

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, DECEMBER 11, 1989

SESSION OF 1989

173D OF THE GENERAL ASSEMBLY

No. 75

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR PRAYER

REV. CLYDE W. ROACH, Chaplain of the House of Representatives, from Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

Gracious God our Father, sometimes we find it so difficult to pray. We cannot seem to focus our wandering thoughts and to find the right words to express our deepest feelings and our needs. In times like these, remind us that Your Spirit helps us in our weakness and intercedes with sighs too profound for words.

Remind us that where there are two or three gathered in Your name and doing Your will, You shall always be in their midst.

Come now and dwell with us, and may the words of our mouths and the meditation of our hearts be acceptable in Your sight, O Lord, our strength and our Redeemer.

In Your dear name we pray. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, we will postpone until printed the approval of the Journal dated Wednesday, December 6, 1989. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2176 By Representatives PESCI, ROBINSON, STABACK, RYBAK, MORRIS, HALUSKA, DISTLER, ARGALL, DeWEESE, JACKSON, FLEAGLE, BUNT, PISTELLA, FARGO, LAUGHLIN, PRESSMANN, KOSINSKI, DIETTERICK, J. L. WRIGHT, ANGSTADT, CARLSON, MELIO, COY,

CAPPABIANCA, TIGUE, TANGRETTI, VEON, COHEN, GEIST, PERZEL, McCALL, BELARDI, NOYE, GIGLIOTTI, HERMAN, GAMBLE, TRELLO, BELFANTI, E. Z. TAYLOR, ITKIN, KASUNIC, McHALE and PRESTON

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, extending the expiration date of the Pennsylvania Veterans' Memorial Commission.

Referred to Committee on MILITARY AND VETERANS AFFAIRS, December 11, 1989.

No. 2177 By Representatives WILSON and J. L. WRIGHT

An Act requiring that certain electric signs be approved by Underwriter's Laboratory; and providing penalties.

Referred to Committee on CONSUMER AFFAIRS, December 11, 1989.

No. 2178 By Representatives YANDRISEVITS, MORRIS, COY, BOWLEY, BATTISTO, McCALL, TIGUE, WOZNIAK, PESCI, HALUSKA, RUDY, PISTELLA, OLASZ, MAINE, FARGO, NOYE, G. SNYDER, MOEHLMANN, FAIRCHILD, MERRY, HERMAN, HERSHEY, LEE, FLEAGLE, JOHNSON, STRITTMATTER, WASS, E. Z. TAYLOR, GODSHALL, BARLEY, SEMMEL, SCHEETZ and SCRIMENTI

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, granting immunity to the owners, tenants or lessees of agricultural property from certain claims involving individuals picking their own agricultural products.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, December 11, 1989.

No. 2179 By Representatives McNALLY, MANDERINO, F. TAYLOR, DeWEESE, MARKOSEK, VAN HORNE, TRICH, MORRIS, STABACK, KAISER, GIGLIOTTI, MELIO, GEIST, COY, KOSINSKI, PESCI, McCALL, DALEY, KUKOVICH, HERMAN, STISH, LEVDANSKY, TIGUE, PISTELLA, DOMBROWSKI, MICHLOVIC, VEON, TRELLO and GAMBLE

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1699**, **PN 2066**, entitled:

An Act amending the act of August 6, 1941 (P. L. 861, No. 323), referred to as the "Pennsylvania Board of Probation and Parole Law," further providing for the membership by the board.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1699** be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1718**, **PN 2096**, entitled:

An Act repealing the act of April 6, 1830 (P. L. 272, No. 157), entitled "An act for the levy and collection of taxes upon proceedings in courts, and in the offices of register and recorder, and for other purposes."

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1718** be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1963**, **PN 2834**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the disposition of a delinquent child, including driver's license suspension, for an offense involving a motor vehicle.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1963** be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1536**, **PN 1797**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for fees for copying certain public records.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1536** be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1537**, **PN 1798**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for grave markers.

On the question,

Will the House agree to the bill on second consideration?

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that **HB 1537** be recommitted to the Appropriations Committee for a fiscal note.

On the question,

Will the House agree to the motion?

Motion was agreed to.

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The House proceeded to second consideration of **HB 1560**, **PN 1821**, entitled:

An Act amending the act of July 28, 1953 (P. L. 723, No. 230), known as the "Second Class County Code," further providing for contracts in emergency situations and an easement provision for aviation in a condemnation proceeding.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1560 be recommitted to the Appropriations Committee for a fiscal note.

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

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The House proceeded to second consideration of **HB 1932, PN 2835**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), known as "The Administrative Code of 1929," establishing the Affordable Housing Trust Fund; establishing the Pennsylvania Housing Council and the Affordable Housing Trust Fund Board and providing for their powers and duties; providing for a ballot question; providing for a Pennsylvania Housing Equity Pool; and renaming the Department of Community Affairs.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that HB 1932 be recommitted to the Appropriations Committee for a fiscal note.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 522, PN 546**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting unsolicited commercial telephone calls during certain hours.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. O'DONNELL. Mr. Speaker, I move that SB 522 be recommitted to the Judiciary Committee.

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

MODERN MISS PENNSYLVANIA TEEN PRESENTED

The SPEAKER. The Speaker is happy to welcome to the hall of the House this afternoon Amy Andrezze, and Amy is the 1989 Modern Miss Pennsylvania Teen. She is brought to us by Representative Ted Stuban, and at this time Representative Stuban is invited to the podium for the purpose of a citation presentation, along with Modern Miss Pennsylvania Teen, Amy Andrezze. Will they please come up to the podium.

Representative Stuban.

Mr. STUBAN. Thank you, Mr. Speaker.

Mr. Speaker, I today have the opportunity of introducing to you Modern Miss Pennsylvania Teen. I have a citation that reads:

WHEREAS, The Commonwealth of Pennsylvania is proud to recognize its young citizens who, through their achievements, bring great honor to themselves, their school and community; and

WHEREAS, Amy Andrezze, daughter of Mr. and Mrs. Jasper Andrezze of Berwick, has captured the title of Modern Miss Pennsylvania Teen 1989; and

WHEREAS, A junior at Saint Cyril Academy in Danville, Miss Andrezze is involved in the school newspaper, the drama and language clubs and the Christian Teens. She is also the recipient of the Academic Achievement Award, the Hostess Award and the Spirit Award as well as a scholarship to the college of her choice.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania extends congratulations to Amy Andrezze on being named Modern Miss Pennsylvania Teen....

Mr. Speaker, with your permission and the attention of the House, I would like to give Amy the opportunity to address the House.

The SPEAKER. Modern Miss, you are in order to address the House.

Miss ANDREZZE. Speaker Manderino, Representative Stuban, and members of the House of Representatives, I appreciate your giving me this opportunity to address you today as a representative for the Modern Miss Scholarship Program.

I am proud to be a fourth-generation Pennsylvanian, and I am glad my forefathers decided to settle in Pennsylvania when they migrated from Poland, Austria, and Germany.

I wear the Miss Pennsylvania banner with pride, for I know Pennsylvanians are honest, hard-working people, dedicated to their families and their youth.

The Modern Miss slogan is "Dare to be the very best you can be." I have taken this slogan to heart, and it has brought me here today as Pennsylvania's Modern Miss.

I am going to dare to try to be even better when I compete in the national finals in April. I hope to make you and all the people in the State of Pennsylvania proud of me, and I dare to dream that Pennsylvania's Modern Miss of today will be America's Modern Miss of tomorrow. Thank you.

The SPEAKER. Thank you, Amy, and take with you to the national finals the best wishes from all the members of the House.

Miss ANDREZZE. Thank you.

WELCOME

The SPEAKER. We have with us also today Amy's mother, Patricia Andrezze, and her grandmother, Tilly Lupinski, along with her teacher, Sister Barbara Sable. They are to the left of the Speaker. Will they please rise.

GREAT VALLEY HIGH SCHOOL BOYS SOCCER TEAM PRESENTED

The SPEAKER. We are happy to welcome also to the hall of the House today the Great Valley High School boys soccer team. Most are seated in the rear of the House. These young men have brought for the first time ever to their school the PIAA State championship.

I invite Representative Robert Flick, along with the captains of the team - Matt Wilk, Matt Bitsko, Juacqin Irons, Mike Thorell - and their coach, Robert Kulp, to come to the podium.

FILMING PERMISSION

The SPEAKER. The House is informed that during this presentation, a Republican videotape is being made. The gentleman making the same is in the well of the House.

The Speaker invites Representative Flick to the podium for the introduction of the captains and the coach.

Mr. FLICK. Thank you, Mr. Speaker.

It is indeed an honor for me to have with me here today the 1989 Great Valley boys soccer team. I was privileged to watch most of their games, and I think that the culmination of their skills and their abilities, you know, typifies the great talent that exists on this team and it is a tribute to the good citizenship and the manner in which these young men conduct themselves. This is the first ever Great Valley High School boys State championship, and I would like to read a citation, which I will be presenting to each of them:

COMMONWEALTH OF PENNSYLVANIA THE HOUSE OF REPRESENTATIVES CITATION

WHEREAS, The Great Valley High School Boys Soccer Team became the first team to win successive championships at the Middleburg Soccer Tournament; and

WHEREAS, The Great Valley High School Boys Soccer Team proceeded to dominate the Pioneer Athletic Conference by winning all fifteen games, twelve of them shutouts, retaining the PAC-10 Championship for the second year in a row. The team earned the right to compete in the District One playoffs where they overwhelmingly captured their first district championship by outscoring opponents fifteen goals to zero gaining a top-seeded berth in the PIAA Class AA State Championship Soccer Tournament. Their teamwork and dedication carried them to shutout

victories, seven goals to zero, over their first three opponents and propelled them to their first ever PIAA State Championship at Shippensburg University; and

WHEREAS, The team is comprised of Matt Wilk—

one of the captains behind me. Matthew, step forward and raise your hand—

Matt Wilk, Mike Thorell, Juacqin Irons...Matt Bitsko—

team captains, and I would like each of the young men to my left to signify their presence by raising their hand as I read their names. Again—

WHEREAS, The team is comprised of...Matt Pressler...Doug Eckard, Mike Lavker, Steve Thompson, Scott McDevitt, Chris Woolard, Ryan Smith, Art Bierwirth, David Wise, Dylan Obajimi, Kevin Fish, Mark Zamrowski, Scott Gardner, Jamie Glasgow, Keith Epps, James Palmer, Andy Getz, Chris Flick, and Tom Darlington; led by Head Coach Robert Kulp, and Assistant Coach Fran Rubert.

Now therefore, the House of Representatives of the Commonwealth of Pennsylvania congratulates the Great Valley High School Boys Soccer Team and coaching staff on their impressive 1989 championship season which included twenty-four victories, twenty-one of these shutouts, one defeat, one tie and, when combined with the 1988 season record, makes them the best team in Pennsylvania in a two-year period;

And directs that a copy of this citation, sponsored by the Honorable Robert J. Flick on December 5, 1989, be transmitted to the Great Valley High School Boys Soccer Team, Great Valley High School, Phoenixville Pike, Malvern, Pennsylvania 19355.

I would like to give a copy of this citation to Coach Kulp and ask if he has any words to share with us.

The SPEAKER. The Speaker invites Coach Kulp to the podium for brief remarks.

Mr. KULP. I would like to thank Mr. Flick for going through all the trouble of bringing myself and the team out here. This is truly a great team here. They are the best team in Pennsylvania the past 2 years running now, and you are well represented out there by these young men. Thanks for having us. Thank you.

The SPEAKER. The Speaker would take note that one of the gentlemen on the team, Chris Flick, is the son of Representative Bob Flick, who presented them to us today.

The Chair thanks Representative Flick for bringing to the House's attention the accomplishments of the team and wishes the team and all its members the best of everything in the future.

BILLS ON SECOND CONSIDERATION CONTINUED

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

HB 1186, PN 1364; HB 1443, PN 2833; and HB 2054, PN 2697.

LEAVES OF ABSENCE

The SPEAKER. Are there leaves of absence from the majority party?

Mr. DeWEESE. Yes, sir, Mr. Speaker. For today, the gentleman, Mr. LETTERMAN, from Centre County, and the gentleman, Mr. YANDRISEVITS, from Northampton County.

The SPEAKER. Without objection, the leaves requested will be granted.

Are there leaves from the minority party? The Chair recognizes Representative Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

I request a leave for the gentleman from Dauphin County, Mr. DININNI, for the day.

The SPEAKER. Without objection, the leave requested for Mr. Dininni will be granted. The Chair hears no objection.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll call. Members are to indicate their presence in the hall of the House by voting in the affirmative on the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—200

Table with 4 columns of names: Acosta, Adolph, Allen, Angstadt, Argall, Barley, Battisto, Belardi, Belfanti, Billow, Birmelin, Bishop, Black, Blaum, Bortner, Bowley, Boyes, Brandt, Broujos, Bunt, Burd, Burns, Bush, Caltagirone, Cappabianca, Carlson, Carn, Cawley, Cessar, Chadwick, Civera, Clark, B. D., Clark, D. F., Clark, J. H., Clymer, Cohen, Colafella, Donatucci, Dorr, Durham, Evans, Fairchild, Fargo, Farmer, Fee, Fleagle, Flick, Foster, Fox, Freeman, Freind, Gallen, Gamble, Gannon, Geist, George, Gigliotti, Gladeck, Godshall, Gruitza, Gruppo, Hagarty, Haluska, Harper, Hasay, Hayden, Hayes, Heckler, Herman, Hershey, Hess, Howlett, Hughes, Itkin, Lashinger, Laughlin, Lee, Leh, Lescovitz, Levdansky, Linton, Lloyd, Lucyk, McCall, McHale, McNally, McVerry, Maiale, Maine, Markosek, Marsico, Mayernik, Melio, Merry, Michlovic, Micozzie, Miller, Moehlmann, Morris, Mowery, Mrkonic, Murphy, Nahill, Nailor, Noye, O'Brien, O'Donnell, Olasz, Oliver, Perzel, Pesci, Rieger, Ritter, Robbins, Robinson, Roebuck, Rudy, Ryan, Rybak, Saloom, Saurman, Scheetz, Schuler, Scrimenti, Semmel, Serafini, Smith, B., Smith, S. H., Snyder, D. W., Snyder, G., Staback, Stairs, Steighner, Stish, Strittmatter, Stuban, Tangretti, Taylor, E. Z., Taylor, F., Taylor, J., Telek, Thomas, Tigue, Trello, Trich, Van Horne, Veon, Vroon

Table with 4 columns of names: Colaizzo, Cole, Cornell, Corrigan, Cowell, Coy, DeLuca, DeWeese, Daley, Davies, Dempsey, Dietterick, Distler, Dombrowski, Jackson, Jadlowiec, James, Jarolin, Johnson, Josephs, Kaiser, Kasunic, Kenney, Kondrich, Kosinski, Kukovich, LaGrotta, Langtry, Petrarca, Petrone, Phillips, Piccola, Pievsky, Pistella, Pitts, Pressmann, Preston, Raymond, Reber, Reinard, Richardson, Wambach, Wass, Weston, Williams, Wilson, Wogan, Wozniak, Wright, D. R., Wright, J. L., Wright, R. C., Manderino, Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

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BILLS ON THIRD CONSIDERATION CONTINUED

The House proceeded to third consideration of HB 1810, PN 2844, entitled:

An Act amending the act of March 10, 1949 (P. L. 30, No. 14), known as the "Public School Code of 1949," requiring instruction relating to the cause and prevention of alcohol, chemical and tobacco abuse; providing for in-service training programs; and requiring in-service training for teachers in the field of substance abuse.

On the question,

Will the House agree to the bill on third consideration?

Mr. PICCOLA offered the following amendments No. A4123:

Amend Title, page 1, line 9, by removing the period after "abuse" and inserting ; establishing a distribution formula for Pennsylvania Drug and Alcohol Abuse Initiative appropriations to the Department of Education; and making a repeal.

Amend Bill, page 5, by inserting between lines 11 and 12

Section 2. The act is amended by adding a section to read:

Section 2597. Distribution of Drug and Alcohol Abuse Initiative Funds.—(a) (1) The General Assembly finds that the current method for the distribution of Drug and Alcohol Abuse Initiative appropriations to the Department of Education has concentrated a large proportion of the State appropriation in approximately one hundred eighteen school districts and has provided no State funding for the remaining school districts.

(2) The General Assembly intends, by means of this legislation, to establish and promote a more equitable distribution of the moneys appropriated to the Department of Education from the Pennsylvania Drug and Alcohol Abuse Initiative.

(b) (1) Subject to the limitations clauses (2) and (3), from and after the effective date of this section, all moneys unencumbered and unexpended from the appropriation to the Department of Education in section 304 of the act of July 1, 1989 (P.L. No.3A), known as the "General Appropriation Act of 1989," shall be divided by the total State Weighted Average Daily Membership to determine the amount that shall be distributed to school districts on the basis of each school district's Weighted Average Daily Membership as defined in section 2501.

(2) Prior to the allocation of funds under clause (1), fifteen per centum (15%) shall be set aside for distribution to inter-

mediate units for nonpublic school participation. These funds shall be allocated to the intermediate units by dividing the total funds available to the intermediate units by the total enrollment of nonpublic schools to determine the amount that each nonpublic school shall receive per child.

(3) Any school district or nonpublic school which received any funds from the Department of Education pursuant to section 304 of the General Appropriation Act of 1989 prior to the effective date of this act shall not be eligible to receive any other funds from section 304 of that section for the duration of that appropriation.

Section 3. Section 304 of the act of July 1, 1989 (P.L. No. 3A), known as the General Appropriation Act of 1989, is repealed insofar as it is inconsistent with the provisions of this act.

Amend Sec. 2, page 5, line 12, by striking out "2" and inserting

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

The SPEAKER. On that question, the gentleman from Dauphin, Representative Piccola, is recognized.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Ryan.

Mr. RYAN. I wonder if the Speaker could give us a moment to confer with the majority leader.

The SPEAKER. The House will be at ease while a conference takes place between the leaders.

WELCOME

The SPEAKER. The Chair is happy to welcome to the hall of the House this afternoon Vernon and Caroline Boozer. They are here as the guests of Representative Connie Maine and Representative Bob Robbins. They are to the left of the Speaker. Will they please stand.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 863, PN 981 By Rep. D. R. WRIGHT

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, adding provisions relating to alarm businesses.

CONSUMER AFFAIRS.

BILL REPORTED AND REREFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS

HB 1982, PN 2564 By Rep. D. R. WRIGHT

An Act concerning organic food products; relating to the labeling and advertising thereof; and providing for violations and penalties.

CONSUMER AFFAIRS.

CONSIDERATION OF HB 1810 CONTINUED

The SPEAKER. The Chair recognizes the minority leader, Matthew Ryan from Delaware County.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I had an opportunity to meet with Mr. Piccola, and he told me that in connection with his amendment, he has certain materials that are being distributed on the floor at this time. If in fact they have been distributed, he does not believe it will be necessary for us to go to caucus, which was the question and the reason I asked for the delay.

The SPEAKER. Is it the sense of the minority leader and the majority leader that we should proceed at this time with the amendment process?

Mr. RYAN. Mr. Speaker, I am told by the chief page that this material has been distributed and is in the hands of each of the members, and I would then request that we go ahead with the amendment.

The SPEAKER. The Chair thanks the minority leader.

The question is, will the House agree to the amendment offered by Representative Piccola? On that question, Representative Piccola from Dauphin County is recognized.

Mr. PICCOLA. Thank you, Mr. Speaker.

This amendment is offered to HB 1810, which is an amendment to the School Code mandating certain drug education programs in our school districts.

Many times, Mr. Speaker, we place mandates on our local governments and on our school districts and do not provide the commensurate funding to assist them in providing those programs. Here we have an excellent opportunity to provide equitable funding for the programs that we are mandating in this bill.

As you will recall, back in June and July we appropriated \$6 million to the PENNFREE drug education program, and as you may have read over the last couple of weeks, the Governor has announced distribution of about \$2.7 million of that appropriation, but in my view and I think in the view of many others, it was distributed in a manner which was not exactly fair. It only went to 118 school districts across the Commonwealth, leaving the balance of over 380-some receiving no money whatsoever. This amendment would establish a distribution formula which would apply to all the school districts of the Commonwealth and see to it that the PENNFREE money is distributed statewide, because in my view, Mr. Speaker, children in all of our school districts are at risk when it comes to drug education.

