

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, DECEMBER 10, 1997

SESSION OF 1997

181ST OF THE GENERAL ASSEMBLY

No. 66

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

PRAYER

REV. WILLIAM A. MILLER, Chaplain of the House of Representatives and pastor of United Methodist Church, Schaefferstown, Pennsylvania, offered the following prayer:

Our Father, guide us this day into paths of useful service, and give us the will to serve You in every place of need. Let us not forget our responsibility to the whole body of our people. Give us a sense of belonging, one to another, despite our nationalities or our races or our religion. Let Your peace come to our earth, and cause men and nations to live in justice and harmony with freedom for all.

In all our duties and tasks of life, give us the confidence of Your presence. When we are discouraged, give us a new heart and a new spirit. When we are tired, help us to find new strength, and when we are afraid, restore our confidence in Your power and Your purpose for our lives. May we serve You, Father, by being Your people in service to all who need us.

Bless these our leaders in government and their families. Direct and bless the business at hand this day that it may have a good and positive influence on all our people. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, December 9, 1997, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER pro tempore. However, the Chair notes that the Journals for Tuesday, May 13, 1997, and Wednesday, May 14, 1997, are in print, and, without objection, they will be approved. The Chair hears no objection.

SUBCOMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sather, for the purpose of announcing a meeting. Mr. SATHER. Thank you, Mr. Speaker.

I would like to call an immediate meeting at the rear of the House of the Subcommittee on Youth; the Aging and Youth Committee's Subcommittee on Youth. We will have a very brief meeting. It is important that we have this session. Thank you very much, Mr. Speaker.

COMMUNICATION FROM LEGISLATIVE BUDGET AND FINANCE COMMITTEE

The SPEAKER pro tempore. The Chair acknowledges receipt from the Legislative Budget and Finance Committee of the performance audit of the Children's Trust Fund submitted pursuant to HR 50.

(Copy of report is on file with the Chief Clerk.)

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned HB 13, PN 2583; HB 440, PN 2689; HB 441, PN 2579; HB 959, PN 2660; HB 1065, PN 2687; and HB 1345, PN 2662, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

AMENDED SENATE BILLS RETURNED FOR CONCURRENCE AND REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to SB 538, PN 1533; and SB 631, PN 1534.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

SENATE MESSAGE

**HOUSE AMENDMENTS
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1412, PN 2655.**

SENATE MESSAGE

**HOUSE RESOLUTION
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 52, PN 452.**

GUESTS INTRODUCED

The **SPEAKER** pro tempore. The Chair would like to welcome two guests who are visiting with us today. We have Belinda Ko and Abraham Fong. They are medical students from the Hershey Medical School. They are here today as guests of Representative Pat Fleagle, and they are seated to the left of the Speaker. Would they please rise. Welcome to the hall of the House.

LEAVES OF ABSENCE

The **SPEAKER** pro tempore. The Chair recognizes the Democratic whip, the gentleman from Allegheny County, Mr. Itkin, who requests a leave for today's session for the gentleman from Philadelphia, Mr. **JAMES**; the gentleman from Mercer County, Mr. **GRUITZA**; the lady from Philadelphia County, Representative **WASHINGTON**; the gentleman from Philadelphia County, Mr. **CARN**; the gentleman from Delaware County, Mr. **KIRKLAND**; the gentleman from Philadelphia County, Mr. **EVANS**; the gentleman from Schuylkill County, Mr. **LUCYK**; and the gentleman from Philadelphia County, Mr. **KELLER**. Without objection, the leaves will be granted. The Chair hears no objection.

The Chair understands from the gentleman, Mr. Snyder, that there are no requests for Republican leave today.

The Chair returns to leaves of absence and notes the presence of the gentleman, Mr. Lucyk, in the hall of the House.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert

Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colaella	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan, Speaker
DeWeese	Maitland	Saylor	
DiGirolamo	Major	Schroder	

ADDITIONS—0

NOT VOTING—0

EXCUSED—8

Cam	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

LEAVE ADDED—1

Williams, C.

SUBCOMMITTEE MEETING

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

Mr. **SATHER**. Mr. Speaker, for the purpose of those who were not in the chamber at that time when I made the announcement, there is an immediate meeting of the Youth Subcommittee in the rear of the hall for very brief business that we have to conduct. Thank you very much.

The **SPEAKER** pro tempore. The gentleman, Mr. Sather, calls for an immediate meeting of the Youth Subcommittee of the Aging and Youth Committee in the rear of the hall of the House.

Mr. GEIST. Mr. Speaker?

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

Mr. GEIST. A question to the Chair, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. GEIST. Since it is snowing so hard in the west, Mr. Speaker, could you give us an idea how long we are going to be in session?

The SPEAKER pro tempore. That question might better be addressed to the majority leader or his staff.

HOUSE BILLS

INTRODUCED AND REFERRED

No. 2051 By Representatives BAKER, GEIST, McNAUGHTON, BELFANTI, BUNT, READSHAW, DIGIROLAMO, B. SMITH, STABACK, SAYLOR, SCHRODER, ADOLPH, DRUCE, HUTCHINSON, ITKIN, MAJOR, MARSICO, MILLER, NAILOR, PIPPY, WALKO, LAUGHLIN, LEDERER, TRELLO, GIGLIOTTI, ARGALL, BATTISTO, DEMPSEY, DENT, ZUG, DALEY, BELARDI, COLAFELLA, FEESE, HERSHEY, ROSS, YOUNGBLOOD, DALLY, LYNCH, LUCYK, MANDERINO, HALUSKA, DeLUCA, HESS, SAINATO, BARD, ROONEY, SEYFERT, C. WILLIAMS, SCHULER and WOJNAROSKI

An Act designating a welcome center along Route 15 in Tioga County the John Heinz Memorial Welcome Center.

Referred to Committee on TRANSPORTATION, December 10, 1997.

No. 2052 By Representatives HERMAN, FAIRCHILD, HUTCHINSON, CURRY, BENNINGHOFF, TANGRETTI, NICKOL, PRESTON, SCHULER, STERN, LAUGHLIN, GEORGE, BAKER, OLASZ, DeWEESE, COY, TRELLO, B. SMITH, HENNESSEY, BELFANTI, BELARDI, COLAFELLA, McNAUGHTON, LUCYK, MANDERINO, COWELL, TIGUE, PETRARCA, M. COHEN, SURRA, TULLI, PESCI, ROSS, CORRIGAN, HANNA, STABACK, SAINATO, BARD, E. Z. TAYLOR and STEELMAN

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for contributions for creditable State service, for nonschool service, for incomplete payments, for annuity termination, for regulations and procedures, for member contributions, for payroll deductions, for elections of members, for multiple service status, for duties of employers, for creditable non-State service, for purchase of credit, for incomplete payments, for termination of annuities, for regulations and procedures, for member contributions, for duties of board and heads of departments and for election as multiple service member.

Referred to Committee on STATE GOVERNMENT, December 10, 1997.

No. 2053 By Representatives BELARDI, STABACK, JAROLIN, DeWEESE, SURRA, EVANS, ITKIN, DALEY, LAUGHLIN, CALTAGIRONE, BUNT, CURRY, HASAY, WOGAN, MELIO, PETRARCA, BATTISTO, C. WILLIAMS, KENNEY, BAKER, YOUNGBLOOD, SCRIMENTI, LYNCH,

RAMOS, TRELLO, OLASZ, CASORIO, GIGLIOTTI, ORIE, CORRIGAN, GEORGE, McNAUGHTON, PESCI, HALUSKA, M. COHEN, McCALL, CLARK, WALKO, SHANER, ADOLPH, SAINATO, TIGUE, HORSEY, JOSEPHS, ROBINSON, KIRKLAND, SERAFINI, PISTELLA and JAMES

An Act amending the act of June 21, 1939 (P.L.566, No.284), known as The Pennsylvania Occupational Disease Act, providing for additional disability compensation.

Referred to Committee on LABOR RELATIONS, December 10, 1997.

No. 2054 By Representatives GANNON, BARRAR, CIVERA, ADOLPH and CLYMER

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for assistant district attorneys.

Referred to Committee on LOCAL GOVERNMENT, December 10, 1997.

No. 2055 By Representatives GANNON, CHADWICK, HENNESSEY and ORIE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for investigation by police officers.

Referred to Committee on JUDICIARY, December 10, 1997.

SENATE BILL FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following bill for concurrence:

SB 1168, PN 1420

Referred to Committee on STATE GOVERNMENT, December 10, 1997.

The SPEAKER pro tempore. For the information of the members, the House is temporarily at ease while we await the return of the Youth Subcommittee. Under our rules we are not permitted to hold any votes while that meeting is taking place.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

(Copy of list is on file with the Journal clerk.)

STATEMENT BY MR. SATHER

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

I would like to report that the Youth Subcommittee of the Aging and Youth Committee performed its meeting and its function and passed a motion to forward to the full Aging and Youth Committee a report. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

CALENDAR**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 1487, PN 1779**, entitled:

An Act authorizing the Department of Community and Economic Development to adopt a program of training, examination, qualification and continuing education of tax collectors.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The Chair understands that all amendments to this bill have been withdrawn.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Gordner, from Columbia County.

Mr. GORDNER. Thank you, Mr. Speaker.

I would like to interrogate the sponsor of this legislation.

The SPEAKER pro tempore. Representative Bard indicates that she is willing to stand for interrogation. The gentleman is in order and may proceed.

Mr. GORDNER. Thank you, Mr. Speaker.

Mr. Speaker, I understand that this legislation does not provide a mandate on tax collectors, that if a tax collector chose not to take a program to become a, quote, "qualified tax collector," then they are not mandated to take this program. Is that correct?

Ms. BARD. Mr. Speaker, it is true and absolutely correct, there is no mandate in this legislation. This legislation provides the opportunity to address situations across the Commonwealth where tax collectors have unfortunately been untrained and unable to appropriately collect the taxes. This legislation offers the opportunity, on a voluntary basis, for tax collectors to be adequately trained, to take an examination, to pass a qualifying test so that they can hold themselves out as qualified tax collectors.

Furthermore, every 2 years they can go for continuing education to update their qualifications.

Mr. GORDNER. Mr. Speaker, do you know where these courses are going to be offered?

Ms. BARD. Mr. Speaker, these courses will be offered through the Department of Commerce and Economic Development, which may contract out for private offerings of the courses. It is up to the department as to how the exact implementation will take place. It is expected that the Tax Collectors Association will be very much involved with preparation of the courses, and they heartily endorse this legislation.

Mr. GORDNER. Mr. Speaker, do you know what the cost of these courses is going to be?

Ms. BARD. Mr. Speaker, the course cost will be borne by the official or the person who would like to take the course. It is not a requirement for the elected official to take the course nor is it a requirement for anyone desiring to take that training to do so. It is entirely voluntary, and any fees that are charged would be borne by the person unless they could at some point get the municipality, if they were an elected tax collector, to pick up the bill for them. There is no mandate in this legislation.

Mr. GORDNER. Mr. Speaker, under this legislation, in order to be called a, quote, "qualified tax collector," you need to take the course and you need to pass an exam. Now, if I have a tax collector in my district who has been a tax collector for 20 years and they decide not to take the course, what prevents them from running a campaign at the next election time and saying that they are a qualified tax collector because they have been doing it for 20 years?

Ms. BARD. Mr. Speaker, they cannot hold themselves out as being qualified under this program under this legislation. In other words, if they say they are qualified, they better say so with the small, lowercase "q."

Mr. GORDNER. Well, Mr. Speaker, that is why I am not quite understanding why you would not agree to an amendment such as being offered or was going to be offered by Representative Van Horne that would substitute the word "certified" for the word "qualified." That way if someone wanted to take the course, they could call themselves a certified tax collector as compared to someone who has been a tax collector for 20 years, decides not to take the course, and now all of a sudden cannot call themselves a qualified tax collector. Why would you not agree to the words "certified tax collector"?

Ms. BARD. Mr. Speaker, this matter of semantics was the object of some debate during preparation of this legislation. As a matter of fact, this legislation, very similar legislation, passed the House last year by a vote of 173 to 26. That particular legislation did use the words "certification" and "certified." Unfortunately, that turned out to be a bit of a sticking point for some groups. The certified public accountants, for example, in informal conversations in working on this legislation, indicated that there was opposition to the use of the word "certification." Further, the Department of Commerce and Economic Development had some concern about that word. The word "qualified" was substituted.

I think that it is not in the best interest of the process to argue about semantics. I think the important point here is that we need this training for the tax collectors. Newly elected tax collectors who are coming on board in the near future need to have this training available to them.

This is very important that this legislation be passed and that we move forward with this. The taxpayers across the State have been,

in previous instances, shortchanged by tax collectors who do not have the proper training, and we need to move forward and not get caught up in semantics.

Mr. GORDNER. Thank you, Mr. Speaker.

I have no further questions, just brief comments on the bill.

The SPEAKER pro tempore. The gentleman is in order.

Mr. GORDNER. Thank you, Mr. Speaker.

I understand the Representative's concerns in regard to a problem that I believe she has had in her district. However, I am not sure that this bill addresses that concern.

Actually, I am pleased that it is not a mandatory provision. I have talked to several tax collectors in my district, and some tax collectors in one particular school district, the Southern Columbia School District, several tax collectors make less than \$3,000 per year being a tax collector. For those individuals who make less than \$3,000 per year, for them to be required to take a course and to possibly travel to Harrisburg would be quite a burden on them. So I like the fact that this is not a mandatory provision.

However, I do think the word "qualified" is going to create a problem 4 years from now when all these tax collectors run for election again, because if there is someone out there who has been a tax collector for 20 years and is not able to use the word "qualified," then I think there are going to be some problems in regard to that and would ask that you consider that when you vote on this bill.

I understand that the Governor's Office has created a problem in regard to not using the word "certified." I think the word "certified" would be a lot better than using this word "qualified." Thank you.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Representative Bard.

Ms. BARD. Thank you, Mr. Speaker.

I would just like to comment that this legislation is supported by the Pennsylvania Tax Collectors Association. It is a mechanism to offer professionalization of the office of elected tax collector. There is no mandate whatsoever involved in this legislation. Participation by tax collectors, whether they are elected previously, whether they are newly elected, whether they are tax collector wanna-be's, participation is entirely voluntary.

I would ask for the support of the House.

On the question recurring,
Shall the bill pass finally?

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

YEAS-189

- | | | | |
|-------------|------------|------------|---------------|
| Adolph | DiGirolamo | Major | Schroder |
| Allen | Donatucci | Manderino | Schuler |
| Argall | Druce | Markosek | Scrimenti |
| Armstrong | Eachus | Marsico | Semmel |
| Baker | Egolf | Masland | Serafini |
| Bard | Fairchild | Mayernik | Seyfert |
| Barley | Fargo | McCall | Shaner |
| Barrar | Feese | McGill | Smith, B. |
| Battisto | Fichter | McIlhattan | Smith, S. H. |
| Bebko-Jones | Fleagle | McNaughton | Snyder, D. W. |
| Belardi | Flick | Melio | Staback |
| Belfanti | Gannon | Michlovic | Stairs |
| Benninghoff | Geist | Micozzie | Steelman |
| Birmelin | George | Miller | Steil |
| Bishop | Gigliotti | Mundy | Stern |

- | | | | |
|--------------|------------|----------|-----------------|
| Blaum | Gladeck | Myers | Stetler |
| Boscola | Godshall | Nailor | Stevenson |
| Boyes | Gruppo | Nickol | Strittmatter |
| Brown | Habay | O'Brien | Sturla |
| Browne | Haluska | Olasz | Surra |
| Bunt | Hanna | Oliver | Tangretti |
| Butkovitz | Harhart | Orie | Taylor, E. Z. |
| Buxton | Hasay | Perzel | Taylor, J. |
| Caltagirone | Hennessey | Pesci | Thomas |
| Cappabianca | Herman | Petrarca | Tigue |
| Carone | Hershey | Petrone | Travaglio |
| Casorio | Hess | Phillips | Trello |
| Chadwick | Horsey | Pippy | Trich |
| Civera | Hutchinson | Pistella | True |
| Clark | Itkin | Platts | Tulli |
| Clymer | Jadlowiec | Preston | Vance |
| Cohen, L. I. | Jarolin | Ramos | Veon |
| Cohen, M. | Josephs | Raymond | Vitali |
| Colafella | Kaiser | Readshaw | Walko |
| Colaizzo | Kenney | Reber | Waugh |
| Cornell | Krebs | Reinard | Williams, A. H. |
| Corpora | LaGrotta | Rieger | Williams, C. |
| Corrigan | Laughlin | Roberts | Wilt |
| Cowell | Lawless | Robinson | Wogan |
| Coy | Lederer | Roebuck | Wojnaroski |
| Curry | Leh | Rohrer | Wright, M. N. |
| Daley | Lescovitz | Rooney | Youngblood |
| Dally | Levdansky | Ross | Zimmerman |
| DeLuca | Lloyd | Rubley | Zug |
| Dempsey | Lucyk | Sainato | |
| Dent | Lynch | Santoni | Ryan, |
| Dermody | Maher | Sather | Speaker |
| DeWeese | Maitland | Saylor | |

NAYS-3

- | | | |
|---------|----------|--------|
| Gordner | Van Home | Yewcic |
|---------|----------|--------|

NOT VOTING-1

- | |
|----------|
| McGeehan |
|----------|

EXCUSED-8

- | | | | |
|--------|---------|--------|------------|
| Carn | Evans | James | Kirkland |
| Cawley | Gruitza | Keller | Washington |

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 425, PN 1523, entitled:

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, providing for the registration of athletic agents; and imposing a penalty.

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

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

The question is, shall the bill pass finally?

