

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 8, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 36

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

PRAYER

REV. NANCY DAHLBERG, Chaplain of the House of Representatives and pastor of Chapel Hill United Church of Christ, Camp Hill, Pennsylvania, offered the following prayer:

Good morning, and let us pray together:

We come before You, O God, and wait for the kindling flame of Your call upon our lives. You have blessed us by allowing these women and men to serve in this place this day. Open Your truth upon them. Show them Your way, and guide them by Your love.

O God, equip this community, this State, and this nation to be an inviting, caring place in which all Your people find genuine welcome and are lifted up to a new understanding, opportunity, wholeness, and joy.

We pray in the name of our sovereign and eternal God. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, June 7, 1999, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1570 By Representatives O'BRIEN, DAILEY, VAN HORNE, VEON, BEBKO-JONES, BELARDI, BELFANTI, BISHOP, BUNT, BUXTON, CALTAGIRONE, CAWLEY, CLARK, CLYMER, CORNELL, CORRIGAN, COY, CURRY, DeWEESE, EACHUS, FAIRCHILD, FICHTER, FRANKEL, HALUSKA, HARHAI, HASAY, HERMAN, JAMES, KIRKLAND, LaGROTTA, LAUGHLIN, McCALL, McNAUGHTON, MELIO, R. MILLER, MYERS, ORIE, SATHER, SAYLOR, SERAFINI, SEYFERT, SHANER, SOLOBAY, STEELMAN, STERN, E. Z. TAYLOR, J. TAYLOR,

WALKO, WILLIAMS, WILT, WOJNAROSKI, YOUNGBLOOD and YUDICHAK

An Act relating to bloodborne pathogen standards governing exposure to certain persons.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 8, 1999.

No. 1571 By Representatives CASORIO, BELFANTI, VAN HORNE, PISTELLA, WOJNAROSKI, PETRARCA, MARKOSEK, PLATTS, ROBERTS, HARHAI, WILLIAMS, LAUGHLIN, YOUNGBLOOD, READSHAW, JAMES, SOLOBAY and McILHATTAN

An Act amending the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, further regulating pension calculations.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1572 By Representatives SEYFERT, GEORGE, FLEAGLE, STERN, TANGRETTI, SHANER, SOLOBAY, HALUSKA, BAKER, GRUCELA, YUDICHAK, E. Z. TAYLOR, DAILEY, YOUNGBLOOD, HARHAI, LYNCH, FRANKEL, BARRAR, McILHINNEY, HESS, STAIRS, J. TAYLOR, TIGUE, READSHAW, ROSS, STEELMAN, SAYLOR, CURRY, LaGROTTA, THOMAS, TRELLO, SERAFINI, GEIST, R. MILLER, FLICK, GLADECK, MYERS and STETLER

An Act providing for the prevention, detection, treatment and follow-up of cases of hepatitis B among firefighters, paramedics, emergency medical technicians, ambulance attendants, first responders, funeral directors, law enforcement officers, coroners and deputy coroners; and making an appropriation.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 8, 1999.

No. 1573 By Representatives SEYFERT, ORIE, RUBLEY, ROSS, FARGO, SAYLOR, STEVENSON, WILT, L. I. COHEN, BROWNE, WILLIAMS, CLARK, McNAUGHTON and MAHER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing an additional exclusion from real property transfer tax for certain transfers between partnerships and limited liability corporations.

Referred to Committee on FINANCE, June 8, 1999.

No. 1574 By Representatives SEYFERT, BENNINGHOFF, GEORGE, SURRA, SHANER, BAKER, STABACK, E. Z. TAYLOR, YOUNGBLOOD, HARHAI, BARRAR, SATHER, LYNCH, J. TAYLOR, PETRARCA, READSHAW, BELFANTI, STEELMAN, WOJNAROSKI, CURRY, SAINATO, THOMAS, TRELLO, WILT, SERAFINI, SCHULER and MAYERNIK

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to county sheriffs and deputy sheriffs, county coroners and deputy coroners and to certain employees of the Bureau of Forestry in the Department of Conservation and Natural Resources.

Referred to Committee on JUDICIARY, June 8, 1999.

No. 1575 By Representative WATERS

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for bail in drug offenses.

Referred to Committee on JUDICIARY, June 8, 1999.

No. 1576 By Representatives EGOLF, FLICK, PLATTS, BUNT, BARRAR, MAITLAND, LYNCH, VANCE, ARMSTRONG, ZUG, STEVENSON, HESS, PHILLIPS, NICKOL, NAILOR, MASLAND, SEYFERT, SCHULER, GIGLIOTTI, HUTCHINSON, CLARK, MARSICO, STERN, READSHAW, FICHTER, S. H. SMITH, RUBLEY, McILHINNEY, HENNESSEY, FAIRCHILD, MAJOR, FORCIER, ROHRER, HERSHEY, E. Z. TAYLOR, SAYLOR, TRUE, STABACK, S. MILLER, BARD, BENNINGHOFF, DeLUCA, RAYMOND, McCALL, R. MILLER, HALUSKA, COLAFELLA, HASAY, BROWNE, CIVERA, HARHAI and METCALFE

An Act providing for procedures for students expelled from school and for powers and duties of boards of school directors.

Referred to Committee on EDUCATION, June 8, 1999.

No. 1577 By Representatives STEVENSON, ORIE, JAMES, MYERS, BARD, WOJNAROSKI, SOLOBAY, ADOLPH, MELIO, ROBINSON, LEVDANSKY, MICHLOVIC, PLATTS, PISTELLA, FRANKEL, CURRY, RAMOS and J. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses.

Referred to Committee on TRANSPORTATION, June 8, 1999.

No. 1578 By Representative CORNELL

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for appointments by the board of county commissioners in a county of the second class A in certain cases.

Referred to Committee on URBAN AFFAIRS, June 8, 1999.

No. 1579 By Representatives KREBS, TRELLO, LYNCH, DALEY, SEYFERT, KIRKLAND, CLARK, B. SMITH, LAUGHLIN, WILLIAMS, HENNESSEY, STEELMAN, HORSEY and DeLUCA

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for waivers of certain standards relating to child day care centers.

Referred to Committee on AGING AND YOUTH, June 8, 1999.

No. 1580 By Representatives KREBS, ZUG, SATHER, S. H. SMITH, M. COHEN, McNAUGHTON, HARHAI, KIRKLAND, GRUCELA, RAMOS, MUNDY, ALLEN, THOMAS, HENNESSEY and STEELMAN

An Act providing for the certification of operators of solid waste facilities; and imposing duties on the Department of Environmental Protection.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, June 8, 1999.

No. 1581 By Representatives COSTA, DERMODY, VAN HORNE, WALKO, READSHAW, DeLUCA, FRANKEL, RUFFING, LAUGHLIN, SOLOBAY, MELIO, STEELMAN, YOUNGBLOOD, HALUSKA, HARHAI and GEIST

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, authorizing municipalities to provide additional points on civil service examinations for municipal residents.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1582 By Representatives MAITLAND, EGOLF, GEIST, BATTISTO, BENNINGHOFF, COSTA, CURRY, FRANKEL, HARHAI, MASLAND, R. MILLER, PLATTS, ROSS, SERAFINI, E. Z. TAYLOR, J. TAYLOR, TIGUE, WALKO and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of criminal nonsupport.

Referred to Committee on JUDICIARY, June 8, 1999.

No. 1583 By Representatives VANCE, HERMAN, NICKOL, BAKER, BATTISTO, CORRIGAN, COSTA, EGOLF, FARGO, FLICK, FORCIER, GODSHALL, GORDNER, HARHAI, HERSHEY, LaGROTTA, LAUGHLIN, R. MILLER, MUNDY, NAILOR, PESCI, PLATTS, SATHER, SAYLOR, SCRIMENTI, SEYFERT, SOLOBAY, STEELMAN, STERN, STURLA, E. Z. TAYLOR, THOMAS, TIGUE, TRUE and WOJNAROSKI

An Act establishing the family support services program for certain families with disabled persons; providing for the powers and duties of the Department of Public Welfare; establishing a Statewide family support advisory council; providing for regional advisory councils; and making an appropriation.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 8, 1999.

No. 1584 By Representatives BELFANTI, PHILLIPS, MICHLOVIC, LUCYK, NAILOR, DRUCE, GRUCELA, YOUNGBLOOD, STABACK, CORRIGAN, LEDERER, HARHAI, PLATTS, FRANKEL, SHANER, BUNT, YUDICHAK, VEON, HASAY, CAWLEY, FAIRCHILD, BARD, HUTCHINSON, TIGUE, R. MILLER, SEYFERT, WILT, CLARK, WOJNAROSKI, WILLIAMS, ROBERTS, MELIO, SERAFINI, ARMSTRONG, LAUGHLIN, READSHAW, EGOLF, FEESE, CURRY, McCALL, M. COHEN, HALUSKA and S. MILLER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the computation of seniority for reduction in force.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 8, 1999.