Attached to the memorandum which I have just circulated, you will find a printout of what we would anticipate each school district receiving under this amendment, assuming—assuming—that the full \$6 million was to be allocated in accordance with that formula. Now, we have not indicated that if the Governor's proposed distribution goes forward, my column of numbers will not be exactly right, because we will have taken \$2.7 million out of the proposed formula, and we state in the amendment that if that occurs, the school districts that receive the allocation listed under the Governor's column would keep that money, but they would not receive any

money under the Piccola allocation formula listed on the printout. The Governor has made that allocation, but as of Friday, it is our information that the money has not been encumbered and therefore could be distributed in accordance with the formula. However, if the Governor chooses, he could make that allocation in accordance with his determination, leaving us with only approximately \$4.3 million to allocate in accordance with the formula.

In addition, Mr. Speaker, if you look at the last page of the printout, we have allocated slightly more money for nonpublic education. Under the Governor's allocation, \$300,000 goes to the IU's (intermediate units) for distribution to nonpublic schools. It is our feeling, Mr. Speaker, that nonpublic school students are just as at risk as public school students and that they should have an allocation of 15 percent of the PENNFREE money. Therefore, under this proposal, 15 percent, which is approximately the percentage of nonpublic school students in the Commonwealth, they would receive 15 percent of the PENNFREE allocation, or \$825,000.

Mr. Speaker, I think this is a good, fair, equitable formula. It is completely in keeping with what we do in the Education Code, and it for one time sees to it that the school districts get a mandated program and are assured of additional funds to pay, or at least help pay, for that program.

I might add, Mr. Speaker, that this does not cost one additional new dollar. All of the money that would be divided up under this formula has already been appropriated, as I indicated in my earlier remarks. It does not impact at all on the budget, and it is a fair and equitable distribution of funds that, as of now, we have no guarantee as to how they are going to be distributed.

Mr. Speaker, I would urge the adoption of the amendment.

The SPEAKER. The question is whether the House will agree to the amendment. On that question, from Allegheny County, the Chair recognizes Representative Cowell.

Mr. COWELL. Thank you, Mr. Speaker.

Mr. Speaker, I would urge the members to listen closely, because this amendment could have some serious consequences for not only the drug moneys but for a number of other initiatives that this House has tried to undertake pertaining to drug education and drug abuse problems.

The first thing I would emphasize is that the bill currently before us, HB 1810, is part of I believe it is a 28-bill package that has been agreed to by the majority in the House and the majority in the Senate to allow us this week, before the Christmas holidays, to pass and to send to the Governor legislation dealing with several facets of this drug abuse issue. This bill before us is our first attempt to deal with that package, and if we do not adequately deal with this particular piece of legislation, we put into jeopardy the agreement and the other 27 bills that are part of that agreement. I would suggest that by changing something as fundamental as the method of distributing these dollars, after there is an apparent agreement between the majority in the House and the majority in the Senate, we will put into jeopardy that entire package of bills.

Secondly, I would suggest that Representative Piccola's amendment will not allow dollars to be distributed in the fashion that he has led us to believe or that he would like us to believe based upon the materials that have been distributed. Everybody has a printout that would suggest that your school district might be able to get X number of dollars. Representative Piccola has already acknowledged that those numbers are not accurate, and they cannot be accurate, because his amendment is based on dollars which are not encumbered or otherwise expended at the time this bill becomes law, and I would remind you, just because we pass the bill today does not make it law. It would become law when the Governor would sign it, and the question then is, what dollars would be unencumbered at that particular point?

We have already reached the point where 118 school districts, based upon a formula developed by the Department of Education, have been notified that they will be receiving these drug moneys for drug education programs for elementary students. A lot of those school districts over the last several weeks have already begun to make plans about how they will spend those dollars, and in fact, some of those districts probably have begun to implement plans to spend those dollars which the State said we will send to you, based on legislation - an appropriation - and based on decisions made in the Department of Education. Almost \$3 million has been awarded to districts, and they are counting on it. I do not think that this legislature has ever gone back on its word when we have told districts or other agencies of government or other organizations, when we have said we are going to provide you dollars. I do not think we have ever reneged on that kind of commitment, and we really ought not to be put into that position today.

Now, Representative Piccola might suggest that those districts will be held harmless, if you will, and we are only going to distribute the unencumbered dollars. Well, in fact, it is reasonable to believe that all of the \$2.7 million or maybe all of the \$3 million in fact will be encumbered by the time the Governor signs this legislation, and so what this amendment would really deal with is the distribution of the other \$3 million in that pot, and so you could almost reasonably cut in half the dollars that some of the school districts might expect under the Piccola amendment. As I read the Piccola amendment and the formula analysis, one of the districts would get \$20 under the Piccola amendment. Cutting that in half, it means that district is now going to get \$10 under the Piccola amendment. The question is whether we should really engage in meaningless exercises like that, to distribute to some school districts \$10 and \$20 and \$50 or a few hundred dollars, or whether we ought to really realistically concentrate our resources.

If you assume for the moment that only the \$3 million that has not been promised to school districts would be subjected to the Piccola amendment, understand that then what is in jeopardy is the \$3 million that is supposed to be distributed, under current plans, to community-based organizations for community activities to help fight drug abuse. Those dollars

have not been earmarked to school districts. They have been earmarked to community organizations, and many organizations throughout this State have already been participating in planning sessions with the Department of Community Affairs and the Department of Education about how they can apply for those dollars. It is my understanding that in some cases those dollars may have already been promised, although in a very limited fashion. So what we are really talking about this amendment applying to is a very limited amount of money, almost a meaningless amount of money, and we are talking about distributing it at the expense or to the expense of many community organizations that were counting on participating in some of these drug-free moneys.

The final point I would make is with respect to the philosophy about how these dollars ought to be distributed. I would remind you that the Federal drug-free dollars have in fact been distributed to school districts on a per-student basis for 1988-89 and for 1989-90. This fall, as a result of a President Bush initiative, the Congress has changed the method by which the Federal drug abuse dollars will be distributed in the future. At the initiative of President Bush and with the consent of the Congress, those Federal dollars also are going to be distributed to school districts demonstrating the greatest need, based on chapter 1 requirements, because the Federal Government and the Bush administration have also recognized that when we are dealing with a limited pot of money, if we are serious about attacking the drug issue, the drug problem, we need to appropriately concentrate the resources which are available.

Mr. Speaker, I would urge that we defeat the amendment, because, one, it would mean that we break our word, and in fact, we might break contracts with school districts; secondly, we would distribute dollars to the jeopardy of community organizations that are hoping to participate in this program; and thirdly, the resultant distribution of the dollars as proposed by Representative Piccola would mean that we would get away from this philosophy of concentrating our resources where the need is greatest and we would spread the dollars so ineffectively that we in effect would waste many dollars in many school districts around the State.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from Montgomery County, the Chair recognizes Representative Reber.

Mr. REBER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Piccola amendment.

I think each and every member by this time should have had an opportunity to read—but if you have not had that opportunity, I am going to summarize to you—a letter which each of you have received that I wrote to the Governor last week on this exact issue. I want to share with you a specific example which I think, frankly, takes many of the comments of the prior speaker and shows exactly why those comments are not in fact factually correct.

Mr. Speaker, if you look at page 7 of the printout that Representative Piccola has given to the members of the House, you will see the distribution of funds as proposed and as pro-

mulgated by the administration to Montgomery County. I am going to speak about Montgomery County, because I know what the facts are there. In Montgomery County, under the Governor's proposal, there are three school districts proposed to receive funding. Mr. Speaker, I would submit to you that two of those three school districts proposed to get the funding under the Governor's administrative proposal should not in fact be receiving it if the criteria allegedly set forth by the Department of Education and by the Governor is in fact correctly being used. In short, Mr. Speaker, it is my understanding that in Montgomery County two of those school districts rank lower than another school district in Montgomery County, the Pottstown School District in my legislative district. Now, I can only assume that since three-quarters of the school districts across the State are not getting any funding under the proposals currently being advanced by the Department of Education, that in other areas as well, inequities are taking place, even using the administration's criteria. Now, something is rotten in the State of the Commonwealth of Pennsylvania when in fact they are saying, this is how you get the distribution, and when you run the numbers under their formula, they are not even going to those that deserve to get it under their own formula.

Now, Mr. Speaker, I am a little bit fed up with the way the Governor is handing out this money in the State on this issue and on a lot of other issues. I think Representative Piccola has very succinctly stated the fact that the drug issue does not transcend into rural areas as opposed to urban areas and does not have boundary lines on wealthy school districts or on poor school districts. I can think of no better way to initiate the program, to initiate the drug program to the schools under the so-called PENNFREE program, in any other way but at least every school district getting a proportionate share of that initial seed money to make sure, one, they have a program in effect; and two, if they are lucky enough to have a program in effect, to make sure that the moneys are going to enhance those programs that are already up and operating.

Mr. Speaker, I think we have to draw the battle lines here today. I have already called for the Governor to have the Inspector General take a look at this matter. I am calling right now for the chairman of the Education Committee, in his capacities as chairman of that committee, to also call that committee into session for purposes of determining the inequities that apparently exist in the scheme that is currently being carried out by the Department of Education. In the meantime, while investigations are undergoing, while review is undergoing, I think we have an opportunity here to at least see that the moneys are appropriately and equitably distributed for seed purposes in each of the 501 school districts in the Commonwealth.

I would urge wholeheartedly the adoption of the Piccola amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from Lehigh County, Representative Pressmann is recognized.

Mr. PRESSMANN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to the gentleman's amendment.

Mr. Speaker, the war on drugs—and that is the term that has been used a lot; it is called a war—I think we have just begun this war on drugs. While we are fighting this war and beginning this war, it is best that we husband our resources and that we use them in the most effective manner and that we target them the best where they are needed the most.

Mr. Speaker, all you have to do is walk out the doors of this Capitol and walk within a couple blocks of this Capitol and see where the money should go. If you get in your car and you drive across the bridge to the West Shore, you can see the communities that can best afford to run these programs, that have the tax bases to run these programs by themselves and to get started.

Mr. Speaker, this is another attempt to divide this House, to divide this Commonwealth, along lines of city versus rural, rural versus township, township versus borough, whatever. We should reject these attempts, because we should put our money where it will do the best - where the people that need it the most can have the services they need; where the children are most experiencing these problems with drugs. Mr. Speaker, the gentleman's amendment is in no way weighted based on the problems that the different areas are having. If an area is having no problem or a very small problem, it will get as much as another area. A rich district will get the same amount of money as a district of the same size that may be poor.

Mr. Speaker, we should reject this amendment. I understand where the gentleman is coming from; I understand his problem, but, Mr. Speaker, this is not the time. We need Mr. Jarolin's bill to be enacted into law. Let us do nothing that will harm his bill. Thank you.

The SPEAKER. The question is, will the House agree to the amendment? On that question, the Chair recognizes the minority whip, from Blair County, Representative Hayes.

Mr. HAYES. Thank you, Mr. Speaker.

Mr. Speaker, it was said by one of the previous speakers, and I believe it may have been the gentleman from Allegheny County, Mr. Cowell, who said that if the General Assembly gets into the business of allocating the PENNFREE moneys in a way different than has been communicated by the Department of Education, we will be breaking our word; we will be going back on our promise. Mr. Speaker, I was part of the negotiations in the early summer as we were trying to put the fiscal plan together for 1989-90, and at that moment, amongst the budget negotiators, there was not one word spoken about the fact that we were somehow only going to apportion a part of the money to only a few of the schools in Pennsylvania. I would ask members of this House of Representatives to recall back when you were voting on the budget. Were all 203 of us of the mind that as we appropriate and allocate a block grant known as PENNFREE, that only a portion of the school districts of Pennsylvania were to participate in those moneys? Is this in fact the promise that we made in June? I do not believe that this General Assembly is going back on any promise.

By looking at the way the Department of Education is suggesting the allocation of these moneys and saying, we have not done a good enough job, we want to do better; we want to fulfill the promise that we as individual lawmakers made to our individual districts and say that there is a problem across the Commonwealth of Pennsylvania. It is not limited to just the 118 school districts. Drug abuse, alcohol abuse - substance abuse is a problem in almost every nook and cranny of this Commonwealth, and if it is not already a problem, we should prevent it so there is not a problem in those rare instances.

Mr. Speaker, while I am not going to be critical of each and every component that the Department of Education put in their allocation formula, I daresay that the problem facing us in Pennsylvania is much, much larger than 118 school districts. Certainly it will go into some of the other 383 school districts as well. It is a problem in 501 school districts. The teaching of history, the teaching of English, the teaching of science, the teaching of mathematics is not something common to just 118 of our 501 school districts, and I respectfully suggest that teaching about the terrible, terrible problems associated with drug abuse and alcohol abuse should be taught in 501 school districts.

It may be true that 118 school districts have been told by the Department of Education, you are going to be able to spend the money and this amount of money. They should have come back to this General Assembly if they were only going to send it out to 118 school districts. They have created a problem - a problem for themselves as a Department of Education, but more importantly, a problem for the 501 school districts that should be sharing fairly and equitably in the distribution of these moneys. If the Piccola amendment is not the most perfect instrument, then I respectfully suggest that we get a more perfect instrument. In the meantime, I am going to support the Piccola amendment.

How many people in this House of Representatives were asked as to how these moneys should be spent, and what was the promise that you gave your school districts back in June when you voted for the budget? I respectfully suggest that the promise that you and I made in June to our school districts is not coming together with what the Department of Education is suggesting in the way they want to allocate these moneys. We are not breaking a promise by supporting the Piccola amendment. We are breaking a promise, Mr. Speaker, if we do not try to do a better job than what the Department of Education has done.

I urge adoption of the Piccola amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is whether the House will agree to the amendment offered. On that question, from Luzerne County, Representative Jarolin is recognized.

Mr. JAROLIN. Thank you, Mr. Speaker.

As this amendment coming in here is going to possibly try to redistribute the money, I have got five school districts in my particular area that are not receiving a penny. However, numerous school districts that are being funded under this program at one time had already instituted some sort of a

drug awareness program, whether it be a piecemeal proposition or something else. I believe that these school districts should be rewarded.

I am not the type of individual that wants to go back to my school district and say, hey, we are going to cut your funding because we are going to fairly distribute the money, when they have been notified and possibly made plans already on what they are going to institute as far as drug and alcohol awareness are concerned.

Mr. Speaker, I request that the House of Representatives defeat the Piccola amendment. Thank you.

The SPEAKER. On the question of agreeing to the amendment, the Chair recognizes, from Berks County, Representative Gallen.

Mr. GALLEN. Will the gentleman, Mr. Cowell, stand for interrogation?

The SPEAKER. The Speaker is being asked whether Representative Cowell will stand for interrogation. The gentleman indicates that he will, and you may proceed.

Mr. GALLEN. Thank you, Mr. Speaker.

Mr. Speaker, you talked about certain promises that were made by a majority. Who is this majority you are talking about? You said it twice.

Mr. COWELL. The comment that I made about an agreement was with respect to the 28-bill package of which this legislation is a part. As the gentleman well knows, the Democrats are in the majority in the House. As the gentleman also knows, the Republicans are in the majority in the Senate. My understanding is that the agreement at least involved the Republican Party in the Senate and the Democratic majority in the House and that members of other caucuses were also aware of those discussions and those agreements.

Mr. GALLEN. Mr. Speaker, have you discussed this with individual members of your caucus who are not on your committee? My point is that, you know, I think we have something enlightening happening here today to many members who were not really a part of that committee or a part of the makeup of this proposal.

Mr. Speaker, I think the Piccola amendment makes a lot of sense, and I think it should be supported. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment offered? On that question, from Lehigh County, Representative McHale is recognized.

Mr. McHALE. Thank you, Mr. Speaker.

Would the gentleman, Mr. Piccola, stand for a brief interrogation?

The SPEAKER. The gentleman indicates that he will, and you may proceed with your interrogation.

Mr. McHALE. Mr. Speaker, in subparagraph (b)(1) of your amendment, you indicate that "Subject to the limitations clauses (2) and (3), from and after the effective date of this section, all moneys unencumbered and unexpended..." shall be distributed according to the formula that you later describe. I think I understand what you mean by "unexpended." I am uncertain as to the meaning of the word "unencumbered" as it appears in your amendment.

Mr. PICCOLA. Mr. Speaker, it is my understanding that that is a term of art used in the appropriations and expenditure process. It refers to funds that have been appropriated and committed by the Governor but not yet spent; that is, the Governor has encumbered them to be spent but has not yet actually sent the checks out. It also would refer to the fact that there should be a valid contract of some sort in effect for the expenditure of those funds.

Mr. McHALE. That is really what I am getting at, Mr. Speaker. I wonder in a legal sense and indeed within the context of your amendment, when are those funds committed by the Governor?

Let me explain to you very briefly why I ask that question. I represent four school districts. Three school districts clearly would benefit under your amendment. A fourth school district, at least from news reports that I have read, has been told by the Governor's Office that that school district is among the 118 and that the amount of money that you describe in your printout will in fact be committed to that school district. I am now wondering if within the context of your amendment, is that money encumbered? If I vote for your amendment, can I rest assured that what I have read in the news media is accurate, that the money going to that one school district is now encumbered and will not be taken back and that I will simultaneously be benefiting the other three districts?

Mr. PICCOLA. Mr. Speaker, as of Friday, the information that we had was that none of the funds were encumbered. The Governor had merely issued a press release announcing how those funds were to be distributed. It is my understanding that they would not be encumbered until the Department of Education issues some sort of a binding contract committing itself to spending those funds. I do not know how long that process takes, but I would anticipate it would not take very long.

Mr. McHALE. Thank you, Mr. Speaker. That answers my question.

The SPEAKER. The question is, will the House agree to the amendment that has been offered? On that question, from Westmoreland County, Representative Kukovich is recognized.

Mr. KUKOVICH. Thank you, Mr. Speaker.

I have tried to, in the time we had this afternoon, go over the amendment and some of the accompanying material. I think what is important for the members to understand is there is a lot more at stake than just this one-shot money.

I am not going to offer an opinion on how accurate the Piccola amendment is or how valid it is. That is not my point in addressing this issue right now. The point is that over the last month, most of the members of the Senate and of the House have been concerned about a package of drug legislation. Most of it will be voted in the Senate and in the House tomorrow and probably concurred in by both chambers on Wednesday. HB 1810 is really the first bill in that package. My concern is that if an amendment like this goes in, even assuming that it is 100-percent accurate and valid, that is going to skew the entire 28-bill package. It will then not be in conformity with the Senate bill. It will then probably cause a

potential veto by the Governor, and like a stack of dominoes, all of these bills will fall. That is my primary concern. Now, if you balance that and our war-on-drug package, if you will, with dollars that are going to be spent one time—and there are certain problems, as Representative Cowell said, about money being taken from community programs and plugged into the educational formula—keep in mind that apart from this package of drug bills and what effect it could have on the very carefully crafted negotiations we have had, we do not need to draw a battle line on such an illusory issue. This is a one-shot issue. What we in the General Assembly have to do is support school districts in a broad-based way and have a maintenance formula for our school districts, for all 501 school districts, that is going to be fair and equitable for the basic instructional subsidy this year, next year, and on and on.

Now, this might be a good, valid, political issue. I am not going to argue that. What I am suggesting is that now is the wrong time to do it and putting it on this bill is absolutely the wrong vehicle to use. If you are interested in trying to maintain what we have done in this House to attack the drug problem, I would ask for a “no” vote on the amendment.

The SPEAKER. The question is, will the House agree to the amendment? On that question, from Montgomery County, Representative Fox is recognized.

Mr. FOX. Thank you, Mr. Speaker.

I believe the Piccola amendment strikes the kind of balance to this bill that we need. It provides equity and fairness in the funding for the drug education programs in all the school districts of Pennsylvania.

