculture who support that industry.

Mr. President, I have further taken the revenues from this, and twenty percent of all the revenues will go directly back into the horseracing industry. It will go back into the breeders and the jockeys. I further provided for 382 million dollars' worth of State taxes. There will be a 25 percent gross receipts tax on the take. Six percent of that tax would go to education, which would be about \$229 million. Fifteen percent will go to economic development, which will be about \$57 million. Eight percent will go to the fire companies, which will be \$30 million. Five percent would go to the PACE program, which would be \$19 million. Two percent will go to farmland preservation, which is an additional \$7 million. Each host county will receive 5 percent, each host municipality 2.5 percent, and each local school district 2.5 percent.

Mr. President, I am not trying to create an Atlantic City. I am not trying to expand gambling to one other location in the State of Pennsylvania. I am only asking that the gambling institutions we have in Pennsylvania be allowed to compete with the outside interests. I am only asking that Pennsylvania's four tracks be able to survive. There is no question in my mind that Philadelphia Park will no longer exist if we do not allow them to compete with Delaware. Mr. President, different in this legislation from the previous legislation I proposed is that I have now included a statewide referendum. The citizens of Pennsylvania will have an opportunity to vote on whether or not they want this to be implemented.

In conclusion, Mr. President, I ask for your support. I ask for your support for my local racetrack, my 4,000 jobs, a payroll of \$23 million, and I would suggest that anybody who had an industry in their district that had this economic impact would be standing here and fighting also. I ask that you help me help my businesses compete with out-of-State businesses. And I think with the advent of a statewide referendum, which I did not want to address because once I think we have a statewide referendum, the only people in Pennsylvania who will be talking against gambling will be the guys from Atlantic City, the Donald Trumps and the Steve Wynns, who will spend millions and millions of dollars to tell you how evil it is to gamble in Pennsylvania, hoping all the time that you will continue to spend your \$1.4 billion of Pennsylvania money in Atlantic City. Delaware Park has only been open for a little over a year and it is estimated that over 40 percent of their revenues are now coming from Pennsylvania. We are being bled by the States around us, Mr. President, and I ask for your support for this amendment.

Thank you.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Wagner.

Senator WAGNER. Mr. President, I rise in support of the amendment of the gentleman from Bucks, Senator Tomlinson. There are many good reasons to support this amendment, but for me the most important reason is education. Public education, as we all know, is expensive, and for too many years State government has neglected to pay its fair share of the costs. By approving this amendment we would take a long overdue step toward giving Pennsylvania school districts the financial support that they rightfully deserve.

Under the amendment the State would receive 25 percent of the gross take from slot machines at Pennsylvania's four racetracks, an estimated \$382 million each year, and of that amount 60 percent would go to school districts. That is nearly \$230 million, money that could help school districts reduce their reliance on property taxes, buy new textbooks, upgrade their facilities, reduce class sizes, and better incorporate high technology and computers into the classrooms.

Mr. President, another \$57 million each year would help finance economic development projects such as the David Lawrence Convention Center expansion in southwestern Pennsylvania. Senator Tomlinson spoke to many of the other advantages. One important one is the support of local volunteer fire companies across this Commonwealth, which desperately need additional revenue.

There are other reasons to support this amendment. Just as important, it would help protect, as indicated, the 35,000 jobs that Pennsylvania racing supports, jobs that have been placed in jeopardy by gaming permitted at racetracks in adjoining States. In the southwestern part of the Commonwealth our competition is West Virginia. But the bottom line, Mr. President, is that the amendment before us today would provide a continuing stream of revenue for schools which for other reasons have not been adequately budgeted in previous years.

Mr. President, some people are troubled by the source of that revenue, meaning specifically slot machines. I understand that concern. I would point out, however, that the amendment before us today would allow slot machines at only four locations, at the horse track facilities, places where wagering is already permitted in Pennsylvania. Also, the amendment would require a statewide referendum before slot machines are installed at those four racetracks. In other words, the people would decide. We would have, again, participatory democracy through referendum, something that I think is very, very important, especially when it comes to a gaming or gambling issue.

Mr. President, this amendment would let Pennsylvania voters consider a proposal that could give our schools millions of dollars in new revenue and protect tens of thousands of jobs. Mr. President, as I indicated, in southwestern Pennsylvania the people are leaving, going to West Virginia each and every day. At Wheeling Downs and at Mountaineer Park, where slot machines are presently in use, they are causing a real financial strain on The Meadowlands, the only racetrack facility in southwestern Pennsylvania. Also the off-track betting facilities. They would not be included in slot machine legislation, however they are being impacted due to Pennsylvanians leaving Pennsylvania to play slot machines. I think the time has

come for us to keep those people in Pennsylvania so that we can benefit from those revenues, especially in the area of education.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, remember years ago, we said if we had off-track betting parlors that that would save the horseracing industry. Now they are back to expand it even further. This amendment would put 3,000 video gaming machines or slot machines into these racetracks; six times the number that you find at a typical casino in Las Vegas. Now, if you have 3,000 machines and you are talking six times the number of the typical Las Vegas casino, do you think the emphasis will be more on the slot machines or the horses? It is much easier to plug in the slot machine than it is to have the maintenance of a track and all the animals and everything else. You may see one race a day but all the other emphasis will be on slot machines.

They pointed out on "PrimeTime Live," the ABC news show, that slot machines are the crack cocaine of gambling. They said they are even more addictive, and they said that they changed the odds and the authorities did nothing about it.

What about our Lottery Fund that helps senior citizens? If we have 3,000 slot machines at each place, you are talking 12,000 slot machines throughout the Commonwealth. Do you think our Lottery Fund for senior citizens will go up or will it go down? I am willing to bet it will go down, no pun intended. What is next? Video poker for off-track betting parlors? You know that is the next step. Then how about video poker for our taverns? Then how about riverboat gambling? But we are doing this for the good of our children. Slots for tots, that is what we need. We are going to help our children for the education fund and that is all worthwhile. Well, it is a shame we have to use the children in the Commonwealth to expand gambling, and I urge a "no" vote on this amendment.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator TOMLINSON and were as follows, viz:

YEA-28

Belan	Heckler	Mellow	Tartaglione
Bell	Hughes	Musto	Thompson
Bodack	Kasunic	O'Pake	Tomlinson
Costa	Kitchen	Rhoades	Wagner
Earll	Kukovich	Salvatore	White
Fumo	LaValle	Stapleton	Williams
Gerlach	Loeper	Stout	Wozniak

NAY-22

Afflerbach	Hart	Mowery	Slocum
Armstrong	Helfrick	Murphy	Tilghman
Brightbill	Holl	Piccola	Uliana
Corman	Jubelirer	Punt	Wenger
Delp	Lemmond	Robbins	
Greenleaf	Madigan	Schwartz	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

RECONSIDERATION OF AMENDMENT A2153

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lackawanna, Senator Mellow.