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

YEAS—192

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsy	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafiglia	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Rohrer	Wojnaroski
Curry	Leh	Rooney	Wright, M. N.
Daley	Lescovitz	Ross	Yewcic
Dally	Levdansky	Rublely	Youngblood
DeLuca	Lloyd	Sainato	Zimmerman
Deimpsey	Lucyk	Santoni	Zug
Dent	Lynch	Sather	
Dermody	Maher	Saylor	Ryan,
DeWeese	Maitland	Schroder	Speaker
DiGirolamo	Major		

NAYS—0

NOT VOTING—1

Roebuck

EXCUSED—8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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 1649, PN 2588**, entitled:

An Act designating a section of the Southern Tier Expressway in Erie County, Pennsylvania, as the Forest W. Hopkins Memorial Highway.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER pro tempore. The gentleman, Mr. George, offers the following amendment, which the clerk will read.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. This bill will be gone over temporarily. We are not in receipt of that amendment. We are going to go over it temporarily, Mr. George.

RESOLUTIONS PURSUANT TO RULE 35

Ms. BARD called up **HR 145, PN 2665**, entitled:

A Resolution designating December 15, 1997, as "Bill of Rights Day" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio

Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafrilla	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

Mr. O'BRIEN called up HR 307, PN 2684, entitled:

A Resolution recognizing Dr. Gerry A. Stefanatos and the staff of the Center for Clinical and Developmental Neuropsychology of Thomas Jefferson University for their outstanding contributions and efforts in the study and treatment of autism and autism-related disorders.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter

Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafrilla	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

Mrs. BROWN called up HR 308, PN 2685, entitled:

A Resolution proclaiming January 18 through 24, 1998, as "Snowmobile Safety Awareness Week" in this Commonwealth.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs

Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colaifella	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

Mr. BAKER called up **HR 309, PN 2686**, entitled:

A Resolution congratulating the Wellsboro High School Girls Cross Country Team on its State championship title.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert

Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colaifella	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

Mr. GEORGE called up **HR 310, PN 2688**, entitled:

A Resolution recognizing The Pennsylvania State University's efforts on its special events recycling programs that involve and benefit the community.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-192

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Myers	Stetler
Blaum	Godshall	Nailor	Stevenson
Boscola	Gordner	Nickol	Strittmatter
Boyes	Gruppo	O'Brien	Sturla
Brown	Habay	Olasz	Surra
Browne	Haluska	Oliver	Tangretti
Bunt	Hanna	Orie	Taylor, E. Z.
Butkovitz	Harhart	Perzel	Taylor, J.
Buxton	Hasay	Pesci	Thomas
Caltagirone	Hennessey	Petrarca	Tigue
Cappabianca	Herman	Petrone	Travaglio
Carone	Hershey	Phillips	Trello
Casorio	Hess	Pippy	Trich
Chadwick	Horsely	Pistella	True
Civera	Hutchinson	Platts	Tulli
Clark	Itkin	Preston	Vance
Clymer	Jadlowiec	Ramos	Van Horne
Cohen, L. I.	Jarolin	Raymond	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafiglia	Kaiser	Reber	Walko
Colaizzo	Kenney	Reinard	Waugh
Cornell	Krebs	Rieger	Williams, A. H.
Corpora	LaGrotta	Roberts	Williams, C.
Corrigan	Laughlin	Robinson	Wilt
Cowell	Lawless	Roebuck	Wogan
Coy	Lederer	Rohrer	Wojnaroski
Curry	Leh	Rooney	Wright, M. N.
Daley	Lescovitz	Ross	Yewcic
Dally	Levdansky	Rubley	Youngblood
DeLuca	Lloyd	Sainato	Zimmerman
Dempsey	Lucyk	Santoni	Zug
Dent	Lynch	Sather	
Dermoddy	Maher	Saylor	Ryan,
DeWeese	Maitland	Schroder	Speaker
DiGirolamo	Major		

NAYS-0

NOT VOTING-1

Mundy

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 439, PN 2502**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for investment of moneys of the Commonwealth.

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

Mr. VITALI offered the following amendment No. A4425:

Amend Title, page 2, line 2, by inserting after "providing" for definitions; providing for bond services; and further providing

Amend Bill, page 2, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 1 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, is amended to read:

Section 1. *Short Title and Definitions.*—*Be it enacted, &c., That this act shall be known and may be cited as "The Fiscal Code."*

As used in this act,

"Association" shall include partnerships, limited partnerships, joint-stock associations, joint-stock companies, firms, companies, and all other forms of unincorporated enterprise, owned by two or more persons, and, unless in any instance its use is otherwise limited, shall include associations created under the laws of this Commonwealth, and associations created under the laws of another State of the United States, or of a foreign country, and doing business within this Commonwealth;

"Bond services" shall mean legal, financial and other services by a bond service provider rendered in conjunction with any bonds issued;

"Bond service provider" shall mean any bond counsel, financial adviser, underwriter, loan and transfer agent, verification agent or printer who provides bond services;

"Corporation," "limited partnership," "joint-stock association," "joint-stock company," or "company," shall, unless in any instance its use is otherwise limited, include a corporation, limited partnership, joint-stock association, joint-stock company, or company, incorporated or created under the laws of this Commonwealth, and a corporation, limited partnership, joint-stock association, joint-stock company, or company, incorporated or created under the laws of another State of the United States, or of a foreign country, and doing business within this Commonwealth; and

"Date of Settlement" and "date of resettlement" shall mean,

(a) In the case of settlements or resettlements made by the Department of Revenue, the date upon which the settlement or resettlement shall be approved by the Department of the Auditor General; or, if the Department of Revenue and the Department of the Auditor General cannot agree, the date upon which the Board of Finance and Revenue shall decide what the amount of the settlement or resettlement shall be, or the date upon which the settlement or resettlement of the Department of Revenue becomes valid because of the failure of the Board of Finance and Revenue to decide what the amount of the settlement or resettlement shall be, within the time hereinafter prescribed; or

(b) In the case of settlements or resettlements made by the Auditor General and the State Treasurer, the date upon which the settlement or resettlement is approved by the State Treasurer; or, if the Auditor General and State Treasurer shall be unable to agree, the date upon which the Governor shall determine what the amount of the settlement shall be.

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

Section 10. Bond Services.—(a) ~~Any and all bond services performed for the Commonwealth, its agencies, authorities and commissions which cannot be performed by employees of the Commonwealth shall be contracted with and performed by the bond service provider submitting the lowest responsible bid.~~

(b) ~~For each bond service required to be performed for the Commonwealth, its agencies, authorities or commissions, the issuing authority shall distribute a request for proposal requiring a written response.~~

(c) ~~After each bond service provider is selected, the issuing authority shall issue a written report of the selection of the service provider and the basis therefor. A copy of the request for proposal and the responses thereto shall be made a part of the report. This report shall be made available to the public.~~

Section 3. Section 301.1 of the act is amended by adding a subsection to read:

Amend Sec. 2, page 3, line 7, by striking out “2” and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I have two amendments virtually identical. My preference would be to run amendment 4712 at this point.

AMENDMENT WITHDRAWN

The SPEAKER pro tempore. The amendment is withdrawn. The clerk will read the other Vitali amendment.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. VITALI offered the following amendment No. A4712:

Amend Title, page 2, line 3, by removing the period after “Commonwealth” and inserting

; and providing for bond services.

Amend Bill, page 3, by inserting between lines 6 and 7

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

Section 1609-B.1. Bond Services.—(a) ~~Any and all bond services performed for the Commonwealth, its agencies, authorities and commissions which cannot be performed by employees of the Commonwealth shall be contracted with and performed by the bond service provider submitting the lowest responsible bid.~~

(b) ~~For each bond service required to be performed for the Commonwealth, its agencies, authorities or commissions, the issuing authority shall distribute a request for proposal requiring a written response.~~

(c) ~~After each bond service provider is selected, the issuing authority shall issue a written report of the selection of the service provider and the basis therefor. A copy of the request for proposal and the responses thereto shall be made a part of the report. This report shall be made available to the public.~~

(d) ~~As used in this section, the following words and phrases shall have the meanings given to them in this subsection:~~

~~“Bond services” shall mean legal, financial and other services by a bond service provider rendered in conjunction with any bonds issued.~~

~~“Bond service provider” shall mean any bond counsel, financial adviser, underwriter, loan and transfer agent, verification agent or printer who provides bond services.~~

Amend Sec. 2, page 3, line 7, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

This issue is an issue that we have dealt with many times in the past. This amendment would amend the Fiscal Code to require bond issues of the Commonwealth, its agencies, and commissions to be awarded to the lowest responsible bidder, Mr. Speaker. It would require that a request for proposal be submitted, it would require that written reports be issued by the issuing authority, and it would require an explanation of why a given bond service provider was chosen.

Mr. Speaker, a recent University of Oregon study has shown — and this is a 1996 study — that when there were four to seven bidders with regard to bond issues, that bond-issuing costs were a third to a half lower. This was reported in a recent Inquirer article. In that article it also mentioned that if the Pennsylvania Turnpike Commission competitively bid its bond work, using that formula they would have saved, since 1986, \$9 to \$13 million in savings. Let me repeat that: The Turnpike Commission, according to this formula, would have saved, since 1986, \$9 to \$13.5 million in issuing costs.

Mr. Speaker, the city of Pittsburgh several weeks ago competitively bid its bond work, competitively bid the underwriting aspects of its bond work, via the Internet. Their finance director, Paul Hennigan, indicated that they had an over \$300,000 savings in interest and commission on a \$70-million issue.

Mr. Speaker, recently the Governor’s General Counsel, Paul Tufano, issued a report with regard to bidding of bonds. In that report, Mr. Speaker, that indicated that fully 35 States go through the request-for-proposal process. Pennsylvania does not go through the request-for-proposal process with regard to its agencies and commissions on bond bidding.

Mr. Speaker, the citizens of this Commonwealth are entitled to an organized, systematic, nonpolitical approach to the awarding of bond contracts. The administration might now have you believe that that is what is happening. A recent Inquirer article that touched upon this issue sheds some light on how the Turnpike Commission picked its bond professionals, and I am going to quote from that article; I am going to quote from a Frank Ursomarsio, a former turnpike commissioner. This is how the selection process went, quote: “For them to pick my guy, they had to pick their guy. They voted for my guy, and I voted for their guy. And that’s the way it worked.” Mr. Speaker, the citizens of this Commonwealth are entitled to a better bond selection process than “you pick my guy; I’ll pick your guy.”

Mr. Speaker, the Tufano report, a close inspection of that report indicates that just using the report itself, that other States who go through this request-for-proposal process have a considerable savings. Mr. Speaker, this report indicates that the State of Florida,

for example, which goes through the request-for-proposal process and also prevents political contributions from certain bond service providers, caps their bond counsel fees at \$20,000 per issue. That is \$20,000 per issue. A recent issue by the Pennsylvania Housing Finance Agency was paying \$92,000 per issue — \$92,000 versus \$20,000. The Tufano report also indicates that the State of Washington is paying about \$10,000 per issue; Tennessee, \$34,000 per issue. Mr. Speaker, Pennsylvania is paying too much for its bond service providers.

Mr. Speaker, I am firmly convinced that there is a quid pro quo, that the awarding of bond service contracts is a political fundraising device, that it is a political payback, that it is a way for the Governor and those who run campaigns and raise money, for those to pay back their contributors and reward their loyal supporters.

Mr. Speaker, this process of using government contracts generally and bond counsel contracts specifically really erodes the fairness of our election process as evidenced by the enormous war chest that the Governor is now sitting on, thanks in part to the campaign contributions he has received from some of the bond counsel firms. We have opponents in that election operating at an enormous disadvantage, Mr. Speaker. Not only that, Mr. Speaker, the citizens of this Commonwealth are paying more than they have to.

Mr. Speaker, the Tufano report attempts to make the charge that, well, taxpayers are only paying a small amount of that. Well, Mr. Speaker, I called the Turnpike Commission, and it may not be taxpayers per se who are paying for the fees of turnpike bonds, but it is those citizens of Pennsylvania who do drive the turnpike and pay the tolls. Mr. Speaker, it may not be taxpayers per se with regard to PHEAA (Pennsylvania Higher Education Assistance Agency) loans who are paying these fees, but it is those students when they pay back their student loans, that is where the money is coming from to pay these fees. So to say that the citizens of Pennsylvania are only paying a small amount, that is very disingenuous, because students and turnpike drivers and taxpayers themselves and people paying back housing loans all are paying for this quid pro quo; all are paying for this political fundraising.

Mr. Speaker, it is time for us to do the right thing. This is a Fiscal Code bill. The Fiscal Code spells out competitive bidding for certain other bonds, and, Mr. Speaker, it is time for us to do the right thing; it is time for us to require competitive bidding for Pennsylvania bond work. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Readshaw, from Allegheny County is recognized.

Mr. READSHAW. Mr. Speaker, thank you.

I appreciate the gentleman's enthusiasm for this issue and the number of times it was presented, but I rise to oppose this amendment and ask for a "no" vote from the members. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Snyder, from Lehigh County is recognized.

Mr. SNYDER. Thank you, Mr. Speaker.

Mr. Speaker, as the previous member just noted, this issue has certainly been debated on several occasions in this House, many times on a procedural basis rather than on the substantive issue of the amendment itself. I think today we have an opportunity to finally put this issue to rest, and I would ask the members to vote "no."

Mr. Speaker, the maker of this amendment cites the study that was done by the Office of General Counsel, which was a 1997 nationwide bond counsel survey, and as we have said in previous remarks to this body, not one State in this country goes through a competitive low-bid process.

Mr. Speaker, what we have in Pennsylvania is a fee schedule. We are not determining what the fees are based on a percentage or whatever that is at the whim of the Governor. The fee schedule that the Commonwealth of Pennsylvania uses is the same fee schedule that has been in existence since 1977. So in terms of trying to establish whether or not we would do better by having lower bids submitted, we feel it is best to have that any person doing the bond work gets the same fee and that the discretion to determine the quality of that service is what is very important, because without quality bond counsel, the tax-exemption status of our bonds and the entire viability of that bond package can be put at risk.

So what the maker of this amendment is suggesting is that we put it out, and while he may argue that you look at quality as well as the low bid, what we need to make sure is that we are looking at the best interests of the taxpayers and the people who are purchasing our bonds to make sure that we get the best rate of return. That is where the money is going to come. The savings that is coming to the taxpayers, Mr. Speaker, is to make sure that we get the lowest rate that we have to pay and the best viability of the bonds that are out there to maintain our rating.

As I said, we have a fee schedule. This is not at the whim of the Governor to determine what the rates are going to be. I would really ask the members to seriously consider a "no" vote on this issue, and let us finally put this issue to rest once and for all. Thank you.

The SPEAKER pro tempore. The lady from Butler County, Representative Carone, is recognized on the amendment.

Ms. CARONE. Thank you, Mr. Speaker.

I would like to rise in support of the Vitali amendment from the standpoint that since 1991 when I came into the House, many of us have been trying to have the Turnpike Commission examined closely and legislation passed to make the Turnpike Commission more efficient, more effective, and to remove a great deal of the patronage involved, including the bond work, legal work, and also employees. This may not be the perfect language, but we often have said to members, please pass this, and then the Senate can work on it and clean it up.

We need to do something dealing with the bond issue, and I would argue strongly that we need to begin to send a message to the Turnpike Commission and to the Senate that we need to reform and change how the Turnpike Commission does its business. I would argue for a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Luzerne County, Mr. Hasay, is recognized.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, as someone who watches the State bond market, I do not know why we would want to jeopardize the sale and the credibility of the State bond market sales. Just last month we had two units, general obligation bonds — one sold at par, the other sold above par — for \$15 to \$20 million each. They were sold in 2 days, Mr. Speaker. Our bond sales are triple A, are number one. Why we go on with this issue over and over and over again I do not understand. But our bond sales are probably the best in the

United States of America right now, Mr. Speaker, and why to jeopardize that — I think those that have questions about bond sales in the market today, and the agents and brokers that the Commonwealth hires are probably top-shelf, best-of-the-line brokers that know their business and know their sales — why jeopardize that, I do not know.

I am asking for a “no” vote on the Vitali amendment. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, seek recognition for the second time? There are no other speakers seeking recognition.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, it is disingenuous on the part of the Governor’s General Counsel to suggest that my amendment is unique and would have Pennsylvania do something other States are not doing, and it is very difficult when the gentleman from Lehigh County gets up and supports that argument.

Mr. Speaker, if you look at my amendment, it clearly calls for a request-for-proposal process. Simply reading the words will do that. And, Mr. Speaker, if you go through the Tufano report, you will see in the appendix, in appendix A, that 35 other States also call for the request-for-proposal process. I could start reading these States: Alabama, Alaska, Arizona, Arkansas.

Mr. Speaker, I am not calling for something unique. I am not calling for anything that would jeopardize what our bond issues are; quite to the contrary. Many of these States, as indicated in this report, go through the request-for-proposal process and in fact hire the same quality firms that Pennsylvania now hires at a fraction of the price.

Mr. Speaker, again, the gentleman from Lehigh County talks about this organized selection process and there may be segments in the Commonwealth that that is true, but this amendment covers the Commonwealth and its agencies and commissions, and there is much abuse there. Again I will quote from the Turnpike Commission commissioner: “They voted for my guy, and I voted for their guy. And that’s the way it worked.” That is how it is happening in many cases, Mr. Speaker.

Mr. Speaker, the pay-to-play issue, those on the inside know what is going on, Mr. Speaker. The ABA, the American Bar Association, in a meeting this year condemned the practice of pay-to-play. This General Assembly’s Legislative Budget and Finance Committee also strongly suggested that our own Turnpike Commission bid out its bond work. Mr. Speaker, SEC (Securities and Exchange Commission) Chairman Arthur Levitt called this pay-to-play commercial bribery.

Mr. Speaker, I think most of us on this House floor know what is going on. Mr. Speaker, this is an important issue. This is the source of political abuse. This is using tax dollars, turnpike driver tolls, students loan paybacks, moneys from the citizens of this Commonwealth, to fund political campaigns and reward lawyers and other bond service providers who are the buddies of these elected officials.

Mr. Speaker, the gentleman from Lehigh County alluded to the fact that, let us put this issue to bed for good. Mr. Speaker, the intent there — and this makes this vote all the more important today, and perhaps the defining vote — he is referring to a House rule regarding recalling amendments on substantive grounds. That makes this amendment much more important.