Obviously, one of the most upsetting problems in Pennsylvania today is the pervasiveness of the drug problem. For our youthful members of the population, there is no better antidote to the continuation of the drug abuse than to have proper drug education prevention programs. By adopting the Piccola amendment, we will provide that kind of antidote.

I ask you to join me in voting in favor of the Piccola amendment, because it will help your district as well as mine. Thank you.

The SPEAKER. On the amendment, from York County, Representative Bortner is recognized.

Mr. BORTNER. Thank you, Mr. Speaker.

I would rise and urge the members of the House to oppose the amendment that is being put forward today by Representative Piccola.

Over the last several weeks, since this announcement was made by the Governor, I have listened to a lot of the comments criticizing the distributions of funds and suggesting that they are somehow politically motivated. I found that to be disturbing in the context of sending out money and getting out money to deal with drug programs, and I would have hoped that the issue would not find its way to the floor of the House of Representatives.

What Representative Piccola has done is very clever. He has created a printout which puts every member, I suppose, on the hook, showing them how much money their school districts would get if this were distributed on a purely per-student

basis. I might point out to you that Representative Piccola said that, well, that is the way we distribute money in other parts of the education formula. That is not true. When we distribute money under the ESBE (equalized subsidy for basic education) formula, it is weighted, and one of the key factors is a poverty factor, and I suggest to you that if you are looking for fairness and you are looking for balance, that is the way to do this.

Last week every member, I believe, received a set of printouts on TELLS (testing for essential learning and literacy skills) scores, and if you looked at those as I did, in addition to the scores on tests, there was some other very interesting information there. I noticed that the York City School District, which, by the way, is a recipient of substantial funding under the Governor’s program, in one of their categories shows the number of students from families on AFDC (aid to families with dependent children). Twenty-seven percent of the students in the York City School District come from families from AFDC.

Now, the argument that is made is that the drug problem is pervasive. It hits every student; it hits all school districts, and all students are at risk. I agree with that. I think all students are at risk, but I also believe that certain students are more at risk and that the drug problem hits certain school districts harder than it may other school districts in that those same school districts are the districts that find it the most difficult to try to come up with the local share of funding to deal with these kinds of programs.

I would ask that you look very carefully at the way that this money is going to be distributed under the Piccola amendment. I believe that by taking this money and dividing it up into a share for every school district, as much as I would like to do that and as much as I hope we can do that as we look to some future considerations for funding, what we are doing is diluting those dollars to such an extent that we are really not going to be helping anybody, that we are not going to be giving anybody enough money to create a program or to deal with the problem that is really going to show some results.

I can really, really only think, I suppose, of two reasons that this amendment is being offered. One is pure partisanship, and that is to somehow try to drive a political wedge into an issue that ought to be nonpolitical, an issue that is premised on getting money to those students who need it most, to provide funding for drug programs.

The second one, I suppose, is just plain selfishness. You are getting yours; I want mine. I find both of those inappropriate in the context of what we are trying to do in dealing with students who are at risk and particularly those students who are most at risk.

Obviously, if there are 115 districts getting funding under the Governor’s program, there are a whole lot more that are not. Somebody queried whether this is good politics. I suppose that you may make an argument that it is. I have a feeling that it is not. I know I spent Friday with the superintendents of all the LIU’s (Lincoln Intermediate Units) in our intermediate unit, which covers three counties, a number of

whose districts would not be receiving any funding. I think they understand why the Governor is prioritizing these funds the way he is. I think they understand why this initial, what I think is just the first round of funding, is targeted to the school districts that it is targeted to.

I would ask all the members to look very carefully not just at their own districts but at some of the districts around them. Let us do what is right, not what may seem to be at the present time the most politically expedient. I, for one, am kind of tired of hearing about a kinder and gentler nation, and I think it is about time that we start to put our money where our mouth is.

I would urge you to vote "no" on this amendment. I would also suggest that we go back to work and try and find some ways to come up with some more funding to spread this kind of program to more districts and more students across Pennsylvania, but not in this bill and not with this amendment. Thank you, Mr. Speaker.

REQUEST FOR CAUCUS

The SPEAKER. The Chair recognizes the majority leader, Representative O'Donnell.

Mr. O'DONNELL. Mr. Speaker, I do not know if this debate is going off on the basis of a terrible lack of information or whether there is some deep philosophical issue here about whether we attack problems or whether you support institutions, but what is clear is that the debate is not focusing on what I think the real impact of the amendment is, and I would like an opportunity to discuss that at least with our caucus.

We had planned to have a caucus this afternoon in any event, so what I would like to do at this point, Mr. Speaker, is to request an opportunity for caucus on the subjects that have been discussed earlier as well as the amendment that is currently pending before the House.

The SPEAKER. The Chair notices that the bill before us was not caucused on by either party and is disposed to call a recess at this time.

REPUBLICAN CAUCUS

The SPEAKER. Is there a necessity of the Republicans meeting in caucus? The Chair recognizes the minority leader.

Mr. RYAN. Mr. Speaker, it is my understanding that the gentleman, Mr. O'Donnell, may bring up—I do not know that he will—but he may bring up the bill that would permit subsequent aid from the Governor's Office to Spectacor and the Philadelphia Flyers and 76ers. I am not sure just how to phrase that. You have all read different things in the newspaper about it. But in any event, that bill may or may not run today, but it will be caucused on today. So I am going to ask our members to be sure to come to caucus so that we can discuss that together with the self-evident amendment of the gentleman, Mr. Piccola, that Mr. O'Donnell now apparently thinks has to be caucused on so that he can beat his troops into line and deprive the rest of us of our fair share of that money.

DEMOCRATIC CAUCUS

The SPEAKER. The Speaker is about to call a recess. Is there an announcement of caucus from the majority caucus chairman?

Mr. ITKIN. Mr. Speaker, at the declaration of the recess, the Democratic members will convene in the majority caucus room.

The SPEAKER. Is there an announcement from the Republican caucus chairman, Mr. Noye? Mr. Ryan?

Mr. RYAN. Mr. Speaker, we will caucus immediately.

RECESS

The SPEAKER. The Chair will declare a recess at this time until 3:30 p.m. The House stands in recess until 3:30.

RECESS EXTENDED

The time of recess was extended until 3:45 p.m.; further extended until 4 p.m.

AFTER RECESS

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

SENATE MESSAGE

SENATE INSISTS ON AMENDMENTS NONCONCURRED IN BY HOUSE

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurring in by the House of Representatives to **HB 121, PN 2300**.

MOTION INSISTING UPON NONCONCURRENCE IN SENATE AMENDMENTS

Mr. O'DONNELL moved that the House insist upon its nonconcurrency in Senate amendments to **HB 121, PN 2300**, and that a committee of conference on the part of the House be appointed.

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

APPOINTMENT OF COMMITTEE OF CONFERENCE

The SPEAKER. The Chair appoints as a committee of conference on the part of the House on **HB 121, PN 2300**:

Messrs. O'DONNELL, RYBAK and FREIND.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

CONSIDERATION OF HB 1810 CONTINUED

The SPEAKER. Immediately prior to the recess, the House was on page 5 of today's calendar, HB 1810, PN 2844, and we were in consideration of the Piccola amendment.

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

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader, Representative O'Donnell from Philadelphia, on the amendment.

Mr. O'DONNELL. Mr. Speaker, parliamentary inquiry.

The SPEAKER. State your point.

Mr. O'DONNELL. Mr. Speaker, what is the correct motion to challenge this amendment on the basis of its failure to have a fiscal note attached?

The SPEAKER. Failure to have a fiscal note attached is a violation, under certain circumstances, of rule 19(a) of the House of Representatives.

Mr. O'DONNELL. In that case, Mr. Speaker, I ask the Speaker, as a point of—

The SPEAKER. The correct parliamentary statement of the question is a point of order.

Mr. O'DONNELL. Thank you, Mr. Speaker.

Mr. Speaker, I would move that the gentleman's amendment is out of order as a violation of rule 19(a), which requires a fiscal note.

AMENDMENTS RULED OUT OF ORDER

The SPEAKER. Rule 19(a) of the rules of the House indicates in subsection (5):

No amendment to a bill, concurrences in Senate amendments, or adoption of a conference report which may result in an increase in the expenditure of Commonwealth funds or those of a political subdivision or which may entail a loss of revenues in addition to that originally provided for in the bill prior to the proposed changes nor any bill requiring a fiscal note for which re-referral to the Appropriations Committee has been waived by the Rules Committee shall be voted upon until the day following the distribution of a fiscal note to the members with respect to such changes or to such bill showing the fiscal effect of the changes with respect to the bill, and containing the information set forth by subsection (3) of this rule.

This sets forth the necessity and the requirements of a fiscal note.

It is the Chair's opinion, concurred in by the Parliamentarian, or vice versa, the Parliamentarian's opinion and concurred in by the Speaker, that the amendment before us is indeed out of order as making changes in funds to be received by school districts which are, under the Statutory Construction Act, political subdivisions. The Chair therefore rules the amendment out of order at this time until a fiscal note is brought to the floor of the House for the members.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the minority leader, Mr. Ryan.

Mr. RYAN. Mr. Speaker, point of parliamentary inquiry directed at your ruling. Is that proper?

The SPEAKER. State your point of parliamentary inquiry.

Mr. RYAN. Mr. Speaker, it is my understanding of the rule that requires a fiscal note that this is necessary where there is an expenditure of funds or a change in the funds that are being appropriated to some one or another of the governments of this State. However, in the bill before us, Mr. Speaker, we are not spending any money. The money has already been appropriated and is part of a general appropriation bill that has been passed on by this Assembly, and the amendment of the gentleman, Mr. Piccola, has nothing to do with the expenditure of additional moneys but rather simply the distribution of money already appropriated. Would you agree or disagree with that?

The SPEAKER. I would state for the gentleman that the debate that the Speaker heard prior to the recess was to the effect that school districts were going to gain and school districts were going to lose, as the case might be, if the amendment that Mr. Piccola has offered were adopted. That was the tenor of the discussion. I believe that a reading of the amendment would make that quite clear, that there would be school districts that would be losers and school districts that would be gainers. According to the rule 19(a), when that is the case, the Appropriations Committee must review for the purposes of a fiscal note the matter before us.

Mr. RYAN. Mr. Speaker, if I may, with all due respect, suggest that what I think the Speaker is referring to is the Governor's press release versus Mr. Piccola's press release, if we can call what he distributed a press release. The appropriation has already been made. The debate that the Speaker heard and that I heard and the others of us heard was part of the sales pitch on an amendment, and the amendment was distributing moneys that we have already appropriated.

The SPEAKER. The act that was passed by the General Assembly that is being amended obviously allowed a certain distribution of money. If no amendment were offered, the money could be distributed in the fashion that the Governor has indicated. We are also obviously limiting the manner in which the money can be distributed, and certainly that is a change of appropriation, a change for school districts. I think that is the essence of the amendment, and the Speaker's ruling is that the bill needs a fiscal note.

Rather than carry on the colloquy and the argument, if the gentleman disagrees with the Speaker's ruling, an appeal from the decision of the Chair is in order.

Mr. RYAN. Thank you, Mr. Speaker. I am aware of that.

PARLIAMENTARY INQUIRY

Mr. RYAN. I wonder if I might ask one other question of parliamentary inquiry. I asked one of our staff and he is checking on it. Does the bill itself that is before us have a fiscal note?

The SPEAKER. I am informed that it does. I am not personally aware of that, but I am told that it does. It is marked on the calendar that a fiscal note is attached.

RULING OF CHAIR APPEALED

Mr. RYAN. Mr. Speaker, with all due respect, I appeal the ruling of the Chair.

The SPEAKER. The minority leader has appealed the ruling made by the Speaker. When such an appeal is taken, the Speaker is obliged to state the decision which is being appealed, and the decision made by the Speaker is that the amendment cannot be considered until the day after a fiscal note is provided on the amendment to the members of the House.

The question before the House at this time is, shall the decision of the Chair stand as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed will vote "no."

On the question,
Will the House sustain the ruling of the Chair?

The SPEAKER. On the question, the Chair recognizes the minority leader, Representative Ryan.

Mr. RYAN. Mr. Speaker, I am not sure, but I believe this is the first time one of your rulings has been appealed from. For the benefit of the members, I would like to say that this is not done out of disrespect. It used to be done on a somewhat regular basis, frankly. When I was Speaker, I had rulings appealed from and every other Speaker that I know of since I have served here has had their rulings appealed.

It is very often unfortunately attempted to view it or to have it perceived as R versus D or D versus R, and that is not the case, but rather it is what is right for the House, because it is the House rules that we are talking about.

Now, we have all been serving here this term for a period at least of 1 year, figuring that we came in here last January and we are this week going to be going out, and that will be the end of calendar year 1989.

What we have before us is an amendment offered by the gentleman, Mr. Piccola, that states and would change how certain moneys, approximately 6 million dollars' worth of our money, State money, will be distributed for the war on drugs. The question is whether it goes according to one formula, which is the formula of the bill, or it is disposed of according to another formula, which is the formula that Mr. Piccola suggests. An argument could be made as to what is right and what is wrong on distribution, but that would not be a proper argument at this time.

I am suggesting to the members of this House that there is no need for a fiscal note because the \$6 million, those moneys, have been appropriated and that is not the type change that is considered by our rules to be necessary to go before the Appropriations Committee.

I would ask that the appeal of the Chair's ruling be considered in the light most favorable to the way we work around here, and that is allowing these amendments. It would be a

terrible precedent if we are going to go through this now, because I have a long memory, too, and I think it is wrong, what is attempted to be done. Face the issue and let us get on with the whole drug program. Otherwise, this issue is going to come back time and time again, because it is the belief of many of us that people in this State are being deprived of some of the funds that they would otherwise get.

The SPEAKER. The question is, will the ruling of the Speaker be sustained? On that question, the Chair recognizes the majority leader, Representative O'Donnell.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I would urge you to sustain the ruling of the Chair. In the beginning of the gentleman's remarks, I think he gave eloquent testimony to the good judgment of this Speaker, and I think we can rely on that judgment.

As far as the fairness of the rule is concerned, the gentleman's arguments really had to do with the impact as a fiscal matter on the Commonwealth. This amendment may be a wash for the Commonwealth, but the argument that has been made so far indicates that some school districts gain; some school districts lose. That clearly is an impact on the political subdivision, which is anticipated by rule 19(a). So I would urge the members to sustain the ruling of the Chair.

The SPEAKER. Does the gentleman from Delaware, Mr. Gannon, seek recognition?

Mr. GANNON. Yes, Mr. Speaker, for the purpose of making a subsidiary motion. Mason's Manual, Mr. Speaker, section 331.

The SPEAKER. Will the gentleman suspend?

MOTION TO TABLE

The SPEAKER. The Chair recognizes the gentleman, Mr. Gannon. Would you state the nature of the subsidiary motion.

Mr. GANNON. Yes, Mr. Speaker.

The SPEAKER. Would you state the nature of the subsidiary motion.

Mr. GANNON. Yes, Mr. Speaker. It is a motion to lay on the table.

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

Mr. GANNON. Mr. Speaker, I would like to make a motion to lay this on the table until Wednesday, December 13, 1989.

The SPEAKER. Will the gentleman suspend?

MOTION WITHDRAWN

Mr. GANNON. Mr. Speaker, I will withdraw the motion at this time.

The SPEAKER. The gentleman has withdrawn his motion.

There is some question of whether or not the motion to lay on the table can be qualified in the manner in which the gentleman attempted to qualify it, and that is the reason for which the delay of the Speaker was occurring.

The question is, will the decision of the Chair be sustained as the judgment of the House? Those in favor of sustaining the Chair's decision will vote "aye"; those opposed, "no."

On the question recurring,
Will the House sustain the ruling of the Chair?

(Members proceeded to vote.)

VOTES CHALLENGED

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman seek recognition?

Mr. RYAN. Mr. Speaker, is the gentleman, Mr. Carn, in his seat?

The SPEAKER. Members are only permitted to vote if they are present in the hall of the House. Members not present should not be voting.

Mr. RYAN. The gentleman, Mr. Fee? The gentleman is on the floor.

The SPEAKER. The gentleman, Mr. Fee, is present on the floor of the House.

Mr. RYAN. The gentleman, Mr. Hughes?

The SPEAKER. The gentleman, Mr. Hughes, is on the floor of the House.

Mr. RYAN. Thank you.

The lady, Ms. Bishop?

The SPEAKER. The vote of the lady should be stricken.

Mr. RYAN. The gentleman, Mr. Saloom? I am sorry. He is not voted.

The gentleman, Mr. Preston? I am sorry. He is here.

The gentleman, Mr. Kasunic, and the gentleman, Mr. Gruitza? The gentleman, Mr. Kasunic?

The SPEAKER. The Speaker will repeat: Those in their seats are only to be voted; both sides of the aisle.

Mr. RYAN. The gentleman, Mr. Gruitza?

The SPEAKER. The gentleman, Mr. Gruitza, is on the floor of the House, as is Representative Carn. Representative Bishop is now on the floor of the House. You are going backwards, Matt.

Mr. RYAN. Mr. Speaker, does it still require 102 to pass a bill?

The SPEAKER. To pass a bill. To sustain the decision of the Chair, a majority vote or a tie.

On the question recurring,
Will the House sustain the ruling of the Chair?

The following roll call was recorded:

YEAS—95

Battisto	Donatucci	Lloyd	Ritter
Belardi	Evans	Lucyk	Robinson
Belfanti	Fee	McCall	Roebuck
Billow	Freeman	McHale	Rudy
Bishop	Gamble	McNally	Rybak
Blaum	George	Maine	Scrimenti
Bortner	Gigliotti	Markosek	Steighner
Bowley	Gruitza	Mayernik	Stish
Broujos	Haluska	Melio	Stuban
Caltagirone	Harper	Michlovic	Tangretti
Cappabianca	Hayden	Morris	Taylor, F.
Carn	Hughes	Mrkonic	Thomas
Cawley	Itkin	Murphy	Tigue
Clark, B. D.	James	O'Donnell	Trello
Cohen	Jarolin	Olasz	Trich
Colafiglia	Josephs	Oliver	Van Horne
Colaizzo	Kaiser	Pesci	Veon

Cole	Kosinski	Petrarca	Wambach
Corrigan	Kukovich	Petrone	Williams
Cowell	LaGrotta	Pievsky	Wozniak
Coy	Laughlin	Pistella	Wright, D. R.
DeLuca	Lescovitz	Pressmann	
DeWeese	Levdansky	Preston	Manderino,
Daley	Linton	Richardson	Speaker
Dombrowski			

NAYS—93

Adolph	Dorr	Johnson	Robbins
Allen	Durham	Kenney	Ryan
Angstadt	Fairchild	Kondrich	Saurman
Argall	Farmer	Langtry	Scheetz
Barley	Fleagle	Lashinger	Schuler
Birmelin	Flick	Lee	Semmel
Black	Foster	Leh	Serafini
Boyes	Fox	McVerry	Smith, B.
Brandt	Freind	Marsico	Smith, S. H.
Bunt	Gallen	Merry	Snyder, D. W.
Burd	Gannon	Micozzie	Snyder, G.
Burns	Geist	Miller	Stairs
Bush	Godshall	Moehlmann	Strittmatter
Carlson	Gruppo	Nahill	Taylor, E. Z.
Cessar	Hagarty	Nailor	Taylor, J.
Chadwick	Hasay	O'Brien	Telek
Civera	Hayes	Perzel	Vroon
Clark, D. F.	Heckler	Phillips	Wass
Clark, J. H.	Herman	Piccola	Weston
Cornell	Hershey	Pitts	Wilson
Davies	Hess	Raymond	Wogan
Dempsey	Jackson	Reber	Wright, J. L.
Dietterick	Jadlowiec	Reinard	Wright, R. C.
Distler			

NOT VOTING—12

Acosta	Gladeck	Maiale	Rieger
Clymer	Howlett	Mowery	Saloom
Fargo	Kasunic	Noye	Staback

EXCUSED—3

Dininni	Letterman	Yandrisevits
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The majority having voted in the affirmative, the question was determined in the affirmative and the ruling of the Chair was sustained.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. Mr. Speaker, I would like to make a short statement and then a motion to lay this bill on the table for 2 days.