No. 1585 By Representatives HERMAN, ARGALL, BARD, CLARK, CURRY, GEORGE, GLADECK, HENNESSEY, HESS, HORSEY, LAUGHLIN, MAJOR, MELIO, MUNDY, MYERS, PLATTS, SCRIMENTI, STEELMAN, SURRA, WALKO, WILLIAMS and YOUNGBLOOD

An Act authorizing municipalities to adopt ordinances providing for testing of sewage sludge on reclamation sites; providing for shared costs and for setback from residential areas; authorizing fines; and providing for exceptions.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1586 By Representatives DEMPSEY, WILT, FEESE and GODSHALL

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the definition of "county" for authorization of excise tax.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, June 8, 1999.

No. 1587 By Representatives GODSHALL, BARRAR, BENNINGHOFF, CALTAGIRONE, FEESE, FICHTER, GEIST, GEORGE, HENNESSEY, JAMES, LAUGHLIN, MANDERINO, ROBERTS, SAINATO, SEYFERT, STABACK, SURRA, WILLIAMS, YOUNGBLOOD and HORSEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for hunting on Sunday.

Referred to Committee on GAME AND FISHERIES, June 8, 1999.

No. 1588 By Representatives READSHAW, BATTISTO, BELFANTI, BROWNE, CLARK, M. COHEN, COSTA, DALEY, DeLUCA, FRANKEL, GEORGE, HALUSKA, HARHAI, HORSEY, KAISER, LAUGHLIN, MARKOSEK, MAYERNIK, MELIO, RUFFING, SEYFERT, SHANER, STABACK, J. TAYLOR, TIGUE, VAN HORNE, WOGAN, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for inquiry as to the source of security for bail in drug offenses.

Referred to Committee on JUDICIARY, June 8, 1999.

No. 1589 By Representatives GORDNER, MICOZZIE, CIVERA, MAHER, SEYFERT, STABACK, SOLOBAY, STERN, WOJNAROSKI, M. COHEN, SCRIMENTI, TANGRETTI and RAMOS

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for insurance sales by public utilities.

Referred to Committee on INSURANCE, June 8, 1999.

No. 1590 By Representatives BISHOP, BELFANTI, DALEY, FRANKEL, HARHAI, HORSEY, JAMES, LAUGHLIN, LEDERER, MELIO, MYERS, ROBINSON, SAYLOR, SOLOBAY, STERN, WASHINGTON, YOUNGBLOOD and M. COHEN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for contempt for noncompliance with visitation or custody orders.

Referred to Committee on JUDICIARY, June 8, 1999.

No. 1591 By Representatives BISHOP, CAPPABIANCA, ARGALL, ARMSTRONG, BEBKO-JONES, BELARDI, BELFANTI, BENNINGHOFF, BLAUM, BUNT, L. I. COHEN, M. COHEN, CORRIGAN, COY, CURRY, DeWEESE, EVANS, FAIRCHILD, FARGO, FRANKEL, GEORGE, GRUCELA, HASAY, JAMES, LAUGHLIN, LEH, LESCOVITZ, MANDERINO, MANN, McCALL, McILHATTAN, MELIO, MUNDY, PETRARCA, PETRONE, RIEGER, ROBERTS, ROBINSON, SCHRODER, SEYFERT, STABACK, STURLA, SURRA, TANGRETTI, TIGUE, WASHINGTON, WILLIAMS, WOJNAROSKI, YOUNGBLOOD, J. TAYLOR and ROONEY

An Act designating the first Monday after February 4 of each year as Rosa Parks Remembrance Day.

Referred to Committee on STATE GOVERNMENT, June 8, 1999.

No. 1592 By Representatives BISHOP, BELARDI, MANN, TANGRETTI, ROBINSON, READSHAW, BELFANTI, BEBKO-JONES, COY, COSTA, HARHAI, PESCI, CAPPABIANCA, SOLOBAY, LEVDANSKY and DeLUCA

An Act making an appropriation to the Department of Education for Head Start grants.

Referred to Committee on APPROPRIATIONS, June 8, 1999.

No. 1593 By Representatives BISHOP, BATTISTO, BELARDI, DeWEESE, LEDERER, PETRONE, NAILOR, MELIO, MYERS, MANDERINO, TANGRETTI, SCRIMENTI, COY, HARHAI, BEBKO-JONES, COSTA, LAUGHLIN, CAPPABIANCA, WILLIAMS, SOLOBAY, JAMES, HORSEY, LEVDANSKY, DeLUCA and EVANS

An Act making a supplemental appropriation to the Department of Health for the Women, Infants and Children program.

Referred to Committee on APPROPRIATIONS, June 8, 1999.

No. 1594 By Representatives MYERS, BISHOP, BELARDI, TANGRETTI, MANN, READSHAW, ROBINSON, BELFANTI, BEBKO-JONES, COY, COSTA, LAUGHLIN, HARHAI, CAPPABIANCA and PESCI

An Act making a supplemental appropriation to the Department of Public Welfare for community mental health care.

Referred to Committee on APPROPRIATIONS, June 8, 1999.

No. 1595 By Representatives LEDERER, ROBERTS, GEORGE, YOUNGBLOOD, MELIO, READSHAW, JAMES, CLARK, M. COHEN, HORSEY, DALEY, HALUSKA, FREEMAN, CORRIGAN, MICHLOVIC, McGEEHAN, OLIVER, BISHOP and BUTKOVITZ

An Act providing for visibility of cash register screens in places of business.

Referred to Committee on CONSUMER AFFAIRS, June 8, 1999.

No. 1596 By Representatives MARKOSEK, RUFFING, HARHAI, GRUCELA, ARGALL, WOJNAROSKI, SOLOBAY, TIGUE, PESCI, BELFANTI, WILLIAMS and KAISER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for probable cause arrests in misdemeanor sex offenses.

Referred to Committee on JUDICIARY, June 8, 1999.

No. 1597 By Representatives RAMOS, KAISER, GEORGE, READSHAW, PETRARCA, FICHTER, HASAY, FAIRCHILD, WALKO, STEELMAN, J. TAYLOR, ROBINSON, WOJNAROSKI, MANDERINO, BELFANTI, BISHOP, L. I. COHEN, M. COHEN, CORRIGAN, DALEY, GRUCELA, HALUSKA, HERMAN, JOSEPHS, LEDERER, MANN, MELIO, YOUNGBLOOD, SAINATO, LaGROTTA, LEVDANSKY,

COSTA, HARHAI, FLICK, SURRA, MYERS, HORSEY and STETLER

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, providing for a "no sales solicitation calls list."

Referred to Committee on CONSUMER AFFAIRS, June 8, 1999.

No. 1598 By Representatives NICKOL, CLARK, L. I. COHEN, M. COHEN, COLAFELLA, FRANKEL, JOSEPHS, KAISER, MANDERINO, MANN, R. MILLER, PLATTS, RAMOS, READSHAW, ROSS, RUBLEY, SAYLOR, SHANER, STEELMAN, STEVENSON, STURLA, E. Z. TAYLOR, TIGUE, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing payments to school districts for Limited English Proficiency programs.

Referred to Committee on EDUCATION, June 8, 1999.

No. 1599 By Representatives NICKOL, BELFANTI, DALEY, FARGO, HALUSKA, HARHAI, McCALL, R. MILLER, PETRARCA, PLATTS, ROBERTS, ROSS, SCRIMENTI, STERN, TIGUE, WILT, YOUNGBLOOD and ZUG

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

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1600 By Representatives GEIST, LESCOVITZ, DALEY, BATTISTO, DeWEESE, SOLOBAY, ROBERTS, PIPPY, MARKOSEK, LaGROTTA, STAIRS, HARHAI, TRICH, BARD, MARSICO and PHILLIPS

An Act designating a portion of the Mon/Fayette Expressway, State Route 43, as the J. Barry Stout Expressway; designating a portion of the Mon/Fayette Expressway, State Route 43, as the James J. Manderino Memorial Highway; designating the twin bridges at milepost 45 of the Mon/Fayette Expressway as the Joe Montana Bridges; and designating State Route 1077 in Donora and Carroll Township, Washington County, as the Stan Musial Byway.

Referred to Committee on TRANSPORTATION, June 8, 1999.

No. 1601 By Representatives CIVERA, ALLEN, BOYES, BUXTON, CAPPABIANCA, COSTA, DeLUCA, DeWEESE, FARGO, GEORGE, GRUITZA, HARHAI, HERMAN, HORSEY, HUTCHINSON, KENNEY, KREBS, LaGROTTA, LAUGHLIN, LYNCH, MAHER, MARKOSEK, MARSICO, MAYERNIK, MELIO, MICHLOVIC, S. MILLER, NAILOR, ORIE, PESCI, PETRONE, RAMOS, RAYMOND, READSHAW, RIEGER, ROBINSON, SATHER, SOLOBAY, STABACK, STEELMAN,

STERN, TIGUE, TRICH, TRUE, TULLI, VAN HORNE, VEON, WILT, YUDICHAK and ZUG

An Act amending the act of January 14, 1952 (1951 P.L.1898, No.522), known as the Funeral Director Law, further providing for licenses.

Referred to Committee on PROFESSIONAL LICENSURE, June 8, 1999.