If you are satisfied with politics as usual, if you really, when you promised your constituents when you first came up to the House that you would end politics as usual and you are going to do something different, if you are really committed to those goals of ending politics as usual and trying to make this institution just a little bit better in trying to reduce some of the financial burden on your constituents, if you are really committed to trying to make things just a little bit better and cleaning this up just a little bit, competitive bidding for these bond issues is a good first step, and I ask for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Hasay, is recognized for the second time.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, as I just stated previously—

Mr. VITALI. Mr. Speaker?

Mr. HASAY. —we sell units of bonds in 2 days or 3 days.

Mr. VITALI. Mr. Speaker?

Mr. HASAY. Mr. Speaker, you take Alaska—

Mr. VITALI. Mr. Speaker?

Mr. HASAY. —Alabama—

The SPEAKER pro tempore. Will the gentleman suspend.

For what purpose does the gentleman, Mr. Vitali, rise?

Mr. VITALI. Mr. Speaker, I have requested the courtesy of the last word, and I find this practice of lying in wait and not giving me the last word on this issue a discourtesy on the part of Mr. Hasay, and I would simply ask that I be given the last word on this issue.

The SPEAKER pro tempore. Mr. Vitali, there is nothing in the rules that requires the sponsor of a bill or an amendment to have the last word. It is a courtesy which from time to time is given to the members, one which I happen to subscribe to, but there is nothing in the rules that requires it. Furthermore, you are not to mention other members by name. You know that as well.

The gentleman, Mr. Hasay, may continue his remarks.

Mr. HASAY. Thank you, Mr. Speaker.

As I said previously, we have units of bonds done by the brokers that are hired by the Commonwealth that sell in 2 days and 3 days. The gentleman questioned about the other States such as Alaska, Alabama, Arkansas, Mississippi. You have bonds out there for sale for 3 or 4 or 5 years that do not sell. Pennsylvania sells their units of bonds in 2 or 3 days. If you want to jeopardize that here on the floor of the House, you are crazy.

Vote against the amendment, Mr. Speaker. Thank you.

The SPEAKER pro tempore. The House will come to order.

Does the gentleman, Mr. DeWeese, seek recognition? The Chair—

The House will come to order. Members will take their seats. There are a lot of conversations going on out there; take them outside the hall of the House.

Mr. DeWeese.

Mr. DeWEESE. Concession, compromise, and mutual forbearance: that should be the hallmark of this body.

The gentleman, Mr.— The gentleman from Delaware County, who has been proffering this amendment since time immemorial, is highly motivated to intercede against a system that needs interceded against. Notwithstanding the verve and florid presentation of the previous speaker, the coldhearted, rational, objective analysis of what is going on can be summed up in the words that were uttered earlier.

At the Turnpike Commission and at a variety of other State entities, the ethos is, "I'll vote for your guy; you vote for my guy," and during that process, Mr. Speaker, the citizens of our Commonwealth are being ill served. Multimillion-dollar attorneys in the anonymous and rarefied precincts of those glass towers in Pittsburgh and Philadelphia dominate the process, and the people of the State have no idea what is going on, and the people that dominate the process also, understandably, inextricably, are interwoven into the political process.

The ladies and gentlemen that the man from Delaware refers to in these bond transactions belong to the Governor's Club. They are \$50,000 contributors, they and their friends. The gentleman from Delaware County is trying to inject a soupcon of idealism into this process, Mr. Speaker. What is wrong with a little idealism, Mr. Speaker, in this process?

For the life of me, I cannot understand why he has to share this amendment with us again and again and again. I see the young idealistic backbenchers from Allegheny County in the Republican Caucus. Where is that idealism today; where is that idealism today? It makes sense to me, Mr. Speaker, and I know it does not make sense to the honorable gentleman from Luzerne who preceded me at the microphone, but if we are going to have multimillion-dollar bond transactions in our State government, Mr. Speaker, it makes sense that there be an open bidding process, along with other criterion, of course, but they should not be handed out to the friends of the Governor who then in turn contribute \$50,000 to his reelection campaign committee.

The gentleman's amendment is bona fide, worthwhile, and should be supported, Mr. Speaker.

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

The following roll call was recorded:

YEAS—88

Armstrong	Dally	Lucyk	Rubley
Battisto	Dent	Manderino	Santoni
Bebko-Jones	Dermody	Masland	Scrimenti
Belardi	DeWeese	McCall	Staback
Belfanti	Donatucci	Melio	Steelman
Bishop	Eachus	Michlovic	Stetler
Blaum	George	Mundy	Strittmatter
Boyes	Gordner	Nailor	Sturla
Buxton	Gruppo	Olasz	Surra
Caltagirone	Haluska	Pesci	Tangretti
Cappabianca	Hanna	Petrarca	Thomas
Carone	Hennessey	Petrone	Tigue
Casorio	Itkin	Pippy	Travaglio
Cohen, M.	Jarolin	Pistella	Trello
Colafella	Josephs	Preston	Trich
Colaizzo	Krebs	Ramos	True
Corpora	LaGrotta	Rieger	Van Home
Corrigan	Laughlin	Roberts	Veon
Cowell	Lawless	Robinson	Vitali
Coy	Lescovitz	Roebuck	Waiko
Curry	Levdansky	Rohrer	Williams, A. H.
Daley	Lloyd	Rooney	Williams, C.

NAYS—102

Adolph	Fargo	Markosek	Schuler
Allen	Feese	Marsico	Semmel
Argall	Fichter	Mayernik	Serafini
Baker	Fleagle	McGeehan	Seyfert

Bard	Flick	McGill	Smith, B.
Barley	Gannon	McIlhattan	Smith, S. H.
Barrar	Geist	McNaughton	Snyder, D. W.
Benninghoff	Gigliotti	Micozzie	Stairs
Birmelin	Gladeck	Miller	Steil
Boscola	Godshall	Myers	Stern
Brown	Habay	Nickol	Taylor, E. Z.
Browne	Harhart	O'Brien	Taylor, J.
Bunt	Hasay	Oliver	Tulli
Butkovitz	Herman	Orie	Vance
Chadwick	Hershey	Perzel	Waugh
Civera	Hess	Phillips	Wilt
Clark	Hutchinson	Platts	Wogan
Clymer	Jadlowiec	Raymond	Wojnaroski
Cohen, L. I.	Kaiser	Readshaw	Wright, M. N.
Cornell	Kenney	Reber	Yewcic
DeLuca	Lederer	Reinard	Youngblood
Dempsey	Leh	Ross	Zimmerman
DiGirolamo	Lynch	Sainato	Zug
Druce	Maher	Sather	
Egolf	Maitland	Saylor	Ryan,
Fairchild	Major	Schroder	Speaker

NOT VOTING—3

Horsey	Shaner	Stevenson
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EXCUSED—8

Cam	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

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

Mr. STURLA offered the following amendment No. A4785:

Amend Sec. 1, page 2, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 301.1(h) of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, amended May 2, 1986 (P.L.145, No.45), is amended and the section is amended by adding a subsection to read:

Amend Sec. 1, page 2, by inserting between lines 9 and 10

(h) All investments allowed under this section must be made with the exercise of that degree of judgment and care under the circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs not in regard to speculation, but in regard to the permanent disposition of the funds, considering the probable income to be derived therefrom as well as the probable safety of their capital. The exercise of such degree of judgment and care shall include, but shall not be limited to:

(1) The daily investment of available investable funds necessary to maintain maximum effectiveness of the Treasury Department investment portfolio at all times.

(2) The maintenance of portfolio reporting system.

(3) The adherence to Moody's Credit Service "Prime One Rating" or the equivalent of Standard and Poor's or Fitch's Rating Service for institutions with whom investments are transacted pursuant to subsection (g).

(4) At least quarter-annual bank performance ranking according to maximum efficiency in cash management.

The provisions of this subsection shall not preclude the Treasury Department from investing, at its discretion, in a community development financial institution certified in accordance with the Community Development Banking and Financial Institutions Act of 1994 (Public Law 103-325, 108 Stat. 2163).

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. HB 439 will be over temporarily.

* * *

The House proceeded to third consideration of **SB 284, PN 1521**, entitled:

An Act amending the act of December 18, 1984 (P.L. 1005, No. 205), entitled Municipal Pension Plan Funding Standard and Recovery Act, further providing for additions to the actuarial valuation report and for supplemental State assistance.

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

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

The question is, shall the bill pass finally?

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

YEAS—193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argali	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Figure
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Home
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafella	Kaiser	Readshaw	Walko

Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan, Speaker
DeWeese	Maitland	Saylor	
DiGirolamo	Major	Schroder	

NAYS—0

NOT VOTING—0

EXCUSED—8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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.

CONSIDERATION OF HB 439 CONTINUED

The SPEAKER pro tempore. Returning to HB 439, PN 2502, the gentleman, Mr. Sturla, offers amendment A4785, which the clerk has read.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Lancaster, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I am not even sure that this amendment may be necessary in that I would hope that a prudent-person standard would allow for investment in community development banking and financial institutions. However, it is not necessarily guaranteed by a prudent-person standard.

What I am attempting to do here today is to ensure that the Treasurer would be given the option of investing in community development funds, and that may not meet a prudent-person standard in that some investments in community development funds may not get the kind of return that the Treasurer could get on other investments; that is financial returns. Although I believe that the returns that would be benefited by the Commonwealth for investment in community development banks, which would then reinvest in communities, would ultimately be of benefit to the State from a fiduciary-responsibility standpoint, the Treasurer may choose not to invest in community development banks otherwise.

So all this does is ensure that the Treasurer is given that option of doing that. It does not require that the Treasurer invest in those

banks, but it simply ensures that that option is still available. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Readshaw, from Allegheny County is recognized.

Mr. READSHAW. Mr. Speaker, as the gentleman said, I am not sure this is necessary. In fact, it is my contention it is not. We are giving the Treasurer prudent-person investment powers, and I do not see why we have to preclude any item. We are in fact giving them these prudent-person powers, and I think that this bill should not be amended to preclude anyone.

Therefore, I stand in opposition to the amendment and ask for a "no" vote. Thank you.

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

The following roll call was recorded:

YEAS-78

Battisto	Dally	Lucyk	Santoni
Bebko-Jones	DeLuca	Manderino	Scrimenti
Belardi	Dent	McCall	Shaner
Belfanti	Dermody	Melio	Staback
Bishop	DeWeese	Mundy	Steelman
Blaum	Donatucci	Olasz	Stetler
Browne	Eachus	Pesci	Sturla
Buxton	George	Petrarca	Surra
Caltagirone	Gigliotti	Petrone	Tangretti
Cappabianca	Hanna	Pippy	Thomas
Casorio	Harhart	Pistella	Tigue
Cohen, M.	Horsey	Preston	Travaglio
Colafrella	Itkin	Ramos	Trello
Colaizzo	Jarolin	Reinard	Trich
Corpora	Josephs	Rieger	Veon
Corrigan	LaGrotta	Roberts	Vitali
Cowell	Laughlin	Robinson	Walko
Coy	Lederer	Roebuck	Williams, A. H.
Curry	Lescovitz	Rooney	Williams, C.
Daley	Levdansky		

NAYS-114

Adolph	Fichter	Marsico	Semmel
Allen	Fleagle	Masland	Serafini
Argall	Flick	Mayernik	Seyfert
Armstrong	Gannon	McGeehan	Smith, B.
Baker	Geist	McGill	Smith, S. H.
Bard	Gladeck	McIlhattan	Snyder, D. W.
Barley	Godshall	McNaughton	Stairs
Barrar	Gordner	Michlovic	Steil
Benninghoff	Gruppo	Micozzie	Stern
Birmelin	Habay	Miller	Stevenson
Boscola	Haluska	Nailor	Strittmatter
Boyes	Hasay	Nickol	Taylor, E. Z.
Brown	Hennessey	O'Brien	Taylor, J.
Bunt	Herman	Oliver	True
Butkovitz	Hershey	Orie	Tulli
Carone	Hess	Perzel	Vance
Chadwick	Hutchinson	Phillips	Van Horne
Civera	Jadlowiec	Platts	Waugh
Clark	Kaiser	Raymond	Wilt
Clymer	Kenney	Readshaw	Wogan
Cohen, L. I.	Krebs	Reber	Wojnaroski
Cornell	Lawless	Rohrer	Wright, M. N.
Dempsey	Leh	Ross	Yewcic
DiGirolamo	Lloyd	Rubley	Youngblood
Druce	Lynch	Sainato	Zimmerman
Egolf	Maher	Sather	Zug
Fairchild	Maitland	Saylor	

Fargo	Major	Schroder	Ryan,
Feese	Markosek	Schuler	Speaker

NOT VOTING-1

Myers

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

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

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

The question is, shall the bill pass finally?

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

YEAS-192

Adolph	Donatucci	Manderino	Schroder
Allen	Druce	Markosek	Schuler
Argall	Eachus	Marsico	Scrimenti
Armstrong	Egolf	Masland	Semmel
Baker	Fairchild	Mayernik	Serafini
Bard	Fargo	McCall	Seyfert
Barley	Feese	McGeehan	Shaner
Barrar	Fichter	McGill	Smith, B.
Battisto	Fleagle	McIlhattan	Smith, S. H.
Bebko-Jones	Flick	McNaughton	Snyder, D. W.
Belardi	Gannon	Melio	Staback
Belfanti	Geist	Michlovic	Stairs
Benninghoff	George	Micozzie	Steelman
Birmelin	Gigliotti	Miller	Steil
Bishop	Gladeck	Mundy	Stem
Blaum	Godshall	Myers	Stetler
Boscola	Gordner	Nailor	Stevenson
Boyes	Gruppo	Nickol	Strittmatter
Brown	Habay	O'Brien	Sturla
Browne	Haluska	Olasz	Surra
Bunt	Hanna	Oliver	Tangretti
Butkovitz	Harhart	Orie	Taylor, E. Z.
Buxton	Hasay	Perzel	Taylor, J.
Caltagirone	Hennessey	Pesci	Thomas
Cappabianca	Herman	Petrarca	Tigue
Carone	Hershey	Petrone	Travaglio
Casorio	Hess	Phillips	Trello
Chadwick	Horsey	Pippy	Trich
Civera	Hutchinson	Pistella	True
Clark	Itkin	Platts	Tulli
Clymer	Jadlowiec	Preston	Vance
Cohen, L. I.	Jarolin	Ramos	Van Horne
Cohen, M.	Josephs	Raymond	Veon
Colafrella	Kaiser	Readshaw	Vitali
Colaizzo	Kenney	Reber	Walko
Cornell	Krebs	Reinard	Waugh
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic

Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major		

NAYS—0

NOT VOTING—1

Williams, A. H.

EXCUSED—8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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.

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the majority leader, the gentleman, Mr. Perzel, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

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 nonconcurrent in by the House of Representatives to **HB 1476, PN 2358**, and has appointed Senators MADIGAN, BRIGHTBILL, and MUSTO a committee of conference to confer with a similar committee of the House of Representatives (if the House of Representatives shall appoint such committee) on the subject of the differences existing between the two Houses in relation to said bill.

**MOTION INSISTING UPON NONCONCURRENCE
IN SENATE AMENDMENTS**

Mr. PERZEL moved that the House insist upon its nonconcurrence in Senate amendments to **HB 1476, PN 2358**, 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.

CONFERENCE COMMITTEE APPOINTED

The SPEAKER pro tempore. The Chair appoints as a committee of conference on the part of the House on **HB 1476, PN 2358**: Messrs. REBER, LYNCH, and GEORGE.
Ordered, That the clerk inform the Senate accordingly.

RESOLUTIONS REPORTED FROM COMMITTEE**HR 289, PN 2493**

By Rep. PERZEL

A Concurrent Resolution urging the Supreme Court to establish training programs relating to domestic violence.

RULES.

HR 300, PN 2593

By Rep. PERZEL

A Resolution memorializing the Food and Drug Administration to accelerate its review of the product licensing applications pending and, if appropriate, approve a vaccine that prevents Lyme disease.

RULES.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE****HB 959, PN 2660**

By Rep. PERZEL

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for property; and authorizing certain home rule municipalities to levy, assess and collect a mercantile tax and a business privilege tax on gross receipts or parts of gross receipts.

RULES.

SUPPLEMENTAL CALENDAR B**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 959, PN 2660**, entitled:

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for property; and authorizing certain home rule municipalities to levy, assess and collect a mercantile tax and a business privilege tax on gross receipts or parts of gross receipts.

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

The SPEAKER pro tempore. The Chair recognizes the gentleman from Chester County, Mr. Hennessey, for a brief explanation of the Senate amendments.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, existing law allows first-class townships to be exempt from public-sale requirements for sales of property of certain institutions, like schools, fire companies, ambulance

services, things like that. This bill would allow them to be exempt from public-sale requirements, when they are selling to a nonprofit corporation, buildings which are intended for adaptive reuse or remodeling so they could be put into the affordable housing stream.

The Senate amended the bill to allow for some first-class townships to impose a business privilege tax in connection with a mercantile tax in response to a Commonwealth Court decision, I believe, that indicated that it was unfair and discriminatory to impose a mercantile tax while not at the same time imposing a business privilege tax. So the Senate amendment would allow those first-class townships, if it already has the mercantile tax and meets the other qualifications, to impose also a business privilege tax.

The SPEAKER pro tempore. The gentleman, Mr. Lawless, from Montgomery County is recognized.

Mr. LAWLESS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker?

Mr. HENNESSEY. Yes.

The SPEAKER pro tempore. The gentleman, Mr. Hennessey, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. LAWLESS. Thank you, Mr. Speaker.

On page 5 of the bill it lists different criteria on who will be affected by this. Can you give me an example of the townships that we are talking about of the first class with 70,000 people? I mean, who is this aimed at?

Mr. HENNESSEY. I know of only one township it would seem to apply to, and that is Upper Darby Township in Delaware County. I do not know if that is a definitive or exhaustive listing of the townships that might apply or qualify.

Mr. LAWLESS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The gentleman, Mr. Hennessey, moves that the House concur in the amendments inserted by the Senate, and the question recurs, will the House concur in those amendments?

Those voting to concur will vote "aye"; those voting to nonconcur will vote "no."