The SPEAKER. The gentleman is in order on final passage of the bill.

Mr. RYAN. Thank you, Mr. Speaker.

Mr. Speaker, I am looking at the fiscal note—and I hope that some of you will do the same thing—I am looking at the fiscal note that was attached to this bill, HB 1810, and when I said that I think, you know, there is a right way of playing the game up here and a wrong way but we should play it fair, I am referring now to this fiscal note, and I suggest to you that the fiscal note that was attached to HB 1810 is not peculiar to HB

1810. It would not deprive us, should not deprive us, of the opportunity of amending HB 1810, because on the second page of the note, the part that counts—the part that counts—this is what you find: “FISCAL IMPACT.” This is why we have the rule. What is the fiscal impact?

There will be costs incurred for the development and distribution of materials and the provision of in-service training. Both state and federal funds are provided for these purposes. State funds include Pen-free monies - \$3 million, Teacher Improvement (for in-service) - \$1.5 million annually; Federal funds will total at least \$7.8 million annually.

That is not the kind of fiscal impact or fiscal note that is going to make us go one way or the other on this. It is telling us what we all know - that the money has been appropriated and this is where that money is coming from.

Now, if we have to wait 2 days in order to take up the Piccola amendment and to get a fiscal-impact statement such as this from the Appropriations Committee, I think that we should do it, and I think we should do it because the Piccola amendment affects almost 75 percent—I do not have the figures—75 percent of the school districts in this Commonwealth who will not otherwise get 5 cents from this money. You will go home to your respective districts and you will have to explain to them—and I guarantee you, you will have to explain it to them, because I will see to it that they know how you voted, and I am warning you about that—you explain to your districts why you do not want to wait 2 days to give them a piece of the pie, and I guarantee you you will get the opportunity to tell them why.

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. RYAN. Mr. Speaker, I move that this bill be held over until Wednesday or until a fiscal note be attached to it, if the Appropriations Committee is willing to address it sooner and we can waive the rules.

Mr. O'DONNELL. Mr. Speaker?

The SPEAKER. Prior to recognizing the majority leader, I am trying to interpret the motion made by the gentleman. Is it a motion to lay on the table or to postpone definitely?

Mr. RYAN. Mr. Speaker, not indefinitely, no; postpone until Wednesday or until such time— I will move to bring it up off the table if I can get a waiver of the rules for a fiscal note. But I want the opportunity to vote on the Piccola question, and as you interpret the rules, as I understand your interpretation, it will take 2 days.

The SPEAKER. The question that the Speaker has asked of the gentleman is whether the motion is to lay on the table or to postpone definitely.

Mr. RYAN. To lay on the table until Wednesday's session - 2 days.

The SPEAKER. I have difficulty with the question to lay on the table. As I read the rule books, laying on the table cannot be prescribed with a time limit. That is a motion to postpone to a definite time, which I am willing to accept.

Mr. RYAN. Thank you, Mr. Speaker.

The SPEAKER. The gentleman has made a motion to postpone to a definite time, Wednesday of this week, as I understand it. The question is on the motion to postpone.

On the question,

Will the House agree to the motion?

The SPEAKER. The majority leader is recognized.

Mr. O'DONNELL. Mr. Speaker, I agree with the minority leader on one point and one point only, and that one point is that we delay the consideration of this bill until Wednesday. So I would urge support of the motion. Let me just add, however, the rest.

The threat that everybody in your school district is going to know how you vote is a completely valid threat. It does not even have to be made. Everybody is going to know how we vote on everything, and you already know that.

The other thing I want to take issue with is the idea that what we are doing here is whacking up a pie. What we are really doing here is trying to solve a problem. If you really want to solve the problem of drugs, we are going to have to allocate discretion and we are going to have to direct that money at where the real problem is, and we are going to have to stand behind that decision and not allow ourselves to be stampeded by folks who view government as a pie to get whacked up.

The SPEAKER. The Chair would inform members of the House that only the leaders, the majority and minority leaders, are permitted to debate this question.

The Chair recognizes the gentleman, Mr. Ryan.

Mr. RYAN. I guess I stand corrected in the use of the terminology “whacking up the pie.” But so there is no question about it, I feel that many of those 383 school districts would find it hard to believe that we here in Harrisburg do not view their systems as having a drug problem.

In my county there was statewide and indeed national attention paid to an effort that went on in our county where police and school officials and a number of others went into the school district over the past week and took kids out of school with drug-related problems. This was national news. But yet, you look at the printout that we have and you will find that that particular school district gets no money from this source.

Now, you try and go down there and tell those parents that there is not a problem. There is a problem. It is in my district as well as yours. It is in Mr. Belardi's district and it is even in Mr. DeWeese's district. It is hard to believe that it is throughout this State, but indeed it is, and we all have problems and we are all entitled to—entitled to, in my judgment—some piece of that preventive pie, that enforcement pie, but something that will help each and every one of our districts, and the Piccola method is the best we have seen to date.

The SPEAKER. The question is on the motion of the minority leader to postpone to a definite time.

Those in favor of the postponement will signify by voting “aye”; those opposed, “nay.”

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

The following roll call was recorded:

YEAS—194

Adolph	Dorr	Lashinger	Rieger
Allen	Durham	Laughlin	Ritter
Angstadt	Evans	Lee	Robbins
Argall	Fairchild	Leh	Robinson
Barley	Fargo	Lescovitz	Roebuck
Battisto	Farmer	Levdansky	Rudy
Belardi	Fee	Linton	Ryan
Belfanti	Fleagle	Lloyd	Rybak
Billow	Flick	Lucyk	Saurman
Birmelin	Foster	McCall	Scheetz
Bishop	Fox	McHale	Schuler
Black	Freeman	McNally	Scrimenti
Blaum	Freind	McVerry	Semmel
Bortner	Gallen	Maine	Serafini
Bowley	Gamble	Markosek	Smith, B.
Boyes	Gannon	Marsico	Smith, S. H.
Brandt	Geist	Mayernik	Snyder, D. W.
Broujos	George	Melio	Snyder, G.
Bunt	Gigliotti	Merry	Staback
Burd	Gladeck	Michlovic	Stairs
Burns	Godshall	Micozzie	Steighner
Bush	Gruitza	Miller	Stish
Caltagirone	Gruppo	Moehlmann	Strittmatter
Cappabianca	Hagarty	Morris	Suban
Carlson	Haluska	Mowery	Tangretti
Cawley	Harper	Mrkonic	Taylor, E. Z.
Cessar	Hasay	Murphy	Taylor, F.
Chadwick	Hayden	Nahill	Taylor, J.
Civera	Hayes	Nailor	Telek
Clark, B. D.	Heckler	Noye	Thomas
Clark, D. F.	Herman	O'Brien	Tigue
Clark, J. H.	Hershey	O'Donnell	Trello
Clymer	Hess	Olasz	Trich
Colafiglia	Hughes	Oliver	Van Horne
Colaizzo	Itkin	Perzel	Veon
Cole	Jackson	Pesci	Vroon
Cornell	Jadlowiec	Petrarca	Wambach
Corrigan	James	Petrone	Wass
Cowell	Jarolin	Phillips	Weston
Coy	Johnson	Piccola	Williams
DeLuca	Josephs	Plevsky	Wilson
DeWeese	Kaiser	Pistella	Wogan
Daley	Kasunic	Pitts	Wozniak
Davies	Kenney	Pressmann	Wright, D. R.
Dempsey	Kondrich	Preston	Wright, J. L.
Dietterick	Kosinski	Raymond	Wright, R. C.
Distler	Kukovich	Reber	
Dombrowski	LaGrotta	Reinard	Manderino,
Donatucci	Langtry	Richardson	Speaker

NAYS—0

NOT VOTING—6

Acosta	Cohen	Maiale	Saloom
Carn	Howlett		

EXCUSED—3

Dininni	Letterman	Yandrisevits
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The question was determined in the affirmative, and the motion was agreed to.

FILMING PERMISSION

The SPEAKER. The Chair informs the members of the House that permission has been given to WPVI, channel 6,

and John Sanks to videotape on the floor of the House for the next 10 minutes. The gentleman is to the right of the Speaker in the far aisle.

BILLS ON THIRD
CONSIDERATION CONTINUED

The House proceeded to third consideration of **HB 855, PN 2596**, entitled:

An Act amending the act of April 14, 1972 (P. L. 233, No. 64), known as "The Controlled Substance, Drug, Device and Cosmetic Act," classifying anabolic steroids as a Schedule II controlled substance.

On the question,
Will the House agree to the bill on third consideration?
Mr. TRICH offered the following amendments No. A4153:

- Amend Sec. 3 (Sec. 13), page 4, line 1, by striking out "NOT"
- Amend Sec. 3 (Sec. 13), page 4, line 2, by striking out "NOT"

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

The SPEAKER. On that question, the gentleman from Washington, Mr. Trich, is recognized.

Mr. TRICH. Thank you, Mr. Speaker.

This amendment is actually one merely to correct and make certain that the intent of the bill itself is kept intact.

Again, it merely reinforces that we are trying to deal with the anabolic steroids problem, and again, it is merely a corrective measure.

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

The following roll call was recorded:

YEAS—195

Adolph	Dorr	Laughlin	Ritter
Allen	Durham	Lee	Robbins
Angstadt	Evans	Leh	Robinson
Argall	Fairchild	Lescovitz	Roebuck
Barley	Fargo	Levdansky	Rudy
Battisto	Farmer	Linton	Ryan
Belardi	Fee	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saloom
Billow	Flick	McCall	Saurman
Birmelin	Foster	McHale	Scheetz
Bishop	Fox	McNally	Schuler
Black	Freeman	McVerry	Scrimenti
Blaum	Freind	Maine	Semmel
Bortner	Gallen	Markosek	Serafini
Bowley	Gamble	Marsico	Smith, B.
Boyes	Gannon	Mayernik	Smith, S. H.
Brandt	Geist	Melio	Snyder, D. W.
Broujos	George	Merry	Snyder, G.
Bunt	Gigliotti	Michlovic	Staback
Burd	Godshall	Micozzie	Stairs
Burns	Gruitza	Miller	Steighner
Bush	Gruppo	Moehlmann	Stish
Caltagirone	Hagarty	Morris	Strittmatter
Cappabianca	Haluska	Mowery	Suban
Carlson	Harper	Mrkonic	Tangretti
Cawley	Hasay	Murphy	Taylor, E. Z.
Cessar	Hayden	Nahill	Taylor, F.
Chadwick	Hayes	Nailor	Taylor, J.
Civera	Heckler	Noye	Telek
Clark, B. D.	Herman	O'Brien	Thomas
Clark, D. F.	Hershey	O'Donnell	Tigue

Clark, J. H.	Hess	Olasz	Trello
Clymer	Hughes	Oliver	Trich
Cohen	Itkin	Perzel	Van Horne
Colaifella	Jackson	Pesci	Veon
Colaizzo	Jadlowiec	Petrarca	Vroon
Cole	James	Petrone	Wambach
Cornell	Jarolin	Phillips	Wass
Corrigan	Johnson	Piccola	Weston
Cowell	Josephs	Pievsky	Williams
Coy	Kaiser	Pistella	Wilson
DeLuca	Kasunic	Pitts	Wogan
DeWeese	Kenney	Pressmann	Wozniak
Daley	Kondrich	Preston	Wright, D. R.
Davies	Kosinski	Raymond	Wright, J. L.
Dempsey	Kukovich	Reber	Wright, R. C.
Dietterick	LaGrotta	Reinard	
Distler	Langtry	Richardson	Manderino,
Dombrowski	Lashinger	Rieger	Speaker
Donatucci			

NAYS—0

NOT VOTING—5

Acosta	Gladeck	Howlett	Maiale
Carn			

EXCUSED—3

Dininni	Letterman	Yandrisevits
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—194

Allen	Dorr	Laughlin	Ritter
Angstadt	Durham	Lee	Robbins
Argall	Evans	Leh	Robinson
Barley	Fairchild	Lescovitz	Roebuck
Battisto	Fargo	Levdansky	Rudy
Belardi	Farmer	Linton	Ryan
Belfanti	Fee	Lloyd	Rybak
Billow	Fleagle	Lucyk	Saloom
Birmelin	Flick	McCall	Saurman
Bishop	Foster	McHale	Scheetz
Black	Fox	McNally	Schuler
Blaum	Freeman	McVerry	Scrimenti
Bortner	Gallen	Maine	Semmel
Bowley	Gamble	Markosek	Serafini
Boyes	Gannon	Marsico	Smith, B.
Brandt	Geist	Mayernik	Smith, S. H.
Broujos	George	Melio	Snyder, D. W.
Bunt	Gigliotti	Merry	Snyder, G.
Burd	Gladeck	Michlovic	Staback
Burns	Godshall	Micozzie	Stairs
Bush	Gruitza	Miller	Steighner
Caltagirone	Gruppo	Moehlmann	Stish
Cappabianca	Hagarty	Morris	Strittmatter
Carlson	Haluska	Mowery	Suban
Carn	Harper	Mrkonic	Tangretti
Cawley	Hasay	Murphy	Taylor, E. Z.
Cessar	Hayden	Nahill	Taylor, F.
Chadwick	Hayes	Nailor	Taylor, J.
Civera	Heckler	Noye	Telek
Clark, B. D.	Herman	O'Brien	Thomas

Clark, D. F.	Hershey	O'Donnell	Tigue
Clark, J. H.	Hess	Olasz	Trello
Cohen	Hughes	Oliver	Trich
Colaifella	Itkin	Perzel	Van Horne
Colaizzo	Jackson	Pesci	Veon
Cole	Jadlowiec	Petrarca	Vroon
Cornell	James	Petrone	Wambach
Corrigan	Jarolin	Phillips	Wass
Cowell	Johnson	Piccola	Weston
Coy	Josephs	Pievsky	Williams
DeLuca	Kaiser	Pistella	Wilson
DeWeese	Kasunic	Pitts	Wogan
Daley	Kenney	Pressmann	Wozniak
Davies	Kondrich	Preston	Wright, D. R.
Dempsey	Kosinski	Raymond	Wright, J. L.
Dietterick	Kukovich	Reber	Wright, R. C.
Distler	LaGrotta	Reinard	
Dombrowski	Langtry	Richardson	Manderino,
Donatucci	Lashinger	Rieger	Speaker

NAYS—0

NOT VOTING—6

Acosta	Clymer	Howlett	Maiale
Adolph	Freind		

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **SB 648, PN 691**, entitled:

An Act amending the act of April 9, 1929 (P. L. 177, No. 175), entitled "The Administrative Code of 1929," authorizing the Department of Corrections to enter into contracts with the Federal Government for the housing of State prisoners in Federal correctional facilities.

On the question,

Will the House agree to the bill on third consideration?

Mr. LLOYD offered the following amendments No. A3701:

Amend Title, page 1, line 23, by removing the period after "facilities" and inserting
; and requiring State heating systems to be fueled by coal.

Amend Sec. 1, page 1, lines 27 and 28, by striking out "a section" and inserting
sections

Amend Sec. 1, page 2, by inserting between lines 3 and 4
Section 2420. State Heating Systems to be Fueled by Coal.—The following words and phrases when used in this article shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Coal." Coal produced from mines in Pennsylvania or any mixture or synthetic derived, in whole or in part, from coal produced from mines in Pennsylvania.

"Mixture derived, in whole or in part, from coal." Includes, but is not limited to, both the intermittent and the simultaneous burning of natural gas with coal or a coal derivative if the intermittent or simultaneous burning of natural gas would:

(1) lower the cost of using coal or a coal derivative produced from mines in Pennsylvania; or

(2) enable coal or a coal derivative produced from mines in Pennsylvania to be burned in compliance with present and reasonably anticipated environmental laws and regulations.

(b) Any heating system or heating unit installed in a facility owned by the State or by a State-related university on or after the effective date of this act shall be fueled by coal.

(c) Any heating system or heating unit shall be exempt from the requirement of subsection (b) if the Secretary of General Services determines that:

(1) using coal as the fuel for that heating system or heating unit would violate existing or reasonably anticipated environmental laws or regulations;

(2) using coal as the fuel for that heating system or heating unit would not be cost effective when compared to using other forms of energy;

(3) the principal fuel for that heating system or heating unit would be natural gas from wells located in Pennsylvania or wood from forests located in Pennsylvania; or

(4) that heating system or heating unit was in or beyond the design stage prior to the effective date of this act.

(d) In determining cost effectiveness under clause (2) of subsection (c), the Secretary of General Services shall perform a life cycle cost analysis.

(e) The Secretary of General Services shall report to the Appropriations Committees of the House of Representatives and the Senate the basis for any determination that a heating system or heating unit shall be exempt from the requirement of subsection (b).

On the question,

Will the House agree to the amendments?

The SPEAKER. On the question of agreeing to the Lloyd amendment, the Chair recognizes, from Somerset County, Representative Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would put into the Administrative Code a provision which has passed this House four times, passed the Senate once, and has also been included in the last three sessions' capital budget bills.

What the amendment does is to require that when we are putting new heating units into State buildings or into State-related universities, that those heating units use coal, unless using coal would cost too much compared to other fuels; would not be environmentally acceptable; or unless some other Pennsylvania fuel, such as wood from Pennsylvania forests or gas from Pennsylvania wells, were going to be used. If the Secretary of General Services determines that an exception is appropriate, he must submit documentation of that fact to the House and Senate Appropriations Committees.

As I indicated, Mr. Speaker, this has passed before, and I would ask for an affirmative vote.

The SPEAKER. The question is on the amendment, and on that question, from Berks County, Representative Davies is recognized.

Mr. DAVIES. Mr. Speaker, would the gentleman stand for one or two questions?

The SPEAKER. He indicates that he will. You may proceed.

Mr. DAVIES. Either in the Allentown air corridor or the Philadelphia air corridor or the Pittsburgh air corridor, what would be the status of the institutions with that amendment?

Mr. LLOYD. This amendment specifically creates an exception for those instances in which using coal would either violate current air pollution standards or reasonably anticipated standards. For example, in the Philadelphia corridor, I know there is a problem. In that instance it would not apply, because the Secretary of General Services would simply so notify the House and Senate Appropriations Committees.