Senator MELLOW. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

The motion was agreed to.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator MELLOW and were as follows, viz:

YEA-27

Belan	Heckler	Mellow	Thompson
Bell	Hughes	Musto	Tomlinson
Bodack	Kasunic	Rhoades	Wagner
Costa	Kitchen	Salvatore	White
Earll	Kukovich	Stapleton	Williams
Fumo	LaValle	Stout	Wozniak
Gerlach	Loeper	Tartaglione	

NAY-23

Afflerbach	Hart	Mowery	Schwartz
Armstrong	Helfrick	Murphy	Slocum
Brightbill	Holl	O'Pake	Tilghman
Corman	Jubelirer	Piccola	Uliana
Delp	Lemmond	Punt	Wenger
Greenleaf	Madigan	Robbins	

A majority of the Senators having voted "aye," the question was determined in the affirmative.

On the question,

Will the Senate agree to the bill on third consideration, as amended?

RHOADES AMENDMENT A2209

Senator RHOADES offered the following amendment No. A2209:

Amend Title, page 1, line 4, by inserting after "equipment;": providing for video gaming;

Amend Bill, page 6, by inserting between lines 26 and 27:

Section 3. Title 18 is amended by adding a chapter to read:

CHAPTER 93 VIDEO GAMING

Sec.

9301. Short title of chapter.

9302. Definitions.

9303. Powers and duties of secretary.

9304. Video gaming.

9305. Statewide referendum.

9306. Licensing.

9307. Prohibitions.

9308. Machine characteristics.

9309. Video Gaming Account.

9310. Distribution of net machine income from licensed establishments.

9311. Distribution of income from application fees and fines.

- 9312. Administrative costs.
- 9313. Gaming Addiction Fund.
- 9314. Exemption for taxes and license fees.
- 9315. Exemptions from gambling provisions.
- 9316. Declaration of exemption from Federal law.
- § 9301. Short title of chapter.

This chapter shall be known and may be cited as the Video Gaming Act.

§ 9302. Definitions.

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

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

"Distributor." An individual, partnership, association or corporation licensed by the State Lottery under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, to buy, sell, service or distribute video gaming machines to machine vendors. The term does not include machine vendors and manufacturers.

"Licensed establishment." A restaurant, bar, tavern, hotel or club which has a valid liquor, or malt or brewed beverage license under the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, and is located within a participating political subdivision.

"Machine vendor." An individual, partnership, association or corporation which is licensed by the State Lottery under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, which owns, services and maintains video gaming machines for placement and public use in licensed establishments.

"Manufacturer." An individual, partnership, association or corporation licensed by the State Lottery under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, which manufactures or assembles video gaming machines for sale or use in this Commonwealth.

"Net machine income." Money put into a video gaming machine minus credits paid out in cash.

"Secretary." The Secretary of Revenue of the Commonwealth.

"Video gaming machine." A device or machine which upon insertion of a coin or currency will play or simulate the play of a video game authorized by the State Lottery under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, including, but not limited to, poker, bingo, keno and blackjack, and which utilizes a video display and microprocessors and in which, by the skill of the player or by chance, the player may receive free games or credits which may be redeemed for cash. With the exception of tickets indicating credits won, which are redeemable for cash, no machine shall directly dispense any coins, cash, tokens or anything else of value. All machines must be linked to the State Lottery central communications system.

§ 9303. Powers and duties of secretary.

(a) Administration of chapter.—In addition to the powers and duties provided by law and the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, the secretary shall have the power and it shall be his duty to administer the provisions of this chapter.

(b) Reports.—The secretary shall report monthly to the Governor and the General Assembly the total lottery revenues, prize disbursements and other expenses for the preceding month and shall make an annual report, which shall include a full and complete statement of lottery revenues, video gaming revenues, prize disbursements and other expenses, to the Governor and the General Assembly.

§ 9304. Video gaming.

The secretary as an extension of the State Lottery shall, subject to Statewide and local referendum, provide for video gaming at licensed establishments.

§ 9305. Statewide referendum.

(a) Ballot question.—The Secretary of the Commonwealth shall cause to be placed on the ballot, at the primary or general election occurring at least 30 days following the effective date of this chapter, a binding referendum to determine the will of the electorate of this

Commonwealth with respect to the establishment of limited video gaming. The question shall be in the following form:

Shall Pennsylvania expand the State Lottery through the licensing and regulation of electronically monitored video gaming machines in certain liquor-licensed establishments in order to provide additional funding for senior citizens' programs, local school districts, colleges, universities, municipal government operations and county government operations?

(b) Conduct of election.—The referendum shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(c) Effect of approval.—If a majority of electors, Statewide, voting on the question vote "yes," licenses shall be issued by the secretary only in those municipalities which had a majority of "yes" votes on the question.

(d) Subsequent local referendum.—

(1) Any municipality which did not have a majority of "yes" votes in the Statewide referendum may seek approval of video gaming by a subsequent local referendum.

(2) In any municipality, an election may be held on the date of a primary, municipal or general election to determine the will of the electors with respect to the issuance of licenses within the limits of the municipality under the provisions of this section. Whenever electors equal to at least 25% of the highest vote cast for any office in the municipality at the preceding general election file a petition with the county board of elections, or when the governing board of the municipality adopts by a majority vote a resolution to place the question on the ballot and a copy of the resolution is filed with the county board of elections for a referendum on the question of issuing licenses, the county board shall cause a question to be placed on the ballot and submitted at the following primary, municipal or general election. The question shall be in the following form:

Do you favor the licensing and regulation of electronically monitored video gaming machines in certain liquor-licensed establishments in (name of municipality) in order to provide additional funding for senior citizens' programs, local school districts, colleges, universities, municipal government operations and county government operations?

(3) The local referendum shall be held in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

(4) If a majority of electors voting on the question vote "yes," licenses shall be issued by the secretary in the municipality; if a majority of the electors voting on the question vote "no," the secretary shall have no power to issue any licenses in that municipality unless and until at a later election a majority votes "yes" on such a question.

(e) Subsequent approval or withdrawal.—A Statewide or local referendum for approval under this section may not be held more than twice within six years from the effective date of this chapter, and thereafter no more than once every four years. A Statewide or local referendum for withdrawal under this chapter may not be held in the first four years from approval, and thereafter no more than once every four years.

§ 9306. Licensing.