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS-185

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Mayernik	Serafini
Baker	Fairchild	McCall	Seyfert
Bard	Fargo	McGeehan	Shaner
Barley	Feese	McGill	Smith, B.
Barrar	Fichter	McIlhattan	Smith, S. H.
Battisto	Fleagle	McNaughton	Snyder, D. W.
Bebko-Jones	Flick	Melio	Staback
Belardi	Gannon	Michlovic	Stairs
Belfanti	Geist	Micozzie	Steelman
Benninghoff	George	Miller	Stern
Birmelin	Gigliotti	Mundy	Stetler
Bishop	Gladeck	Myers	Stevenson
Blaum	Gordner	Nickol	Strittmatter
Boscola	Gruppo	O'Brien	Sturla

Brown	Habay	Olasz	Surra
Browne	Haluska	Oliver	Tangretti
Bunt	Hanna	Orie	Taylor, E. Z.
Butkovitz	Harhart	Perzel	Taylor, J.
Buxton	Hasay	Pesci	Thomas
Caltagirone	Hennessey	Petrarca	Tigue
Cappabianca	Herman	Petrone	Travaglio
Carone	Hershey	Phillips	Trello
Casorio	Hess	Pippy	Trich
Chadwick	Horsey	Pistella	True
Civera	Hutchinson	Platts	Tulli
Clark	Itkin	Preston	Vance
Clymer	Jadlowiec	Ramos	Van Horne
Cohen, L. I.	Jarolin	Raymond	Veon
Cohen, M.	Josephs	Readshaw	Vitali
Colafella	Kaiser	Reber	Walko
Colaizzo	Kenney	Reinard	Waugh
Cornell	Krebs	Rieger	Williams, C.
Corpora	LaGrotta	Roberts	Wilt
Cowell	Laughlin	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rublely	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-7

Boyes	Godshall	Masland	Steil
Corrigan	Lawless	Nailor	

NOT VOTING-1

Williams, A. H.

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1757, PN 2182, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of solicitation of minors to traffic drugs.

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

The SPEAKER pro tempore. It is the understanding of the Chair that all amendments to this bill have been withdrawn.

For what purpose does the gentleman, Mr. Wojnaroski, seek recognition?

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

Mr. Speaker, in the interest of sparing my colleagues some valuable time, I will keep my remarks brief and ask that I be allowed to submit further remarks—

The SPEAKER pro tempore. Will the gentleman suspend? We are not quite to final passage yet.

Mr. WOJNAROSKI. Okay.

The SPEAKER pro tempore. If the gentleman would like to speak on final passage, I will recognize you when we get there.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Wojnaroski, on final passage.

Mr. WOJNAROSKI. Mr. Speaker, on HB 1757 as it is printed, I believe there is a mistake on the sponsorship of that.

The SPEAKER pro tempore. Would the gentleman elaborate on the error he believes he sees?

Mr. WOJNAROSKI. I stand corrected, Mr. Speaker. I was looking at another one. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman wish to speak on final passage?

Mr. WOJNAROSKI. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

Mr. Speaker, in the interest of sparing my colleagues some valuable time, I will keep my remarks brief and ask that I be allowed to submit further remarks for the record.

Mr. Speaker, HB 1757 would make it a second-degree felony for an adult to solicit a minor to sell drugs. This bill also requires that all persons convicted under these circumstances would serve a minimum of 3 years and a maximum of 10 years in a detention facility. However, if the crime is committed within a drug-free school zone, and that is within 1,000 feet of a school, on a schoolbus, or within 500 feet of a schoolbus stop, the sentence would be doubled so as to make the minimum sentence 6 years and the maximum sentence 20 years.

Quite simply, an affirmative vote on HB 1757 would give law enforcement officials a greater weapon in combating the modern-day plague that our children must face every day — illegal drugs at schools and at social events that they attend. By giving our law enforcement community a more effective deterrent, teachers, school administrators, and other officials will be able to provide an enhanced learning atmosphere for students.

Mr. Speaker, in 3 short pages, HB 1757 effectively addresses four of the most pressing issues facing Pennsylvania today — drugs, crime, the safety of our children, and education. A national study conducted just last week by Harvard University and the Robert Wood Johnson Foundation found that 56 percent of adults listed drugs as the number one threat that children face, far outranking any other topic. It is clear that something must be done to immediately remedy these situations.

So far, this bill has received tremendous bipartisan support in the legislative body. If my fellow colleagues in this institution continue to show favorable support for this initiative, we can do our part to help the war on drugs.

I ask that you voice your firm commitment and affirmative vote on this bill. Thank you, Mr. Speaker.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER pro tempore. Does the gentleman also have written remarks which he would like to submit for the record?

Mr. WOJNAROSKI. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will submit those remarks to the clerk.

Mr. WOJNAROSKI. Thank you, Mr. Speaker.

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

It has been well documented that communities throughout the Commonwealth of Pennsylvania, and the nation as a whole, face a major problem concerning the prevalence of drugs in our children's social and academic circles. Recent studies and surveys of minors, parents, teachers, and school principals have all come to the same basic conclusions: (1) our schools and school activities, which provide the backbone of our children's academic and social lives, are being overrun by drugs, (2) students in a drug-saturated environment face major academic and social obstacles, and (3) students, parents, teachers, and school administrators need help in providing an environment that is more conducive to academic and social growth.

Specifically, HB 1757 would make it a second-degree felony for an adult to solicit a minor to sell drugs. This bill also requires that all persons convicted under these circumstances would serve a minimum of 3 years and a maximum of 10 years in a detention facility. If the crime was committed within a drug-free school zone (within 1,000 feet of a school), on a schoolbus, or within 500 feet of a schoolbus stop, the sentence would be doubled so as to make the minimum sentence 6 years and the maximum sentence 20 years. Quite simply, an affirmative vote on HB 1757 would give law enforcement officials a greater weapon in combating the modern-day plague that our children must face every day: illegal drugs at school and at social events they attend. By giving our law enforcement community a more effective deterrent, teachers, school administrators, and other officials will be able to provide an enhanced learning atmosphere for students.

This bill (HB 1757) seeks to reduce the drug prevalence in schools and social activities attended by Pennsylvania's future generations. Some of the most disturbing revelations have come to light as a result of surveys conducted between 1995 and 1997.

- The National Center on Addiction and Substance Abuse survey, conducted just last month, found that 76 percent of high school students and 46 percent of middle school students say that drugs are kept, used, or sold on school grounds.
- 74 percent of high school students and 52 percent of middle school students say a student has been either suspended or expelled for possessing, using, or selling drugs in the past year at their school.
- 41 percent of high school students have seen drug deals at school or on school grounds, but only 25 percent have seen drug deals in their neighborhoods.
- Students who attend schools with drugs available are 4 times likelier to try marijuana than those who attend schools that are drug-free.
- 25 percent of 13-year-olds and 51 percent of 17-year-olds have seen drug sales on school grounds.

- 25 percent of 13-year-olds and 60 percent of 17-year-olds have attended a party in the last 6 months where marijuana was available.

In a statewide survey conducted by the Pennsylvania Department of Education in 1995, students often named peers as their major source of drugs. Of those who named at least one drug source:

- 91.3 percent said that they received drugs from a friend.
- 43.1 percent said the drugs they used came from students at other schools.
- 37.4 percent said they received drugs from students at their school.

These telling statistics make it clear that our children are receiving drugs from their peers. There is no doubt that the students that are dealing drugs at our schools in Pennsylvania are being supplied by adults who seek to profit at the expense of turning our children into peddlers of contraband substances. Whereas an adult drug dealer would be likely to draw suspicion from school officials and members of the law enforcement community by loitering around schools and school activities, using juveniles keeps suspicious activities to a minimum while still opening up new markets where they can peddle their poison. Highly impressionable children are deceptively lured into becoming the middlemen of drug dealers by promises of living the high life.

HB 1757 would help eradicate the practice of drug dealers using children to distribute their vile products to fellow minors. Additionally, this bill would help law enforcement officials apprehend and severely punish those who prey on our children.

Since drug use among our children has been closely linked to availability, HB 1757 attacks this plague at its root. Also, minors who use drugs also have a tendency to underachieve in school, and are frequently absent from school altogether. Joseph Califano, former Secretary of Health, Education and Welfare under President Jimmy Carter, now president of the Center on Addiction and Substance Abuse, drawing from his recent survey of students, parents, teachers, and principals, concluded: "Until we get drugs out of our schools, we are not going to have the kind of quality education that everybody dreams about."

In three short pages, HB 1757 effectively addresses four of the most pressing issues facing Pennsylvania today: drugs, crime, the safety of our children, and education. A national study conducted just last week by Harvard University and the Robert Wood Johnson Foundation found that 56 percent of adults listed drugs as the number one threat that children face, far outranking any other issue. It is clear that something must be done to immediately remedy these concerns.

So far, this bill has received tremendous bipartisan support in this legislative body. If my fellow colleagues in this institution continue to show favorable support for this initiative, we can do our part to help the war on drugs. I ask that you voice your firm support of this legislation by registering an affirmative vote. Thank you, Mr. Speaker.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 1757.

Mr. Speaker, HB 1757 is similar to a legislative initiative that I had offered several years ago, because throughout Pennsylvania, we do have a problem: a problem with adults who have no heart, have no conscience, have no respect, and are really hiding behind children, using children to traffic their drugs and commit their crimes. I wish that we could increase, we could double and even triple the sentencing time that is outlined in this bill for adults who use kids to carry out their criminal habits.

So, Mr. Speaker, I urge my colleagues on both sides of the aisle to support, to support HB 1757 zealously, and let us send a message to punks out there that will use kids to carry out, use kids to do what they do not have the heart or the guts to do themselves,

and will use kids so that they can avoid doing the time for the crime that they are committing.

So please, support HB 1757. Thank you.

On the question recurring,
Shall the bill pass finally?

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

YEAS—192

Adolph	Donatucci	Manderino	Schroder
Allen	Druce	Markosek	Schuler
Argall	Eachus	Marsico	Scrimenti
Armstrong	Egolf	Masland	Semmel
Baker	Fairchild	Mayernik	Serafini
Bard	Fargo	McCall	Seyfert
Barley	Feese	McGeehan	Shaner
Barrar	Fichter	McGill	Smith, B.
Battisto	Fleagle	McIlhattan	Smith, S. H.
Bebko-Jones	Flick	McNaughton	Snyder, D. W.
Belardi	Gannon	Melio	Staback
Belfanti	Geist	Michlovic	Stairs
Benninghoff	George	Micozzie	Steelman
Birmelin	Gigliotti	Miller	Steil
Bishop	Gladeck	Mundy	Stern
Blaum	Godshall	Myers	Stetler
Boscola	Gordner	Nailor	Stevenson
Brown	Gruppo	Nickol	Strittmatter
Browne	Habay	O'Brien	Sturla
Bunt	Haluska	Olasz	Surra
Butkovitz	Hanna	Oliver	Tangretti
Buxton	Harhart	Orie	Taylor, E. Z.
Caltagirone	Hasay	Perzel	Taylor, J.
Cappabianca	Hennessey	Pesci	Thomas
Carone	Herman	Petrarca	Tigue
Casorio	Hershey	Petrone	Travaglio
Chadwick	Hess	Phillips	Trello
Civera	Horsey	Pippy	Trich
Clark	Hutchinson	Pistella	True
Clymer	Itkin	Platts	Tulli
Cohen, L. I.	Jadlowiec	Preston	Vance
Cohen, M.	Jarolin	Ramos	Van Horne
Colaella	Josephs	Raymond	Veon
Colaizzo	Kaiser	Readshaw	Vitali
Cornell	Kenney	Reber	Walko
Corpora	Krebs	Reinard	Waugh
Corrigan	LaGrotta	Rieger	Williams, C.
Cowell	Laughlin	Roberts	Wilt
Coy	Lawless	Robinson	Wogan
Curry	Lederer	Roebuck	Wojnaroski
Daley	Leh	Rohrer	Wright, M. N.
Dally	Lescovitz	Rooney	Yewcic
DeLuca	Levdansky	Ross	Youngblood
Dempsey	Lloyd	Rublely	Zimmerman
Dent	Lucyk	Sainato	Zug
Dermody	Lynch	Santoni	
DeWeese	Maher	Sather	Ryan,
DiGirolamo	Maitland	Saylor	Speaker
	Major		

NAYS—0

NOT VOTING—1

Williams, A. H.

EXCUSED—8

Cam	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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.

SUPPLEMENTAL CALENDAR A

RESOLUTION

Mrs. RUBLEY called up HR 300, PN 2593, entitled:

A Resolution memorializing the Food and Drug Administration to accelerate its review of the product licensing applications pending and, if appropriate, approve a vaccine that prevents Lyme disease.

On the question, Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-192

- Adolph Allen Argall Armstrong Baker Bard Barley Barrar Battisto Bebk-Jones Belardi Belfanti Benninghoff Birmelin Bishop Blaum Boscola Boyes Brown Browne Bunt Butkovitz Buxton Caltagirone Cappabianca Carone Casorio Chadwick Civera Clark Clymer Cohen, L. I. Cohen, M. Colaafella Colaizzo Cornell Corpora Corrigan Cowell Coy Curry Daley Dally DeLuca Dempsey Dent Dermody DeWeese DiGirolamo Donatucci Druce Eachus Egolf Fairchild Fargo Feese Fichter Fleagle Flick Gannon Geist George Gigliotti Gladeck Godshall Gordner Gruppo Habay Haluska Hanna Harhart Hasay Hennessey Herman Hershey Hess Horsey Hutchinson Itkin Jadowiec Jarolin Josephs Kaiser Kenney Krebs LaGrotta Laughlin Lawless Lederer Leh Lescovitz Levdansky Lloyd Lucyk Lynch Maher Maitland Major Manderino Markosek Marsico Masland Mayernik McCall McGeehan McGill McIlhattan McNaughton Melio Michlovic Micozzie Miller Mundy Myers Nailor Nickol O'Brien Olasz Oliver Orie Perzel Pesci Petrarca Petrone Phillips Pippy Reinard Rieger Roberts Robinson Roebuck Rohrer Rooney Ross Rubley Sainato Santoni Sather Saylor Schroder Schuler Scrimenti Semmel Serafini Seyfert Shaner Smith, B. Smith, S. H. Snyder, D. W. Staback Stairs Steelman Steil Stern Stetler Stevenson Strittmatter Sturla Surra Tangretti Taylor, E. Z. Taylor, J. Thomas Tigie Travaglio Trello Trich True Tulli Vance Van Home Veon Vitali Walko Waugh Williams, C. Wilt Wogan Wojnaroski Wright, M. N. Yewcic Youngblood Zimmerman Zug Ryan, Speaker

NAYS-0

NOT VOTING-1

Williams, A. H.

EXCUSED-8

- Cam Cawley Evans Gruitza James Keller Kirkland Washington

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

RULES SUSPENDED

The SPEAKER pro tempore. Turn to supplemental calendar C. The Chair recognizes the gentleman from Lehigh County, Mr. Dent.

Mr. DENT. Mr. Speaker, I move that the rules of the House be suspended so that the House may immediately consider HR 289.

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

The following roll call was recorded:

YEAS-192

- Adolph Allen Argall Armstrong Baker Bard Barley Barrar Battisto Bebk-Jones Belardi Belfanti Benninghoff Birmelin Bishop Blaum Boscola Boyes Brown Browne Bunt Butkovitz Buxton Caltagirone Cappabianca Carone Casorio Chadwick Civera Clark Clymer Cohen, L. I. Cohen, M. Colaafella Colaizzo Cornell Corpora Corrigan Cowell Coy Curry Daley Dally DeLuca Dempsey Dent Dermody DeWeese DiGirolamo Donatucci Druce Eachus Egolf Fairchild Fargo Feese Fichter Fleagle Flick Gannon Geist George Gigliotti Gladeck Godshall Gordner Gruppo Habay Haluska Hanna Harhart Hasay Hennessey Herman Hershey Hess Horsey Hutchinson Itkin Jadowiec Jarolin Josephs Kaiser Kenney Krebs LaGrotta Laughlin Lawless Lederer Leh Lescovitz Levdansky Lloyd Lucyk Lynch Maher Maitland Major Manderino Markosek Marsico Masland Mayernik McCall McGeehan McGill McIlhattan McNaughton Melio Michlovic Micozzie Miller Mundy Myers Nailor Nickol O'Brien Olasz Oliver Orie Perzel Pesci Petrarca Petrone Phillips Pippy Reinard Rieger Roberts Robinson Roebuck Rohrer Rooney Ross Rubley Sainato Santoni Sather Saylor Schroder Schuler Scrimenti Semmel Serafini Seyfert Shaner Smith, B. Smith, S. H. Snyder, D. W. Staback Stairs Steelman Steil Stern Stetler Stevenson Strittmatter Sturla Surra Tangretti Taylor, E. Z. Taylor, J. Thomas Tigie Travaglio Trello Trich True Tulli Vance Van Home Veon Vitali Walko Waugh Williams, C. Wilt Wogan Wojnaroski Wright, M. N. Yewcic Youngblood Zimmerman Zug

Curry	Leh	Rooney	Wright, M. N.
Daley	Lescovitz	Ross	Yewcic
Dally	Levdansky	Rubley	Youngblood
DeLuca	Lloyd	Sainato	Zimmerman
Dempsey	Lucyk	Santoni	Zug
Dent	Lynch	Sather	
Dermody	Maher	Saylor	Ryan,
DeWeese	Maitland	Schroder	Speaker
DiGirolamo	Major		

NAYS-0

NOT VOTING-1

Readshaw

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

SUPPLEMENTAL CALENDAR C

RESOLUTION

Mr. DENT called up HR 289, PN 2493, entitled:

A Concurrent Resolution urging the Supreme Court to establish training programs relating to domestic violence.

On the question,
Will the House adopt the resolution ?