Mr. DAVIES. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Adolph	Donatucci	Langtry	Rieger
Allen	Dorr	Lashinger	Ritter
Angstadt	Durham	Laughlin	Robbins
Argall	Evans	Leh	Robinson
Barley	Fairchild	Lescovitz	Roebuck
Battisto	Fargo	Levdansky	Rudy
Belardi	Farmer	Linton	Ryan
Belfanti	Fee	Lloyd	Rybak
Billow	Fleagle	Lucyk	Saloom
Birmelin	Flick	McCall	Saurman
Bishop	Foster	McHale	Scheetz
Black	Fox	McNally	Schuler
Blaum	Freeman	McVerry	Scrimenti
Bortner	Freind	Maine	Semmel
Bowley	Gallen	Markosek	Serafini
Boyes	Gamble	Marsico	Smith, B.
Brandt	Gannon	Mayernik	Smith, S. H.
Broujos	Geist	Melio	Snyder, D. W.
Bunt	George	Merry	Snyder, G.
Burd	Gigliotti	Michlovic	Staback
Burns	Gladeck	Micozzie	Stairs
Bush	Godshall	Miller	Steighner
Caltagirone	Gruitza	Moehlmann	Stish
Cappabianca	Gruppo	Morris	Strittmatter
Carlson	Hagarty	Mowery	Stuban
Carn	Haluska	Mrkonic	Tangretti
Cawley	Harper	Murphy	Taylor, E. Z.
Cessar	Hasay	Nahill	Taylor, F.
Chadwick	Hayden	Nailor	Taylor, J.
Civera	Hayes	Noye	Telek
Clark, B. D.	Heckler	O'Brien	Thomas
Clark, D. F.	Herman	O'Donnell	Trello
Clark, J. H.	Hershey	Olasz	Trich
Clymer	Hess	Oliver	Van Horne
Cohen	Hughes	Perzel	Veon
Colafella	Itkin	Pesci	Vroon
Colaizzo	Jackson	Petrarca	Wambach
Cole	Jadlowiec	Petrone	Wass
Cornell	James	Phillips	Weston
Corrigan	Jarolin	Piccola	Williams
Cowell	Johnson	Pievsky	Wilson
Coy	Josephs	Pistella	Wogan
DeLuca	Kaiser	Pitts	Wozniak
DeWeese	Kasunic	Pressmann	Wright, D. R.
Daley	Kenney	Preston	Wright, J. L.
Davies	Kondrich	Raymond	Wright, R. C.
Dempsey	Kosinski	Reber	
Dieterick	Kukovich	Reinard	Manderino,
Distler	LaGrotta	Richardson	Speaker
Dombrowski			

NAYS—2

Lee Tigue NOT VOTING—3

Acosta Howlett Maiale EXCUSED—3

Dininni Letterman Yandrisevits

The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

YEAS—197

- Adolph Donatucci Lashinger Ritter
Allen Dorr Laughlin Robbins
Angstadt Durham Lee Robinson
Argali Evans Leh Roebuck
Barley Fairchild Lescovitz Rudy
Battisto Fargo Levdansky Ryan
Belardi Farmer Linton Rybak
Belfanti Fee Lloyd Saloom
Billow Fleagle Lucy Saurman
Birmelin Flick McCall Scheetz
Bishop Foster McHale Schuler
Black Fox McNally Scrimenti
Blaum Freeman McVerry Semmel
Bortner Freind Maine Serafini
Bowley Gallen Markosek Smith, B.
Boyes Gamble Marsico Smith, S. H.
Brandt Gannon Mayernik Snyder, D. W.
Broujos Geist Melio Snyder, G.
Bunt George Merry Staback
Burd Gigliotti Michlovic Stairs
Burns Gladeck Micozzie Steighner
Bush Godshall Miller Stish
Caltagirone Gruitza Moehlmann Strittmatter
Cappabianca Gruppo Morris Stuban
Carlson Hagarty Mowery Tangretti
Carn Haluska Mrkonlc Taylor, E. Z.
Cawley Harper Murphy Taylor, F.
Cessar Hasay Nahill Taylor, J.
Chadwick Hayden Nailor Telek
Civera Hayes Noye Thomas
Clark, B. D. Heckler O'Brien Tigie
Clark, D. F. Herman O'Donnell Trello
Clark, J. H. Hershey Olasz Trich
Clymer Hess Oliver Van Horne
Cohen Hughes Perzel Veon
Colaifella Itkin Pesci Vroon
Colaizzo Jackson Petrarca Wambach
Cole Jadlowiec Petrone Wass
Cornell James Phillips Weston
Corrigan Jarolin Piccola Williams
Cowell Johnson Pievsky Wilson
Coy Josephs Pistella Wogan
DeLuca Kaiser Pitts Wozniak
DeWeese Kasunic Pressmann Wright, D. R.
Daley Kenney Preston Wright, J. L.
Davies Kondrich Raymond Wright, R. C.
Dempsey Kosinski Reber
D'Amico Kukovich Reinard Manderino,
LaGrotta Richardson Speaker

Dombrowski Langtry Rieger NAYS—0

Acosta Howlett Maiale NOT VOTING—3 EXCUSED—3

Dininni Letterman Yandrisevits

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

* * *

The House proceeded to third consideration of HB 1795, PN 2508, entitled:

An Act authorizing the Pennsylvania Historical and Museum Commission to acquire, for a nominal sum or gift, on behalf of the Commonwealth, the New Freedom Theatre in the City of Philadelphia; providing for its renovation and authorizing an agreement for the administration thereof by the New Freedom Theatre Group; and making a repeal.

On the question,

Will the House agree to the bill on third consideration?

Mr. DOMBROWSKI offered the following amendments No. A3272:

Amend Title, page 1, line 4, by inserting after "Philadelphia;"

and

Amend Title, page 1, line 6, by removing the semicolon and inserting a period after "Group"

Amend Title, page 1, lines 6 and 7, by striking out "and" in line 6 and all of line 7

Amend Sec. 4, page 3, line 30; page 4, lines 1 through 3, by striking out all of said lines on said pages

Amend Sec. 5, page 4, line 4, by striking out "5" and inserting

4

On the question,

Will the House agree to the amendments?

The SPEAKER. On that question, the Chair recognizes the gentleman, Representative Dombrowski, from Erie County.

Mr. DOMBROWSKI. Thank you, Mr. Speaker.

This amendment deletes section 4 of HB 1795, which was intended to repeal the New Freedom project as authorized in the Capital Budget Project Act of 1988. The repeal was handled in SB 910, which was signed by the Governor July 11, 1989.

Mr. Speaker, I ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—195

Adolph	Donatucci	Lashinger	Ritter
Allen	Dorr	Laughlin	Robbins
Angstadt	Durham	Lee	Robinson
Argall	Evans	Leh	Roebuck
Barley	Fairchild	Lescovitz	Rudy
Battisto	Fargo	Levdansky	Ryan
Belardi	Farmer	Lloyd	Rybak
Belfanti	Fee	Lucyk	Saloom
Billow	Fleagle	McCall	Saurman
Birmelin	Flick	McHale	Scheetz
Bishop	Foster	McNally	Schuler
Black	Fox	McVerry	Scrimenti
Blaum	Freeman	Maine	Semmel
Bortner	Freind	Markosek	Serafini
Bowley	Gallen	Marsico	Smith, B.
Boyes	Gamble	Mayernik	Smith, S. H.
Brandt	Gannon	Melio	Snyder, D. W.
Broujos	Geist	Merry	Snyder, G.
Bunt	George	Michlovic	Staback
Burd	Gigliotti	Micozzie	Stairs
Burns	Gladeck	Miller	Steighner
Bush	Godshall	Moehlmann	Stish
Caltagirone	Gruitza	Morris	Strittmatter
Cappabianca	Gruppo	Mowery	Stuban
Carlson	Hagarty	Mrkoncic	Tangretti
Carn	Haluska	Murphy	Taylor, E. Z.
Cawley	Harper	Nahill	Taylor, F.
Cessar	Hasay	Nailor	Taylor, J.
Chadwick	Hayden	Noye	Telek
Civera	Hayes	O'Brien	Thomas
Clark, B. D.	Heckler	O'Donnell	Tigue
Clark, D. F.	Herman	Olasz	Trello
Clark, J. H.	Hershey	Oliver	Trich
Clymer	Hess	Perzel	Van Horne
Cohen	Hughes	Pesci	Veon
Colafiglia	Itkin	Petrarca	Vroon
Colaizzo	Jackson	Petrone	Wambach
Cole	Jadlowiec	Phillips	Wass
Cornell	Jarolin	Piccola	Weston
Corrigan	Johnson	Pievsky	Williams
Cowell	Josephs	Pistella	Wilson
Coy	Kaiser	Pitts	Wogan
DeLuca	Kasunic	Pressmann	Wozniak
DeWeese	Kenney	Preston	Wright, D. R.
Daley	Kondrich	Raymond	Wright, J. L.
Davies	Kosinski	Reber	Wright, R. C.
Dempsey	Kukovich	Reinard	
Dietterick	LaGrotta	Richardson	Manderino,
Distler	Langtry	Rieger	Speaker
Dombrowski			

NAYS—1

James

NOT VOTING—4

Acosta	Howlett	Linton	Maiale
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EXCUSED—3

Dininni	Letterman	Yandrisevits
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Mr. STRITTMATTER offered the following amendments No. A3317:

Amend Title, page 1, lines 6 and 7, by striking out "and" in line 6, all of line 7 and inserting

and providing for a redevelopment assistance project for Lancaster County.

Amend Bill, page 3, line 30; page 4, lines 1 through 3, by striking out all of said lines on said pages and inserting Section 4. Redevelopment assistance project.

(a) Authorization.—The total authorization for the capital projects in the category of redevelopment assistance projects itemized in subsection (b) for capital grants by the Department of Community Affairs, its successors or assigns, and to be financed by the incurring of debt, shall be \$11,400,000.

(b) Itemization.—An additional capital project in the category of redevelopment assistance projects for capital grants by the Department of Community Affairs, its successors or assigns, authorized under the provisions of the act of May 20, 1949 (P.L.1633, No.493), known as the Housing and Redevelopment Assistance Law, and to be financed by the incurring of debt, is hereby itemized, together with its estimated financial costs, as follows:

Project	Total Project Allocation
(1) Lancaster County	
(i) Lancaster County	
(A) Construction of a multipurpose stadium	11,400,000
(Base Project Allocation - \$10,400,000)	
(Design and Contingencies \$1,000,000)	

(c) Debt authorization.—Subject to the limitation in section 1616.1-B(b) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, the Governor, Auditor General and State Treasurer are hereby authorized and directed to borrow, from time to time, in addition to any authorization heretofore or hereafter enacted, on the credit of the Commonwealth, subject to the limitations provided in the current capital budget, money not exceeding in the aggregate the sum of \$11,400,000 as may be found necessary to carry out the redevelopment assistance projects specifically itemized in a capital budget.

(d) Issue of bonds.—The indebtedness authorized in this section shall be incurred, from time to time, and shall be evidenced by one or more series of general obligation bonds of the Commonwealth in such aggregate principal amount for each series as the Governor, Auditor General and State Treasurer shall determine, but the latest stated maturity date shall not exceed the estimated useful life of the projects being financed as stated in subsection (e).

(e) Estimated useful life and term of debt.—

(1) The General Assembly states that the estimated useful life of the public improvement project itemized in this section is 30 years.

(2) The maximum term of the debt authorized to be incurred under this section is 30 years.

(f) Appropriation.—The net proceeds of the sale of the obligations authorized in this section are hereby appropriated from the Capital Facilities Fund to the Department of Community Affairs in the maximum amount of \$11,400,000 to be used by it exclusively to defray the financial cost of the redevelopment assistance projects specifically itemized in a capital budget. After reserving or paying the expenses of the sale of the obligation, the State Treasurer shall pay to the Department of Community Affairs the moneys as required and certified by it to be legally due and payable.

On the question,

Will the House agree to the amendments?

The SPEAKER. The Chair recognizes, from Lancaster County, the author of the amendments, Representative Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

What A3317 would do is provide for a multipurpose stadium in Lancaster County, and I would ask for approval. Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the vote.
The Chair recognizes the majority leader.
Mr. O'DONNELL. Thank you, Mr. Speaker.

I am sorry for responding so slowly to the gentleman's amendment.

Ordinarily in the capital budget process an amendment like this would certainly have been considered and probably have been considered favorably by this House. We are all familiar with the capital budget process.

I am very reluctant to open up the capital budget process in this bill. There certainly will be a capital bill, and it is appropriate to offer that amendment to that bill. I think if we begin discussing whether or not we should have a capital authorization for a stadium in Lancaster, then I think we are going to have to begin discussing all the other capital projects that many of the members here are interested in. I would be very reluctant to open that debate at this time.

Accordingly, I would urge the defeat of the amendment for that reason and that reason only.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Ryan, the minority leader, is recognized on the amendment.

Mr. RYAN. Mr. Speaker, point of parliamentary inquiry.

The SPEAKER. State your point.

Mr. RYAN. As I looked up at the board, the board was entirely green, and then all of a sudden Mr. O'Donnell was speaking to us. Did not that amendment go in?

The SPEAKER. The Chair asked that the vote be stricken, because the leader had indicated that he wanted to be recognized on the question.

The Chair has given leeway to the leaders who indicate—

Mr. RYAN. I understand that. I thought, Mr. Speaker, that it had been announced and it was in, and it would require a reconsideration. That not being the case, then on the merits of the amendment, I would certainly ask that it be supported.

We have customarily supported capital budget projects. It is up to the Governor. He has got the final say as to whether it does or it does not go in. This was already in until Mr. O'Donnell caught, you know, the sense of the amendment. It got away from him for a moment, and I think we should put it back in. That way Mr. O'Donnell will stay on his toes.

The SPEAKER. The question is on the amendment. The Chair recognizes the gentleman from Lancaster County, Representative Strittmatter.

Mr. STRITTMATTER. Thank you, Mr. Speaker.

With the amendment to HB 1795— And I would point out to the members of the House that this is providing for a capital project with the Philadelphia New Freedom Theatre, which at the time I wanted to amend back in June with the budgetary process and was told at that time that I would be holding up the bill and our dismissal for the summer. So then I waited, and now we are 6 months later and this bill is here again, and it is amending the capital budget. So I would just ask for an affirmative vote. Thank you.

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

The following roll call was recorded:

YEAS—113

Adolph	Distler	Kenney	Reber
Allen	Dorr	Kondrich	Reinard
Angstadt	Durham	Langtry	Robbins
Argall	Fairchild	Lashinger	Ryan
Barley	Fargo	Lee	Saurman
Belardi	Farmer	Leh	Scheetz
Birmelin	Fleagle	Lucyk	Schuler
Black	Flick	McCall	Scrimenti
Blaum	Foster	McVerry	Semmel
Boyes	Fox	Maine	Serafini
Brandt	Freind	Markosek	Smith, B.
Broujos	Gallen	Marsico	Smith, S. H.
Bunt	Gannon	Mayernik	Snyder, D. W.
Burd	Geist	Merry	Snyder, G.
Burns	Gladeck	Micozzie	Stairs
Bush	Godshall	Miller	Strittmatter
Carlson	Gruitza	Moehlmann	Taylor, E. Z.
Cawley	Gruppo	Morris	Taylor, J.
Cessar	Hagarty	Mowery	Telek
Chadwick	Hasay	Nahill	Tigue
Civera	Hayes	Nailor	Vroon
Clark, D. F.	Heckler	Noye	Wass
Clark, J. H.	Herman	O'Brien	Weston
Clymer	Hershey	Perzel	Wilson
Cornell	Hess	Phillips	Wogan
Coy	Jackson	Piccola	Wozniak
Davies	Jadlowiec	Pitts	Wright, J. L.
Dempsey	Johnson	Raymond	Wright, R. C.
Dietterick			

NAYS—83

Battisto	Fee	Linton	Robinson
Belfanti	Freeman	Lloyd	Roebuck
Billow	Gamble	McHale	Rybak
Bishop	George	McNally	Saloom
Bortner	Gigliotti	Melio	Staback
Bowley	Haluska	Michlovic	Steighner
Caltagirone	Harper	Mrkonjic	Stish
Cappabianca	Hayden	Murphy	Suban
Carn	Hughes	O'Donnell	Tangretti
Clark, B. D.	Itkin	Olasz	Taylor, F.
Cohen	James	Oliver	Thomas
Colafella	Jarolin	Pesci	Trello
Colaizzo	Josephs	Petrarca	Trich
Cole	Kaiser	Petrone	Van Horne
Corrigan	Kasunic	Pievsky	Veon
Cowell	Kosinski	Pistella	Wambach
DeLuca	Kukovich	Pressmann	Williams
DeWeese	LaGrotta	Preston	Wright, D. R.
Daley	Laughlin	Richardson	
Dombrowski	Lescovitz	Rieger	Manderino,
Donatucci	Levdansky	Ritter	Speaker
Evans			

NOT VOTING—4

Acosta Howlett Maiale Rudy

EXCUSED—3

Dininni Letterman Yandrisevits

The question was determined in the affirmative, and the amendments were agreed to.

On the question recurring,

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

Mrs. HARPER offered the following amendments No. A3449:

Amend Title, page 1, line 6, by inserting after "Group;" providing for option rights;

Amend Bill, page 2, by inserting after line 8

Section 4. Option to purchase.

The New Freedom Theatre Group, or its successor, shall have the option to purchase the New Freedom Theatre for the consideration of \$1, ten years after the effective date of this act.

Amend Sec. 4, page 3, line 30, by striking out "4" and inserting

5

Amend Sec. 5, page 4, line 4, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendments?

The SPEAKER. On whether the House will agree to the amendment, from Philadelphia, Representative Harper is recognized.

Mrs. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I offer this amendment for the people of Philadelphia. I have sold chicken dinners, given fashion shows, and worked very hard to purchase this building. This building was formerly Heritage House. When Dr. Jones died, John Allen purchased this for Freedom Theatre.

This is the only cultural house on Broad Street owned by minorities, and I certainly would not like to see the State take that last building from the minorities. Of course, people that did not give sweat and blood for the building, it does not matter to them. But I would rather own a building that is not as fancy as it probably would be under the State rather than have the State take the building and fix it to their specifications and control it.

That is the problem in Philadelphia today. The minorities gave away the bank and now they are begging to own a bank, and now we would like to give Heritage House - Freedom Theatre - to the State. The State does not need Freedom Theatre, but the community needs Freedom Theatre as a piece of property that we can look to, that we own, and not the State.

I ask you for an affirmative vote on this piece of legislation that, after 10 years, Freedom Theatre will revert to the community for \$1. Thank you.

The SPEAKER. The question is on the amendment. On that question, the minority leader is recognized, from Delaware County, Matthew Ryan.

Mr. RYAN. Mr. Speaker, I am not going to ask for a fiscal note, but this is where you need one. This is truly where you need a fiscal note.

Now, I am going to oppose the amendment, and I want to give you a little bit of background as I understand it, and if Mrs. Harper can correct me, I would be pleased to hear from her.

Last year, in around June when we were negotiating the budget, the question of the New Freedom Theatre Group came up and that property came up, and at that time, after having an explanation on it, I, for one, agreed that the State should get involved and help out. As a result of my agreement and the agreement of many others, not just me, the bill was introduced, this bill that we have before us, HB 1795. This past summer we appropriated \$4 million, as I recall, to accomplish this goal, this end, and that was fine. That was what we had agreed to do. Today, however, Mrs. Harper, for the very first time, your amendment comes on our desks. What is that, 3 days?

Mrs. HARPER. Three weeks; weeks.

Mr. RYAN. Three weeks. For the very first time I read it, all right? I am sure it has been distributed for a while; I never read it. Your amendment says that 10 years from now, after the State has owned this building for 10 years, your New Freedom Theatre Group or its successor has the right to buy it back for \$1.

Now, what we are talking about is we are talking about a building that presumably we are going to pay \$4 million for - we, the Commonwealth - and I do not think the people of the Commonwealth necessarily want to pay \$4 million today, fix it up, if that is required—I do not know that—and then 10 years from now give somebody the right to buy it back for \$1. I think you are asking an awful lot of us without some further explanation.

The Commonwealth is putting up \$4 million, or has put \$4 million up, and I, for one, unless I have a better explanation, am not prepared to say today, you can have it back for \$1. Maybe we will pay you \$4 million to take it back, but today to commit for something in the future I think is wrong.

And if again I wanted to rely on our rules, rule 32 of the House says that before the Commonwealth can give anything away—all right?—you must have an appraisal; must go through our State Government Committee to make sure that the Commonwealth is not conveying away to other people something of value greater than the value that the Commonwealth is getting in the exchange. So not relying on your failure to have a rule 32, I am simply saying that I would appreciate it if you would withdraw this amendment, and if you are unwilling to withdraw this amendment at this time until we have a better explanation of what the future may bring, then I stand opposed to it, because I would have to label it as a potential 4-plus-million-dollar giveaway for \$1 without any explanation. I think that is wrong.

Mrs. HARPER. Well, thank you, Mr. Speaker.

The SPEAKER. The question is on the amendment. On that question, for the second time, Representative Harper.

Mrs. HARPER. Thank you, Mr. Speaker.

In the first place, the State has given other cultural centers money without taking their buildings, and I do not see why they have to take the only minority building in Philadelphia, the only decent one, on Broad Street. Why would the State have to take that building from minorities? We need that building. We need it as our cultural house, as an image; we need it. No other ethnic group would like to see the State take their building, their cultural house. They get money without giving away their buildings. Why should we give away our building to the State? The State does not need that building; we need it.

The SPEAKER. The question is on the amendment. On that question, Representative Ryan is recognized.

Mr. RYAN. Unless that was a rhetorical question, you know, we can beat the bill and then we have never taken the building.

We are giving you \$4 million. I do not call that taking. I mean, I wish somebody would take a building from me for that price. The objection I have is our taking it for \$4 million and then giving it back for \$1. That is where I get—

Mrs. HARPER. Well, I object to your taking it from us. I object to the State taking our only cultural center. I strongly object to that.