No. 1602 By Representatives SCHRODER, ARGALL, BARD, BARRAR, BATTISTO, BELFANTI, BENNINGHOFF, BLAUM, BUNT, BUXTON, CHADWICK, COLAFELLA, CORNELL, DeLUCA, DERMODY, EGOLF, FAIRCHILD, FARGO, FORCIER, GEIST, GRUCELA, HALUSKA, HARHAI, HERSHEY, JAMES, KAISER, KIRKLAND, LEDERER, LYNCH, MAITLAND, MASLAND, METCALFE, R. MILLER, S. MILLER, MYERS, NAILOR, PLATTS, READSHAW, ROSS, RUBLEY, SATHER, SAYLOR, SCRIMENTI, SEYFERT, SHANER, SOLOBAY, STABACK, STEELMAN, STERN, STEVENSON, SURRA, E. Z. TAYLOR, J. TAYLOR, TIGUE, TRUE, VAN HORNE, VANCE, WILLIAMS, WILT, WOGAN and YOUNGBLOOD

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, providing for access to minor records by a parent or legal guardian; and further providing for financial obligation.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 8, 1999.

No. 1603 By Representatives McILHINNEY, BUNT, CLYMER, CORRIGAN, DRUCE, GODSHALL, RUBLEY, SEYFERT and S. MILLER

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for a definition of "fair share" regarding land use.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1604 By Representatives McILHINNEY, CLYMER, CORRIGAN, DRUCE, FORCIER, HENNESSEY, MELIO, ROSS, SEYFERT, STEELMAN and STEIL

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for landowner curative amendments.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1605 By Representatives McILHINNEY, BARD, BELFANTI, CORRIGAN, DRUCE, GORDNER, RAMOS, ROSS, STEIL and RUBLEY

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for zoning purposes, for classifications and for procedure for landowner curative amendments.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1606 By Representatives McILHINNEY, BARD, BELFANTI, CORRIGAN, COSTA, DRUCE, GORDNER, RAMOS, SAYLOR, STEIL, RUBLEY and ROSS

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for zoning for watershed cooperation among adjoining municipalities.

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

No. 1607 By Representatives McILHINNEY, ADOLPH, ARGALL, BARD, BARRAR, BELFANTI, CORRIGAN, DALLY, DRUCE, GODSHALL, GORDNER, GRUCELA, HERMAN, LEH, PLATTS, RAMOS, ROSS, SAYLOR, SERAFINI, STEIL, TANGRETTI, E. Z. TAYLOR and SCHRODER

An Act authorizing the incurring of additional indebtedness, with approval of the electors, of \$1,000,000,000 for the further purchase of agricultural conservation easements for the preservation of agricultural land and to provide additional funds for the Keystone Recreation, Park and Conservation Fund.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 8, 1999.

No. 1608 By Representatives KIRKLAND, LEDERER, HARHAI, PRESTON, HORSEY, LAUGHLIN, GEORGE, MELIO, HENNESSEY, YOUNGBLOOD, MYERS, THOMAS, M. COHEN, COLAFELLA, EVANS, BELFANTI and TRELLO

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, providing for employment of security personnel and police.

Referred to Committee on URBAN AFFAIRS, June 8, 1999.

No. 1609 By Representatives KIRKLAND, RUBLEY, HARHAI, PRESTON, HALUSKA, HORSEY, McCALL, SEYFERT, HENNESSEY, MAHER, MYERS, THOMAS, M. COHEN and TRELLO

An Act relating to teaching visually impaired students.

Referred to Committee on EDUCATION, June 8, 1999.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 197 By Representatives J. TAYLOR, JOSEPHS, ADOLPH, ALLEN, ARMSTRONG, BAKER, BEBKO-JONES, BUNT, CALTAGIRONE, CIVERA, L. I. COHEN, M. COHEN, CORNELL, DAILEY, DONATUCCI, FICHTER, FLICK, GEORGE, GIGLIOTTI, HARHAI, HERSHEY, HORSEY,

JAMES, KELLER, KENNEY, LAUGHLIN, LEDERER, McNAUGHTON, MELIO, PESCI, PETRONE, RAMOS, RIEGER, ROEBUCK, RUBLEY, SCRIMENTI, SHANER, E. Z. TAYLOR, THOMAS, WALKO, WILLIAMS, WOJNAROSKI, YOUNGBLOOD and ZIMMERMAN

A Resolution designating the Walnut Street Theatre at 9th and Walnut Streets, Philadelphia, Pennsylvania, as the "State Theatre of Pennsylvania."

Referred to Committee on RULES, June 8, 1999.

No. 198 By Representatives PHILLIPS, FAIRCHILD, HESS, ALLEN, ARMSTRONG, BAKER, BARD, BEBKO-JONES, BELARDI, BENNINGHOFF, CAPPABIANCA, CIVERA, CLARK, L. I. COHEN, M. COHEN, CORRIGAN, DeWEESE, DONATUCCI, EGOLF, FICHTER, GEIST, GIGLIOTTI, GRUCELA, HARHAI, HARHART, HERSHEY, HORSEY, HUTCHINSON, JAMES, JOSEPHS, LAUGHLIN, LEDERER, LEH, MAITLAND, MAJOR, MANDERINO, MARKOSEK, McNAUGHTON, MELIO, S. MILLER, MYERS, ORIE, PESCI, PIPPY, RAMOS, READSHAW, ROBERTS, RUBLEY, SATHER, SAYLOR, SERAFINI, SEYFERT, SHANER, SOLOBAY, STABACK, TANGRETTI, E. Z. TAYLOR, TRUE, WALKO, WOJNAROSKI, YOUNGBLOOD and ZUG

A Resolution designating the teddy bear named Burke P. Bear, of Boyds Bears, as Pennsylvania's ambassador for love, peace, fun and a cure for cystic fibrosis and encouraging the citizens of Pennsylvania to support efforts to find a cure for cystic fibrosis.

Referred to Committee on RULES, June 8, 1999.

No. 199 By Representatives WILLIAMS, BELARDI, FAIRCHILD, WOJNAROSKI, SOLOBAY, ROBINSON, GANNON, READSHAW, GEIST, FREEMAN, BEBKO-JONES, DeWEESE, YUDICHAK, TIGUE, SHANER, GRUCELA, DAILEY, LaGROTTA, JAMES, LAUGHLIN, CURRY, ROEBUCK, BELFANTI, FLICK, HARHAI, CORRIGAN, MELIO, ARGALL, FRANKEL and ROONEY

A Resolution declaring that all Pennsylvania school students have the right to the surety that schools and classrooms are safe, and requesting from the Department of Education an accounting and evaluation of professional guidance services and aid that can be provided to local school districts.

Referred to Committee on RULES, June 8, 1999.

No. 201 By Representatives MICHLOVIC, SEMMEL and LUCYK

A Resolution memorializing the Congress of the United States to increase the Veterans' Administration Medical Care Budget for fiscal year 2000 to \$20.3 billion.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, June 8, 1999.

No. 202 By Representatives McILHINNEY, ARGALL, BARD, BARRAR, CORRIGAN, DALLY, DeWEESE, DRUCE, FORCIER, GODSHALL, GORDNER, GRUCELA, LEH,

RAMOS, ROSS, SAYLOR, SERAFINI, STEIL, STERN and TANGRETTI

A Resolution urging the Department of Environmental Protection to develop and establish new wastewater technologies for on-lot systems and small flows.

Referred to Committee on RULES, June 8, 1999.

No. 203 By Representatives KIRKLAND, GANNON, ARMSTRONG, CORRIGAN, MYERS, LaGROTTA, COSTA, GEORGE, CALTAGIRONE, HERSHEY, BENNINGHOFF, READSHAW, WOJNAROSKI, SEYFERT, PESCI, GEIST, GRUCELA, PISTELLA, HALUSKA, PHILLIPS, SOLOBAY, STABACK, CLYMER, COLAFELLA, DeLUCA, HARHAI, HORSEY, MASLAND, MELIO, ROBERTS, ROBINSON, SCHRODER, TIGUE, ZIMMERMAN, THOMAS, DALEY, JAMES and LAUGHLIN

A Resolution urging the Department of Education to request that all school districts include within their graduation exercises a prayer or period of remembrance for those students who, but for their tragic and untimely deaths during their high school years, would also be graduating this year.

Referred to Committee on RULES, June 8, 1999.

SENATE BILL FOR CONCURRENCE

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

SB 601, PN 1168

Referred to Committee on CONSUMER AFFAIRS, June 8, 1999.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1335, PN 1582**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

ADJOURNMENT RESOLUTION
FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate
June 7, 1999

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, June 14, 1999, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, June 14, 1999, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

FILMING PERMISSION

The SPEAKER. The Chair is advised that permission has been granted to Stephen Lock of Journal Publications to take still photographs on the floor of one of the Republican members.