The following roll call was recorded:

YEAS-192

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True

Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colaella	Kaiser	Reber	Walko
Colaizzo	Kenney	Reinard	Waugh
Cornell	Krebs	Rieger	Williams, A. H.
Corpora	LaGrotta	Roberts	Williams, C.
Corrigan	Laughlin	Robinson	Wilt
Cowell	Lawless	Roebuck	Wogan
Coy	Lederer	Rohrer	Wojnaroski
Curry	Leh	Rooney	Wright, M. N.
Daley	Lescovitz	Ross	Yewcic
Dally	Levdansky	Rubley	Youngblood
DeLuca	Lloyd	Sainato	Zimmerman
Dempsey	Lucyk	Santoni	Zug
Dent	Lynch	Sather	
Dermody	Maher	Saylor	Ryan,
DeWeese	Maitland	Schroder	Speaker
DiGirolamo	Major		

NAYS-0

NOT VOTING-1

Readshaw

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 492, PN 1507, entitled:

An Act providing for real estate broker liens in the amount of compensation due for services rendered by the broker in connection with certain real estate transactions.

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

The SPEAKER pro tempore. The gentleman, Mr. Reber, offers the following amendment, which the clerk will read.

The Chair understands the gentleman withdraws that amendment. The Chair thanks the gentleman.

Does the gentleman, Mr. Gordner, have an amendment?
Withdrawn. The Chair thanks the gentleman.

The Chair understands the gentleman, Mr. George, does have an amendment which he intends to offer.

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

Mr. GEORGE offered the following amendment No. A5161:

Amend Title, page 1, line 3, by removing the period after "transactions" and inserting
and for disclosures.

Amend Sec. 6, page 5, line 16, by inserting after "section"
or if the provisions of subsection (i) are not met

Amend Sec. 6, page 6, by inserting between lines 3 and 4

(i) Disclosure.—No lien shall attach if the disclosure requirements of the act of July 2, 1996 (P.L.500, No.84), known as the Real Estate Seller Disclosure Act, are complied with and the following information is disclosed in writing:

Sewage sludge

(1) Are you aware of any sewage sludge that was applied to your property within the last 15 years?

..... yes no

(2) If "yes," was the sewage sludge tested for any of the following pollutants: arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium or zinc?

..... yes no

(3) If "yes," please explain the results of the test, indicating whether the pollutant was discovered and at what concentration:

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, for the past couple of years, there has been much to do but very little done in regard to the concerns that many of us have in the spreading of sewage sludge. There are those that insist, well, we have it and we have to get rid of it, and there are those that will say, yes, but you are getting rid of it in our area. It means very little that 70 percent of this so-called sludge is industrial sludge with much concern, and it has little to do that Pennsylvania allows 30 times more in levels of cadmium, mercury, et cetera, but that is not what this amendment does. It is very simple. It is something that ought to be done, and I feel you will agree, and this is simply a disclosure bill.

What it says is that if you have had sludge spread on your soil in the past 15 years, you simply disclose it so the buyer knows just what the buyer is getting. It will be very simple. It will insist and ask if you are aware of any sewage sludge that was applied to your property within the last 15 years. "If 'yes,' was the sewage sludge tested for any of the following pollutants: arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium or zinc," yes or no. "If 'yes,' please explain the results of the test, indicating whether the pollutant was discovered and at what concentration."

It is simply a disclosure law, and we should have a right to know, and these people that are buying these properties, we do not need another Love Canal. We do not need that anymore. Pennsylvania legislators are more appropriate and more attune to the needs of those that we serve, and I am asking that you support this amendment.

BILL PASSED OVER

The SPEAKER pro tempore. Without objection, SB 492 and the George amendment will be over for today.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that Representative Linda Bebko-Jones had with her today here the Erie Suzuki Strings from Erie, Pennsylvania, who were in the Capitol rotunda performing for the Christmas tree-lighting ceremony. I do not believe they are in the hall of the House now, but I hope you all had a chance to see them and watch them or listen to them perform.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The Chair thanks the gentleman, Mr. Chadwick, for presiding.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 641, PN 674, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records concerning juveniles.

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

The SPEAKER. It is the understanding of the Chair that SB 641, which previously had been scheduled with a number of amendments, is now without anticipated amendments. Is that incorrect? Does anyone have amendments for this?

Mr. COHEN. Mr. O'Brien has amendments.

BILL PASSED OVER TEMPORARILY

The SPEAKER. Without objection, SB 641 will be over temporarily. The Chair hears no objection.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 1412, PN 2655

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for alimony, for information to consumer reporting agency, for cooperation of government and nongovernment agencies and for general administration of support matters; providing for duties of Title IV-D attorney; further providing for order of support, for mandatory inclusion of child medical support, for commencement of support actions or proceedings, for expedited

procedure, for paternity, for attachment of income, for costs and fees, for continuing jurisdiction over support orders, for duty to report and for denial or suspension of licenses; providing for Title IV-D program and related matters; further providing for acknowledgment and claim of paternity, for responsibilities of law enforcement agencies, for court-ordered relief, for continuing exclusive jurisdiction, for recognition of child support orders, for duties of initiating tribunal, for duties and powers of responding tribunal, for inappropriate tribunal, for duties of support enforcement agency, for supervisory duty, for duties of the Department of Public Welfare and for income-withholding order of another state; providing for compliance with multiple income-withholding orders, for immunity from civil liability, for penalties for noncompliance and for contest by obligor; further providing for notice of registration of order, for procedure to contest validity or enforcement of registered order and for modification of child support order of another state; providing for jurisdiction to modify child support order of another state and for notice to issuing tribunal of modification; further providing for supervisory duty and for definitions; making repeals; and making editorial changes.

SB 1160, PN 1434

An Act providing for the divestiture of airport property; imposing obligations on the Department of Transportation; and making an appropriation.

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

STATEMENT BY MR. BLAUM

The SPEAKER. Is the gentleman, Mr. Blaum, on the floor? It is the understanding of the Chair that the gentleman wished to be recognized to make comments with respect to HB 201, which is over for the day.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I think the members should be aware that on page 3 of the calendar, HB 201 is a lottery bill and has been caucused on by both caucuses, and I would hope that it could be brought up today so that we could offer amendments having to do with the PACE (Pharmaceutical Assistance Contract for the Elderly) Program. I think the members of the House will remember quite well the PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) Program, which was instituted many months ago, which has been pretty much of a disaster, and we have amendments now that will correct that and return the system to the proposal that we put forward many months ago.

We had been told when PACENET was originated that there would be 75,000 new people enrolled in the PACE Program. Mr. Speaker, that has not occurred. In fact, there are 20,000 less senior citizens being covered by this prescription drug program, and under the wonderful PACENET Program, which we referred to as "PACENOT," there are only 8,900 people that have signed up for that program, which carries with it, as you know, that onerous \$500 deductible.

PARLIAMENTARY INQUIRY

Mr. BLAUM. So, Mr. Speaker, what I would like to do — I was disappointed to see that HB 201 was gone over for the day — is to ask what the appropriate motion is to call that up before the House so that I would be able to offer the amendments to do away with this PACENET Program, to increase the income eligibilities of the regular PACE Program, which would be \$16,000 for a single

person, \$19,200 for a married couple, and thereby truly include over 50,000 new senior citizens in the PACENET Program, which has the money, because not only was that PACENET Program instituted, it was also accompanied by a funding proposal, and we are not going to touch the funding proposal, but simply do away with the program that has not worked and cannot work. I do not know what members are experiencing in their districts, but in mine, when senior citizens around October and November realized they finally spent the \$500 deductible, they are just not bothering to take advantage of the program for an additional 30 to 45 days.

So I think it is time to correct the disastrous PACENET Program, to return the system to the way it was, the way it was working quite well, and I would like the opportunity to offer my amendment, Mr. Speaker, and I would ask what the appropriate motion is to call up HB 201 at this time.

The SPEAKER. Will the gentleman, Mr. Blaum, come to the desk.

(Conference held at Speaker's podium.)

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes to the hall of the House today Ilyse Lifton and Rebecca Hopkins, students from Pennsylvania State University College of Medicine. They are here today as the guests of Representative Tulli, and they are seated to the left of the Speaker. Would the guests please rise.

CONSIDERATION OF SB 641 CONTINUED

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

Mr. O'BRIEN offered the following amendment No. A5131:

Amend Title, page 1, line 3, by removing the period after "juveniles" and inserting

; and providing for postconviction relief.

Amend Bill, page 2, by inserting between lines 14 and 15

Section 2. Section 9543 of Title 42 is amended by adding a subsection to read:

§ 9543. Eligibility for relief.

(c) Extradition.—If the petitioner's conviction and sentence resulted from a trial conducted in his absence, and if the petitioner has fled to a foreign country that refuses to extradite him because a trial in absentia was employed, the petitioner shall be entitled to the grant of a new trial, notwithstanding any other provision of this subchapter.

Amend Sec. 2, page 2, line 15, by striking out "2" and inserting

3

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman from Philadelphia County, Mr. O'Brien.

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

Mr. Speaker, I rise today in the name of justice.

I also rise to ask the House to join me in protecting the rights of crime victims in general and specifically the rights of Helen "Holly" Maddux, a 1977 victim of a brutal murder in the city of Philadelphia.

Lastly, I rise to ask the House to join me in bringing Holly's convicted murderer, and a fugitive, to justice and wipe this front-page arrogant smirk from his arrogant face.

For those unfamiliar with this case to which I am referring, the unrepentant murderer with the obscene smirk is Ira Einhorn, who skipped bail 16 years ago after his arrest for the murder of his girlfriend, Holly Maddux, whom he beat to death and then stuffed in a trunk. He kept that trunk padlocked in a closet to decompose and claimed to the worried family that Holly had left him.

Einhorn fled to Europe and led law enforcement officials on a merry chase. In the meantime, he was convicted of Holly's murder in absentia. Just recently, Mr. Speaker, he was found living the good life in a country village in France.

United States authorities sought to extradite Einhorn for his crime so that he would finally serve his appointed sentence. Imagine the shock and the outrage of city police, the Maddux family, and — as his letters to the President of the United States, the Secretary of State, and the French Ambassador attest — the Attorney General, Mike Fisher, of Pennsylvania, when a French judicial panel refused to extradite Einhorn and instead set him free. Einhorn waltzed off, Mr. Speaker, with his new girlfriend to his picturesque French country home, facing nothing more than a comparatively insignificant charge of entering France illegally.

Mr. Speaker, as law-abiding citizens and as public officials charged with making law that will punish convicted criminals and protect crime victims, we should be just as outraged, and we should turn that outrage into legislation that will rectify this injustice. That is what I am seeking to do today. An appeal to the French judicial panel's decision is pending, as are deportation proceedings. These decisions will be made in the next few weeks and in the coming months and, without corrective action, may well result in Ira Einhorn walking away scot-free to a place where authorities can never lay a hand on him again. We cannot allow that to happen.

It is urgent that we act to give the French authorities good reason to return Einhorn to the United States to face justice. The stated reason for the French panel's refusal to extradite is that under their statute regarding convictions in absentia, Einhorn's human rights would be violated if he is not granted a new trial.

Putting aside the fact that Einhorn took a human life with no apparent remorse and that Pennsylvania's law regarding trials in absentia has been tested and upheld and is in fact the law of the land in many other States, and putting aside the fact that Einhorn chose to flee to escape judgment, and putting aside the fact that Holly Maddux's death has never been atoned for, I am offering an amendment that would meet the French objections and allow our judicial system to mete out justice.

Specifically, my amendment would amend the Post Conviction Relief Act by adding a subsection to section 9543, entitled "Eligibility for relief," that reads, "If the petitioner's conviction and sentence resulted from a trial conducted in his absence, and if the petitioner has fled to a foreign country that refuses to extradite him because a trial in absentia was employed, the petitioner shall be entitled to the grant of a new trial, notwithstanding any other provision of this subchapter."

Mr. Speaker, while I believe that language is clear and unequivocal, I would like to share with the House the text of a brief statement from the Philadelphia district attorney's office that eloquently and forcefully describes the legal morass the French authorities have presented for us and the need to act swiftly to correct it.

"On December 4, 1997, a French Court ruled that a...murderer — a Pennsylvania resident who killed a Pennsylvania resident in Pennsylvania — was immune from extradition and therefore, could escape punishment for the crime. The basis for the French Court's decree was that the manner of the murderer's trial — his case was heard in his absence after he waived his right to be present by fleeing the country — offended the court's notion of 'human rights'. This ruling exposes a notable problem arising from the interplay of a Pennsylvania Rule of Criminal Procedure and international extradition law. That difficulty can and should be remedied immediately.

"It must be emphasized preliminarily, that the problem does not lie in Pennsylvania's provision for conducting trials in absentia. That provision — Rule 1117, established by our Supreme Court in 1968 — is followed in many other states, and has proved an important tool against those who would otherwise escape justice forever by successful flight. Instead, the problem highlighted by this case is that, in international extradition cases, foreign nations have the naked power to impose their own values on purely American procedures. That power, in effect, turns the purpose of the trial in absentia on its head — handing the criminal a sword to accomplish the very goal he sought in fleeing originally.

"The amendment introduced here would close this unusual loophole. As a part of the Post-Conviction Relief Act, which permits the re-opening of otherwise final judgments, the amendment will apply to the murderer in the present case, despite the finality of his conviction, and to all similarly-situated defendants who meet the precise parameters of this statute. The provision would not apply to matters involving other American states because those jurisdictions are bound by the United States Constitution to give full faith and credit to Pennsylvania law.

"The amendment, however, must be adopted quickly if it is to have practical effect in the case that revealed the issue. American and French government officials have advised that this amendment can be taken into consideration as part of an appeal from the recent extradition decision, or in the separate context of deportation proceedings. Such an appeal is already underway and will proceed within the next several weeks; deportation proceedings will also move within a similar time frame.

"I therefore urge speedy consideration and passage...."

Mr. Speaker, we need to act today for a number of reasons. First, time is of the essence. The French authorities could act at any time, and if we are not prepared, we allow a convicted murderer to go free. Second, we would close a loophole in our law that may be used by other desperate criminals who would imitate Ira Einhorn. Third, and perhaps most important, we should act in the memory of Holly Maddux and her family, who underwent a terrible ordeal and placed their faith in our criminal justice system, only to see a tribunal across the sea turn Pennsylvania law upside down.

Mr. Speaker, the Maddux family deserves better than to have their last recollection in this case to be the smirking face of

Ira Einhorn enjoying life, while their daughter and sister's life was taken away and she was cruelly stuffed in a box and meant to be forgotten.

Mr. Speaker, for all those reasons, I ask the House for their support of this amendment, and I thank you very much for your attention.

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, when convicted murderer Ira Einhorn fled Philadelphia for parts unknown, the Philadelphia district attorney's office felt it reasonable to try him in absentia, after the Supreme Court of Pennsylvania allowed absentia trials, in order to see that the evidence would be presented on the record and that we not be in a situation whereby a long period of time would pass and Ira Einhorn would triumphantly return and all possible witnesses would be dead and there would be no case to present. The fact is, though, that today all the witnesses are not dead, the district attorney's office can present a good case, the Commonwealth really has very little to lose by presenting another trial, and it is in the interest of justice that we pass this amendment and allow France to live within its law and extradite Ira Einhorn and allow us to have another trial and present the evidence that is still there and see that justice is done.

I urge support of this amendment.

The SPEAKER. The gentleman, Mr. Thomas. The gentleman waives off.

The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for a brief interrogation?

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

Mr. VITALI. Mr. Speaker, does the gentleman have any research or knowledge as to whether this amendment will have retroactive effect and whether it will in fact be applicable to the Einhorn case?

Mr. O'BRIEN. Retroactivity is not an issue here, because specifically what we are doing is granting him a new trial.

Mr. VITALI. Well, that is the question, Mr. Speaker. Will this law passed after his conviction, will that control, or will the laws at the time of his conviction control?

Mr. O'BRIEN. This is a Post Conviction Relief Act matter, so this will control.

Mr. VITALI. Now, your basis for that opinion? What is your basis for that opinion, Mr. Speaker?

Mr. O'BRIEN. The issues relative to the Post Conviction Relief Act apply.

Mr. VITALI. Mr. Speaker, have you inquired how France, the government of France, would react should this amendment be signed into law?

Mr. O'BRIEN. I have no way of predicting that. We are simply meeting the objections that the lower court in France has set forth. We have every reason to believe that if we take this action, extradition will be successful.

Mr. VITALI. On what basis is your belief based?

Mr. O'BRIEN. Mr. Speaker, there is virtually no precedent for this because this is a one-in-a-million circumstance. This is happening today. It may never and hopefully will never happen again.

Mr. VITALI. Again, I am not— Well, I am not overly familiar with the facts of the case and the government of France's position. Is part of the problem with extradition the fact that he may be subject to the death penalty should he be extradited and convicted?

Mr. O'BRIEN. No. Specifically, the issues raised by the French judicial panel relate to the trial in absentia and the trial in absentia only. Ira Einhorn's current conviction does not provide for the death penalty; it provides for life imprisonment. So that is not an issue before us.

Mr. VITALI. If he were subject to a new trial, would he be exposed to a death penalty?

Mr. O'BRIEN. I do not have that information before me. It was not the issue in the case where he was convicted, so based on that, I would say that the case speaks for itself.

Mr. VITALI. Are there any legal problems today by drafting legislation directed at only one person?

Mr. O'BRIEN. Would the gentleman repeat the question.

Mr. VITALI. Let me slightly rephrase that.

Clearly, what we are doing today is amending Pennsylvania's—

The SPEAKER. Will the gentleman, Mr. Vitali, yield.

Conferences on the floor, please. The gentleman, Mr. O'Brien, is unable to hear Mr. Vitali.

The gentleman may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

It appears what we are doing today is drafting or amending Pennsylvania's Crimes Code to deal with one case. Does that present any legal problems?

Mr. O'BRIEN. I do not believe so. The issue that the judicial tribunal in France raised requires very specific legislative action by this General Assembly. That is what we are doing. If this General Assembly decides to change this specific provision sometime in the future, we have the authority and the power to do that. It is only because of the specific objection raised in France that this issue has come before us. As I said, it is a one-in-a-million case. Hopefully this issue will never — it has never been raised before — will never be raised again.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. O'BRIEN. Thank you.

The SPEAKER. The gentleman, Mr. Corpora.

Mr. CORPORA. Thank you, Mr. Speaker.