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

The following roll call was recorded:

YEAS—22

Caltagirone	Fee	McNally	Saloom
Cappabianca	George	Murphy	Trello
Carn	Gruitza	Petrarca	Veon
Cawley	Harper	Pievsky	
Cohen	James	Pistella	Manderino,
Dombrowski	Kukovich	Preston	Speaker

NAYS—174

Adolph	Donatucci	Laughlin	Ritter
Allen	Dorr	Lee	Robbins
Angstadt	Durham	Leh	Robinson
Argall	Evans	Lescovitz	Roebuck
Barley	Fairchild	Levdansky	Rudy
Battisto	Fargo	Linton	Ryan
Belardi	Farmer	Lloyd	Rybak
Belfanti	Fleagle	Lucyk	Saurman
Billow	Flick	McCall	Scheetz
Birmelin	Foster	McHale	Schuler
Bishop	Fox	McVerry	Scrimenti
Black	Freeman	Maine	Semmel
Blaum	Freind	Markosek	Serafini
Bortner	Gallen	Marsico	Smith, B.
Bowley	Gamble	Mayernik	Smith, S. H.
Boyes	Gannon	Melio	Snyder, D. W.
Brandt	Geist	Merry	Snyder, G.
Broujos	Gigliotti	Michlovic	Staback
Bunt	Godshall	Micozzie	Stairs
Burd	Gruppo	Miller	Steighner
Burns	Hagarty	Mochlmann	Stish
Bush	Haluska	Morris	Strittmatter
Carlson	Hasay	Mowery	Suban
Cessar	Hayden	Mrkonic	Tangretti
Chadwick	Hayes	Nahill	Taylor, E. Z.
Civera	Heckler	Nailor	Taylor, F.
Clark, B. D.	Herman	Noye	Taylor, J.
Clark, D. F.	Hershey	O'Brien	Telek
Clark, J. H.	Hess	O'Donnell	Thomas

Clymer	Hughes	Olasz	Tigue
Colafrilla	Itkin	Oliver	Trich
Colaizzo	Jackson	Perzel	Van Horne
Cole	Jadlowiec	Pesci	Vroon
Cornell	Jarolin	Petrone	Wambach
Corrigan	Johnson	Phillips	Wass
Cowell	Josephs	Piccola	Weston
Coy	Kaiser	Pitts	Williams
DeLuca	Kasunic	Pressmann	Wilson
DeWeese	Kenney	Raymond	Wogan
Daley	Kondrich	Reber	Wozniak
Davies	Kosinski	Reinard	Wright, D. R.
Dempsey	LaGrotta	Richardson	Wright, J. L.
Dieterick	Langtry	Rieger	Wright, R. C.
Distler	Lashinger		

NOT VOTING—4

Acosta	Gladeck	Howlett	Maiale
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EXCUSED—3

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The question was determined in the negative, and the amendments were not agreed to.

On the question recurring,

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. On the question of agreeing to the bill as now amended, there is an indication that additional amendments are to be offered which are not yet in print before the House. Without objection, we will go over temporarily HB 1795. The Chair hears no objection.

* * *

The House proceeded to third consideration of **HB 103, PN 2291**, entitled:

An Act amending the act of May 22, 1933 (P. L. 853, No. 155), known as "The General County Assessment Law," clarifying certain provisions relating to exemptions from taxation.

On the question,

Will the House agree to the bill on third consideration?

Mr. EVANS offered the following amendments No. A4155:

Amend Title, page 1, lines 1 through 11, by striking out all of said lines and inserting

Relating to cities and counties of the first class, defining "public property used for public purposes" to include any public assembly facility located on public land primarily used for sports, entertainment, musical concerts and other cultural and entertainment events, including accessory uses incident thereto; authorizing real property tax exemptions; providing for payments in lieu of taxes; and making repeals.

Amend Bill, page 1, lines 14 through 21; page 2 lines 1 through 30; page 3, lines 1 through 24, by striking out all of said lines and inserting

Section 1. Legislative findings; declaration of policy.

It is hereby determined and declared as a matter of legislative finding:

- (1) That the health, safety and general welfare of the people of the city of the first class are directly dependent upon the continual encouragement, development, growth and expansion of business, commerce and tourism.

(2) That unemployment and the continuation and spread of poverty can be alleviated by the promotion, attraction, stimulation, development and expansion of business, commerce and tourism in cities of the first class.

(3) That development of a major multipurpose sports and entertainment complex and accessory uses is most appropriate in a city of the first class, which, because of its size, is capable of retaining and supporting professional as well as amateur sports teams and attracting major national sporting, and musical and cultural events; and that attraction of business and tourism to a city of the first class as a result of the development of such a facility and its accessory uses will be an important factor in the continued encouragement, promotion, attraction, stimulation, development, growth and expansion of business, commerce and tourism within a city of the first class.

(4) That the development of a multipurpose sports and entertainment complex will benefit the hotel and restaurant industries and related businesses whose livelihood is dependent thereon throughout the entire area where such facility is located.

(5) That the development and promotion of a multipurpose sports and entertainment complex on public property in a city of the first class, which will provide significant benefits to the general public will require the expenditure of substantial private funds.

(6) That it is appropriate that in a city of the first class, a multipurpose sports and entertainment complex located on public property be exempt from real estate tax in recognition of its public purpose in promoting business, commerce and tourism; and providing a location for professional and amateur sporting events; and musical, cultural and entertainment events.

(7) That to promote, encourage and enable the development on public property of a major multipurpose sports and entertainment complex to benefit the general welfare in a city of the first class, such a facility must be exempt from real estate tax in recognition of its public purpose.

(8) That the development of a multipurpose sports and entertainment complex can benefit distressed or underdeveloped areas in the same community or in adjoining communities.

Section 2. Definitions.

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

"City." A city of the first class.

"Public property used for public purposes." The term shall mean any public assembly facility located on public land (which shall include public land leased to a private individual, partnership, corporation or other business enterprise), primarily used for professional and amateur sports entertainment, musical concerts and other cultural and entertainment events, including accessory uses incident thereto which shall include, but not be limited to, dining, drinking and parking facilities, whether or not such facility is owned and operated by a public authority or is leased to or operated by a private individual, partnership, corporation or other business enterprise.

Section 3. Exemptions from taxation; payments in lieu of taxes.

(a) Exemption.—All public property used for public purposes, with the ground thereto annexed and necessary for the occupancy and enjoyment of the same, shall be exempt from all county, city and school tax, but shall not include property otherwise taxable which is owned or held by an agency of the United States Government, nor shall this act be construed to exempt from taxation any privilege, act or transaction conducted upon public property by persons or entities which would be taxable if conducted upon nonpublic property regardless of the purpose or

purposes for which such activity occurs, even if conducted as agent for or lessee of any public authority.

(b) Payments in lieu of taxes.—For public property used for public purposes constructed after the effective date of this section, the city shall impose in lieu of all city, county and school district real property taxes an amount annually equal to 2% of the costs of the project as are agreed to by the city and the facility developer prior to the commencement of construction of the facility, plus such other amount as agreed upon by the city and the facility developer. Such payment shall be made to the city treasury. The in lieu of payment shall commence at the expiration of five years from the effective date of the agreement between the public authority and the facility developer.

Section 4. Repeals.

The following acts and parts of acts are repealed insofar as they are inconsistent with this act:

Act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law.

Act of June 27, 1939 (P.L.1199, No.404), entitled "An act relating to the assessment of real and personal property and other subjects of taxation in counties of the first class; providing for the appointment of members of the board of revision of taxes by the judges of the courts of common pleas; providing for the appointment, by the board, of personal property assessors, real estate assessors and assistant real estate assessors, clerks and other employes; fixing the salaries of members of the board, assessors and assistant assessors, and providing for the payment of salaries and expenses from the county treasury; prescribing the powers and duties of the board and of the assessors, the time and manner of making assessments, of the revision and notice of assessments and of appeals therefrom; prescribing the records of assessments; and repealing existing laws."

Section 5. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendments?

PARLIAMENTARY INQUIRY

Mr. RYAN. Mr. Speaker?

The SPEAKER. For what purpose does the minority leader, Mr. Ryan, rise?

Mr. RYAN. Mr. Speaker, I just received this amendment, and I do not see a fiscal note attached, and it deals with giving property tax exemptions. I am wondering if under our rules this should not have a fiscal note in that it is directly on the subject of affecting local government taxes and revenues.

The SPEAKER. Will the gentleman suspend.

The question of whether or not the amendment A4155 is in need of a fiscal note has been raised by the minority leader. As best can be determined from a reading of the amendment and a discussion of the same with the Appropriations staff of the House of Representatives majority, the Speaker is informed that presently no taxes are being received by the city of Philadelphia from the entity for which this bill would provide payments in lieu of taxes. That being the case, the Speaker fails to see the necessity for a fiscal note.

Mr. RYAN. Mr. Speaker?

The SPEAKER. The gentleman, Mr. Ryan, the Speaker has ruled it does not need a fiscal note.

Mr. RYAN. Mr. Speaker, is that another ruling concurred in by the Parliamentarian, like the last one?

The SPEAKER. It is.

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

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

Mr. RYAN. Mr. Speaker, I wonder if the gentleman, Mr. Evans, would consent to interrogation.

Mr. EVANS. Yes, Mr. Speaker.

The SPEAKER. The gentleman indicates that he will.

Mr. RYAN. Tell us what the amendment does, please.

Mr. EVANS. Thank you, Mr. Speaker.

This amendment to HB 103 is a key element in an effort by the Commonwealth of Pennsylvania and the city of Philadelphia to keep the Philadelphia Flyers and the Philadelphia 76ers from leaving our State and going to New Jersey.

Spectacor, a Philadelphia-based company that owns the Flyers and that manages major sports stadiums and arenas around the country, is proposing to build a \$100-million arena either at the sports complex in south Philly or in New Jersey. Spectacor developed its plan for a new arena after the State of New Jersey offered to build a new arena in Camden for the 76ers. Two weeks ago New Jersey presented Spectacor with a package of incentives, including virtually free land and sales, property, and amusement tax breaks, designed to attract a privately developed arena for both the Flyers and the 76ers.

My amendment would require the operator of any new sports arena in Philadelphia to make payments in lieu of taxes to the city of Philadelphia. Currently the operators and the tenants of the Commonwealth's major professional sports arenas are exempt from property taxes.

The State of New Jersey already has on the books a law that would fix the property tax of the new arena at 2 percent of construction costs for a minimum of 20 years. I have been informed that New Jersey has offered to extend its flat tax beyond 20 years and to reinvest half of the tax payment in improvements to the arena site.

Spectacor and Harold Katz, the owner of the 76ers, are still evaluating the New Jersey offer. On November 29, 2 days after they received the offer, Jay Snider, the president of Spectacor and of the Flyers, met with Governor Casey and leaders of the four legislative caucuses and asked them to support the legislation that you see before you. Mr. Snider said that without the legislation, it would have no basis for continuing discussions with the city of Philadelphia. In the meantime, New Jersey is pressing both teams for a commitment.

In addition to this legislation, Governor Casey has proposed to provide \$8.5 million over the next 3 years for demolition, site preparation, and structured parking as a means of leveling the playing field between the two States. The funds provided will be from economic development sources. The Governor has also directed that a traffic study be conducted to determine ways in which the flow of traffic in and out of the complex can be improved. These steps are justified, because the sports complex is a regional facility. More than two-thirds of the fans come from outside the city. To be spe-

cific, neither property taxes nor payments in lieu of taxes are paid by the operators or tenants of Veteran's Stadium or the Spectrum in Philadelphia nor Three Rivers Stadium and the Civic Arena in Pittsburgh. The tax-exempt status of the Spectrum has been upheld by the courts, which have ruled that it is a public building for a public purpose.

My amendment affirms the court decision but also requires that in a city of the first class, the operators of an arena built after the effective date of this act are required to pay in lieu of taxes. The annual payment must be at least 2 percent of the project costs as agreed to in advance by the builder of the arena and the city. Should Spectacor decide to build its arena in Philadelphia, it has already agreed to the stipulation that the project costs will be \$100 million and that its payment in lieu of taxes will be \$2 million.

This payment in lieu of taxes has been negotiated by the city and Spectacor in recognition of the sensitivity of the property tax issue, given Philadelphia's fiscal difficulties. Under the schedule agreed to by both sides, Spectacor's \$2-million payment would begin in the 6th year and continue through the 32d year, after which the payment would rise by \$100,000 a year until it reached \$4 million in the 52d year, when the building will have reached the end of its useful life. The arena would be exempt during the first 5 years, but any new business property in Philadelphia is exempt under the city's 5-year abatement program. The State Revenue Department estimates that the \$8.5 million will be retained or recovered from the project within a few years of the opening of the arena.

Mr. Speaker, these proposals are modest compared to the incentives that New Jersey and other States have offered to keep or obtain teams. They are a responsible effort to keep the Flyers and the 76ers on our side of the Delaware River, where they belong. I ask for your support for my amendment to send a message to the 76ers and to the Flyers that we are serious about keeping them in Pennsylvania. This amendment also would send a message to New Jersey—which stole the Giants, the Jets, and the Nets from New York—that Pennsylvania will not idly stand by and let New Jersey steal our teams.

I ask for a "yes" vote on my amendment and on the bill. I share with you that this is an economic issue. There are numerous people who have stated that maybe this is a bailout, but this in no way is a bailout. This is an attempt by the Commonwealth of Pennsylvania to go in partnership with the city of Philadelphia - to say to a private developer that since you are investing \$100 million to build an arena in the Commonwealth of Pennsylvania, we clearly want to be partners with you in building that arena, because if we are unfortunate and have these teams move to New Jersey, the Commonwealth of Pennsylvania will lose \$2 million in sales tax revenue. I do not believe that this Commonwealth can afford to lose any revenue, so I would ask my colleagues on both sides of the aisle to stand with us and vote for this particular amendment. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment offered? On that question, from Montgomery County, Representative Lashinger is recognized.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of the amendment stand for interrogation?

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

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, I think a number of questions are important to be answered before we vote on the bill, because we have had so little time other than to read varying accounts of what is taking place here today in the press. So bear with me, if you will. This is information that we are gathering for the first time for many of us.

Part of your amendment defines "public property used for public purposes" and then talks about it being exempt from taxation and making payments in lieu of taxes. Correct?

Mr. EVANS. Correct.

Mr. LASHINGER. A question quickly comes to mind. It would appear that the convention center project in Philadelphia, which has yet to be constructed—correct, Mr. Speaker?

Mr. EVANS. Correct.

Mr. LASHINGER. —would fit the definition, "any public assembly facility located on public land." Hypothetical: We are building a hotel on that convention center ground that is owned by the Pennsylvania Convention Center Authority. Is that correct, Mr. Speaker?

Mr. EVANS. Correct.

Mr. LASHINGER. In my opinion, that would be a facility located on public land, a public assembly facility - a facility where entertainment, drinking, dining, and parking would be constructed. Is that correct, Mr. Speaker?

Mr. EVANS. No, Mr. Speaker. I would not view it in that particular way.

Mr. LASHINGER. Okay. Well, let me carry it through.

Assuming it is, Mr. Speaker, that a private developer comes in and constructs that facility on public land, land owned by an authority, that that for the first time could possibly be subject to this new 2-percent-in-lieu-of-tax payment.

Mr. EVANS. That is not my understanding, Mr. Speaker.

Mr. LASHINGER. Can you explain why not, Mr. Speaker?

Mr. EVANS. My understanding, Mr. Speaker, as this amendment has been proposed, is that it talks about multi-purpose sports and entertainment. To my knowledge, the Pennsylvania Convention Center would not have any type of sporting events that would take place there.

Mr. LASHINGER. Well, let me draw your attention to that, Mr. Speaker. It says, "...primarily used for professional and amateur sports entertainment,"—then it does not say "or"; it just says "comma"—"musical concerts and other cultural and entertainment events...." So I am not sure that I would agree with the— Would the speaker agree that quite possibly it could include a new tax on the facilities that are built on public land, or do you just absolutely deny that that is possible?

Mr. EVANS. I would deny that that is possible.

Mr. LASHINGER. That is a good answer, Mr. Speaker.

Mr. EVANS. Thank you, Mr. Speaker.

Mr. LASHINGER. Mr. Speaker, my next question. It talks about 2 percent of the costs of the project being paid. Something that we got from the majority leader over the weekend advocating adoption of this amendment today indicated that it would be \$2 million. Is it actually 2 percent, or is it \$2 million? Which is it?

Mr. EVANS. It is my understanding, Mr. Speaker, that it is \$2 million.

Mr. LASHINGER. That is important, I think, for the members to understand. So if this facility is built and say the construction costs—and we all know today the construction costs come in usually higher than estimates—if the construction costs come in at \$130 million, it is really not 2 percent; it is \$2 million.

Mr. EVANS. That is my understanding, Mr. Speaker. But my understanding also, Mr. Speaker, is that being that I am not into building buildings, in the information that has been provided to me, the experts say that the cost of it would be about \$100 million, and there have been a number of people who have spoken to that issue and said that today, with the cost of the dollar, it would take about \$100 million to build the size of the arena that they are talking about.

Mr. LASHINGER. Were they those same experts who gave us the convention center construction numbers? Mr. Speaker, you do not have to answer that. That was rhetorical, Mr. Speaker.

Mr. EVANS. I will not answer that, Mr. Speaker, because this is private developers and the people who are building the convention center are public individuals.

Mr. LASHINGER. That is an interesting point. If they are private developers, though it is being done through the Philadelphia Industrial Development Authority, is it not true that if you do construction through an industrial development authority, that you do not have to bid those contracts, that you can negotiate your bids on those construction contracts?

Mr. EVANS. Could you repeat your question again, Mr. Speaker.

Mr. LASHINGER. You said it is being done by a private developer, but I am curious as to why you use the industrial development authority as a conduit for this project. My experience has been, when you do construction projects through an authority, like an industrial development authority—maybe it is your local county hospital and educational authority—that those contracts do not have to be bid. Now, I am not an expert in that area, Mr. Speaker, but my recollection is that you can negotiate bids on contracts like that.

Mr. EVANS. To your first question, neither am I an expert in terms of the bidding of the contracts. However, the industrial development authority is an authority that we here in the Commonwealth of Pennsylvania set up, and it is recognized by this particular Commonwealth as the mechanism not just in the city of Philadelphia, but I would imagine throughout the Commonwealth of Pennsylvania that a number of counties have this type of mechanism to do building and construc-

tion. So it is something that this body set up in terms of when they go about the business of building in the city of Philadelphia.

Mr. LASHINGER. You are right, Mr. Speaker, but for the first time, we are combining the two concepts. We are running a project through the authority, but we are also subsidizing it with direct State appropriation, so it makes it a little different as to why you should or should not bid. If it were just the setting up of an industrial development authority for the purpose of selling tax-free bonds, then possibly I could buy that argument, but if you are running a project through an industrial development authority and also subsidizing it with a direct State appropriation, I am not sure that the general public is ready to accept the concept of no-bid contracts.

Mr. EVANS. Well, let me clarify something, Mr. Speaker. When you say subsidizing the project, the money that will be provided for demolition and site preparation is money that the city, in conjunction with the Commonwealth of Pennsylvania, has decided to use its portion of the economic development dollars to do site preparation. It would be no more different if Montgomery County was to decide, Mr. Speaker, that it wanted to use the \$17 million that the Commonwealth of Pennsylvania appropriated in this current year's budget, to decide that it wanted to do site preparation with its portion of that particular money. That would be up to the chairman, Paul Bartle, and people like yourself to try to make that decision. I share with you that the only decision that is being made here is based around the money that is, rightfully so, being provided to the city of Philadelphia and no more than that. That is the first thing.

Secondly, in terms of you expressing it being subsidized, on this particular issue, the only thing that we are saying is that the city of Philadelphia will have the ability to collect a payment in lieu of property taxes - in lieu of property taxes. Basically, we are trying to send a message to New Jersey, to Jay Snider, and to Harold Katz that this is a partnership; that although those teams reside in the city of Philadelphia, they also reside in the Commonwealth of Pennsylvania, and this will be no more different than if we were attempting to keep General Motors or Ford or Chrysler or any other company in the Commonwealth of Pennsylvania, because these teams are big business, and what we are attempting to do is to prevent New Jersey from stealing these teams from us.