(a) Investigation of applicant.—The director shall conduct a background investigation of all applicants for a manufacturer's, distributor's or machine vendor's license as to his personal and business character, honesty and integrity. The investigation may utilize the same procedures that are used for similar checks conducted under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law. The investigation may include, but not be limited to, the following:

(1) An examination of any criminal or civil record.

(2) An examination of any personal, financial or business records, including tax returns, bank accounts, business accounts, mortgages and contracts to which the applicant is a party or has an interest.

(3) An examination of any personal or business relationships which may include a partial ownership or voting interest in a

partnership, association or corporation which affects the fitness of the applicant for licensure.

(b) Information, documentation and assurances.—An applicant, to become a licensee, must produce such information, documentation and assurances as may be required by the secretary including, but not limited to, the following:

(1) Each license applicant must consent in writing and provide for the examination of all financial and business accounts, bank accounts, tax returns and related records in his possession or under his control which establish by clear and convincing evidence the financial stability, integrity and responsibility of the applicant and must authorize all third parties in possession or control of the accounts or records to allow for their examination as determined necessary by the secretary in conducting background investigations.

(2) Each license applicant must disclose on the application form any nonsummary criminal convictions covering the ten-year period immediately preceding the filing of the application. The license applicant must also include on the application form any convictions of the gambling laws or statutes of this Commonwealth or any other jurisdiction to which he was subject.

(3) If the license applicant has conducted gaming operation in a jurisdiction which permits such activity, the license applicant must produce letters of reference from the gaming or casino enforcement or control agency which specify the experiences of the agency with the applicant, the applicant's associates and the applicant's gaming operations. If the applicant is unable to obtain these letters within 60 days of the request, the license applicant may submit a copy of the letter requesting the information, together with a statement under oath, that during the period such activities were conducted, the license applicant was in good standing with the appropriate gambling or casino enforcement or control agency.

(4) Each license applicant must provide such information, documentation and assurances as may be required by the secretary to establish by clear and convincing evidence the applicant's good character, honesty and integrity. Information under this paragraph may relate to family, habits, character, reputation, business affairs, financial affairs, business associates, professional associates and personal associates covering the ten-year period immediately preceding the filing of the application.

(c) Disclosure.—Each applicant must accept any risk of adverse public notice, embarrassment, criticism, damages or financial loss which may result from any disclosure or publication by a third party of any material or information requested by the secretary pursuant to action on an application. The applicant expressly waives any claim against the secretary or the Commonwealth and its employees for damages as a result of any act described in this paragraph.

(d) Right to hearing.—Any person who is denied a license shall have the right to a hearing before the secretary under this chapter or as may be provided by rule or regulation.

(e) Qualifications for sole proprietor vendor.—A sole proprietor vendor shall:

(1) Be a resident of this Commonwealth for at least two years immediately prior to application.

(2) Be of good moral character and reputation in the community.

(3) Be 18 years of age or older.

(4) Be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivisions, excluding items under formal dispute or appeal under applicable statutes.

(5) Demonstrate sufficient financial resources to support the activities required to place and service video gaming machines.

(f) Qualifications for partnership vendors.—

(1) Partnership vendors shall be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivision, excluding items under formal dispute or appeal under applicable statutes.

(2) Partnership vendors shall demonstrate sufficient financial resources to support the activities required to place and service video gaming machines.

(3) Each partner of a partnership vendor shall be of good moral character and reputation in the community and be 18 years of age or older.

(4) A majority of the partnership ownership interest shall be held by residents domiciled in this Commonwealth at least two years immediately prior to application. The residency and domicile requirements shall be maintained during the entire period of licensure.

(g) Association and corporate vendors.—

(1) Association and corporation vendors shall be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivision, excluding items under formal dispute or appeal under applicable statutes.

(2) Association and corporation vendors shall demonstrate sufficient financial resources to support the activities required to place and service video gaming machines.

(3) All shareholders of the corporation or association shall be of good moral character and reputation in the community and be 18 years of age or older.

(4) Shareholders owning a majority of the stock in the corporation shall be residents domiciled in this Commonwealth at least two years immediately prior to application. The residency and domicile requirements shall be maintained during the entire period of licensure.

(h) License fee for machine vendor's license.—The annual fee for a machine vendor's license shall be \$25,000. The annual fee includes licenses for 50 video gaming machines. A license fee of \$500 shall be assessed for each video gaming machine over the initial 50 licenses included within the annual machine vendor's license fee. No additional license fees shall be assessed if the licensed video gaming machine is relocated during the license year to an approved licensed establishment within the same municipality.

(i) Distributor licenses.—

(1) A sole proprietor distributor shall:

(i) Be of good moral character and reputation in the community.

(ii) Be 18 years of age or older.

(iii) Be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivision, excluding items under formal dispute or appeal under applicable statutes.

(iv) Demonstrate sufficient financial resources to support the activities required to sell and service video gaming machines.

(v) Maintain and operate a coin machine distributor's office, sales and service staff within this Commonwealth.

(2) (i) Partnership distributors shall be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivision, excluding items under formal dispute or appeal under applicable statutes.

(ii) Partnership distributors shall demonstrate sufficient financial resources to support the activities required to sell and service video gaming machines.

(iii) Each partner of a partnership distributor shall be of good moral character and reputation in the community and be 18 years of age or older.

(iv) Partnership distributors must maintain and operate a coin machine distributor's office, sales and service staff within this Commonwealth.

(3) (i) Association or corporate distributors shall be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivision, excluding items under formal dispute or appeal under applicable statutes.

(ii) Association or corporate distributors shall demonstrate sufficient financial resources to support the activities required to sell and service video gaming machines.

(iii) All shareholders of the corporation or association shall be of good moral character and reputation in the community and be 18 years of age or older.

(iv) A corporate distributor must maintain and operate a coin machine distributor's office, sales and service staff within this Commonwealth.

(j) Annual fee for distributor's license.—The annual fee for a distributor's license shall be \$25,000.

(k) Manufacturer's license.—

(1) A sole proprietor manufacturer shall:

(i) Be of good moral character and reputation in the community.

(ii) Be 18 years of age or older.

(iii) Be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivisions, excluding items under formal dispute or appeal under applicable statutes.

(iv) Demonstrate sufficient financial resources to support the activities required to manufacture and sell video gaming machines through a licensed distributor.

(2) (i) All partners of a partnership manufacturer shall be 18 years of age or older.

(ii) All partners of a partnership manufacturer shall be of good moral character and reputation in the community.

(iii) Partnership manufacturers shall be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivision, excluding items under formal dispute or appeal under applicable statutes.

(iv) Partnership manufacturers shall demonstrate sufficient financial resources to support the activities required to manufacture and sell video gaming machines through a licensed distributor.