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:

HB 1335, PN 1582

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

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 866, PN 1954 (Amended) By Rep. HERSHEY

An Act providing for the award of costs, expenses and attorney fees in cases involving coal mining activities.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 867, PN 925 By Rep. HERSHEY

An Act providing for the funding of volunteer groups to clean up and restore watersheds affected by acid mine drainage; establishing a project selection board to select and oversee projects to be funded; identifying funding sources to aid volunteer organizations in cleanup and restoration projects; and authorizing the Department of Environmental Protection to administer the funding of the selected projects.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 868, PN 926 By Rep. HERSHEY

An Act providing immunity for certain persons who reclaim certain abandoned lands or abate certain water pollution.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 1200, PN 1955 (Amended) By Rep. HERSHEY

An Act providing for watershed protection and environmental stewardship, natural resource and open space conservation, enhancement

and revitalization of communities, heritage development and stewardship of park and recreation resources; establishing the Environmental and Heritage Stewardship Fund; conferring powers and duties on the Department of Conservation and Natural Resources and the Department of Environmental Protection, the Department of Agriculture, the Department of Community and Economic Development, the Department of Education, the Pennsylvania Historical and Museum Commission, the Pennsylvania Fish and Boat Commission and the Pennsylvania Game Commission; imposing a recycling fee, providing for a referendum; establishing the Environmental and Heritage Stewardship Sinking Fund; and making repeals.

ENVIRONMENTAL RESOURCES AND ENERGY.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for today's session for the gentleman from Lebanon County, Mr. KREBS. Without objection, leave will be granted. The Chair hears none.

The Chair recognizes the minority whip, who requests a leave of absence for today's session for the gentleman from Washington, Mr. DALEY, and the gentleman from Westmoreland, Mr. TANGRETTI. Without objection, leaves will be granted. The Chair hears no objection.

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as guests of Representative Lawrence Curry, a fifth grade class from the Jenkintown Elementary School in Montgomery County. The 55 students are under the direction of Ms. Paulette Sterman-Soroko, Ms. Pat Hagenkotter, and Mr. David Seitz. They are also accompanied by many of the parents of the children. They are seated in the balcony. Would they please just wave to us so we know which ones you are. Welcome to Harrisburg.

We have some special guests today, guests of Representatives Lescovitz and Snyder. We would like to recognize Senator William T. Doyle, the State of Vermont. He is chairman of the Senate Government Operations Committee, and he is cochairman of the Council of State Governments, Eastern Regional Conference. He invites all of us to Burlington, Vermont, on August 8 through 11, this summer, to attend that conference. Together with the Senator are Mr. Alan Sokolow, the director, and Mr. Wendall Hanaford, the deputy director of the council. Both gentlemen are with the Council of State Governments, Eastern Regional Conference. All three are seated in the back of the House, and I would ask at this time, Senator, if you and the two members would please rise.

I had an opportunity to talk to the Senator several times, and he promises fair weather and fine friendships in the August days.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Geist. For what purpose does the gentleman rise?

Mr. GEIST. Thank you, Mr. Speaker.

I would like to announce a committee meeting.

The Transportation Committee meeting will be held in room 14, East Wing, at the break, and I would urge all the members to be there. Thank you.

The SPEAKER. The Chair thanks the gentleman.

HEALTH AND HUMAN SERVICES COMMITTEE MEETING

The SPEAKER. The gentleman from Philadelphia, Mr. O'Brien.

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

I would also like to announce a meeting of the Health and Human Services Committee at the call of the break in the rear of the House. Thank you.

The SPEAKER. The Chair thanks the gentleman.

GUESTS INTRODUCED

The SPEAKER. Here today as the guest of Representative Stanley Saylor is Ryan Johnson, an eighth grade student from Red Lion Junior High. He is serving as a guest page today. Ryan, would you please rise.

Today I would like to welcome to the hall of the House Mike Powers and Brendan Holloway, summer legislative aides in Representative Stevenson's Pittsburgh district office. Will these guests please rise, to the left of the Speaker.

Today, as the guests of Representative Marsico, we have Raphael Fasko, a foreign exchange student at Central Dauphin High School, here with District Justice Joe Lindsey. These folks are seated in the balcony. I would ask that they wave or rise to let us know just where they are. Would the guests please—Thank you. Welcome to Pennsylvania.

This is a day of many guests. We are pleased to welcome to the hall of the House, as the guests of Carole Rubley, three students from the 157th District: Stephen Rosenlund, a summer intern in the district office; Niklaus Wildberger, a senior at Conestoga High School in Berwyn, who is a foreign exchange student from Switzerland; Luke Weber, also a senior at Conestoga High School. Would these guests please rise.

And as the guest of Representative Dennis Leh, his summer intern, Kelly Rothermel, who is working in the Representative's district offices. Would she please rise. Kelly, here to the left of the Chair.

And as the guests of the gentleman, Mr. DeWeese, the Democratic leader, Sarah Schultz and Lauren Senicle, both students of the Camp Hill School District, acting as guest pages. Would these two pages please rise.

Here today as the guest of Representative Ray Bunt and the Montgomery County delegation is Ms. Dulcie Flaherty. She is the executive director of the Montgomery County Lands Trust. Would she please rise, in the back of the House. Welcome to the House.

As the guest of Representative Mark McNaughton, Jason Klock from his district in Dauphin County. He is a guest page today. His mother, Susan, is here with him, and we welcome them. Would they please rise, here to the left of the Speaker.

As the guest of Representatives Mundy and Blaum, the Chair welcomes to the hall today Kristin Yarmey, a student intern in Representative Mundy's district office. Would Kristin please rise, in the balcony.

And as the guest of Representative Jerry Nailor, the Chair welcomes Nick Stratus, a summer legislative aide, who is a student at the University of Pennsylvania. Would he please rise.

As the guest of Representative Barrar, Elizabeth Miles. She is here with her father, Ed, and Representative Barrar's daughter, Elizabeth. The two of them are serving as guest pages. Would they please rise.

EDWARD BLOTZER INTRODUCED

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Costa.

Mr. COSTA. Thank you, Mr. Speaker.

I rise today to recognize Mr. Edward J. Blotzer for his lifetime dedication to the prevention of cruelty to animals. Mr. Blotzer is the president and chief SPCA (Society for the Prevention of Cruelty to Animals) police officer for Animal Care and Welfare, Inc. He also served as a member of the board of directors of Animal Friends from 1960 to 1997. He is a member of the governing body of the Federated Humane Societies of Pennsylvania and has received the nation's highest award for service to animals, given by the American Humane Society—the Stillman Award. Additionally, in 1993, he received the Law Day 1993/Liberty Bell Award from the Allegheny County Bar Association.

A United States Navy veteran of World War II and a retired railroad engineer, Mr. Blotzer is a speaker before animal welfare groups on humane laws that he has in numerous cases coauthored. Considered by many to be an expert in humane laws, he has and continues to lecture at police training schools within the Commonwealth. He has been appointed and reappointed as a member of the advisory board, Pennsylvania Bureau of Dog Law Enforcement in the Department of Agriculture, by this Commonwealth, serving in that capacity for many years. He has answered an estimated 50,000 calls from citizens regarding animal-related problems since 1970 and has prosecuted hundreds of cases in court, with an 85-percent success rate.

Mr. Speaker, I am very honored to recognize Mr. Blotzer today, who is sitting with us at the back of the House, and I am extremely privileged that he is one of my constituents and one of my friends, and I appreciate you giving me the time to recognize him. Thank you.

The SPEAKER. Would the guest please rise.

GUESTS INTRODUCED

The SPEAKER. Finally, the Chair is pleased to welcome to the hall of the House Dan Nelson and Michael Chiswick-Patterson, district interns in the office of Lynn Herman. Part of their time this summer as interns will be to teach Mr. Herman to print the names so that the Speaker can read them. These gentlemen are at the rear of the hall of the House. Would they please rise.

STATEMENT BY MR. PISTELLA

The SPEAKER. The gentleman, Mr. Pistella.

Mr. PISTELLA. Thank you, Mr. Speaker.

Mr. Speaker, I rise for the purpose of extending my deepest thanks to all the well-wishers that had contacted my office.

On Tuesday, May 11, I was involved in an automobile accident as we had concluded our legislative business for the day, and I am fortunate to report that the most severe damage was unfortunately

done to the car. Though I did sustain a bump on the head, my wife has informed me that there appears to be no damage done.

But I would like to thank all those men and women, members and staff alike, that were kind enough to offer extensions of assistance in the form of providing housing for my wife, for her having to come here to Harrisburg to take me back to Pittsburgh, and the well-wishes that were extended by the members of both sides of the aisle and staff also. I want to thank all of them and let them know how much it means to me to feel that I am part of such a great family, and not just the Pistellas but also the members of the legislative family. Thank you.

GUESTS INTRODUCED

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, we are graced today by two middle schools, Sayre Middle School and Sulzberger Middle School, which are both schools from my particular district. We are also graced with the principal from Sulzberger Middle School, Ms. Kathleen Lacey. Would you please stand. His mother, Ms. Robin Days, and Ms. Bernadette Days, please stand. Ms. Romaine Givings, please stand.

JOHN WRIGHT PRESENTED

Mr. HORSEY. Mr. Speaker, we have with us today a sixth grader who citywide won the oratorical contest, and he happens to live in my particular district, Mr. Speaker. His speech will not take long, but I thought that we as House members who are debating and discussing issues all day might find this particular presentation interesting.