Mr. LASHINGER. Mr. Speaker, your comment was interesting about we each get portions. We on the Republican side of the aisle do not get the same portion, so we do not know about the portions that are controlled by the administration.

But I think you are incorrect, and correct me if I am wrong. Two million dollars of this is not currently in the housing and community development pot. Two million dollars is going to have to come as a general appropriation next year from this General Assembly for what I will identify as the parking garage aspect of this project. Is that correct, Mr. Speaker?

Mr. EVANS. No, Mr. Speaker. My understanding, based on what the Governor has talked about—and I can only relay to you what has been relayed to me from the administration—

is that there will be a study that will include an examination of the need for feasibility in terms of the traffic. My understanding is that there has been no commitment made by this particular General Assembly to provide \$2 million. It is a proposal that the Governor has floated and has put out there and has indicated that this is something that he would like to see happen. The members of the General Assembly, on both sides of the aisle, will decide if that is acceptable based on this study. Now, that is my understanding, Mr. Speaker.

Mr. LASHINGER. Mr. Speaker, I am going to refer to a letter from Budget Secretary Hershock of December 4, at the bottom of page 2 and at the top of page 3, and I quote: "To meet the residents of the local neighborhood's immediate needs, the Governor will include in his 1990-91 Budget request an additional \$2 million to offset the cost of structured parking for more on-site parking spaces." I think it is pretty clear that it is two new million dollars for a parking garage that was never—and again, we are gaining these facts, Mr. Speaker, on a daily basis—that was never a part of the project as I understood it to be.

Mr. EVANS. Mr. Speaker, certainly you nor I can prevent the Governor from proposing ideas. We have a process that we go through. We may agree to disagree, but then we will decide to pass a budget. The Governor has written you a letter, from what I understand, saying that that is what he plans to do, to put in his budget. It would be a little difficult for me, Mr. Speaker, to speak to that issue when at this particular time we have not even arrived at that point.

Mr. LASHINGER. Mr. Speaker, but it must be a part of the Governor's total package. I cannot believe that this entire project would fly without that segment of the package being fulfilled. Would you not agree, Mr. Speaker?

Mr. EVANS. Not necessarily, Mr. Speaker.

Mr. LASHINGER. So if we do not fund the \$2 million, this project will still fly, in your opinion?

Mr. EVANS. I could not speak to that, Mr. Speaker.

Mr. LASHINGER. I have another question, Mr. Speaker. On the abatement program in the city of Philadelphia—and again, relying on facts from one of your colleagues in Philadelphia—I was told that as the 2 percent would ever rise, the way that you would drive it back to the \$2-million figure on—Let me rephrase that, Mr. Speaker. On the amusement tax, what is the current amusement tax in the city?

Mr. EVANS. Five percent.

Mr. LASHINGER. Is it true that if the amusement tax went up in the city of Philadelphia—hypothetically it went to 6 or 7 percent—that it would not go up as against this facility; it would be credited against the \$2-million construction tax?

Mr. EVANS. Correct, Mr. Speaker.

Mr. LASHINGER. So we are building a new 26,000-seat facility as opposed to a 17,200-seat facility, but we are really not going to have any—The city, at least, in its amusement tax, is not going to have a net revenue gain when it could from 5,000 or 6,000 new seats in that stadium. Is that correct, Mr. Speaker?

Mr. EVANS. Correct, Mr. Speaker. However, in New Jersey, they do not have an amusement tax in the urban enterprise zone section. And let us be very clear: If Harold Katz and Jay Snider wanted to move tomorrow, Mr. Speaker, I will be frank with you, New Jersey is probably a better deal, if you are looking at the bottom line, but because Mr. Snider and the people of Spectacor, from what has been told to me, have a commitment to the city and to the Commonwealth of Pennsylvania, they want to stay here. I would think it would be based on us to try to work in partners with the private sector to find ways of keeping these teams here in the Commonwealth of Pennsylvania.

Mr. LASHINGER. Well, I do not disagree with the speaker, but I am unsure as to why the rush. Do you know what the term is that they have left on the lease with the city currently on the Spectrum facility?

Mr. EVANS. I could not tell you what the term is, but I will share this with you, Mr. Speaker: What has been told to me is that Spectacor is waiting for some sort of signal about how serious we are in the Commonwealth of Pennsylvania about working this situation out. New Jersey's deal is on the table. They can make a decision tomorrow regarding New Jersey. We are out of session until January 23, 1990, which is over a month and a half, and clearly, that leaves New Jersey all that time to really focus and go after Spectacor.

Secondly, Mr. Speaker, the 76ers is a major tenant to Spectacor. If the 76ers decide—which is what I have read in the newspaper—that this is a better deal for them to move to south Jersey, that will be a major tenant Spectacor will lose. Spectacor has been very clear. They have said to us that there is no way they are going to allow, one, the 76ers to move; two, they have also said to us that they are not going to have another arena in New Jersey competing against their arena here in the city of Philadelphia, and if they have to—which makes good business sense—build that particular arena in New Jersey, they will build that arena in New Jersey. It is my understanding that the 76ers' lease or contract is up in 1993, which, in other words, puts Harold Katz in the position to possibly leave the Spectrum and leave the city of Philadelphia and leave the Commonwealth of Pennsylvania. So I understand from good business sense on the part of Spectacor that they are basically saying that if there is an opportunity in New Jersey for us, there is no way we are going to allow the 76ers to leave, and in back of that, there is the Philadelphia Flyers. So we have the possibility of losing two major tenants in the Commonwealth of Pennsylvania.

Again, I will repeat what I said: It would be no more different if it was General Motors or any other major corporation that is in the Commonwealth of Pennsylvania that is talking about moving. That is why we created the Sunny Day Fund. We created that particular fund to go about the business of targeting resources toward areas so that we would be in partnership to insure that we would not lose companies in the Commonwealth of Pennsylvania.

Mr. LASHINGER. I do not disagree with the speaker, but our facts tell us that the Sixers, at minimum, are bound here

for probably 5 years, Mr. Speaker, and the Flyers, or Spectacor, is still bound for 26 years. Do you dispute those facts? They have a lease with the city that does not expire for another 26 years.

Mr. EVANS. You probably know much more than I do, Mr. Speaker, on that particular issue.

Mr. LASHINGER. Mr. Speaker, can you tell me, other than the land, how many hard dollars are in this deal from the city of Philadelphia - how many actual dollars? We now can pinpoint how many Commonwealth dollars, direct contributions of capital, are in this project. How many hard dollars is the city of Philadelphia putting in this project?

Mr. EVANS. The \$3 million that is coming out of the housing redevelopment is what the city of Philadelphia is putting in the project.

Mr. LASHINGER. Are they not Commonwealth funds, Mr. Speaker?

Mr. EVANS. They are Commonwealth funds, but they are funds that the city of Philadelphia has decided they will use as their portion of the \$17-million economic development fund. They are using that money which they could use for any other economic development project in the city of Philadelphia. They are saying, with the money that is passed on to the city, that these are our dollars that we want to commit to show good faith in dealing with this deal.

Mr. LASHINGER. Let me rephrase the question. How many dollars generated from city taxes are being spent in this project?

Mr. EVANS. I could not answer that question right here, Mr. Speaker, for you.

Mr. LASHINGER. If I gave you the choices of zero, zero, and zero, would you choose one of those three, Mr. Speaker?

Mr. EVANS. I still could not answer that question for you, Mr. Speaker.

Mr. LASHINGER. Mr. Speaker, I have another question. The lease— Let me understand this. There are 55 acres involved in this site. Correct?

Mr. EVANS. Correct.

Mr. LASHINGER. What is the total lease amount being paid for the 55 acres to the city?

Mr. EVANS. \$100,000 is on the lease agreement.

Mr. LASHINGER. And the \$100,000 covers everything, so if a hotel was developed on that site or if a facility comparable to Disney World was developed on that site, the lease amount would still be \$100,000?

Mr. EVANS. I could not answer that specific question for you, Mr. Speaker.

Mr. LASHINGER. One of my colleagues asked me if that was \$100,000 per acre, Mr. Speaker.

Mr. Speaker, I will rephrase my question. It was \$100,000 for all 55 acres, no matter what?

Mr. EVANS. Correct. Repeat your question again?

Mr. LASHINGER. It was a \$100,000 land lease for all 55 acres?

Mr. EVANS. Correct. That is my understanding, Mr. Speaker.

Mr. LASHINGER. Plus now we have built this new parking facility there, at least we are contributing—in your words, if the Governor gets his way—we are contributing \$2 million for the construction of that parking garage. Again, new facts: My understanding is the revenue from that parking garage that normally might have been city revenue will now be Spectacor revenue. Is that correct, Mr. Speaker?

Mr. EVANS. Correct, Mr. Speaker.

Mr. LASHINGER. So we have surrendered what we used to gain, or at least what the city used to gain in parking revenue we are now giving to the entity that we are subsidizing the construction for.

Mr. EVANS. Correct, Mr. Speaker, and that answers your question about the hard dollars that the city of Philadelphia is contributing to the project, first.

Secondly, Mr. Speaker, I would like to give you some clarity on something that has just been relayed to me. My understanding is that based on that issue you raised about the convention center and convention center hotel, that this language would not affect this particular bill, that the Marriott Hotel will be paying property taxes on that building, and that the convention center is a public building and it is not tax exempt.

Mr. LASHINGER. We are going backwards here, Mr. Speaker. You are telling me for the first time that they are not tax exempt? The convention center will pay the new 2-percent construction tax?

Mr. EVANS. My mistake. The convention center public building is tax exempt. My mistake, Mr. Speaker.

Mr. LASHINGER. Carrying that logic through, Mr. Speaker, you have now got a \$100,000 land lease for 55 acres. You tell me that the 2-percent construction tax does not apply to a new hotel, a Disney World, whatever is built on that 55 acres because it is not used for what you call professional and amateur sports. Correct, Mr. Speaker?

Mr. EVANS. My understanding, Mr. Speaker, is that it only pertains to the arena itself first, and any other development in the site will pay full property taxes.

Mr. LASHINGER. So assuming it is not even Spectacor but it is a reputable corporation in Pennsylvania and we have done well by the company, but what I am trying to do is analyze the situation. So they could develop the balance of that 55 acres for \$100,000 per year land lease and never pay a dime under this new construction tax for any of the additional facilities that are built because they do not house professional or amateur sports.

Mr. EVANS. That is not my understanding, Mr. Speaker. We are only talking about the issue of the arena first. We should be clear it is a narrow issue around the question of the arena. The rest of the area that is developed is subject to the property tax. They will not be exempt from paying the property tax, Mr. Speaker. I want to make that emphatically clear.

Mr. LASHINGER. Just a couple of other minor questions, Mr. Speaker.

One of the cost figures that has come up is for moving this what I will call, because I have seen it physically, this bubble

facility that the Philadelphia Eagles play in. Is that part of the package, Mr. Speaker?

Mr. EVANS. Yes, it is, Mr. Speaker.

Mr. LASHINGER. What is the price figure for that?

Mr. EVANS. \$1.5 million, Mr. Speaker, to move the Eagles' site practicing field. Now that we have a winning team that is going to the Super Bowl, I certainly know that you want to make sure that we are there.

Mr. LASHINGER. Well, I hope their fans get their act together, Mr. Speaker, before we go to the Super Bowl.

The \$1.5-million price tag surprises me. My notion has always been that that is a temporary facility. It is something that goes up in the fall and the winter and comes down in the spring and the summer. Is it \$1.5 million for new land to put that on? Is it \$1.5 million to actually pick it up and move it? What does that \$1.5 million cover?

Mr. EVANS. My understanding, Mr. Speaker, is basically it allows the removal of that particular area to another site.

Mr. LASHINGER. So it is \$1.5 million to move that existing facility to another—

Mr. EVANS. Which is a one-shot deal, the \$1.5 million.

Mr. LASHINGER. Mr. Speaker, do you know if the company has signed an option on the Jersey property yet, which is the waterfront property in New Jersey that we are bidding, the creation that we are bidding against?

Mr. EVANS. No, I do not know that, Mr. Speaker, if they have signed an option, but I do know one thing. I do know that New Jersey has expressed that if Spectacor is serious about coming to New Jersey, they will give them— They want 45 days of uninterrupted negotiations between New Jersey and Spectacor. I know that once they take that action, we as the Commonwealth of Pennsylvania, as well as the city of Philadelphia, will not be able to involve ourselves in that negotiation. So you can imagine, for 45 days uninterrupted it will give Spectacor or at least New Jersey a great opportunity to try to grab these teams.

Also, Mr. Speaker, I want to comment on something else. The payment of \$100,000 a year that I talked to you about the land lease will increase annually by \$5,000 to the city as a lease payment for the area land.

Mr. LASHINGER. So it will be \$105,000 at the end of year one.

Mr. EVANS. Yes, and it will increase \$5,000 annually to the city as a lease payment for the area land.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, a question probably relevant to you. Since you have \$6.5 million in what I have, again, only read in the press that you call the housing and community development discretionary fund, here we are, we are 6 months into this fiscal year. There is \$6.5 million sitting in the city of Philadelphia and the Governor has said to us that—

The SPEAKER. Will the gentleman suspend?

The Chair has been quite lenient with the debate that is going on because this is an important matter. However, for the past half hour I have been having very much difficulty understanding how the debate is debate on the amendment.

The amendment before us provides a method, an allowance that Philadelphia be allowed to collect in lieu of taxes, and I think many of the things that we are talking about now have nothing to do with the question that is before the House in this amendment.

I would ask all speakers on both sides of the issue to confine their remarks to the amendment before us.

Mr. LASHINGER. Mr. Speaker, that is the end of my questioning. I would ask permission to make a few brief comments in closing.

The SPEAKER. The gentleman is in order.

Mr. LASHINGER. Thank you, Mr. Speaker.

Mr. Speaker, some of the things that Representative Evans said today I agree with and we applaud. My only concern is it is now Monday the 11th. We are getting facts as we go concerning what the net effect of what we are doing here today in this amendment actually does. I do not think there is anyone in this room who would say let the Sixers or the Flyers go. Instead, what we would like to find out is exactly at what price we are keeping them, not only in the city of Philadelphia but in the State of Pennsylvania. A number of us on other related projects have heard from the city of Philadelphia that it is regional in nature and that the Sixers and Flyers are a gem that belong to the entire Commonwealth. Well, we heard that about a number of funding projects that involve the city of Philadelphia.

I think that this is \$6.5 million that is a part of the package. There is no denying that accompanying this in-lieu-of-property-taxes construction payment, there is another part of this package that makes it possible to go forward with the construction of this new facility. What we are doing today by approving this portion is saying, take \$6.5 million from housing and community development when we have a number of people in the city of Philadelphia sleeping on the streets; we have people who cannot afford houses; we are running housing bills that we say we cannot fund, but we are willing to do it to promote the construction of a new facility that we are not sure exactly is a good deal for the Commonwealth of Pennsylvania.

The bottom line, Mr. Speaker: Representative Evans has not convinced me that the city of Philadelphia has put up its fair share for this project. The answer to the question as to what amount of hard dollars from the city of Philadelphia was being used as part of this economic development package, the answer was zero. The Commonwealth is being asked to put up a total of \$8.5 million, no denying that those are General Fund dollars, whether designated for housing and community development or not.

The other part of my concern is, though it says 2 percent of the costs of the project, the drafters of the language are very careful in saying "...2% of the costs of the project as are agreed to by the city and the facility developer prior to the commencement of construction...." It would have been more honest if the drafters of the amendment would have put in \$2 million, because it is not, no matter which way you slice it, it is not 2 percent of the total construction cost, and I do not

think that is fair, Mr. Speaker. If it is 2 percent, it is 2 percent. If it is \$2 million, then it should say \$2 million. So there is really not the contribution back that we have been led to believe.

I, as so many others, would be happy, and I believe this after having caucused on this today, Mr. Speaker, there are so many on our side of the aisle who would like to work out this issue, to work in cooperation on this issue, but when we got the memo concerning this amendment at our homes on Saturday and had between sometime Saturday when the mail arrived or for some today when the mail arrived and now 5:30 in the evening here on Monday to make decisions concerning this project, I do not think it shows much in the way of cooperation when we have been negotiating against the State of New Jersey for months. The administration had months to get this type of package to us and failed, and here we are being asked to vote it in less than a 24-hour period. I do not think that is fair to our constituents, Mr. Speaker. Thank you.

The SPEAKER. Prior to calling on the next speaker, the Chair would like to turn the gavel over temporarily to Representative Wambach to preside temporarily for the Speaker.

THE SPEAKER PRO TEMPORE (PETER C. WAMBACH) IN THE CHAIR

The SPEAKER pro tempore. The Chair recognizes the lady, Representative Hagarty, from Montgomery, on the amendment.

Mrs. HAGARTY. May I yield to Representative Evans for one minute, not more?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. EVANS. I would like to make some clarification of some statements that were made by my colleague, Mr. Speaker, in a number of areas, because I think this is important for it to be put on the record.

The issue that my colleague raised about the housing and the redevelopment funds, I share with you, was naturally a troubling issue, not just for people like yourselves but for all of my colleagues here on this particular side of the aisle.

However, Mr. Speaker, if you look at this current year's budget, there was \$37 million appropriated for the redevelopment and housing fund. Of that \$37 million, \$20 million was geared towards housing, \$17 million was geared towards economic development. The city of Philadelphia has drawn down all of the available housing money that it can receive of that line item in terms of \$20 million, which was \$4 million. That is the first thing I want to put on the record for clarification.

Number two, the \$17 million is economically driven. The city of Philadelphia, like any particular county throughout the Commonwealth of Pennsylvania, has a right to take advantage of that particular money that is available to them. The city has chosen, in conjunction with the Commonwealth of Pennsylvania, to use that \$3 million for site preparation, environmental cleanup, and what we believe is a very important goal of protecting two major items, two major teams, in

the Commonwealth of Pennsylvania. As I repeat myself, it would be no more different than if General Motors or Ford or Chrysler were moving out of the Commonwealth of Pennsylvania.

Number three, in terms of what you expressed about the city not putting up hard dollars, the parking revenue the city of Philadelphia is committing over the life of the project towards this particular project, those are hard dollars that the city of Philadelphia is putting up. I want to be very clear.

The other thing that I will express to you, Mr. Speaker, is that the only thing that we are asking here is that we vote on an amendment which would allow the city of Philadelphia to receive payment in lieu of taxes, that the rest of the information that you have heard here is not something that this particular General Assembly will have to vote on, but it is no more than providing the information to this General Assembly as partners in this process. We believe—and I am sorry that I was not able to convince you, Mr. Speaker—that this is in the interest of the Commonwealth of Pennsylvania and that it is about protecting revenue. New Jersey does not have any problem with the idea of making available to their particular area to attract these teams to south Jersey, so I think it is good business sense and good economic sense for us to do that.

I would like to thank my colleague from Montgomery County for yielding some time. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the question of the amendment, the Chair returns to the lady from Montgomery County, Representative Hagarty.

Mrs. HAGARTY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to comment both on the prior remarks on the floor and I think the sense that I have heard as we have moved toward today and making a proposal so that our sports teams would consider staying in the Commonwealth.

It has been interesting to me as a nonsportsfan that this issue has not been viewed strictly in terms of dollars and cents. When I first heard what this proposal was, it seemed to me eminently reasonable, under no stretch of the imagination a giveaway, and certainly not even competitive with New Jersey, and so I viewed it certainly as something that the Commonwealth would want to do.

The reason I think that there has been some sense of reluctance is because of what I have sensed from people I have spoken to. Some of that surrounds anger toward the city of Philadelphia; some of that surrounds anger toward these sports team owners for their disloyalty, anger which may well be justified; and others are angry because they fear that owners of wealthy corporations will get richer than they are now. All of those sentiments are understandable and all of those emotions are fair. However, I want to speak today not on emotion but an issue that I see strictly as an economic development, strictly as a bottom-line issue, because I am not emotional about these sports teams.