I certainly understand and appreciate the purpose of the amendment, to address the very specific situation, the one in a million, but if I could just interrogate the maker of the amendment for a brief moment.

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

Mr. CORPORA. My concern is this: Are we not building in an incentive for a person that is a criminal, that knows he is guilty, are we not building in an incentive here for him to flee to a country like France, knowing that he will get two bites at the apple, one when he is in France when he is being tried in absentia, and then with the "shall" language, he "shall" get a new trial, he can come back and get another shot with another trial?

Mr. O'BRIEN. That is a very good question, Mr. Speaker, and I will answer it very specifically. The trigger for this action is held by the prosecutor. Until and unless the prosecutor exercises an action for extradition, the conviction of any fugitive will stand, and that will be predicated on the fact that they do have the proper

evidence, that the witnesses are in place, that they can gain a conviction, and also on the specific policies of the country that the defendant is currently in.

Mr. CORPORA. Okay. Your answer then is, the trigger is held by the prosecutor or the district attorney.

Mr. O'BRIEN. Yes.

Mr. CORPORA. But it appears from the language of the provision that if the petitioner asks for a new trial when he is in a country that has this situation, he gets a new trial.

Mr. O'BRIEN. That is very specific to this case, and as I said, if this legislation presents a problem in the future, we can remedy it by another action of this General Assembly.

Mr. CORPORA. So if there is—

Mr. O'BRIEN. I do not see it as a floodgate of people getting two bites of the apple in any way, shape, or form, no.

Mr. CORPORA. But they will be able to get two bites at the apple, will they not? Will a criminal be able to flee to France and get two bites at the apple with this provision?

Mr. O'BRIEN. No.

Mr. CORPORA. Why not?

Mr. O'BRIEN. No, because— The issue is that the country has to specifically refuse to extradite because of a trial in absentia.

Mr. CORPORA. Right. And if a criminal, if a murderer knows that, knows that France has this provision, what disincentive does he have to flee to France, watch his trial from afar, and then petition and get a new trial and come back, if he is not successful in the first one?

Mr. O'BRIEN. Number one, I think the issue of trial in absentia is very rarely used. The defendant would have to go to France. It would have to meet this very, very specific criteria as crafted in this amendment. This amendment is crafted for an obvious reason, for an obvious defendant, at an obvious time.

Mr. CORPORA. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman, Mr. O'Brien, indicates he will stand for interrogation. The gentleman, Mr. Thomas, may begin.

Mr. THOMAS. Thank you, Mr. Speaker.

To the maker of the amendment, are you familiar with rules of statutory construction?

Mr. O'BRIEN. I can try to answer your question.

Mr. THOMAS. Pardon me?

Mr. O'BRIEN. I can try to answer any question that you have.

Mr. THOMAS. Well, if we apply the rules of statutory construction to the language contained in your amendment, defendants would automatically be entitled to a new trial; that is not something that would be discretionary as long as the other factors exist — one, that he or she was tried in absentia; two, he or she resides in a foreign country; three, that there are some efforts under way to consider extradition.

Mr. O'BRIEN. Mr. Speaker, as I said in an earlier inquiry, the prosecutor has to trigger that process by specifically requesting the extradition process to begin. It is also important for the members of this General Assembly to understand that there is an international treaty on extradition; France is a party to that treaty, and they are, frankly, disregarding the language contained in that

treaty. But specifically, on point, the prosecutor would have to first exercise the right to request the extradition. If the prosecutor does not do that, then nothing else happens. It is only after that extradition issue is put forward and a country raises an issue, as they did in France, that this mechanism would be triggered.

Mr. THOMAS. Mr. Speaker, I guess that is my point. Once the prosecutor requests extradition, then if you apply the rules of statutory construction to the language contained in your amendment, then entitlement to a new trial is automatic. I mean, it is not something that can be provided based on the prosecutor's discretion, because the way the language is in your amendment, your amendment provides a mandatory entitlement to a new trial as opposed to a discretionary entitlement to a new trial, applying the rules of statutory construction. But let us move from there for a minute.

My second point: You indicated that this whole issue is something that can be, should be, might be discussed by some international tribunal.

Mr. O'BRIEN. No; by a judicial tribunal in France.

Mr. THOMAS. Okay. My next question is whether or not State law or Federal law would be applicable under these circumstances.

Mr. O'BRIEN. There is nothing wrong, Mr. Speaker, with our existing law in Pennsylvania. It is, I believe, a misapplied interpretation of the international treaty, applied, dealing with extradition, by the French, that has caused this problem.

Mr. THOMAS. Third concern: If my understanding is correct — and I will stand corrected if the information is not correct — but it was my understanding that there were two parts to France's denial or rejection of the extradition request. One part had to do with this whole notion of trial in absentia, but the other part had to do with imposition of the death penalty. I mean, I had the luxury this past weekend of listening to who I think is probably one of the brightest attorneys around, Mr. Dershowitz, who gave a legal analysis involving this particular case, and it is my understanding that the second part of the problem, that trial in absentia was one part of the problem, but the second part of the problem was the imposition of the death penalty, and the imposition of the death penalty became a problem for France because the United States was unable to provide France with any definitive answers as to whether or not this defendant would be tried under the law as it existed at the time the crime was committed or at the time that he was tried in absentia or whether he would be tried based on existing law. And to that end, what really came into question is, at the time the crime was committed, I do not believe capital punishment was permitted in the Commonwealth of Pennsylvania, whereas under existing law, capital punishment is permissible. So to that end, France requested the United States to provide them with a definitive answer as to whether or not this defendant would be subjected to capital punishment, and if so, recognizing that the United States is probably one of most Third World countries that have the death penalty, and so to that end, France was concerned about the imposition of the death penalty as a second part to its rejection of extradition. Is that correct?

Mr. O'BRIEN. To answer the gentleman's question, the defendant, Ira Einhorn, would be tried under existing statutes today — the gentleman is correct — and that would be entirely within the discretion of the prosecutor, and the ultimate sentence would be a subject of the trial court, and if the death penalty were imposed, that would be by the jury.

Mr. THOMAS. So arguably, if that is correct that he would be tried under existing law, then this amendment is really without substance, if it is true that the second part of France's problem was the imposition of the death penalty and the fact that Mr. Einhorn would be tried under existing law as opposed to the law at the time the crime was committed. If that is the case, then this amendment really does nothing to remove the bar that France has imposed on the United States in extraditing Mr. Einhorn back to this country.

Mr. O'BRIEN. Mr. Speaker, to answer that very specifically, I will state to you that this is the first hurdle and only hurdle that this General Assembly has to deal with. As I said, the election as to whether to pursue the death penalty is totally within the discretion of the district attorney. They will deal with that at the appropriate time, be that in France or in the city of Philadelphia, hopefully when he is extradited.

Mr. THOMAS. My last question, Mr. Speaker: On the question of trial by absentia, now, I thought I heard that trial by absentia does not or at least the Supreme Court has ruled that it is not fundamentally in conflict with the United States Constitution or with the State Constitution, and I guess what my question is, was that decision rendered by State court or was it rendered by the United States Supreme Court?

Mr. O'BRIEN. Both.

Mr. THOMAS. Both State court and the United States Supreme Court have answered the question of trial by absentia?

Mr. O'BRIEN. That is correct.

Mr. THOMAS. Thank you, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in response to some of the questions that have been raised, there is no question that this amendment that Mr. O'Brien is introducing offers Ira Einhorn and any other similarly situated person at some time in the future a right that they do not have at the current time. Right now Ira Einhorn has no legal right to get a new trial, and this amendment gives him a right to get a new trial. So in a very narrow, limited sense, this amendment helps Mr. Einhorn. However, the reason Mr. O'Brien and the Philadelphia D.A.'s office are interested in, quote, unquote, "helping" Mr. Einhorn is because under the current situation with France, if we hold on to our position that he has already been convicted and does not get a new trial, there is a good chance he is just going to stay in France for the rest of his life, and it is the desire of the Philadelphia district attorney's office to try him to the greatest possible degree.

Now, there have been some questions raised in France about the death penalty. I am not personally certain as to the degree French concern about the death penalty is a factor. To whatever degree the French government, though, wishes to insist that the death penalty not be applied, I am certain the Philadelphia district attorney's office will be willing to accede to any reasonable request of the French government that would bring Mr. Einhorn here. If the alternative is Mr. Einhorn stays in France for the rest of his life and never gets punished for the murder of Holly Maddux, I think the Philadelphia district attorney's office will show some degree of flexibility.

This amendment is one of the few times that Pennsylvania has ever done something in response to pressure from another country.

France certainly does have a certain amount of power at this point. It is unclear— The worst possible situation, for the interest of law in Pennsylvania, would be that Einhorn stays in France indefinitely and lives out his days unpunished in France and basically gets away scot-free. Now, it is also possible that France could extradite him to let him flee to some other country and we would be bogged down in years of litigation, if indeed we find him again in some other foreign country.

So the O'Brien amendment seems to offer a possibility that within a reasonable period of time, the objections of the French government could be met and that Mr. Einhorn could be returned here to face trial. I assume that if he was brought back here, he would not again be released on bail, as he was previously. He would be imprisoned until the trial takes place. He would get the right to present his evidence and personally be there and participate in the trial, a right that he had in the original trial, and the only reason he was tried in absentia was that he was running away.

I think this is a reasonable amendment under the circumstances. I think the Philadelphia D.A.'s office has the power, if they choose to exercise it, to negotiate with France as to the precise nature of the charges that Mr. Einhorn would face, and we, of course, have the power, if necessary, to pass any further changes in Pennsylvania law needed to accommodate France. But it is certainly not in the interest of justice that Mr. Einhorn be allowed to literally get away with murder and serve in France and stay in France for the rest of his life without being punished.

This is a reasonable amendment, and I would urge support of it.

The SPEAKER. The gentleman, Mr. Sturla, desires recognition. The gentleman is recognized.

Mr. STURLA. Thank you, Mr. Speaker.

Will the maker of the amendment rise for a brief interrogation?

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the way I read this amendment, it would appear that this person who was tried in absentia, who is now in France, would have to ask the court for a new trial in order to be granted one. Is that correct?

Mr. O'BRIEN. He would simply have to file a petition; that is correct.

Mr. STURLA. Okay.

Unless France is willing to extradite this person, is there any reason why this person would file for a new trial?

Mr. O'BRIEN. No. Mr. Speaker, the reason that we are here is in furtherance of that extradition procedure so that we can get this defendant back to the United States. It is when extradition takes place that that petition will be filed, that petition will be granted, the existing conviction will be set aside, and a new trial will commence.

Mr. STURLA. And France has indicated that they will go along with extradition if there is simply the option of this person exercising a new trial? Is that—

Mr. O'BRIEN. That is something that is going to be argued before a judicial tribunal in France. The issue before this General Assembly is that we give every opportunity for the prosecutors to bring this defendant back, to meet the issues that

France has set forth. There is no guarantee that we are going to be successful. What we are trying to do is clear away the obvious obstacle that stands in the way of bringing this brutal murderer to justice.

Mr. STURLA. Okay. Thank you. I mean, I am supportive of the concept. I am just trying to figure out how it works. Thank you very much.

The SPEAKER. The gentleman, Mr. Corpora. He waives off Mr. O'Brien for the second time.

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

Let me just be very clear about what we are dealing with here today. If the district attorney's office chooses to deal the death penalty away in order to bring this defendant back to the United States — specifically, the city of Philadelphia — for justice, that is totally within their control. What is not within the district attorney's control is to grant a new trial. That is where we come in. That is our responsibility.

I ask you to face that responsibility squarely today, vote for this amendment, and bring a brutal murderer back to the United States for the sake of our criminal justice system, the people that have to have faith in that criminal justice system, but specifically for the Maddux family. Thank you.

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

The following roll call was recorded:

YEAS—193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafrilla	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan

Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS—0

NOT VOTING—0

EXCUSED—8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

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

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

The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS—192

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafrilla	Kaiser	Readshaw	Walko

Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Roebuck	Wogan
Coy	Lederer	Rohrer	Wojnaroski
Curry	Leh	Rooney	Wright, M. N.
Daley	Lescovitz	Ross	Yewcic
Dally	Levdansky	Rubley	Youngblood
DeLuca	Lloyd	Sainato	Zimmerman
Dempsey	Lucyk	Santoni	Zug
Dent	Lynch	Sather	
Dermody	Maher	Saylor	Ryan,
DeWeese	Maitland	Schroder	Speaker
DiGirolamo	Major		

NAYS-0

NOT VOTING-1

Robinson

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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.

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Perzel, who calls for an immediate meeting of the Rules Committee at the majority leader's desk.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 7, PN 2691; HB 909, PN 2622; HB 1347, PN 2693; and HB 1463, PN 2699**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 21, PN 2521**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 307, PN 1552**.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 7, PN 2691

By Rep. PERZEL

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriation Act of 1997, making additional State appropriations to the Auditor General and the Department of State; making an additional Federal appropriation to the Insurance Department; and making a repeal.

RULES.

HB 1463, PN 2699

By Rep. PERZEL

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport, a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania.

RULES.

SUPPLEMENTAL CALENDAR E

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 7, PN 2691**, entitled:

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriation Act of 1997, making additional State appropriations to the Auditor General and the Department of State; making an additional Federal appropriation to the Insurance Department; and making a repeal.

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

The SPEAKER. The gentleman, Mr. Lescovitz, on this question of concurrence.

Mr. LESCOVITZ. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. LESCOVITZ. Will the chairman of Appropriations stand for a brief interrogation?

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

Mr. LESCOVITZ. Thank you.

Mr. Speaker, on page 5 of HB 7 on concurrence, the Senate apparently took out a section at the bottom of the page, section 3, which deals with the allocation of about \$15 million in appropriations, which was set aside during the budget negotiations for the community bank corporation. The authorization legislation has not been passed. Could you tell me, why are we taking out or why did the Governor's Office request the Senate to take out the language for appropriate legislation to spend that money?

Mr. BARLEY. Okay. The guidelines for the implementation of spending that money have not been promulgated, and at the time that that would take place, then the money could be actually spent. That is the reason it was taken out at the present time, because the guidelines are not in place to be able to spend the money.

Mr. LESCOVITZ. Mr. Speaker, it is my understanding, though, that you need enabling legislation to spend the money. Is it your intention that we do not need enabling legislation to spend \$15 million; that the Governor, by just producing guidelines or policy, can spend that \$15 million?

The SPEAKER. Will the gentleman yield; will the gentleman yield.

The conferences on the floor, particularly those in the vicinity of the two gentlemen debating, will please break up.

The gentleman may continue.

Mr. BARLEY. Okay. The appropriations in the general appropriations bill were made, and SB 10 would actually implement it, and if we can move SB 10 along — we are anticipating that will happen — then the issue can move forward.

Mr. LESCOVITZ. Mr. Speaker, again, my concern is that I believe you need enabling legislation to spend the \$15 million for the community bank. Are you stating that you do not need enabling legislation and that the Governor's Office can spend this \$15 million any way they want?

Mr. BARLEY. Could you repeat the final part of your question, please.

Mr. LESCOVITZ. It is my understanding that we need enabling legislation to spend the \$15 million for the community bank corporation. Is it your contention that we do not need enabling legislation, that the Governor has the authority to spend that \$15 million any way he wants to?

Mr. BARLEY. Not if this legislation passes; if this legislation passes, then we do not.

Mr. LESCOVITZ. The Governor will not need enabling legislation?

Mr. BARLEY. It would be preferable or desirable, but it is not absolutely necessary.

Mr. LESCOVITZ. Okay. Further, Mr. Speaker, then, what we are doing with this section in HB 7 is giving the Governor \$15 million in a so-called WAM (walking-around money) or an appropriation that he could spend any way he wants to spend it.

Mr. BARLEY. But it is restricted for a community development bank.

Mr. LESCOVITZ. Mr. Speaker, I understand that it is in the existing appropriation bill, but there is no statute in existence today

which addresses the definition of a community reinvestment bank, so where can the Governor's Office spend this money?

Mr. BARLEY. They have their authority from the General Appropriations Act to be able to do that.

Mr. LESCOVITZ. Okay. Mr. Speaker, it is my understanding that there are two community investment banks, one in the Philadelphia area and one in the Pittsburgh area, so are those the only two areas in which the Governor can spend this \$15 million?

Mr. BARLEY. That would not be the case if this would be enacted.

Mr. LESCOVITZ. Those are the only two banks, Mr. Speaker, that are under existing legislation. I am wondering where else within the Commonwealth can the \$15 million be spent except Philadelphia and Pittsburgh.

Mr. BARLEY. That is the two that presently exist, but there is nothing to prohibit other ones from being created in your district, my district, or any other member's district.

Mr. LESCOVITZ. Okay. Mr. Speaker, one more question of clarification.

I understand what you are saying is other community reinvestment banks can be started up, but they have to meet certain Federal requirements, and there is no other place within the Commonwealth of Pennsylvania where that can happen except in Philadelphia and Pittsburgh. So I want to again question on where else can the \$15 million be spent except for Philadelphia and Pittsburgh if no other place within the other 65 counties can meet the Federal requirements without enabling legislation.

Mr. BARLEY. Those banks are established by Federal charter, not by State charter, so what you are saying is true on those banks that are federally chartered in those two particular areas today.

Mr. LESCOVITZ. Okay. Thank you, Mr. Speaker.

Just one comment.

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

Mr. LESCOVITZ. Thank you, Mr. Speaker.

I do endorse putting money in for the community reinvestment banks throughout the Commonwealth of Pennsylvania. I believe, though, however, that this is a bad precedent to include \$15 million without the actual enabling legislation establishing banks or areas throughout the Commonwealth that can spend this \$15 million. Right now the \$15 million, as stated by the Appropriations chairman, can only be spent in two districts — that is, Pittsburgh and Philadelphia. I would hope that the administration, before spending all \$15 million between now and June 30, would consider legislation so that this money could be spread across the Commonwealth and we are not just giving Philadelphia and Pittsburgh another \$15 million for economic development in these community reinvestments. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Clearfield, Mr. George.

Mr. GEORGE. I thank you, Mr. Speaker.