(3) (i) Association or corporate manufacturers shall be current in the payment of all taxes, interest and penalties owed to the Commonwealth and any political subdivision, excluding items under formal dispute or appeal under applicable statutes.

(ii) Association or corporate manufacturers shall demonstrate sufficient financial resources to support the activities required to manufacture and sell video gaming machines through a licensed distributor.

(iii) All shareholders of the corporation or association shall be of good moral character and reputation in the community and be 18 years of age or older.

(l) License fee for manufacturer's license.—The annual fee for a manufacturer's license shall be \$25,000.

(m) Issuance of license to licensed establishment.—

(1) The secretary shall issue a license to any licensed establishment upon a showing that its liquor or retail dispenser's license is valid and that the establishment is in good standing with the Pennsylvania Liquor Control Board. The annual fee for a licensed establishment shall be \$500 per video gaming machine.

(2) The licensed establishment shall not pay additional licensing fees if the video gaming machines are replaced or changed during the license year, provided the total number of video gaming machines does not exceed the number of licenses held by the establishment.

§ 9307. Prohibitions.

(a) General rule.—A licensed establishment shall not have more than four video gaming machines.

(b) Single license.—An applicant may not hold more than one type of license.

(c) Advertising restricted.—No licensee shall be permitted to advertise gambling or use the word "gambling" in any promotional way, including flyers or other forms of advertisement.

(d) Machine placement agreement.—No video gaming machines may be placed in a licensed establishment unless the machine vendor and the licensed establishment have entered into a mutually agreed-upon written machine placement agreement for a minimum term of one year. A video gaming machine owner may not offer or give any type of inducements or incentives to a licensed establishment to secure, maintain or renew a video gaming machine placement agreement.

(e) License required.—No person, partnership, association or corporation may sell, distribute, service, own, operate or place on location a video gaming machine unless it is licensed under this chapter and is in compliance with all requirements of this chapter.

(f) Minors.—

(1) No person under 21 years of age may use or play a video gaming machine. A minor using or playing or attempting to use or play a video gaming machine commits a summary offense.

(2) A licensed establishment in which a person under 21 years of age plays or uses a video gaming machine, whether or not the operator of the licensed establishment is actually aware of the minor's age, commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than \$5,000.

(3) The establishment of any of the following facts by a person allowing a minor to operate the video gaming machines constitutes a defense to prosecution under this subsection:

(i) the minor falsely represented in writing that the minor was 21 years of age or older; or

(ii) the appearance of the minor was such that an ordinary person of prudent judgment would believe the minor to be 21 years of age or older.

§ 9308. Machine characteristics.

(a) Central monitoring system.—The secretary shall establish and procure a central communications system capable of monitoring and communicating with each licensed video gaming machine.

(b) Prototype video gaming machine.—The secretary shall approve a prototype video gaming machine which includes hardware and software specifications. These specifications shall include, but not be limited to, the following:

(1) All machines shall be linked with the lottery central communications system to provide complete accounting and auditing information to eliminate any possibility of fraud.

(2) Unremovable identification plates shall appear on the exterior of the machine and shall contain the name of the manufacturer and the serial and model number of the machine.

(3) The rules of play shall be displayed on the machine face or screen as determined by the secretary.

(4) A video gaming machine may not directly dispense coins, cash, tokens or any other article of exchange or value, except for tickets. Tickets shall be dispensed by pressing the ticket dispensing button on the machine at the end of a turn or play. The ticket shall indicate the total amount of credits and the cash award, and the player shall turn in this ticket to the appropriate person at the licensed establishment to receive the cash award. The cost of the credit shall be 25¢ and the number of credits played per game shall not exceed eight. No cash award for any individual game shall exceed \$500. All video gaming machines shall be designed and manufactured with total accountability, including gross proceeds, net profits, winning percentages and any other information required by the secretary.

(5) Each machine shall have a minimum winning percentage of 80%.

(c) Enforcement.—The secretary shall have primary enforcement responsibility for any illegal activities concerning video gaming machines. The secretary may engage an enforcement agency and personnel necessary to ensure the integrity of video gaming. The Pennsylvania State Police and local police shall also have the authority to enforce the provisions of this chapter.

§ 9309. Video Gaming Account.

There is hereby established a separate account in the State Treasury to be known as the Video Gaming Account. Net machine income generated from licensed video gaming shall be collected by the department and shall be deposited in the account.

§ 9310. Distribution of net machine income from licensed establishments.

(a) Disbursement to certain counties.—To each county government with municipalities that have approved video gaming, the State Lottery Fund shall annually appropriate 10% of net machine income from video gaming machines licensed in that county.

(b) Net income in licensed establishments.—The net machine income from each licensed video gaming machine located in a licensed establishment shall be distributed as follows:

(1) To the licensed establishment: 33%.

(2) To the licensed vendor: 33%.

(3) To the Commonwealth for deposit into the Video Gaming Account: 24%.

(c) Distribution of Commonwealth share.—The Commonwealth's share of net machine income shall be distributed as follows:

(1) Fifty million dollars shall be set aside annually to expand eligibility in the Pharmaceutical Assistance Contract for the Elderly program (PACE) established under the act of August 14, 1991 (P.L. 342, No. 36), known as the Lottery Fund Preservation Act.

(2) Thirty-three and one-third percent of the Commonwealth's share of net machine income shall be used to fund basic education.

(3) Thirty-three and one-third percent of the Commonwealth's share of net machine income shall be used to fund higher education.

(4) Forty million dollars shall be set aside annually and appropriated for the purposes of Pennsylvania stadiums and indoor arenas.

(5) All remaining funds from the Commonwealth's share of net machine income shall be deposited into the State Lottery Fund.

(d) Other appropriations not affected.—Any and all appropriations from the Video Gaming Account under subsection (c)(2) and (3) shall be in addition to any and all appropriations contained in the General Appropriation Act for basic education purposes and higher education purposes and shall not be used as substitutes for appropriations made in the General Appropriation Act for those purposes.

§ 9311. Distribution of income from application fees and fines.

To each municipal government that has approved video gaming, the State Lottery Fund shall annually appropriate \$1,000 for each licensed video gaming machine located within that municipality. These funds shall be derived from application fees and fines paid into the State Lottery Fund under this chapter.

§ 9312. Administrative costs.

The costs to the department for the establishment, enforcement and operation of video gaming may not exceed 7 1/2% of the video gaming's total annual revenue, except in the first two years after the effective date of this chapter, when the costs may not exceed 15% of the total revenues.

§ 9313. Gaming Addiction Fund.