The dollars I do not think are confusing. I do not think the figures are changing from day to day, and I do not think we are in a position where we do not have the answer. The dollars

are clear. We are giving the city the right to earn \$2 million a year from the construction tax. We are all in favor of the city of Philadelphia raising more money on its own. This will enable them to do that.

Secondly, Representative Lashinger raised the issue of what the city was giving up. He wants to know what the city's share is, and I suggest that the city is participating very fairly in this. The city is giving up, I am told, an estimated \$2 million in parking revenues a year, as well as the development rights to some 55 additional acres adjacent to this parcel. They are giving that up because they hope that those development rights will be used to develop a project which will bring in tax revenues to this city that needs tax revenues.

In exchange for that, this Commonwealth is committing over a 3-year period \$8 1/2 million. Let us look at when the Commonwealth will make that up and whether in fact this is a good investment.

The Commonwealth now receives approximately \$2 million a year. We receive this from corporate net income tax, from personal income tax; we receive it from sales tax revenue from the concession items - the baseball hats and banners and pencils - from wages and salaries of players and others. So we would give up that \$2 million a year if these teams move to New Jersey.

Secondly, during this period of construction, it is estimated that we will receive sales tax in the amount of \$2.4 million a year. That is because the cost of the arena, estimated at \$100 million, which Spectacor is paying, \$40 million will be spent on construction materials and approximately \$30 million on wages and salaries. This translates into sales tax. This also translates into an additional \$.6 million from personal income tax from constructing the arena.

Therefore, with lost revenues and with the additional revenues to this Commonwealth, over a 3-year period the total revenue estimated is \$9 million; we are spending \$8.5 million. That bottom line seems clear to me. This Commonwealth recoups over the same 3-year period more than it put in during the period in which it was spending the money. I do not have the projections, but under any theory of economic multipliers, the indirect benefit to our businesses, restaurants, and hotels must be very significant if we keep these sports teams here.

I want to add another point as a suburban legislator. I live in a district which is adjacent to Philadelphia, in which many people work in Philadelphia and visit Philadelphia. It is important to our people that the morale, the optimism remain with Philadelphia. It is important to our region, and I believe that if we simply sit on our hands and allow New Jersey to make an attractive offer without even countering with a modest, reasonable proposal, that the people of our region have a right to lose confidence in this city and this Commonwealth with our spirit, with our energy, and with our effort to keep up with economic development.

Mr. Speaker, this is an economic development issue. If we were considering spending \$8.5 million to leverage \$100 million in private investment in a nonemotional area, we

would be quick and ready to do it, because that is how we proceed today. This is what cities and States are positively saying to people. We want government to join with private industry. We want the role of government to be the catalyst in economic development, and that is what this is. This is government being the catalyst for economic development.

I urge a "yes" vote on this modest proposal to keep our sports teams and this economic development project in Pennsylvania. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair now returns the gavel to the Speaker of the House with his thanks.

THE SPEAKER (JAMES J. MANDERINO) IN THE CHAIR

The SPEAKER. The Chair thanks Representative Wambach for temporarily presiding.

From Cambria County, on the question of the amendment, Representative Wozniak is recognized.

Mr. WOZNIAK. Thank you, Mr. Speaker.

I rise to support this particular amendment. I think that, not to belabor the issue, but this is a Pennsylvania issue. It happens to be in southeast Pennsylvania. It happens to be in Philadelphia. The argument, as expressed to us in caucus, is not one that it is going to cost the Commonwealth of Pennsylvania any money. It will cost the Commonwealth tons of money if we lose our major teams to New Jersey. I think that the gentleman from Philadelphia has explained it very well, and I think the issue is particularly this one amendment.

Now, the argument might be made, if they come back at a later date and ask for money and say, we need this to close the deal, perhaps then we can have a legitimate argument to oppose it, but at this moment in time I think that the Philadelphia delegation, the city, the private sector have been negotiating in good faith, and I think there is a strong commitment for the teams and the owners to remain in Pennsylvania.

Now, I might be a Steelers fan and people are Eagles fans and how it goes round, but I think this is a fair, well-thought-out effort, and for one time I think it deserves the support of the majority of this House from all four corners of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the gentleman from Montgomery County, Mr. Lashinger, is recognized for the second time.

Mr. LASHINGER. Thank you.

Mr. Speaker, real briefly. I would not have taken the microphone the second time if I had not caught something that Representative Evans said that deeply concerns me. As I look around the room, I look at Representatives Harper and Richardson and Carn and so many others and Representatives Kukovich and DeWeese who have housing packages pending before this General Assembly. I just heard for the first time that the Governor unilaterally took \$17 million out of \$37 million that we put into housing for the city of Philadelphia and is now using \$17 million that has unilaterally been decided

to take \$17 million of \$37 million and use it for what is considered economic development. Maybe the compromise is to house those who cannot afford houses and are the homeless in the city of Philadelphia who are being beat up from the city of Pittsburgh administration and the city of Philadelphia administration, maybe we should put them in the superboxes that we are going to build for these people at this new facility. Maybe that is a compromise. Maybe we can put them there. But to take \$17 million that I thought went to housing and to funnel it into this project, then when your projects come before us for housing, for affordable housing, then I think you should consider what you did today in approving this project. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, Representative Linton from Philadelphia is recognized.

Mr. LINTON. Mr. Speaker, I just want to make sure that in reference to the latest comments from my colleague, no one in this House feels more strongly about the need for housing than the members of the Philadelphia delegation, and we have raised a number of questions regarding this proposal in relationship to the line item that the funds are coming out of. It is clear to us that housing dollars for the city of Philadelphia will not be affected by the proposal that is before us, and unfortunately, it is an effort to misguide the members of this caucus and try to frame the issue in a political sense so that it would appear that we are in fact voting housing dollars. We are not. We had statements from the head of Housing, Ed Schwartz, which indicate that the city has drawn down its dollars for housing. This does not affect the city of Philadelphia's housing.

As Representative Hagarty has said, this is an economic development project and it comes out of that line item. Therefore, I can stand with some sense of confidence to see that this is a win-win deal for the city of Philadelphia, but more importantly, it is a win-win deal for the Commonwealth of Pennsylvania versus the State of New Jersey.

This should be an affirmative vote by everybody in this House. Thank you very much, Mr. Speaker.

On the question recurring,

Will the House agree to the amendments?

The following roll call was recorded:

YEAS—144

Angstadt	Dombrowski	Lloyd	Ritter
Barley	Dorr	Lucyk	Robinson
Battisto	Evans	McCall	Roebuck
Belardi	Farmer	McHale	Rudy
Belfanti	Fee	McNally	Rybak
Billow	Flick	McVerry	Saloom
Bishop	Foster	Maine	Saurman
Blaum	Fox	Markosek	Scheetz
Bortner	Freeman	Marsico	Schuler
Bowley	Gamble	Mayernik	Scrimenti
Boyes	George	Melio	Snyder, D. W.
Brandt	Gigliotti	Michlovic	Staback
Broujos	Godshall	Moehlmann	Steighner
Bunt	Gruitza	Morris	Stish
Burd	Hagarty	Mowery	Strittmatter
Burns	Haluska	Mrkoncic	Stuban
Bush	Harper	Murphy	Tangretti
Caltagirone	Hayden	Nahill	Taylor, F.
Cappabianca	Heckler	Nailor	Taylor, J.

Carn	Hershey	O'Brien	Tigue
Cawley	Hughes	O'Donnell	Trello
Cessar	Itkin	Olasz	Trich
Chadwick	Jackson	Oliver	Van Horne
Clark, B. D.	James	Perzel	Veon
Clark, J. H.	Jarolin	Pesci	Vroon
Cohen	Josephs	Petrarca	Wambach
Colafella	Kaiser	Petrone	Weston
Cole	Kasunic	Piccola	Williams
Cornell	Kenney	Pievsky	Wilson
Corrigan	Kondrich	Pistella	Wogan
Cowell	Kosinski	Pressmann	Wozniak
Coy	Kukovich	Preston	Wright, D. R.
DeLuca	LaGrotta	Reber	Wright, R. C.
DeWeese	Laughlin	Reinard	
Daley	Lescovitz	Richardson	Manderino,
Dempsey	Levdansky	Rieger	Speaker
Dietterick	Linton		

NAYS—51

Adolph	Fairchild	Jadlowiec	Robbins
Allen	Fargo	Johnson	Ryan
Argall	Fleagle	Langtry	Semmel
Birmelin	Freind	Lashingner	Serafini
Black	Gallen	Lee	Smith, B.
Carlson	Gannon	Leh	Smith, S. H.
Civera	Geist	Merry	Snyder, G.
Clark, D. F.	Gladeck	Micozzie	Stairs
Clymer	Gruppo	Miller	Taylor, E. Z.
Davies	Hasay	Noye	Telek
Distler	Hayes	Phillips	Wass
Donatucci	Herman	Pitts	Wright, J. L.
Durham	Hess	Raymond	

NOT VOTING—5

Acosta	Howlett	Maiale	Thomas
Colaizzo			

EXCUSED—3

Dininni	Letterman	Yandrisevits
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The question was determined in the affirmative, and the amendments were agreed to.

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The gentleman from Berks County, Representative Davies, is recognized on final passage of the bill.

Mr. DAVIES. Thank you, Mr. Speaker.

Mr. Speaker, this bill reminds me somewhat of the Volkswagen deal. Look where we are today on that boondoggle. Volkswagen has closed down and left the Commonwealth without the promise that the Shapp administration made for regional economic development. We are asked to buy the same sort of deal, only this time our competition is New Jersey instead of the other States that were in the field on the Volkswagen plant. The Sniders and Katzes will make any move they want if New Jersey ups the ante. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

YEAS—151

Angstadt	Dempsey	Lescovitz	Robinson
Barley	Dietterick	Levdansky	Roebuck
Battisto	Distler	Linton	Rudy
Belardi	Dombrowski	Lloyd	Rybak
Belfanti	Donatucci	Lucyk	Saloom
Billow	Dorr	McCall	Saurman
Birmelin	Evans	McHale	Scheetz
Bishop	Farmer	McNally	Schuler
Blaum	Fee	McVerry	Scrimenti
Bortner	Flick	Maine	Semmel
Bowley	Foster	Markosek	Snyder, D. W.
Boyes	Fox	Marsico	Staback
Brandt	Freeman	Mayernik	Steighner
Broujos	Gamble	Melio	Stish
Bunt	George	Michlovic	Strittmatter
Burd	Gigliotti	Moehlmann	Stuban
Burns	Godshall	Morris	Tangretti
Bush	Gruitza	Mowery	Taylor, E. Z.
Caltagirone	Hagarty	Mrkonic	Taylor, F.
Cappabianca	Haluska	Murphy	Taylor, J.
Carlson	Harper	Nahill	Tigue
Carn	Hayden	O'Brien	Trello
Cawley	Heckler	O'Donnell	Trich
Cessar	Hershey	Olasz	Van Horne
Chadwick	Hughes	Oliver	Veon
Clark, B. D.	Itkin	Perzel	Vroon
Clark, J. H.	Jackson	Pesci	Wambach
Clymer	James	Petrarca	Weston
Cohen	Jarolin	Petrone	Williams
Colafella	Josephs	Piccola	Wilson
Colaizzo	Kaiser	Pievsky	Wogan
Cole	Kasunic	Pistella	Wozniak
Cornell	Kenney	Pressmann	Wright, D. R.
Corrigan	Kondrich	Preston	Wright, J. L.
Cowell	Kosinski	Reinard	Wright, R. C.
Coy	Kukovich	Richardson	
DeLuca	LaGrotta	Rieger	Manderino,
DeWeese	Laughlin	Ritter	Speaker
Daley			

NAYS—45

Adolph	Gallen	Langtry	Raymond
Allen	Gannon	Lashingner	Reber
Argall	Geist	Lee	Robbins
Black	Gladeck	Leh	Ryan
Civera	Gruppo	Merry	Serafini
Clark, D. F.	Hasay	Micozzie	Smith, B.
Davies	Hayes	Miller	Smith, S. H.
Durham	Herman	Nailor	Snyder, G.
Fairchild	Hess	Noye	Stairs
Fargo	Jadlowiec	Phillips	Telek
Fleagle	Johnson	Pitts	Wass
Freind			

NOT VOTING—4

Acosta	Howlett	Maiale	Thomas
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EXCUSED—3

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

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

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, all remaining bills on the calendar and all resolutions not heretofore passed over will go over in order, including those matters passed over temporarily earlier in the day. The Chair hears no objection to that proposition.

HEALTH AND WELFARE COMMITTEE MEETING

The SPEAKER. There are a number of committee meetings that chairmen would like to call.

The Chair recognizes the Health and Welfare Committee chairman, Representative Richardson from Philadelphia.

Mr. RICHARDSON. At the rear of the House, Mr. Speaker, to report some bills.

The SPEAKER. In the rear of the House, the Health and Welfare Committee will meet at this time.

CONSERVATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the Conservation Committee chairman, Representative George from Clearfield.

Mr. GEORGE. Mr. Speaker, I would like to call a meeting of the Conservation Committee at 9:30 a.m. in the majority caucus room, sir.

The SPEAKER. In the majority caucus room tomorrow the Conservation Committee will meet.

RULES COMMITTEE MEETING

The SPEAKER. The Rules Committee will meet at the majority leader's desk at this time.

MILITARY AND VETERANS AFFAIRS COMMITTEE MEETING

The SPEAKER. The Military and Veterans Affairs Committee will meet in the rear of the House at this time, called by the chairman, Representative Mrkonic.

COMMITTEE MEETING CANCELED

The SPEAKER. Representative Lloyd from Somerset County is recognized. For what purpose does the gentleman rise?

Mr. LLOYD. Mr. Speaker, the Professional Licensure Committee was scheduled to meet tomorrow morning at 10:30. Because of a conflict with caucuses, that meeting will be canceled and will be called off the floor at the first recess tomorrow. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER. The chairman of the Democratic caucus, Representative Itkin, is recognized.

Mr. ITKIN. Mr. Speaker, for the information of the Democratic members, there will be a caucus tomorrow morning beginning at 10 o'clock in the majority caucus room.

The SPEAKER. At 10 a.m. tomorrow morning, the Democrats will be in caucus in the majority caucus room.

REPUBLICAN CAUCUS

The SPEAKER. Representative Hayes, the minority whip, is recognized.

Mr. HAYES. Thank you, Mr. Speaker.

Representative Noye, our caucus chairman, has announced that there will be a Republican caucus commencing at 10 a.m. tomorrow morning.

The SPEAKER. Both Republicans and Democrats will caucus at 10 a.m. tomorrow morning in their respective caucus rooms.

VOTE CORRECTION

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

Mr. FREIND. Thank you, Mr. Speaker.

When we voted HB 855, my switch failed to operate. I would like to be recorded in the affirmative. Thank you.

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

CONFERENCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative O'Donnell from Philadelphia, the majority leader.

Mr. O'DONNELL. Thank you, Mr. Speaker.

I would like to call a meeting of the Committee of Conference on HB 121 tomorrow morning at 10 a.m. in my office. Thank you.

The SPEAKER. At 10 a.m. members of the Committee of Conference on HB 121 will meet in the majority leader's office.

COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes Representative Harper from Philadelphia.

Mrs. HARPER. Thank you, Mr. Speaker.

The Urban Affairs Committee is supposed to meet tomorrow morning at 10. Instead, we will call a meeting off the floor. Thank you.

The SPEAKER. The Urban Affairs meeting scheduled for 10 a.m. tomorrow morning has been canceled. There will be an announcement for a meeting off the floor of that committee tomorrow.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Mr. Speaker, I would like to submit these remarks for the record.

The SPEAKER. The gentleman will send his remarks to the desk.

Mr. BUNT submitted the following remarks for the Legislative Journal:

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the Members of the Pennsylvania House of Representatives the name of Steven Kucharski, who has recently been awarded Scouting's highest honor — Eagle Scout.

Mr. Speaker, on November 25, 1989, Steven Kucharski was officially recognized in an induction ceremony as an Eagle Scout.

Mr. Speaker, I would like to read to the Members of the House of Representatives the following Citation of Merit honoring Steven Kucharski:

WHEREAS, Steven Kucharski has earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 113, Trappe, PA.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Steven Kucharski on the occasion of his being honored with the Eagle Scout Award, commends him on the outstanding work he has done to earn this coveted honor, and wishes him continued success in the future.

Mr. Speaker, it is my pleasure that I place in the Legislative Journal the name of Steven Kucharski.

ANNOUNCEMENT BY MR. FREEMAN

The SPEAKER. The Chair recognizes Representative Freeman from Northampton County.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, the meeting of the Democratic study group that was scheduled for today has been canceled. We will reschedule at a later date.

The SPEAKER. The Democratic study group meeting has been canceled for today, and it will be rescheduled.

Is there any other business to come before the House at this time?

Any business from the majority party? The indication is in the negative. Any business from the minority party? The indication is in the negative.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1332, PN 1681

By Rep. OLIVER

An Act providing for the alteration of election districts; and conferring powers and duties upon county boards of elections and the Bureau of Commissions, Elections and Legislation.

STATE GOVERNMENT.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 233, PN 2843 (Concurrent)

By Rep. O'DONNELL

Designating the week of December 10, 1989, through December 16, 1989, as "National Drunk and Drugged Driving Awareness Week."

RULES.

HR 238, PN 2894

By Rep. O'DONNELL

Memorializing the Commonwealth's school districts to commence the fall term of school no earlier than the day after the observance of Labor Day.

RULES.

BILLS ON CONCURRENCE REPORTED FROM RULES COMMITTEE

HB 268, PN 2659

By Rep. O'DONNELL

An Act amending the act of November 30, 1967 (P. L. 658, No. 305), known as the "Business Improvement District Act of 1967," authorizing cities of the second class to finance services within business improvement districts.

RULES.

HB 1774, PN 2792

By Rep. O'DONNELL

An Act amending the act of May 21, 1943 (P. L. 571, No. 254), known as "The Fourth to Eighth Class County Assessment Law," further providing for appeals from assessments when there has been a countywide revision of assessments.

RULES.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 627, PN 1802 (Amended)

By Rep. MRKONIC

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for special State duty and for veterans' litigation awards; further providing for activation of the Pennsylvania National Guard; and making an appropriation.

MILITARY AND VETERANS AFFAIRS.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 627 and SB 1332, which presently are on the tabled calendar, be removed from the tabled calendar and placed on the active calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 1332 and SB 627 be recommitted to the Appropriations Committee.

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

ANNOUNCEMENT BY MINORITY LEADER

The SPEAKER. The gentleman, Mr. Ryan, the minority leader, is recognized.

Mr. RYAN. Mr. Speaker, I am making this announcement in hopes that the squawk boxes are on in the various offices of the Republican members.

It is my understanding that they have been notified that we will caucus tomorrow morning at 10 o'clock, and there is a good chance that that caucus will include a possible insurance reform package to be reviewed at that time. So I am strongly suggesting that the secretaries tell their members, if they can hear this announcement, to be there at that 10 o'clock caucus. Thank you, Mr. Speaker.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED**

SB 917, PN 1349 By Rep. RICHARDSON

An Act providing for the establishment and operation of regional poison control centers throughout this Commonwealth; imposing powers and duties on the Department of Health; and providing for funding.

HEALTH AND WELFARE.

SB 1163, PN 1803 (Amended)

By Rep. RICHARDSON

An Act providing for confidentiality of certain records; providing for the authorized sharing of certain information; providing for written consent prior to an HIV-related test; providing for civil immunity for certain licensed physicians; and creating a civil cause of action.

HEALTH AND WELFARE.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 917 and SB 1163 be taken from the table and placed on the active calendar.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. O'DONNELL. Mr. Speaker, I move that SB 1163 and SB 917, now on the active calendar, be recommitted to the Appropriations Committee.

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

ADJOURNMENT

The SPEAKER. The Chair is about to take the adjournment motion. The Chair recognizes, from Wyoming County, Representative Kenneth Lee.

Mr. LEE. Mr. Speaker, I move that this House do now adjourn until Tuesday, December 12, 1989, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 6:25 p.m., e.s.t., the House adjourned.