The winner, Mr. Speaker, sixth grade debater, is Mr. John Wright, from Sulzberger Middle School. John, would you come up, please?

JOHN WRIGHT. "The beat goes on. It beats to the masses yet listens with its ears to the wind. Listen to the beat, for it is truly bringing out the message from our ancestors. Just listen, and you shall hear the message." *Lines from a poem by Emily Nelson, "The Drums."*

Good afternoon to the distinguished panel of Representatives. I am the young Ashanti prince, John Wright, a sixth grader at the Mayer Sulzberger Middle School, and the title of my oration is, "Listen to the Drums; Listen to the Drums."

Our ancestors' main avenue for communication was always the talking drum. It was used to share good news, bad news, and as a warning signal, and just to say hello. Wherever the beats were, it meant a lot to our people. It was their invention, their pattern of communication. It was their friend, their way of keeping spirits alive.

Today we still listen to that beat. All we have to do is just close our eyes and listen deeply to the drums. It speaks in our hearts, our families, our churches, our communities, and our schools. The message is there. *All we have to do is just listen to the drums.* And it speaks out hatred. We shall all just get along. And it speaks out love. We shall love those who hate us. And it speaks out togetherness. We shall all share wealth, love, memories, and prosperity.

But if you just listen to the drums, you will know that each beat brings friends and families together. Each beat says peace, liberty, and freedom to all others. Just listen; listen to the drums. And it speaks out African pride, and it speaks out the intellect from the great University of Timbuktu. And it speaks out the great scientists and inventions like that of George Washington Carver, Famous Amos, Madam C. J. Walker, and Dr. Mae Jamison. And it speaks out the great words of Dr. Martin Luther King, Malcolm X, Harriet Tubman, Frederick Douglass, and Sojourner Truth. And it speaks out the great athletes like Jackie Robinson, Jesse Owens, Flo-Jo, Carl Lewis, Muhammad Ali, Michael Jordan, and Tiger Woods.

Today in our society we need to take the time to listen to the beat of the drum so that we can hear the message that once was said. We need to take heed to the message of our ancestors. If we do this, the world would be a much better place; a much, much better place.

And I do not care if you are black or white; listen to the drums. I do not care if you are a girl or a boy; listen to the drums. I do not care if you are big, small, rich, or poor; listen to the drums; listen to the drums.

I am John Wright, Ashanti.

Mr. HORSEY. Mr. Speaker, that is John Wright, and he won the Philadelphia oratorical contest for sixth graders. Thank you.

The SPEAKER. I suspect that young man could win not only the 6th grade but the 8th, 12th, and so on and so on, and I expect that we will all see or hear more of him in the future. Thank you very much, Mr. Horsey, for allowing us to share that pleasure.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the minority whip, who asks that the gentleman, Mr. PRESTON, be placed on leave for today. Without objection, leave is granted. The Chair hears no objection.

CALENDAR

BILL ON SECOND CONSIDERATION

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

HB 1520, PN 1836.

BILLS ON THIRD CONSIDERATION

BILLS PASSED OVER

The SPEAKER. The balance of the bills on page 1 are over.

The Chair turns to page 2 of today's calendar.

MASTER ROLL CALL

The SPEAKER. Prior to taking up SB 390, the Chair will now take the master roll call. All the members will please vote on the master roll call.

The following roll call was recorded:

PRESENT—199

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhatten | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Srittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Cam | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaggio |
| Cawley | Hershey | Petrarca | Trelio |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Home |
| Cohen, M. | Josephs | Ramos | Veon |
| Colafella | Kaiser | Raymond | Vitali |
| Cornell | Keller | Readshaw | Waiko |
| Corrigan | Kenney | Reinard | Washington |
| Costa | Kirkland | Rieger | Waters |
| Coy | LaGrotta | Roberts | Williams |
| Curry | Laughlin | Robinson | Wilt |
| Dailey | Lawless | Roebuck | Wogan |
| Dally | Lederer | Rohrer | Wojnaroski |
| DeLuca | Leh | Rooney | Wright |
| Dempsey | Lescovitz | Ross | Yewcic |
| Dermody | Levdansky | Rubley | Youngblood |
| DeWeese | Lucyk | Ruffing | Yudichak |
| DiGirolamo | Lynch | Sainato | Zimmerman |
| Donatucci | Maher | Samuelson | Zug |
| Druce | Maitland | Santoni | |
| Eachus | Major | Sather | Ryan, |
| Egolf | Manderino | Saylor | Speaker |
| Evans | | | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—4

| | | | |
|-------|-------|---------|-----------|
| Daley | Krebs | Preston | Tangretti |
|-------|-------|---------|-----------|

LEAVES ADDED—1

Ross

LEAVES CANCELED—2

Krebs Preston

RULES SUSPENDED

The SPEAKER. The Chair turns to page 2 of today's calendar, SB 390, PN 1167, and recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I rise for the purpose of a motion. SB 390, which is the product of a great many months of work, is in a shape now where the Senate will consider this legislation before the break in its current form. It is very important, I think, that we get that over to them as soon as possible.

Therefore, Mr. Speaker, I move that the House suspend its rules on SB 390 and that we take it up for immediate consideration without amendments. Thank you, Mr. Speaker.

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

The SPEAKER. The question before the House is suspension of the rules. On suspension, only the leaders are permitted to debate.

The gentleman, Mr. Perzel, have you yielded to the gentleman, Mr. Wright?

The House will be temporarily at ease.

The House will come to order.

Members will please take their seats; members will please take their seats. Conferences, please break up.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Mr. Gordner, rise?

Mr. GORDNER. If appropriate, a parliamentary inquiry. I mean, unless the issue is resolved, I have a parliamentary inquiry.

The SPEAKER. Dealing with the matter presently before the House? The gentleman will state his point of parliamentary inquiry.

Mr. GORDNER. Thank you, Mr. Speaker.

Rule 77 deals with suspending rules, and I do not see anything in rule 77 that limits speaking to floor leaders, and I just wanted to know where in the rule book it stated that.

The SPEAKER. Under the rules and precedents of the House, I refer to a debate and parliamentary inquiry in 1980 when Mr. Manderino asked as a point of parliamentary inquiry: "Is it within any of the rules of this House, Mason's Manual, or Jefferson's Manual, which govern the conduct of this House, or is it within the precedents of this House that even though a motion is not debatable, that a statement can be made by the..." floor leaders, majority and minority? The Speaker then responded that he could not respond as to a rule of the Chair but from experience and suggested it would be proper for the two leaders to make brief statements on the motion; not to debate it, but to make a brief statement as to their position on the motion. And based on that, we have, for as many years as I can frankly remember, limited debate to the two floor leaders.

Mr. GORDNER. Again so that I understand, Mr. Speaker, I have a copy of the rules and I have a copy of Mason's Manual, and I have looked at both. You are telling me that there is nothing in here that states that only the floor leaders should be able to speak when we are talking about suspension of the rules.

The SPEAKER. I cannot agree or disagree with you. There is no printed substance towards that end. However, what is a rule of the House is the following: "Jefferson's Manual supplemented by Mason's Manual..." — and I am reading from rule 78, the one following the one you just quoted — "shall be the parliamentary authority of the House, if applicable and not inconsistent with the Constitution of Pennsylvania, the laws of Pennsylvania applicable to the General Assembly, the Rules of the House," — and now emphasis added — "the established precedents of the House and the established customs and usages of the House." I refer to a 1980 ruling, which is a quick ruling without time for research but it is one that was in place in 1980, and through customs and usage, it has been recognized and in place since then and long before that, too.

Mr. GORDNER. Thank you, Mr. Speaker.

One further inquiry.

The SPEAKER. The gentleman will state it.

Mr. GORDNER. The only way for me to appeal that would be to appeal the ruling of the Chair?

The SPEAKER. That is right.

Mr. GORDNER. Thank you, Mr. Speaker.

The SPEAKER. On the question of the motion to suspend the rules, does anyone seek recognition?

Mr. DeWeese, do you seek recognition on this question?

Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I would ask for a favorable vote on Mr. Blaum's motion. I would do that primarily for the reason that this is the culmination of almost 5 years' worth of work on the Recreation and Tourism Committee.

I think a suspension of the rules would not do anything except reflect some celerity and focus on our part. I think that Chairman Lucyk and Chairman Godshall have spent yeoman efforts coming to this final proposal, and I think that the tourism and recreation community in the State merits our action at this time. It is not as if this measure has not been debated ad infinitum over the past 5½ years.

So I think it is appropriate that we vote in favor of suspension of the rules. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Godshall.

Mr. Perzel has yielded to the gentleman, Mr. Godshall.

The conference in the vicinity of the majority leader's desk, please.

Mr. GODSHALL. Thank you, Mr. Speaker.

I rise to concur with the motion by Representative Blaum.

I believe we have discussed this issue at length. The amusement tax is the number one agenda item of the Pennsylvania Visitors Bureau, the Pennsylvania hospitality industry, and your own tourist promotion agencies. They have asked for relief; the industry has asked for relief. I believe it is time we bring this bill up and vote it "yes" or "no." I would ask for your favorable concurrence on voting for the Blaum amendment and we vote to bring this bill forward—

The SPEAKER. Will the gentleman yield.