The Gaming Addiction Fund is hereby established. Five million dollars shall be transferred annually from the State Lottery Fund to the Gaming Addiction Fund which shall be administered by the Department of Health. The Department of Health shall distribute moneys from this fund to organizations involved in the treatment and rehabilitation of persons with gambling disorders in accordance with regulations to be adopted by the Department of Health.

§ 9314. Exemption for taxes and license fees.

Video gaming machines and coin-operated amusement machines shall be exempt from taxes levied under the act of August 5, 1932 (Sp. Sess., P.L. 45, No. 45), referred to as the Sterling Act, the act of December 31, 1965 (P.L. 1257, No. 511), known as The Local Tax Enabling Act, or the act of April 13, 1972 (P.L. 184, No. 62), known as the Home Rule Charter and Optional Plans Law, or under any other statute which confers taxing authority to any political subdivision. The machines are also exempt from all local licensing fees.

§ 9315. Exemption from gambling provisions.

Video gaming machines and their use are exempt from the provisions of section 5513 (relating to gambling devices, gambling, etc.).

§ 9316. Declaration of exemption from Federal law.

The General Assembly declares that the Commonwealth is exempt from section 2 of the Gambling Devices Transportation Act (64 Stat. 1134, 15 U.S.C. § 1172). Shipments of approved video gaming machines into this Commonwealth in compliance with sections 3 and 4 of the Gambling Devices Transportation Act (64 Stat. 1134, 15 U.S.C. §§ 1173 and 1174) shall be deemed legal shipments into this Commonwealth.

Amend Sec. 3, page 6, line 27, by striking out "3" and inserting:

4

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, the amendment I propose to House Bill No. 148 would place a referendum question on the statewide ballot. The outcome of the vote on that question will determine whether Pennsylvanians approve limited electronic gaming in Pennsylvania and approve the use of funds derived from this enterprise for senior citizens, local schools, colleges, universities, and our local and county governments.

The Governor has made it clear that the people of this Commonwealth must approve the concept of limited electronic gaming, and what this amendment does is lays out the question and then the enabling legislation. The question would read: "Shall Pennsylvania expand the State Lottery through the licensing and regulation of electronically monitored video gaming machines in certain liquor-licensed establishments in order to provide additional funding for senior citizens' programs, local school districts, colleges, universities, municipal government operations and county government operations?"

The bill, in essence, allows no more than four machines per liquor-licensed establishment. These machines must be approved by the Lottery Fund commission. It will dispense tickets, not coins. There is a limit of 25 cents, up to eight at one time, and no cash prize will exceed \$500. It is estimated that electronic gaming will bring around \$540 million to the Commonwealth. This proposes to give \$50 million to the PACE program, \$100 million for basic education, \$100 million for higher education, \$50 million for the Lottery Fund or other State government programs. There is also projected \$100 million for counties with participating local governments. That means with 10 percent of the net profits from each machine that each county with participating local governments receives a monthly payment equal to 10 percent of that net machine income from the machines in that county. It is also projected that \$54 million will go to local participating governments from license fees and fines deposited in the lottery administration fund. I would also tell you that there is \$1,000 from each machine that will go to each respective participating municipality. I will add to that, too, that \$40 million will be set aside for stadium and arena construction.

One of the key things, too, is that the Secretary of Revenue will have authority to enforce to ensure that there is not any fraud in this. All distributors, vendors, and sellers must have a background check. They must not have any criminal background or any background which is derogatory to operating these machines. I think the other thing, too, is we worry about, well, where is the money going to go if no one is checking? It will be in the Lottery and so hooked up that when you put a quarter in one electronic machine, that quarter will automatically register at the central communications operations so that every business, every machine, and every penny will be accounted for through the electronic communications center.

This opportunity will afford our clubs—they run anywhere from the Elks to the Moose to the Vets to the American Legion, anyone who has a liquor license, because they are the only ones eligible—to be able to obtain additional funding to

pay for their insurance, their light, their heat, and their activities.

To say that this does not exist today means that we must be closing our eyes. I think it allows us an opportunity to assure that this is legalized, accounted for, and that the money will be spent for the activities we so state.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Lancaster, Senator Armstrong.

Senator ARMSTRONG. Mr. President, if the last amendment was good for Pennsylvania, this amendment has to be great for Pennsylvania.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, I notice in looking at this amendment that an establishment, I believe, can have four video poker machines. But I would like to point out that the people who can have these video poker machines are: "A restaurant, bar, tavern, hotel or club which has a valid liquor, or malt or brewed beverage license...." That means that every single restaurant, every single golf club, every club where the Pirates or the Eagles play, every delicatessen that sells brewed beer and does not necessarily have a liquor license can have these machines. It would seem to me that is just too much, and I would ask for a "no" vote on this amendment.

LEGISLATIVE LEAVES CANCELLED

The PRESIDING OFFICER. The Chair observes that Senator Tilghman and Senator Musto are on the floor, and their temporary Capitol leaves are cancelled.

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Salvatore has been called from the floor to his office, and I request a temporary Capitol leave on his behalf.

The PRESIDING OFFICER. Senator Loeper requests a temporary Capitol leave for Senator Salvatore, and without objection, that leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator RHOADES and were as follows, viz:

YEA-18

Belan	Fumo	Musto	Tomlinson
Bell	Kasunic	Rhoades	Wagner
Bodack	LaValle	Salvatore	Wozniak
Corman	Loeper	Stout	
Costa	Mellow	Tartaglione	

NAY-32

Afflerbach	Heckler	Madigan	Slocum
Armstrong	Helfrick	Mowery	Stapleton
Brightbill	Holl	Murphy	Thompson

Delp	Hughes	O'Pake	Tilghman
Earll	Jubelirer	Piccola	Uliana
Gerlach	Kitchen	Punt	Wenger
Greenleaf	Kukovich	Robbins	White
Hart	Lemmond	Schwartz	Williams

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

WOZNIAK AMENDMENT A2249

Senator WOZNIAK offered the following amendment No. A2249:

Amend Title, page 1, line 4, by inserting after "providing": for a Statewide nonbinding referendum on gaming and for

Amend Bill, page 6, line 27, by striking out all of said line and inserting:

Section 3. (a) The Secretary of the Commonwealth shall cause to be placed on the ballot at the next primary or general election occurring at least 30 days next following the effective date of this section a nonbinding Statewide referendum to determine the will of the electorate of this Commonwealth with respect to the establishment of specific types of gaming.

(b) The referendum questions shall be in substantially the following form:

Shall Pennsylvania adopt legislation to permit a licensed and regulated system for riverboat gaming, limited to Allegheny, Beaver, Bucks, Delaware, Erie, Greene, Philadelphia, Washington and Westmoreland Counties and the City of Harrisburg, by which each jurisdiction shall, through local option, permit such activity?