Mr. Speaker, I am going to be very honest about this matter, and I am going to admit, in no way, Mr. Speaker, will I insist that even you or the majority leader or the Republican Party or any Democrat is responsible for the political situation that we are faced with and refuse to do anything about it. The gentleman, the Appropriations chairman, mentioned that with SB 10, the enabling legislation will allow what is being done in HB 7 to go forward. I

want to remind you, all of you who may not know, that the last amendment was put in there for the purpose of circumventing what we have been trying to do for these schools, these 70 schools that are going to be facing a bad economic situation, these 70 schools that have your attention but do not have the administration's attention. Fifteen million dollars they are placing into this executive routine, and instead of them being fair about it and put that bill up and let us see whether these members want to help out these schools— Now, maybe they are waiting for 2 months so they will find that there is not just that much lost. The sad affair is that if they were to find that \$70 million that has been shuffled around that no one can find, there is still \$20 million or \$30 million that is going to go to the law firms that are trying to resolve this problem. So these schools are going to be in a bad predicament unless we, you and I, especially those of you that have one of these schools, attempt to do something about it.

I am not going to stand here and take on the Governor. I have information that in all possibility, there may even be a program already taped where the Governor talked about community building projects, and he was down in the city of Chester, I am told. Wonderful; I want to help these communities. But I also want to help these schools, your school as well as mine. Why are we evading? These amendments are not put in to stall; they are put in to help. I am not going to get it today, but if I am alive, I am going to—

The SPEAKER. Mr. George?

Mr. GEORGE. Yes, sir.

The SPEAKER. Mr. George, the question before the House is related to concurrence, whether or not we will or will not agree with the actions of the Senate, and I would greatly appreciate it if you would contain your remarks. I mean, we could go far afield, and I know you are quite capable of it, and I am asking you to really hold your remarks to the question before the House, which is concurring or nonconcurring, based on the actions of the Senate, not on actions that we could or could not have taken when it was in the House.

Mr. GEORGE. Would you be mad at me if I said, when you were down there at that desk, we faced it front-on; we did not go around by Chicago to get to New York City?

The SPEAKER. I have never been mad at you.

Mr. GEORGE. And I have never been mad at you.

The SPEAKER. Yet.

Mr. GEORGE. And I will respect what you have said.

The SPEAKER. Thank you, Mr. George.

Mr. GEORGE. I was trying to say that what the Senate did was not appropriate, what the Senate did was more for the Governor's campaign, and I will congratulate the Governor when he does the same kind of taping to show us he is going to help these schools who have been victimized because they invested money with a bad entity, and because of Auditor General Casey's funding mechanism, I guess I am going to say, it would be proper to concur. Thank you, Mr. Speaker.

The SPEAKER. Thank you.

The gentleman from Somerset, Mr. Lloyd.

Mr. LLOYD. Thank you, Mr. Speaker.

Mr. Speaker I would like to interrogate the chairman of the Appropriations Committee.

The SPEAKER. Mr. Barley indicates he will stand for interrogation. You may begin.

Mr. LLOYD. Mr. Speaker, I think I heard and understood your previous statement, but just to make clear, is it your intention, if this bill passes and is signed into law by the Governor, to continue efforts to pass SB 10?

Mr. BARLEY. Yes, Mr. Speaker; that is correct.

Mr. LLOYD. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Philadelphia County, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to extend a very happy, merry Christmas, happy Hanukkah, and happy Kwanzaa to all of my colleagues, on both sides of the aisle, and in the spirit of Christmas, Hanukkah, and Kwanzaa, Mr. Speaker, I rise to strongly urge the Governor to create and put one of these banks in Philadelphia County and preferably in the 181st Legislative District. We need it.

Vote for HB 7 on concurrence.

The SPEAKER. On the question of concurrence, the lady, Ms. Mundy, desires recognition. The lady is recognized.

Ms. MUNDY. Thank you, Mr. Speaker.

SB 10, the enabling legislation for the community development bank appropriation, was worked on long and hard by members of both sides of the aisle in the Commerce and Economic Development Committee, and we did that to provide accountability for those funds.

Some of us are tired of Governor Ridge having a little WAM program going in different areas of the budget, and here is another one. We are now saying that not only is there no geographic diversity involved in this bill or in the appropriation, the money does not have to be spent in northeastern Pennsylvania; it does not have to be spent in northwestern Pennsylvania or in central Pennsylvania; all of it can be spent in Philadelphia and Pittsburgh because those are the only areas of the State that can spend this money today.

So I am not voting against this concurrence because of the Auditor General's appropriation and because of the CHIP (Children's Health Insurance Program) appropriation. It would be very hard for me to do that. Those things are important to me. But we should be aware that if we do not move SB 10, we are giving Governor Ridge and Philadelphia and Pittsburgh another \$15 million to spend at their whim. Thank you.

The SPEAKER. The Chair thanks the lady.

On the question recurring,

Will the House concur in Senate amendments?

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

YEAS—193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil

Birmelin	Gigliotti	Miller	Stem
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colaifella	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR D

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1463, PN 2699**, entitled:

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport, a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania.

On the question,
Will the House concur in Senate amendments?
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

YEAS-193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feeze	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Bartisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfariti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colaifella	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.
 Mr. PERZEL. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of SB 577, PN 1475.

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

The following roll call was recorded:

YEAS—185

Adolph	Donatucci	Major	Saylor
Allen	Druce	Manderino	Schroder
Argall	Eachus	Markosek	Schuler
Armstrong	Egolf	Marsico	Scrimenti
Baker	Fairchild	Masland	Semmel
Bard	Fargo	Mayernik	Serafini
Barley	Feese	McCall	Seyfert
Barrar	Fichter	McGeehan	Shaner
Battisto	Fleagle	McGill	Smith, B.
Bebko-Jones	Flick	McLhattan	Smith, S. H.
Belardi	Gannon	McNaughton	Snyder, D. W.
Belfanti	Geist	Melio	Staback
Benninghoff	George	Michlovic	Stairs
Birmelin	Gigliotti	Micozzie	Stern
Bishop	Gladeck	Miller	Stetler
Blaum	Godshall	Mundy	Stevenson
Boscola	Gordner	Myers	Strittmatter
Boyes	Gruppo	Nailor	Surra
Brown	Habay	Nickol	Tangretti
Browne	Haluska	O'Brien	Taylor, E. Z.
Bunt	Hanna	Olasz	Taylor, J.
Butkovitz	Harhart	Oliver	Thomas
Buxton	Hasay	Orie	Tigue
Caltagirone	Hennessey	Perzel	Travaglio
Cappabianca	Herman	Pesci	Trello
Chadwick	Hershey	Petrarca	Trich
Civera	Hess	Petrone	True
Clark	Horsey	Phillips	Tulli
Clymer	Hutchinson	Pippy	Vance
Cohen, L. I.	Itkin	Pistella	Van Horne
Cohen, M.	Jadlowiec	Preston	Veon
Colafella	Jarolin	Ramos	Walko
Colaizzo	Josephs	Raymond	Waugh
Cornell	Kaiser	Readshaw	Williams, A. H.
Corpora	Kenney	Reber	Williams, C.
Corrigan	Krebs	Reinard	Wilt
Cowell	LaGrotta	Rieger	Wogan
Coy	Laughlin	Roberts	Wojnaroski
Curry	Lawless	Robinson	Wright, M. N.
Daley	Lederer	Roebuck	Yewcic
Dally	Leh	Rohrer	Youngblood
DeLuca	Lescovitz	Rooney	Zimmerman
Dempsey	Lloyd	Ross	Zug
Dent	Lucyk	Rublely	
Dermody	Lynch	Sainato	Ryan,
DeWeese	Maher	Santoni	Speaker
DiGirolamo	Maitland	Sather	

NAYS—8

Carone	Levdansky	Steelman	Sturla
Casorio	Platts	Steil	Vitali

NOT VOTING—0

EXCUSED—8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 577, PN 1475, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for the sale of unused and unnecessary lands and buildings.

On the question,
 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 ?

Mr. LLOYD. Mr. Speaker, I have an amendment to this bill. I have not withdrawn that amendment.

The SPEAKER. The Chair had been advised that there were no outstanding amendments, that all amendments had been withdrawn. I apologize.

Mr. LLOYD. Well, I might be willing to do that if someone has a good reason, but no one has talked to me about withdrawing an amendment to this bill. I agreed with Mr. O'Brien to withdraw an amendment on SB 641, but no one has even asked me.

The SPEAKER. Please ?

Mr. LLOYD. Mr. Speaker ?

The SPEAKER. The gentleman, Mr. Lloyd.

Mr. LLOYD. Mr. Speaker, I have had an opportunity to discuss this bill with Representative Fichter. I understand the time constraints, and I will agree to withdraw my amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. George.

Mr. GEORGE. Mr. Speaker, I apologize. The gentlemen, Mr. Fichter and Mr. Reber, had asked if I would remove the amendment, and I will be back, God willing, and after the first of the year, we will do it over again.

I wish you and your family a very, very joyous holiday. I guess this is my gift to Mr. Perzel. Thank you, sir.

The SPEAKER. It is one appreciated by many, many people.

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-193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs
Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Gladeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Burkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafiglia	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan,
DeWeese	Maitland	Saylor	Speaker
DiGirolamo	Major	Schroder	

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

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

SUPPLEMENTAL CALENDAR F

RESOLUTION PURSUANT TO RULE 35

Mr. TRELLO called up HR 311, PN 2700, entitled:

A Resolution celebrating the occasion of the eighty-second birthday of Frank Sinatra.

On the question,
Will the House adopt the resolution ?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Trello, who is going to perhaps sing us a song. Mr. Trello.

Mr. TRELLO. Mr. Speaker, I rise to ask support for HR 311 honoring the 82d birthday of probably the world's most renowned crooner and probably the best that this country and this world has ever known.

Frank Sinatra's beautiful and superb performance of love songs is second to none, and some of the songs that Frank Sinatra made popular maybe some of you might remember them. I think the Speaker might remember them, which was "All or Nothing At All," which was his very first hit, and I stood in line for 2½ hours at the Stanley Theater in Pittsburgh in 1948 just to listen to him, and the cost was 50 cents. Then he sang "This Love of Mine," and of course, we all remember "Nancy With the Laughing Face," and "Polka Dots and Moonbeams" was always one of my favorites; "The Things We Did Last Summer," for those young - and of course, the words do not describe some of the things that were done last summer - and "The Trip on a Train" and "I Thought About You" and "Come Fly With Me."

I think that we will all agree that Frank Sinatra, without a doubt, probably was the cause of more men and women falling in love and getting married than any one single person in the world.

And I think it might be appropriate to ask the Speaker to maybe sing a Sinatra song or a duet with somebody.

The SPEAKER. I never heard him do "Danny Boy," so I will allow you the privilege of serenading us.

Mr. TRELLO. "This love of mine goes on and on—"

The SPEAKER. That is enough.

Mr. TRELLO. Thank you, Mr. Speaker.

The SPEAKER. I did not want to lose this resolution.

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

The following roll call was recorded:

YEAS-193

Adolph	Donatucci	Manderino	Schuler
Allen	Druce	Markosek	Scrimenti
Argall	Eachus	Marsico	Semmel
Armstrong	Egolf	Masland	Serafini
Baker	Fairchild	Mayernik	Seyfert
Bard	Fargo	McCall	Shaner
Barley	Feese	McGeehan	Smith, B.
Barrar	Fichter	McGill	Smith, S. H.
Battisto	Fleagle	McIlhattan	Snyder, D. W.
Bebko-Jones	Flick	McNaughton	Staback
Belardi	Gannon	Melio	Stairs

Belfanti	Geist	Michlovic	Steelman
Benninghoff	George	Micozzie	Steil
Birmelin	Gigliotti	Miller	Stern
Bishop	Glađeck	Mundy	Stetler
Blaum	Godshall	Myers	Stevenson
Boscola	Gordner	Nailor	Strittmatter
Boyes	Gruppo	Nickol	Sturla
Brown	Habay	O'Brien	Surra
Browne	Haluska	Olasz	Tangretti
Bunt	Hanna	Oliver	Taylor, E. Z.
Butkovitz	Harhart	Orie	Taylor, J.
Buxton	Hasay	Perzel	Thomas
Caltagirone	Hennessey	Pesci	Tigue
Cappabianca	Herman	Petrarca	Travaglio
Carone	Hershey	Petrone	Trello
Casorio	Hess	Phillips	Trich
Chadwick	Horsey	Pippy	True
Civera	Hutchinson	Pistella	Tulli
Clark	Itkin	Platts	Vance
Clymer	Jadlowiec	Preston	Van Horne
Cohen, L. I.	Jarolin	Ramos	Veon
Cohen, M.	Josephs	Raymond	Vitali
Colafrella	Kaiser	Readshaw	Walko
Colaizzo	Kenney	Reber	Waugh
Cornell	Krebs	Reinard	Williams, A. H.
Corpora	LaGrotta	Rieger	Williams, C.
Corrigan	Laughlin	Roberts	Wilt
Cowell	Lawless	Robinson	Wogan
Coy	Lederer	Roebuck	Wojnaroski
Curry	Leh	Rohrer	Wright, M. N.
Daley	Lescovitz	Rooney	Yewcic
Dally	Levdansky	Ross	Youngblood
DeLuca	Lloyd	Rubley	Zimmerman
Dempsey	Lucyk	Sainato	Zug
Dent	Lynch	Santoni	
Dermody	Maher	Sather	Ryan, Speaker
DeWeese	Maitland	Saylor	
DiGirolamo	Major	Schroder	

HB 21, PN 2521

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, further providing for contents of actuarial valuation report.

HB 959, PN 2660

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for property; and authorizing certain home rule municipalities to levy, assess and collect a mercantile tax and a business privilege tax on gross receipts or parts of gross receipts.

HB 1463, PN 2699

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the City of McKeesport, a tract of land situate in the Seventh Ward, City of McKeesport, Allegheny County and to sell and convey to Smithfield Township certain land situate in the Township of Smithfield, Huntingdon County; and authorizing and directing the Department of General Services, with the approval of the Governor, to convey tracts of land and buildings, consisting of a portion of the former Laurelton Center, located in Hartley Township, Union County, Pennsylvania.

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

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

HB 1105, PN 2701 (Amended)

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for advance notification of pesticide application within schools, school grounds, athletic fields and playgrounds.

EDUCATION.

**STATE GOVERNMENT
COMMITTEE MEETING**

The SPEAKER. The gentleman, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, during this short interlude, I would like to call a meeting of the State Government Committee in the rear of the hall right now to do a particular matter.

The SPEAKER. Members of the State Government Committee should move to the rear of the hall of the House for a short meeting, which I understand is dealing with a resolution, consideration of a resolution.

The House will be at ease.

CALENDAR CONTINUED

CONSIDERATION OF HB 1649 CONTINUED

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Carn	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 7, PN 2691

An Act amending the act of May 6, 1997 (P.L. , No.4A), entitled General Appropriation Act of 1997, making additional State appropriations to the Auditor General and the Department of State; making an additional Federal appropriation to the Insurance Department; and making a repeal.

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-192

Adolph	Donatucci	Markosek	Schuler
Allen	Druce	Marsico	Scrimenti
Argall	Eachus	Masland	Semmel
Armstrong	Egolf	Mayermik	Serafini
Baker	Fairchild	McCall	Seyfert
Bard	Fargo	McGeehan	Shaner
Barley	Feese	McGill	Smith, B.
Barrar	Fichter	McIlhattan	Smith, S. H.
Battisto	Fleagle	McNaughton	Snyder, D. W.
Bebko-Jones	Flick	Melio	Staback
Belardi	Gannon	Michlovic	Stairs
Belfanti	Geist	Micozzie	Steelman
Benninghoff	George	Miller	Steil
Birmelin	Gladeck	Mundy	Stern
Bishop	Godshall	Myers	Stetler
Blaum	Gordner	Nailor	Stevenson
Boscola	Gruppo	Nickol	Strittmatter
Boyes	Habay	O'Brien	Sturla
Brown	Haluska	Olasz	Surra
Browne	Hanna	Oliver	Tangretti
Bunt	Harhart	Orie	Taylor, E. Z.
Butkovitz	Hasay	Perzel	Taylor, J.
Buxton	Hennessey	Pesci	Thomas
Caltagirone	Herman	Petrarca	Tigue
Cappabianca	Hershey	Petrone	Travaglio
Carone	Hess	Phillips	Trello
Casorio	Horsey	Pippy	Trich
Chadwick	Hutchinson	Pistella	True
Civera	Itkin	Platts	Tulli
Clark	Jadlowiec	Preston	Vance
Clymer	Jarolin	Ramos	Van Home
Cohen, L. I.	Josephs	Raymond	Veon
Cohen, M.	Kaiser	Readshaw	Vitali
Colafrella	Kenney	Reber	Walko
Colaizzo	Krebs	Reinard	Waugh
Cornell	LaGrotta	Rieger	Williams, A. H.
Corpora	Laughlin	Roberts	Williams, C.
Corrigan	Lawless	Robinson	Wilt
Cowell	Lederer	Roebuck	Wogan
Coy	Leh	Rohrer	Wojnaroski
Curry	Lescovitz	Rooney	Wright, M. N.
Daley	Levdansky	Ross	Yewcic
Dally	Lloyd	Rubley	Youngblood
DeLuca	Lucyk	Sainato	Zimmerman
Dempsey	Lynch	Santoni	Zug
Dent	Maher	Sather	
Dermody	Maitland	Saylor	Ryan,
DeWeese	Major	Schroder	Speaker
DiGirolamo	Manderino		

NAYS-0

NOT VOTING-1

Gigliotti

EXCUSED-8

Cam	Evans	James	Kirkland
Cawley	Gruitza	Keller	Washington

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.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I move from the tabled bill calendar HB 126.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes Mr. Perzel.
Mr. PERZEL. Mr. Speaker, I move that HB 126 be recommitted to the Committee on Appropriations.

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 HB 1873, PN 2354, entitled:

An Act amending the act of March 29, 1996 (P.L.46, No.15), known as the Hepatitis B Prevention Act, providing for additional requirements.