The question before the House is suspension of the rules to permit the immediate consideration without amendment of this bill.

Mr. GODSHALL. I ask that we suspend the rules of the House to bring the Blaum motion forward to vote it at this time. Thank you.

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—150

| | | | |
|--------------|------------|------------|---------------|
| Allen | Gannon | McIlhattan | Serafini |
| Argall | Geist | McNaughton | Seyfert |
| Baker | George | Metcalfe | Shaner |
| Bard | Gladeck | Michlovic | Smith, S. H. |
| Barley | Godshall | Micozzie | Solobay |
| Bastian | Gruitza | Miller, R. | Staback |
| Battisto | Habay | Miller, S. | Stairs |
| Belardi | Haluska | Mundy | Stern |
| Belfanti | Harhai | Myers | Stetler |
| Birmelin | Harhart | Nailor | Stevenson |
| Bishop | Hasay | O'Brien | Strittmatter |
| Blaum | Herman | Oliver | Sturla |
| Boyes | Hershey | Orie | Surra |
| Browne | Hess | Pesci | Taylor, E. Z. |
| Bunt | Horsey | Petrarca | Taylor, J. |
| Butkovitz | Hutchinson | Petrone | Thomas |
| Buxton | Jadlowiec | Phillips | Travaglio |
| Carn | James | Pippy | Trello |
| Civera | Josephs | Pistella | Trich |
| Cohen, L. I. | Kaiser | Platts | True |
| Cohen, M. | Keller | Ramos | Tulli |
| Colafella | Kenney | Raymond | Van Home |
| Cornell | Kirkland | Reinard | Veon |
| Corrigan | LaGrotta | Rieger | Vitali |
| Coy | Laughlin | Roberts | Walko |
| Curry | Lawless | Robinson | Washington |
| Dailey | Lederer | Roebuck | Waters |
| DeLuca | Leh | Rooney | Williams |
| Dermody | Lescovitz | Ross | Wilt |
| DeWeese | Lucyk | Rubley | Wogan |
| Donatucci | Major | Saimato | Wojnaroski |
| Druce | Manderino | Samuelson | Youngblood |
| Eachus | Mann | Santoni | Yudichak |
| Egolf | Markosek | Sather | Zimmerman |
| Evans | Marsico | Saylor | Zug |
| Fairchild | Mayernik | Schroder | |
| Fichter | McGeehan | Scrimenti | Ryan, |
| Forcier | McGill | Semmel | Speaker |

NAYS—49

| | | | |
|-------------|------------|------------|-----------|
| Adolph | Dally | Hanna | Readshaw |
| Armstrong | Dempsey | Hennessey | Rohrer |
| Barrar | DiGirolamo | Levdansky | Ruffing |
| Bebko-Jones | Fargo | Lynch | Schuler |
| Benninghoff | Feese | Maher | Smith, B. |
| Caltagirone | Fleagle | Maitland | Snyder |
| Cappabianca | Flick | Masland | Steelman |
| Casorio | Frankel | McCall | Steil |
| Cawley | Freeman | McIlhinney | Tigue |
| Chadwick | Gigliotti | Melio | Vance |
| Clark | Gordner | Nickol | Wright |
| Clymer | Grucela | Perzel | Yewcic |
| Costa | | | |

NOT VOTING—0

EXCUSED—4

| | | | |
|-------|-------|---------|-----------|
| Daley | Krebs | Preston | Tangretti |
|-------|-------|---------|-----------|

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.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 390, PN 1167**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the imposition of an amusement or admissions tax on certain convention centers and for limitations on rates of specific taxes; providing for special limitation on rates of taxes for certain amusements; and further defining "net profits."

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?

PARLIAMENTARY INQUIRY

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

Mr. TIGUE. Mr. Speaker—

The SPEAKER. Will the gentleman yield a moment.

Conferences on the side aisles, please break up.

Mr. TIGUE. Mr. Speaker, first I have an inquiry, please.

The SPEAKER. The gentleman will state his inquiry.

Mr. TIGUE. Amendments drafted to this bill, with the suspension of rules, will they be accepted?

The SPEAKER. Not as a result of the motion that Mr. Blaum made and the way it was termed. The terminology of that motion was to permit the immediate consideration of the bill without amendments.

Mr. TIGUE. Okay. Thank you, Mr. Speaker.

BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR

Mr. TIGUE. Mr. Speaker, I would like to make a motion. In light of the fact that we have not even caucused on this bill and it does affect local municipalities and their taxing powers and it is another step backwards in tax reform, I would ask that we postpone the vote on SB 390 until tomorrow.

The SPEAKER. The gentleman, Mr. Tigie, moves that SB 390 be placed on the postponed calendar for consideration tomorrow. Is that correct?

Mr. TIGUE. Yes, Mr. Speaker.

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

The SPEAKER. On the question, this is debatable.
Mr. Tigie, do you have comments on this?

Mr. TIGUE. Now, Mr. Speaker, this is a bill — and I hope everyone is paying attention. We have talked about property tax reform, tax reduction for businesses on our side. The other side has talked about, we are going to do tax reform in a straightforward, deliberative manner, and this bill that we are talking about was amended yesterday without discussion in Appropriations. We have not caucused on it in our caucus, and I am sure the people sitting here, most of them, are not sure what is in the bill; some of them may be.

This bill will cause local municipalities and school districts to raise local property taxes by taking away a taxing authority that they currently have. I think if we are going to do that — and then the votes will show who is in the majority, who is not — the least we can do is caucus on this bill and allow people that have amendments that they have already prepared to SB 390 to have their chance to have their amendments offered and at least for you to understand the bill. That is why I am making a motion to postpone this until tomorrow. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I oppose the motion to postpone, obviously. This bill, as was stated by the gentleman, Mr. DeWeese, and the gentleman, Mr. Godshall, along with Chairman Lucyk, is the product of a great deal of work in order to have all interested parties supporting it.

It is very important, as we near the final days of this before we recess and for other very timely reasons that are contained in this bill, that this measure move to the Senate today so that they can be adopted and reach the Governor's desk.

It is one of those measures that, again, has been fine-tuned over a great period of time. We do not want to see that upset. We are told that if it is further amended, that all bets are off and this bill may never reach the other chamber let alone the Governor's desk.

So we ask that the members oppose the motion to postpone. Let us vote it today and do something good for the economy and the people of Pennsylvania. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

I stand to ask my colleagues in the House to oppose the motion proposed by Representative Tigie at this time. The members of the industry — the tourism industry, the amusement industry — have been promised or have asked our help in doing away with what I really consider is an unfair tax.

We have been working on this for approximately 5 years and we are bringing it to conclusion now. If this is further delayed, as Representative Blaum said, we are looking at a complete extension into the future of the continuance of this measure. So really, now is the time to act on this.

I ask my colleagues, please vote in the negative on this motion. Let us get on with this, and let us provide help to an industry that is second only to agriculture in our State and really can help our State as a whole. I thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

We have a rule of the House that indicates that we are supposed to be given notice of bills before we vote on them, and then 2 o'clock the day before the bill is supposed to be voted on,

we can file amendments to that bill so that we can consider them. Now, I did everything I was supposed to do yesterday — I looked at the House voting schedule at 10 o'clock in the morning; I looked at the House voting schedule at noon. Thanks to having a computer on my desk, I looked at the House voting schedule at 1 o'clock. I even looked at it at 1:50, which was when it was last updated prior to 2 o'clock, to see if this bill would be on the calendar. I sat at my desk, and at 1:50 I looked and, no, this bill was not listed.

I heard the Appropriations Committee called for a meeting, and I went to that meeting. It was at that point after 2 o'clock yesterday that this bill came out, and it came out with provisions that took out Philadelphia, took out Pittsburgh, dealt with a specific situation in Luzerne County.

I have an amendment that I would like to offer. I had it drafted after the Appropriations Committee yesterday, and if the bill is considered tomorrow, I can offer my amendment without having to suspend the rules. But what is going to happen now is, Pittsburgh was taken care of, Philadelphia was taken care of, one place in Luzerne County was taken care of. I would like to be able to offer an amendment as well. I do not sit on the Appropriations Committee. I am just a rank-and-file member who was trying to follow the rules and watch the computer, and I was not given that opportunity.

And I think it is very ironic at the same time we have a select committee on House rules that are looking to come up with a way to make sure that we obey the rules and it takes a supermajority to suspend them that we are doing the exact opposite here today.

I would like the courtesy of postponing this bill till tomorrow. All we have to do is postpone it till tomorrow. We can consider it tomorrow. It can go over to the Senate on a concurrence vote tomorrow, but allow myself to be able — and a few others — to offer an amendment. So please support this motion to postpone the bill to just tomorrow. Thank you.

The SPEAKER. For the information of the gentleman, the bill, whether it is considered today, tomorrow, or some other day, is still subject to the motion that it be without amendment, and the gentleman would cure that by having another parliamentary motion to rescind the earlier one. So I am just saying that now not for any reason other than as a point of information.