Shall Pennsylvania adopt legislation to provide a mechanism by which counties, through local option, may permit licensed and regulated slot machines at horse racing tracks?

Shall Pennsylvania adopt legislation to provide a mechanism by which counties, through local option, may permit licensed and regulated games of chance at taverns and clubs with liquor licenses?

(c) The referendum shall be advertised and conducted in accordance with the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

Section 4. This act shall take effect as follows:

(1) Section 3 of this act and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, I have heard about the issue of gambling, whether it be the video poker machines in clubs or taverns, the issue of riverboat gambling and the sites of Mark Twain and those kinds of issues, and now the very real issue that the gentleman from Bucks has. Mr. President, for many years now we have discussed this issue back and forth. Many powerful interest groups have attempted to have their way in the General Assembly, and I think it is time now that the general public has the opportunity to make a decision as to what direction this Commonwealth will take.

My amendment has three functions. In a sense two of them have already passed. The third piece is the riverboat gambling. I think we have an opportunity today to make some decisions so we know what direction we might want to take, and I would appreciate it if we might take a serious look at putting all three of these issues on the ballot to let the people decide whether or not they wish to have these types of gaming in Pennsylvania. In addition to that, this amendment also includes a local option in which the individual communities will make their own determination as to whether or not they want them within their jurisdictions.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, I would just simply and very briefly point out that as I read this amendment, as the gentleman stated, it deals with referendums on three various issues. The first amendment that the gentleman from Bucks, Senator Tomlinson, offered this evening dealt with the issue of slots at four licensed racetracks and also provided for a statewide referendum. The second issue, which the gentleman from Schuylkill, Senator Rhoades, just offered and did not secure enough votes for passage, dealt with the video gaming issue. And it seems to me that the only issue that has not been addressed this evening that is called for in this amendment is the riverboat gaming issue. So I would think, Mr. President, unless those Members are interested in riverboat gaming particularly, it would not be necessary to adopt this amendment dealing with that issue.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cambria, Senator Wozniak.

Senator WOZNIAK. Mr. President, we are losing millions of dollars, probably statewide, across our borders in gambling. The devices we find in our clubs, in our taverns, are now literally a black market. Millions of dollars are probably going unaccounted for. We are not receiving revenues for them, and quite frankly, I think that our clubs and our taverns have been very diligent in attempting to find this opportunity with them.

In the whole issue of gaming, nobody puts a gun to anybody's head to go out there and gamble. I am not a gambler of any sort, but I do think this is an issue for all three to have an opportunity to be aired by the public.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentlewoman from Philadelphia, Senator Schwartz.

Senator SCHWARTZ. Mr. President, I really do not think that this is the moment to have a thorough discussion about riverboat gambling, and I do think that is one of the problems that I have with this amendment and truthfully with the other amendments that have been introduced this evening. I do believe they should have been done appropriately through the appropriate committees and there should have been full hearings on the consequences of the different kinds of gaming that have been suggested. Everyone thinks it is often useful to hear from the public, but the fact is, Mr. President, that there has been a good bit of debate about riverboat gambling, and if we were serious about wanting to move ahead on this issue, we

would do so through proper committees with proper hearings. And again, while I do not want to go into a great deal of discussion about it, I do want to point out that there has been enormous information about the downside of gambling, particularly riverboat gambling and the disaster it has been in a number of different cities where it has been taken up and the fact that even in a couple of States where they have gone to a statewide referendum, the public has turned it down.

I would also point out that not only are we looking at the possibility that it does have very serious consequences for families, it does have serious consequences for the business community around riverboat gambling and the entertainment community. It does not have a positive effect economically in its communities. We know about that, the concerns about crime and, lastly, the concerns about the high costs to local communities for those kinds of activities for roads and infrastructure and police that are needed when you have riverboat gambling introduced.

I also want to mention that some of my colleagues may have noticed in the last 2 days we have the possibility of a very exciting family entertainment structure and an enormous kind of entertainment structure to be put at Penn's Landing on the riverfront in Philadelphia, and I would contend that for years I have been saying we need to stop letting riverboat gambling be the way out of how we are going to increase economic opportunity in our cities. Instead, we ought to look at other ways that we could use our riverfronts, be able to entertain families, and have a positive spin-off for tourism, a positive spin-off for all of our communities, and I am very excited about the possibility. Our mayor, I hope, will be able to make an announcement at the end of the week about this extraordinary opportunity potentially for the riverfront in Philadelphia. And I would contend that one of the reasons it is happening is because we are not doing riverboat gambling, the riverboat gambling that was diverting us from holding off--

Mr. President, do you want me to pause? I would be very happy to in order to get some quiet.

The PRESIDING OFFICER. Could the Senate come to order, please.

Senator SCHWARTZ. Mr. President, I will finish up. I am sorry, but it was hard to hear. Thank you, Mr. President.

I just wanted to say that the worst part in some ways of the discussion about riverboat gambling is that I think it diverts us from the attention we ought to give to the economic opportunities for truly the kinds of jobs we want that will enrich our communities, that we want in our cities and on our riverfronts across the Commonwealth of Pennsylvania, particularly, Mr. President, since last week we passed a budget that showed that we were not in difficult financial circumstances in this Commonwealth. In fact, we were able to put away \$200 million in our savings account and more will come after that. This is not a time of enormous economic stress where we have to turn to anything in order to increase revenues for our communities.

While I certainly have stood on this floor and said we needed additional funds for economic development, additional funds for infrastructure, additional funds for education and for health care, I do not want that to come at the price of our families in

terms of crime in our communities. I want us instead to turn to the kinds of jobs, the kinds of industries we want in our communities to help enrich our lives, not riverboat gambling. So I would hope that we defeat this amendment.

Thank you, Mr. President.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Montgomery, Senator Tilghman.

Senator TILGHMAN. Mr. President, I think the gentleman from Delaware, Senator Loeper, said it very well, that this is an amendment to put a question on the ballot for the public without knowing the facts behind the question. We have no legislation relative to riverboat gambling, and really that is a misnomer. There is no such thing as riverboat gambling, it is casinos in Pennsylvania, and they probably will not be restricted to any kind of river. There is a small creek where I live and a man built a restaurant out on the water with the hopes that he can get a gambling license sometime. So we are really voting about casinos, and I would urge a negative vote.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator WOZNIAC and were as follows, viz:

YEA-14

Belan	Kasunic	Rhoades	Wagner
Bodack	LaValle	Salvatore	Wozniak
Costa	Mellow	Stout	
Fumo	Musto	Tartaglione	

NAY-36

Afflerbach	Hart	Loeper	Slocum
Armstrong	Heckler	Madigan	Stapleton
Bell	Helfrick	Mowery	Thompson
Brightbill	Holl	Murphy	Tilghman
Corman	Hughes	O'Pake	Tomlinson
Delp	Jubelirer	Piccola	Uliana
Earll	Kitchen	Punt	Wenger
Gerlach	Kukovich	Robbins	White
Greenleaf	Lemmond	Schwartz	Williams

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

RHOADES AMENDMENT A2167

Senator RHOADES offered the following amendment No. A2167:

Amend Title, page 1, line 4, by removing the period after "penalties" and inserting: and for a Statewide ballot question relating to limited electronic gaming.