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

Ms. JOSEPHS offered the following amendment No. A4821:

Amend Title, page 1, line 4, by removing the period after "requirements" and inserting
and for cost-sharing provisions.

Amend Bill, page 2, by inserting between lines 2 and 3
Section 3.1. Cost-sharing provisions.

(a) Applicability.—Benefits for hepatitis B immunization services shall be subject to copayment and coinsurance provisions of a health insurance policy to the extent that other medical services covered by the policy are subject to those provisions.

(b) Exemption.—Benefits for hepatitis B immunization services shall be exempt from deductible or dollar limit provisions in a health insurance policy. This exemption must be explicitly provided for in the policy.

Amend Sec. 2, page 2, line 3, by striking out "2" and inserting

3

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Mr. Speaker, with the indulgence of the Chair, I am checking something that has to do with the details at the request of the prime sponsor of the bill, and if you will give us some minutes, I think we will have something definitive for you.

The SPEAKER. The Chair thanks the lady.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 577, PN 1475

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, further providing for the sale of unused and unnecessary lands and buildings.

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

CONSIDERATION OF HB 1873 CONTINUED

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the lady from Philadelphia County, Ms. Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I have a commitment from the gentleman on the other side to work on the substance of this, and therefore, I reluctantly but with great faith in their assurances have withdrawn my amendment.

The SPEAKER. The Chair thanks the lady.

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?

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

YEAS-193

- | | | | |
|-------------|-----------|------------|---------------|
| Adolph | Donatucci | Manderino | Schuler |
| Allen | Druce | Markosek | Scrimenti |
| Argall | Eachus | Marsico | Semmel |
| Armstrong | Egolf | Masland | Serafini |
| Baker | Fairchild | Mayernik | Seyfert |
| Bard | Fargo | McCall | Shaner |
| Barley | Feese | McGeehan | Smith, B. |
| Barrar | Fichter | McGill | Smith, S. H. |
| Battisto | Fleagle | McIlhattan | Snyder, D. W. |
| Bebko-Jones | Flick | McNaughton | Staback |
| Belardi | Gannon | Melio | Stairs |
| Belfanti | Geist | Michlovic | Steelman |
| Benninghoff | George | Micozzie | Steil |
| Birmelin | Gigliotti | Miller | Stern |
| Bishop | Gladeck | Mundy | Stetler |

- | | | | |
|--------------|------------|----------|------------------|
| Blaum | Godshall | Myers | Stevenson |
| Boscola | Gordner | Nailor | Strittmatter |
| Boyes | Gruppo | Nickol | Sturla |
| Brown | Habay | O'Brien | Surra |
| Browne | Haluska | Olasz | Tangretti |
| Bunt | Hanna | Oliver | Taylor, E. Z. |
| Butkovitz | Harhart | Orie | Taylor, J. |
| Buxton | Hasay | Perzel | Thomas |
| Caltagirone | Hennessey | Pesci | Tigue |
| Cappabianca | Herman | Petrarca | Travaglio |
| Carone | Hershey | Petrone | Trello |
| Casorio | Hess | Phillips | Trich |
| Chadwick | Horsey | Pippy | Truc |
| Civera | Hutchinson | Pistella | Tulli |
| Clark | Itkin | Platts | Vance |
| Clymer | Jadlowiec | Preston | Van Horne |
| Cohen, L. I. | Jarolin | Ramos | Veon |
| Cohen, M. | Josephs | Raymond | Vitali |
| Colafella | Kaiser | Readshaw | Walko |
| Colaizzo | Kenney | Reber | Waugh |
| Cornell | Krebs | Reinard | Williams, A. H. |
| Corpora | LaGrotta | Rieger | Williams, C. |
| Corrigan | Laughlin | Roberts | Wilt |
| Cowell | Lawless | Robinson | Wogan |
| Coy | Lederer | Roebuck | Wojnaroski |
| Curry | Leh | Rohrer | Wright, M. N. |
| Daley | Lescovitz | Rooney | Yewcic |
| Dally | Levdansky | Ross | Youngblood |
| DeLuca | Lloyd | Rublely | Zimmerman |
| Dempsey | Lucyk | Sainato | Zug |
| Dent | Lynch | Santoni | |
| Dermody | Maher | Sather | Ryan,
Speaker |
| DeWeese | Maitland | Saylor | |
| DiGirolamo | Major | Schroder | |

NAYS-0

NOT VOTING-0

EXCUSED-8

- | | | | |
|--------|---------|--------|------------|
| Carn | Evans | James | Kirkland |
| Cawley | Gruitza | Keller | Washington |

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

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

The House proceeded to third consideration of **HB 201, PN 2486**, entitled:

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for a lottery winnings intercept in relation to defaulted student loans obtained originally through the Pennsylvania Higher Education Assistance Agency.

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

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

Mr. BLAUM. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

The Chair has its calendar marked as over. Without objection, HB 201, PN 2486, is over for the day.

It is the understanding of the Chair that the gentleman, Mr. Blaum, objects to it going over for the day.

BILL PASSED OVER

The SPEAKER. The Chair recognizes the majority leader, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, I move that the bill be passed over for today.

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

The SPEAKER. On that question, the gentleman, Mr. Blaum, is recognized.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, on page 3 of the calendar, as we said earlier, I think everybody could recognize is a lottery bill, HB 201, and what we would like today is to bring HB 201 up before this body so that we may offer amendments to correct a mistake which was made last fall, about a year ago.

A year ago the General Assembly established a PACENET Program which, we were told, would bring 75,000 new senior citizens into the paid prescription drug program funded by the lottery. There are those of us who argued against that course, and indeed here we are now, in December of 1997, and that has proven to be a mistake, not only a mistake but pretty much of a disaster in that not only has it not brought 75,000 senior citizens into the PACE Program but 20,000 seniors have dropped off, and 49,000 seniors have not been added to the PACENET Program, as was indicated by the administration, but only 8,900 seniors are in the PACENET Program because of that \$500 deductible.

In addition, Mr. Speaker, there exists now in the lottery, because of the cost-savings piece of that legislation passed a year ago, a \$73-million surplus in the lottery program that should be paying for prescription drugs for senior citizens. That probably, in my mind, is the biggest offense, that that money is coming to us and not paying for prescription programs.

We have an amendment which will do away with the PACENET Program, which was a mistake in the first place, do away with the \$500 deductible, and raise the income limits for senior citizens to \$16,000 for a single individual, \$19,200 for a married couple, so that we can truly bring in excess of 50,000 senior citizens into the PACE Program. There is more than enough money there to pay for it, and they can begin receiving the prescription services to which they are entitled.

So I would ask that we not go over this bill today, that we bring this bill up before the House so that we can offer the amendment and return the PACE Program to the terrific program it was in helping seniors across Pennsylvania.

Thank you, Mr. Speaker. I would move that we not pass over.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the majority leader, Mr. Perzel.

Will the gentleman yield for a moment.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the gentleman, Mr. Itkin, who requests a leave for the lady from Montgomery, Ms. WILLIAMS. The leave is granted, without objection. The Chair hears none.

CONSIDERATION OF HB 201 CONTINUED

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

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, I probably should not mention it is snowing outside like crazy and it is starting to stick. There will be no further votes after this vote here today.

Mr. Speaker, we are talking about major revisions to the PACE Program, and it has been brought to my attention several times from the other side of the aisle that we do not spend enough time deliberating on the different bills that come before the General Assembly. Although I also am in favor of increasing PACE limits, I do not believe that that is something we should do here in the haste of the hour to a bill that, even if it went to the Senate, could not possibly pass at this point in time.

I believe we should sit down and talk about it. I would make a commitment that we will run HB 201 the first day we come back, and I believe that is January 20, but at this time I would like to ask the members to pass over this particular piece of legislation. Thank you, Mr. Speaker.

The SPEAKER. On the question, the Chair recognizes the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I, too, rise and ask the majority leader to change his mind about going over this bill today. This is important for senior citizens.

I spoke with Secretary Browdie in my office early in January, and he told me to give this program some time. It is clear, with only 8,900 senior citizens in the PACENET Program, that this has been an abysmal failure.

Right now we have a fund balance of \$73 million that is in the Lottery Fund and we also have money that is already appropriated in the PACENET Program that is going unused because the senior citizens have not accessed this program, and the reason why they have not accessed the program is because it costs \$500 and \$1,000 — \$1,000 for a couple and \$500 for the individual — to get on the PACENET Program.

I feel strongly that we should take up my amendment today to eliminate the PACENET Program and increase the income limits. This is a very important issue for senior citizens. Access to pharmaceutical drugs is important, and I know we could have done this program and included everybody in the program without additional costs to senior citizens.

So while I agree with the majority leader that we should take time to deliberate, the time is now. It is time to do the right thing by senior citizens, and I ask for consideration. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia County, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the majority leader noted it is snowing outside. It was snowing when we began at 11 o'clock today, and despite the

snow, we found time to add bill after bill that affected a small problem here and a small problem there, and we had not caucused on at least several of the bills but we added them anyway to solve this problem or that problem, to help somebody here or there.

Now, a year ago, in November 1996, we voted for a PACE Program which we were told increased the availability of prescription drugs for senior citizens, and the Democrats, many of them, opposed the proposal on the grounds that it did not increase the program enough, and it turns out, after a year in operation, even the critics were too kind. Last year's vote did not increase the PACE Program eligibility at all; it decreased it. We have got less people getting PACE prescriptions now than we had a year ago before we passed the bill. What we did in November of 1996 was to cut the availability of paid prescriptions for senior citizens, not to increase it moderately.

This urgently affects people throughout Pennsylvania; it affects people in all of our districts. It is far more important an issue than anything we have voted on today. I think we should not pass this over, and we ought to vote for the relevant amendments and let the Senate begin January by voting on a real increase in paid prescriptions for senior citizens. Let the Senate begin in January and let us get it enacted into law quickly.

I urge opposition to passing this over.

The SPEAKER. The gentleman from Centre County, Mr. Herman.

Mr. HERMAN. Thank you, Mr. Speaker.

As prime sponsor of HB 201, I would like to alert the members that the bill itself has to do with the State lottery system in regard to delinquent debtors of PHEAA (Pennsylvania Higher Education Assistance Agency), not the PACE Program, not the shared-ride program, not pharmaceuticals, but for that particular purpose. Obviously, amendments are being offered to this bill because it is a lottery bill. I understand that some of these amendments — and I have reviewed them — are meritorious. Another one, which was just given to me today from Representative Tigue, deals with the shared-ride program.

I really do not think we have had really enough time to really analyze these amendments and their fiscal impact or the advantages to senior citizens, and that is why it is very necessary we pass over this bill now. And even though I regret that we are not going to vote this today and certainly I would love to have this legislation passed and get it to the Senate, it is necessary, if those persons are still determined that they are going to offer their amendments to this bill, that we pass over it and deal with it immediately when we come back in January. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. PACENET did not work; PACENET did not work. We have the money. You get a chance to vote for senior citizens or against senior citizens. It is that simple; it is really that simple.

And one last observation — and I laud, I laud the majority leader for his desire to slow down, take our time, be deliberative, utilize his ratiocinative powers over the yuletide season; I laud that — it seems like we can find \$182 million for a shipyard in Philadelphia that we heard about 2 days before; it seems like we can pass bills dealing with gasoline taxes, dealing with fish increases, et cetera, et cetera, in a heartbeat.

On this last day of session before the Christmas season, Mr. Speaker, it should be noted that the majority party allows its schedule to be structured somewhat whimsically. Many times we have to do something immediately. We do not have time to send it to a committee; it has to be done right now, right now. And yet the gentleman from Luzerne, Mr. Blaum, has a proposal that would allow many, many thousands of Pennsylvanians in their senior years to be the beneficiary of our lottery program.

Our PACENET Program did not work. We have a solution. It is yes or no. It is senior citizens. And in this season of the year, I think it is lamentable that this will not pass unanimously. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—104

Adolph	Fairchild	Major	Schuler
Allen	Fargo	Marsico	Semmel
Argall	Feese	Masland	Serafini
Armstrong	Fichter	McGill	Seyfert
Baker	Fleagle	McIlhattan	Smith, B.
Bard	Flick	McNaughton	Smith, S. H.
Barley	Gannon	Micozzie	Snyder, D. W.
Barrar	Geist	Miller	Stairs
Benninghoff	Gladeck	Nailor	Steil
Birmelin	Godshall	Nickol	Stern
Boyes	Gruppo	O'Brien	Stevenson
Brown	Habay	Orie	Strittmatter
Browne	Harhart	Perzel	Taylor, E. Z.
Bunt	Hasay	Phillips	Taylor, J.
Carone	Hennessey	Platts	True
Chadwick	Herman	Raymond	Tulli
Civera	Hershey	Readshaw	Vance
Clark	Hess	Reber	Waugh
Clymer	Hutchinson	Reinard	Wilt
Cohen, L. I.	Jadlowiec	Roebuck	Wogan
Cornell	Kenney	Rohrer	Wright, M. N.
Dally	Krebs	Ross	Zimmerman
Dempsey	Lawless	Rubley	Zug
Dent	Leh	Sather	
DiGirolamo	Lynch	Saylor	Ryan,
Druce	Maher	Schroder	Speaker
Egolf	Maitland		

NAYS—85

Battisto	DeWeese	McCall	Scrimenti
Bebko-Jones	Donatucci	McGeehan	Shaner
Belardi	Eachus	Melio	Staback
Belfanti	George	Michlovic	Steelman
Bishop	Gigliotti	Mundy	Stetler
Blaum	Gordner	Myers	Sturlia
Boscola	Haluska	Olasz	Surra
Butkovitz	Itkin	Oliver	Tangretti
Buxton	Jarolin	Pesci	Thomas
Caltagirone	Josephs	Petrarca	Tigue
Cappabianca	Kaiser	Petrone	Travaglio
Casorio	LaGrotta	Pippy	Trello
Cohen, M.	Laughlin	Pistella	Trich
Colafrella	Lederer	Preston	Van Home
Colaizzo	Lescovitz	Ramos	Veon
Corpora	Levdansky	Rieger	Vitali
Corrigan	Lloyd	Roberts	Walko
Cowell	Lucyk	Robinson	Williams, A. H.
Coy	Manderino	Rooney	Wojnaroski

Curry	Markosek	Sainato	Yewcic
DeLuca	Mayernik	Santoni	Youngblood
Dermody			

NOT VOTING—3

Daley	Hanna	Horsey
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EXCUSED—9

Cam	Gruitza	Keller	Washington
Cawley	James	Kirkland	Williams, C.
Evans			

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

The SPEAKER. The Chair is pleased to advise you at this time that there will be no further votes.

I wish each and every one of you and all of your families a safe and happy holiday.

And let us all of us give one hello to Gaynor Cawley, who is probably watching us now from his rehabilitation room. Hi, Gaynor.

The session of January 6, which is constitutionally mandated for noon, will not be a voting session; it will be a token session. The next voting session will be the 20th of January.

VOTE CORRECTIONS

The SPEAKER. The gentleman, Mr. Williams.

Mr. WILLIAMS. Mr. Speaker, there are a series of corrections I need to make to the record, and I would just like to have instruction about how you would like me to handle it. It is quite—

The SPEAKER. If they are in print, submit them for the record.

Mr. WILLIAMS. If they are in print—

The SPEAKER. Do you have that in a memorandum or a letter form?

Mr. WILLIAMS. No, unfortunately, I do not, Mr. Speaker. These are the roll calls, and I have noted what I need to correct, so I just want you to— If you want me to submit a memo, I will do that. I know everybody wants to go, so whatever way you want me to handle it, I will be happy to do it.

The SPEAKER. Go ahead, start correcting.

Mr. WILLIAMS. Okay.

HB 1649, on final passage, I would like to be voted in the affirmative; HR 311, in the affirmative; SB 577, in the affirmative; SB 577, motion to suspend the rules, in the affirmative; HB 1463, on concurrence, in the affirmative; HB 7, on concurrence, in the affirmative; SB 641, final passage, in the affirmative; SB 641, amendment 5131, O'Brien, in the affirmative; HR 289, in the affirmative; HR 289, motion to suspend the rules, in the affirmative; HR 300, in the affirmative; HB 1757, final passage, in the affirmative; HB 959, on concurrence, in the affirmative; HB 439, final passage, in the affirmative; SB 284, final passage, in the affirmative; HR 310, in the affirmative; HR 309, in the affirmative; HR 308, in the affirmative; HR 307, in the affirmative; HR 145, in the affirmative; SB 425, final passage, in the affirmative; HB 1487, final passage, in the affirmative;

HB 439, amendment 4712, Vitali, in the negative; HB 439, amendment 4785, Sturla, in the affirmative. Mr. Speaker, for the record, on the Vitali amendment, I will put that in the affirmative. It is a Christmas present.

The SPEAKER. Everyone should get a present.

Mr. WILLIAMS. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Mr. Stevenson.

Mr. STEVENSON. Mr. Speaker, I would like the record to show an affirmative vote on amendment 4712 to HB 439.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. Kaiser.

Mr. KAISER. Thank you, Mr. Speaker.

On HB 439, amendment A4712, I would like the record to reflect my vote as an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. Horsey.

Mr. HORSEY. On HB 201, Mr. Speaker, my lever malfunctioned. I wanted to be voted in the negative on that particular vote.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

Mr. HORSEY. Thank you, Mr. Speaker, and merry Christmas.

The SPEAKER. Thank you, sir. The same to you.

Mr. Readshaw.

Mr. READSHAW. Mr. Speaker, I would like to correct the record.

On HB 201, on the motion to pass over, I was recorded in the affirmative. I would like to be recorded in the negative.

The SPEAKER. The remarks of the gentleman will be spread upon the record.

BILLS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Do the Republican or Democratic leaders have any further business?

The Chair recognizes the gentleman from Allegheny County, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

With your permission, I have the distinction and honor to now move that this House do adjourn until Tuesday, January 6, 1998, at 12 m., e.s.t., unless sooner recalled by the Speaker.

And I wish you a blessed Christmas and a happy and healthy 1998. Thank you, Mr. Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:57 p.m., e.s.t., the House adjourned.