PARLIAMENTARY INQUIRY

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

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. So what the Speaker, for clarification, is saying, that the gentleman from Columbia could make a motion to rescind that would have the same impact as if we were to postpone, and even if we did postpone, we would have to rescind anyway? I apologize; I am—

The SPEAKER. No. What I am saying is, a motion to rescind would bring the question of the Blaum motion with the offering of no amendments up before the House, to rescind that ruling, ruling of the House, in that a majority of them did that, and that does not matter whether it is today or whenever.

The Chair recognizes the gentleman from Bucks, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I also stand to rise to request the postponement until tomorrow.

This particular proposal, I have been a strong vocal opponent of the proposal. It has been a part of a negotiating process of recent. Some movement has come, but it has not been achieved yet, and that is what some of these last-minute amendments were meant to do. We have heard some talk about gut-wrenching amendments. Most of these are not, if you really take the time to look at it.

The real issue here is, this is a one-sided bill. This is an amusement tax, which is a tax levied upon people that attend amusement parks and entertainment facilities. The businesses do not pay it; the customers pay it, but the municipalities and the school districts collect it, and when they have a loss— When this tax rate is changed, which the bill does, it effectively completely cuts out the school districts 100 percent, totally; they will get zero.

The SPEAKER. Will the gentleman yield for a moment.

The question before the House is a motion to postpone. The gentleman— And I have let it slip. I have a great deal of guilt in connection with this, but the debate should be centered on that parliamentary question. I think everyone knows the substantial issues, but the parliamentary question is what is before us.

Mr. WRIGHT. The reason why it needs to be postponed and needs to have further discussion, this is a property tax bill. These changes that are proposed here will directly affect property taxation. Every single point, every single percentage that goes down, property tax payers will have to pay more.

There has not been any discussion this session and it has not even gone through a standing committee, a regular committee. This is a brand-new amendment that just got snuck in, that we have not discussed it, and in fact, many, many times this session many people in this room have stood up to protect the property tax payer. They have risen to the top to protect them. This is a proposal that would affect them.

The SPEAKER. Will the gentleman yield.

Now, you are debating the bill. There is no other way of explaining what you are doing. Please stay on the parliamentary question — why we should or should not take it up today or tomorrow. That is the question before the House.

Mr. WRIGHT. Thank you, Mr. Speaker. I will finish up.

The bottom line is, we have not had adequate time to review this bill. I bet the vast majority of members do not even know what the particulars are. There has not been any discussion, apparently, on that side of the aisle over it at all. There was minimal on ours.

Because of the impact upon the property tax payer, effectively a vote for this today will cause property tax increases to your taxpayers. I think you need to take the time to understand the bill and the relationships here. I think it is important that there is allowed to be a lengthy discussion and members be allowed to offer amendments because of how this is going to impact upon your property tax payer, and for all those people that stood up to try and protect the property tax payer, I would like to see how they vote on this. Thank you.

The SPEAKER. The gentleman, Mr. Buxton.

Mr. BUXTON. Thank you, Mr. Speaker.

I rise to support my colleagues who are requesting of the membership to further study the implications of this legislation.

This legislation that is before us for a vote will impact upon every municipality in Pennsylvania that currently imposes an amusement tax. If we are going to pass or enact this proposal, do we have something in mind or do the sponsors have something in mind that our local municipalities may replace the loss of

revenues, should this legislation pass, with another form of taxation? I believe the legislature needs to give this further study, and we appeal to those of, all of you who represent a municipality that currently imposes an amusement tax to take another look at the implications of enacting this legislation today.

Therefore, I would request, along with my other colleagues, that this legislation be postponed for consideration.

The SPEAKER. The gentleman, Mr. Clark.

Mr. CLARK. Mr. Speaker, I would like to support the motion to postpone.

I think it is only a proper and common courtesy to provide a fellow legislator with an opportunity to review and caucus on this legislation. And as on any piece of legislation, without getting on the merits, I think that is a common courtesy that we all in the House can extend to a fellow member. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

I stand to support my colleague, Representative Matt Wright.

I represent a portion of that district. It is very important that he gets the amendment or the opportunity to at least offer the amendment. It would be extremely helpful to the people that reside in that community, and I support the motion. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

I think it is becoming quite apparent that there is a concern with the legislation that is before us from both sides of the aisle. I think a lot of that confusion— I think that we owe ourselves the luxury of postponing until at least tomorrow, and I would urge my colleagues to support this motion. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

This issue has been discussed and rediscussed and again discussed in the Tourism Committee for 5 years. This is not a new issue. It is an issue that plagues an industry and an important industry in our State. Time has come — we are going to have to vote this issue — time has come to vote this issue at this point, I feel.

I oppose the motion to postpone until tomorrow and ask you to vote “no” on the Tigue motion. Thank you.

The SPEAKER. On the question of postponement, those in favor of postponement until tomorrow of SB 390 will vote in the affirmative; those opposed to postponement will vote in the negative.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—104

| | | | |
|-------------|---------|------------|-----------|
| Adolph | Fichter | Maitland | Schuler |
| Barrar | Fleagle | Mann | Scrimenti |
| Bastian | Flick | Markosek | Semmel |
| Battisto | Forcier | Masland | Seyfert |
| Bebko-Jones | Frankel | Mayernik | Shaner |
| Benninghoff | Freeman | McCall | Smith, B. |
| Birmelin | Gannon | McIlhinney | Snyder |

| | | | |
|-------------|-----------|-----------|--------------|
| Browne | Geist | Melio | Solobay |
| Butkovitz | Gigliotti | Metcalfe | Stairs |
| Buxton | Gordner | Micozzie | Steelman |
| Caltagirone | Grucela | Nickol | Steil |
| Cappabianca | Gruitza | Petrarca | Stern |
| Carn | Haluska | Petrone | Strittmatter |
| Casorio | Harhai | Pistella | Sturla |
| Cawley | Hasay | Raymond | Tigue |
| Chadwick | Hennessey | Readshaw | Travaglio |
| Clark | Herman | Roberts | Trello |
| Clymer | Hershey | Robinson | Trich |
| Cohen, M. | Hess | Roebuck | Vance |
| Colafella | Horsey | Rohrer | Vitali |
| Costa | Jadlowiec | Rubley | Walko |
| Curry | Kaiser | Ruffing | Williams |
| Dalley | Keller | Samuelson | Wojnaroski |
| Dally | Laughlin | Santoni | Wright |
| DiGirolamo | Levdansky | Sather | Yewcic |
| Egolf | Lynch | Schroder | Yudichak |

NAYS—93

| | | | |
|--------------|------------|------------|---------------|
| Allen | Evans | McGeehan | Serafini |
| Argall | Fargo | McGill | Smith, S. H. |
| Armstrong | Feese | McIlhattan | Staback |
| Baker | George | McNaughton | Stetler |
| Bard | Gladeck | Michlovic | Stevenson |
| Barley | Godshall | Miller, R. | Surra |
| Belardi | Habay | Miller, S. | Taylor, E. Z. |
| Belfanti | Hanna | Mundy | Taylor, J. |
| Bishop | Harhart | Myers | Thomas |
| Blaum | Hutchinson | Nailor | True |
| Boyes | James | O'Brien | Tulli |
| Bunt | Josephs | Oliver | Van Home |
| Civera | Kenney | Orie | Veon |
| Cohen, L. I. | Kirkland | Perzel | Washington |
| Corneli | LaGrotta | Pesci | Waters |
| Corrigan | Lawless | Phillips | Wilt |
| Coy | Lederer | Pippy | Wogan |
| DeLuca | Leh | Platts | Youngblood |
| Dempsey | Lescovitz | Ramos | Zimmerman |
| Dermody | Lucyk | Reinard | Zug |
| DeWeese | Maher | Rooney | |
| Donatucci | Major | Ross | Ryan, |
| Druce | Manderino | Sainato | Speaker |
| Eachus | Marsico | Saylor | |

NOT VOTING—2

| | |
|-----------|--------|
| Fairchild | Rieger |
|-----------|--------|

EXCUSED—4

| | | | |
|-------|-------|---------|-----------|
| Daley | Krebs | Preston | Tangretti |
|-------|-------|---------|-----------|

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

The SPEAKER. The majority having voted to postpone, SB 390 will be placed on the calendar for action tomorrow.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. BARLEY. Thank you, Mr. Speaker.

I would like to call a meeting of the House Appropriations Committee for the majority committee room in the rear of the hall in room 235.

The SPEAKER. When would that meeting be? At the break?

Mr. BARLEY. Yes, Mr. Speaker, at the break.

The SPEAKER. Thank you.

CONSUMER AFFAIRS COMMITTEE MEETING

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

Mr. WOGAN. Thank you, Mr. Speaker.

The Consumer Affairs meeting that was postponed, that was originally scheduled for 10 o'clock this morning, will take place immediately upon the luncheon break in room 205 of the Annex to consider SB 601. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RULES COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the Rules Committee at the majority leader's desk.

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Kirsten Markel, a summer intern from Juniata College. She is a student there and the guest of Representative Larry Sather. Would the guest please rise.

Does the gentleman, Mr. Cohen, have an announcement with respect to a Democrat caucus? No?