Amend Bill, page 6, line 27, by striking out all of said line and inserting:

Section 3. (a) The Secretary of the Commonwealth shall cause to be placed on the ballot, at the primary or general election next following the effective date of this section, a referendum to determine

the will of the electorate of the Commonwealth with respect to the passage of a Limited Electronic Gaming Act. The referendum shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

(b) The question shall be in substantially the following form:

Shall Pennsylvania expand the State Lottery through the licensing and regulation of limited electronic gaming in certain liquor-licensed establishments in order to provide additional funding for senior citizens' programs, local school districts, colleges, universities, municipal government operations and county government operations?

Section 4. This act shall take effect as follows:

(1) Section 3 of this act and this section shall take effect immediately.

(2) The remainder of this act shall take effect in 60 days.

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Mr. President, very simply, purely, so we can understand, this just provides for a statewide ballot question related to limited electronic gaming. Remember the last one I read, shall Pennsylvania expand? It is the same thing. That is all it does. It has no enabling legislation, nothing else. That all has to be developed after the people decide whether they want to expand electronic gaming in the Commonwealth at all.

It is very similar to what we had before. It is the simplest thing, and this is what the Governor has asked for. It is just a referendum question only on limited electronic gambling and certain liquor licenses. We would establish which ones, where, to what degree, what number, and all the other things that have to go with it, but this is all that this would do, provide for a statewide ballot question.

Thank you, Mr. President.

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Delaware, Senator Loeper.

Senator LOEPER. Mr. President, Senator Delp has been called from the floor, and I request a temporary Capitol leave on his behalf.

The PRESIDING OFFICER. Senator Loeper requests a temporary Capitol leave for Senator Delp, and that leave is granted.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator RHOADES and were as follows, viz:

YEA-16

Belan	Fumo	Mellow	Stout
Bell	Kasunic	Musto	Tartaglione
Bodack	LaValle	Rhoades	Wagner
Costa	Loeper	Salvatore	Wozniak

NAY-34

Afflerbach	Heckler	Mowery	Thompson
Armstrong	Helfrick	Murphy	Tilghman
Brightbill	Holl	O'Pake	Tomlinson
Corman	Hughes	Piccola	Uliana
Delp	Jubelirer	Punt	Wenger
Earll	Kitchen	Robbins	White
Gerlach	Kukovich	Schwartz	Williams
Greenleaf	Lemmond	Slocum	
Hart	Madigan	Stapleton	

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

BODACK AMENDMENT A2196

Senator BODACK offered the following amendment No. A2196:

Amend Title, page 1, line 4, by inserting after "equipment;": providing for a referendum for riverboat gaming on navigable waterways;

Amend Sec. 2, page 5, line 29, by striking out "a section" and inserting: sections

Amend Sec. 2, page 6, by inserting between lines 26 and 27:

§ 7108. Riverboat gaming referendum.

(a) Authorization.—The Secretary of the Commonwealth shall cause to be placed on the ballot, at the primary or general election next following the effective date of this section, a referendum to determine the will of the electorate of the Commonwealth with respect to riverboat gaming. The referendum shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L. 1333, No. 320), known as the Pennsylvania Election Code.

(b) Form of question.—The question shall be in substantially the following form:

Shall Pennsylvania adopt legislation to provide a mechanism by which counties, through local option, may permit a licensed and regulated system for riverboat gaming on Pennsylvania's navigable waterways?

On the question,

Will the Senate agree to the amendment?

The PRESIDING OFFICER. The Chair recognizes the gentleman from Allegheny, Senator Bodack.

Senator BODACK. Mr. President, as we all know, the subject of riverboat gambling has been kicked around for some time. It has been around longer than the idea of slot machines and slot machines at racetracks. It has been around longer than the idea of video poker at liquor-licensed establishments. And using the Governor's own stipulated criteria of a statewide ballot referendum, this would finally place the issue before the voters for a final resolution.

Very simply, if this amendment is adopted, all of Pennsylvania's voters would be asked whether or not to have riverboat gambling approved in the Commonwealth of Pennsylvania. I think that Pennsylvania's people are ready, and I think they are going to have an opportunity to voice their opinion at the ballot box on other gaming options and they should have the

opportunity to voice their will on the concept of riverboat gambling as well.

Thank you, Mr. President.

And the question recurring,

Will the Senate agree to the amendment?

The yeas and nays were required by Senator BODACK and were as follows, viz:

YEA-14

Belan	Kasunic	Salvatore	Wagner
Bodack	LaValle	Stout	Wozniak
Costa	Mellow	Tartaglione	
Fumo	Musto	Tomlinson	

NAY-36

Afflerbach	Hart	Loeper	Schwartz
Armstrong	Heckler	Madigan	Slocum
Bell	Helfrick	Mowery	Stapleton
Brightbill	Holl	Murphy	Thompson
Corman	Hughes	O'Pake	Tilghman
Delp	Jubelirer	Piccola	Uliana
Earll	Kitchen	Punt	Wenger
Gerlach	Kukovich	Rhoades	White
Greenleaf	Lemmond	Robbins	Williams

Less than a majority of the Senators having voted "aye," the question was determined in the negative.

And the question recurring,

Will the Senate agree to the bill on third consideration, as amended?

Senator LOEPER. Mr. President, I move that House Bill No. 148, as amended, be laid on the table.

The motion was agreed to.

HB 148 TAKEN FROM THE TABLE

Senator LOEPER. Mr. President, I call from the table House Bill No. 148, as amended, and move that it be printed on the next day's Calendar.

The motion was agreed to.

The PRESIDING OFFICER. House Bill No. 148 will appear on tomorrow's Calendar.

UNFINISHED BUSINESS
SENATE RESOLUTION ADOPTED

Senators MOWERY, JUBELIRER, CORMAN, BRIGHTBILL, PICCOLA, HELFRICK, ROBBINS, THOMPSON, BELAN, WILLIAMS, BELL, WHITE, WAGNER, PUNT, STAPLETON, FUMO, SCHWARTZ, COSTA, O'PAKE, AFFLERBACH, SALVATORE, TOMLINSON, SLOCUM GERLACH, ULIANA and MELLOW, by unanimous consent, offered Senate Resolution No. 46, entitled:

A Resolution proclaiming the week of May 11 through 17, 1997, as "MADD Week" in Pennsylvania.

Which was read, considered and adopted.

CONGRATULATORY RESOLUTIONS

The PRESIDING OFFICER laid before the Senate the following resolutions, which were read, considered and adopted:

Congratulations of the Senate were extended to Michelle Martella and to Helen Harrison by Senator Bell.

Congratulations of the Senate were extended to Eric Boduch by Senator Bodack.

Congratulations of the Senate were extended to Catherine Welch by Senator Earll.

Congratulations of the Senate were extended to Annamae Colanzi by Senator Fumo.

Congratulations of the Senate were extended to the Berks County Office of Aging by Senators Gerlach, O'Pake, and Brightbill.

Congratulations of the Senate were extended to the Briar Bush Nature Center of Abington by Senator Greenleaf.

Congratulations of the Senate were extended to Jedd D. Salvensen by Senator Heckler.

Congratulations of the Senate were extended to Marcelline Burgess by Senator Helfrick.

Congratulations of the Senate were extended to Souderton Area High School SAVE Club and to the North Penn Hospital of Lansdale by Senator Holl.

Congratulations of the Senate were extended to Mr. and Mrs. Samuel Aungst, Mr. and Mrs. Charles Shingler, Mr. and Mrs. George Curtis Over, Mr. and Mrs. Carl Edward Maier, Jr., Mr. and Mrs. Frank A. Spriggle, Mr. and Mrs. Adrian A. Craver, Mr. and Mrs. Lester Hillegass, Mr. and Mrs. James H. Rutherford, Frances Kolesky, John Paul Christy and to Emily Sowell by Senator Jubelirer.

Congratulations of the Senate were extended to Elizabeth Antonelli, Amanda Montgomery, Johnathan and Douglas Peffer and to the Board of Commissioners of Beaver County by Senator LaValle.

Congratulations of the Senate were extended to the Foster Grandparent Program of Allegheny, Beaver, and Butler Counties by Senators LaValle, Belan, and Wagner.

Congratulations of the Senate were extended to John A. Venedam by Senator Mellow.

Congratulations of the Senate were extended to Jessica Calaman, Heather Calaman, Robert W. Craig, Robert Lee Alspaugh, Jaclyn Engelman, Amanda Hosler, Orr N. Brennehan, Joseph A. Enney and to Ronald P. Frank by Senator Mowery.

Congratulations of the Senate were extended to Priscilla Hilbert, Barry D. Rader, Myrtle Bechtel Quier, Pennsylvania Dental Association and to the Oley Fire Company by Senator O'Pake.

Congratulations of the Senate were extended to George R. Strohl by Senator Piccola.

Congratulations of the Senate were extended to Irene Maligko Springer by Senator Rhoades.

Congratulations of the Senate were extended to Rodney E. Blystone, Jr., by Senator Robbins.

Congratulations of the Senate were extended to Bennett and Sonny Goldstein and to Reverend Howard A. Kuhnle by Senator Salvatore.

Congratulations of the Senate were extended to Christopher Colvin by Senator Slocum.

Congratulations of the Senate were extended to Anthony Crocarno and to Emily Young by Senator Wenger.

BILLS ON FIRST CONSIDERATION

Senator TOMLINSON. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to.

The bills were as follows:

HB 848 and HB 849.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

HOUSE MESSAGES**HOUSE CONCURS IN SENATE BILL**

The Clerk of the House of Representatives returned to the Senate **SB 869**, with the information the House has passed the same without amendments.

SENATE BILL RETURNED WITH AMENDMENTS

The Clerk of the House of Representatives returned to the Senate **SB 870**, with the information the House has passed the same with amendments in which the concurrence of the Senate is requested.

The PRESIDING OFFICER. Pursuant to Senate Rule XIV, section 5, this bill will be referred to the Committee on Rules and Executive Nominations.

BILLS SIGNED

The PRESIDENT (Lieutenant Governor Mark S. Schweiker) in the presence of the Senate signed the following bills:

SB 184 and SB 869.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA**COMMITTEE MEETINGS**

TUESDAY, MAY 13, 1997

9:30 A.M.

CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bills No. 435, 451, 492, 517, 722 and 763; House Bill No. 383; the 1997-98 Taxi Medallion Budget, Proposed Regulation No. 57-183 and Final Regulations No. 16A-377, 16A-543, 57-155 and 57-172)

Room 8E-B
East Wing

9:30 A.M.	ENVIRONMENTAL RESOURCES AND ENERGY (to consider Senate Bills No. 316, 581, 970, 973 and Senate Resolution No. 29; and House Bills No. 798 and 924)	Rules Cmte. Conf. Rm.
10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 34, 360, 375, 390, 392, 490, 516 and 804; and House Bill No. 433)	Rules Cmte. Conf. Rm.
10:15 A.M.	JUDICIARY (public hearing and committee meeting on the nomination of Robert L. Steinberg, Esq., Judge of the Court of Common Pleas, Lehigh Co.; Senate Bills No. 363, 386, 901, 959 and 969; and House Bills No. 41, 916 and 1065)	Room 8E-B East Wing
10:30 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Bill No. 133; and House Bills No. 385 and 679)	Room 461 Main Capitol
10:30 A.M.	STATE GOVERNMENT (to consider Senate Bills No. 5, 573 and 980; and House Bills No. 171 and 1027)	Rules Cmte. Conf. Rm.
1:00 P.M.	EDUCATION (public hearing on Senate Bill No. 999)	Room 8E-B East Wing
<u>WEDNESDAY, MAY 14, 1997</u>		
10:00 A.M.	LAW AND JUSTICE (public hearing on underage drinking, alcohol abuse and the Ridge Administration's proposal to privatize the State Stores)	Dean's Hall 2 The Penn State Conference Center Hotel 21 Innovation Boulevard. State College (formerly the Penn State Scanticon)
<u>WEDNESDAY, MAY 28, 1997</u>		
9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (public hearing on the retail deregulation of the natural gas industry)	Room 8E-B East Wing

ADJOURNMENT

Senator LOEPER. Mr. President, I move that the Senate do now adjourn until Tuesday, May 13, 1997, at 11 a.m., Eastern Daylight Saving Time.

The motion was agreed to.

The Senate adjourned at 8:24 p.m., Eastern Daylight Saving Time.