MOTION TO RECONSIDER VOTE

The SPEAKER. The gentleman, Mr. Wright. For what purpose does the gentleman rise?

Mr. WRIGHT. To make a motion.

The SPEAKER. The gentleman, Mr. Wright.

Mr. WRIGHT. I would like to move that SB 390 be removed from final passage and put back on the third voting day calendar.

The SPEAKER. Would the gentleman— I will hold that motion up here, and would the gentleman withhold it until we return from the luncheon break? The gentleman indicates he will.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business?

Hearing none, this House stands in recess until 1:30 p.m., unless sooner recalled by the Chair or extended by the Chair.

It is the information of the Chair that there will be no caucus called by either side.

AFTER RECESS

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

GUEST INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today Angela Fillman, a student at the Paxtang Elementary School here in Dauphin County. She is here today as the guest of Representative Mark Cohen. She is sitting on the page bench with the other pages. Would she please rise.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who asks that the gentleman from Chester, Mr. ROSS, be placed on leave for the balance of the day. Without objection, the leave will be granted. The Chair hears no objection.

BILL REREPORTED FROM COMMITTEE

HB 979, PN 1891

By Rep. BARLEY

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for auxiliary appeal boards.

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 47, PN 1956 (Amended)

By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for unlawful restraint, for false imprisonment and for obscenity; and providing for sex offender treatment.

JUDICIARY.

HB 483, PN 1958 (Amended)

By Rep. O'BRIEN

An Act establishing a community trust for persons with severe chronic disabilities; and establishing the Community Trust Fund.

HEALTH AND HUMAN SERVICES.

HB 790, PN 839

By Rep. CLYMER

An Act amending the act of April 29, 1994 (P.L.155, No.27), entitled "An act authorizing the release of Project 70 restrictions on certain land owned by the Township of Silver Spring, Cumberland County, in return for the imposition of Project 70 restrictions on certain land to be obtained by the Township of Silver Spring, Cumberland County," changing the legal description of certain real property.

STATE GOVERNMENT.

HB 913, PN 1013

By Rep. GANNON

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, providing for visitation rights and partial custody when there is a deceased parent.

JUDICIARY.

HB 951, PN 1957 (Amended)

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of bomb threats.

JUDICIARY.

HB 1071, PN 1217

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for damages in actions for conversion of timber.

JUDICIARY.

HB 1150, PN 1299

By Rep. CLYMER

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for reports by charitable organizations.

STATE GOVERNMENT.

HB 1443, PN 1708

By Rep. CLYMER

An Act amending the act of July 9, 1959 (P.L.510, No.137), known as the Pennsylvania Public Lands Act, expanding the scope of the act; further providing for a short title, for definitions, for administration, for warrant and patent applications, for application procedure, for administrative procedure, for application for patents, for appraisals, for expenses, for abandonment of applications and for issuance of patents; making editorial changes; and making repeals.

STATE GOVERNMENT.

HB 1450, PN 1714

By Rep. GANNON

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; providing for authority to purchase surveillance devices; and providing for windshield obstructions and wipers.

JUDICIARY.

HB 1474, PN 1773

By Rep. GANNON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the grading of the crime of retaliation against prosecutor or judicial official.

JUDICIARY.

**BILL REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****SB 264, PN 1178 (Amended)**

By Rep. GANNON

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the definition of "local agency" for purposes of governmental immunity.

JUDICIARY.

SB 496, PN 932

By Rep. CLYMER

An Act conferring limited eminent domain power upon certain economic development financing authorities.

STATE GOVERNMENT.

SB 601, PN 1180 (Amended)

By Rep. WOGAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, providing for supply choice for customers of natural gas utilities and for restructuring of the natural gas utility industry.

CONSUMER AFFAIRS.

**RESOLUTIONS REPORTED
FROM COMMITTEE****HR 182, PN 1769**

By Rep. PERZEL

A Concurrent Resolution encouraging regional fairness and a level playing field among states in the timing and adoption of electric utility emission control requirements for the reduction of smog; promoting fair interstate competition among electric utilities subject to Environmental Protection Agency regulations for the reduction of electric utility nitrogen oxide emissions; and requesting the Department of Environmental Protection to revise certain proposed regulations to achieve these purposes.

RULES.

HR 183, PN 1770

By Rep. PERZEL

A Resolution condemning claims that consensual pedophilia is not harmful to children.

RULES.

HR 197, PN 1905

By Rep. PERZEL

A Resolution designating the Walnut Street Theatre at 9th and Walnut Streets, Philadelphia, Pennsylvania, as the "State Theatre of Pennsylvania."

RULES.

HR 198, PN 1906

By Rep. PERZEL

A Resolution designating the teddy bear named Burke P. Bear, of Boyds Bears, as Pennsylvania's ambassador for love, peace, fun and a cure for cystic fibrosis and encouraging the citizens of Pennsylvania to support efforts to find a cure for cystic fibrosis.

RULES.

BILL ON SECOND CONSIDERATION

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

HB 979, PN 1891.

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that permission has been granted to Lori Sperling of KDKA-TV, Pittsburgh, to videotape with audio on the floor for the next 10 minutes.

CONSIDERATION OF SB 390 CONTINUED

The SPEAKER. The Chair returns to SB 390. Members, please take your seats; members, please take your seats.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Bucks County, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I withdraw that motion.

The SPEAKER. The Chair thanks the gentleman.

SPECIAL ORDER OF BUSINESS

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

Mr. BLAUM. Thank you, Mr. Speaker.

Just putting my coat on, although I think I got special dispensation.

The SPEAKER. I was watching.

Mr. BLAUM. But did I not get special dispensation a year or so ago that I did not have to wear a coat?

The SPEAKER. Well, I am not perfect. I slip.

Mr. BLAUM. I thank the gentleman, Mr. Wright, for withdrawing his motion and once again, Mr. Speaker, would move that we bring SB 390 before the House.

The SPEAKER. As a special order of business.

Mr. BLAUM. Yes, sir.

The SPEAKER. This motion requires 102 votes to pass.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—138

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Egolf | Lucyk | Sather |
| Allen | Evans | Maher | Saylor |
| Argall | Fairchild | Major | Schroder |
| Armstrong | Fargo | Mandirino | Semmel |
| Baker | Feese | Markosek | Serafini |
| Bard | Fichter | Marsico | Smith, S. H. |
| Barley | Fleagle | Masland | Staback |
| Barrar | Flick | Mayernik | Stairs |
| Bastian | Gannon | McGeehan | Stern |
| Battisto | Geist | McGill | Stetler |
| Belardi | George | McIlhattan | Stevenson |
| Belfanti | Gigliotti | McNaughton | Strittmatter |
| Benninghoff | Gladeck | Michlovic | Sturla |
| Birmelin | Godshall | Micozzie | Surra |
| Bishop | Habay | Miller, S. | Taylor, E. Z. |
| Blaum | Hanna | Mundy | Taylor, J. |
| Boyes | Harhai | Myers | Thomas |
| Bunt | Hasay | Nailor | Travaglio |
| Carn | Herman | O'Brien | True |
| Civera | Hershey | Oliver | Tulli |
| Cohen, L. I. | Hess | Orie | Van Horne |
| Cohen, M. | Horsey | Perzel | Veon |
| Colafella | Hutchinson | Pesci | Vitali |
| Cornell | Jadlowiec | Petrone | Walko |
| Corrigan | James | Phillips | Washington |
| Costa | Josephs | Pippy | Waters |
| Coy | Kaiser | Pistella | Wilt |
| Curry | Kenney | Platts | Wogan |
| Dailey | Kirkland | Ramos | Youngblood |
| DeLuca | LaGrotta | Raymond | Yudichak |
| Dempsey | Laughlin | Rieger | Zimmerman |
| Dermody | Lawless | Robinson | Zug |
| DeWeese | Lederer | Roebuck | |
| Donatucci | Leh | Rooney | Ryan, |
| Eachus | Lescovitz | Sainato | Speaker |

NAYS—59

| | | | |
|-------------|------------|------------|------------|
| Bebko-Jones | Frankel | Melio | Shaner |
| Browne | Freeman | Metcalfe | Smith, B. |
| Butkovitz | Gordner | Miller, R. | Snyder |
| Buxton | Grucela | Nickol | Solobay |
| Caltagirone | Gruitza | Readshaw | Steelman |
| Cappabianca | Haluska | Reinard | Steil |
| Casorio | Harhart | Roberts | Tigue |
| Cawley | Hennessey | Rohrer | Trello |
| Chadwick | Keller | Rublely | Trich |
| Clark | Levdansky | Ruffing | Vance |
| Clymer | Lynch | Samuelson | Williams |
| Dally | Maitland | Santoni | Wojnaroski |
| DiGirolamo | Mann | Schuler | Wright |
| Druce | McCall | Scrimenti | Yewcic |
| Forcier | McIlhinney | Seyfert | |

NOT VOTING—1

Petrarca

EXCUSED—5

| | | | |
|-------|---------|------|-----------|
| Daley | Preston | Ross | Tangretti |
| Krebs | | | |

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

BILL ON FINAL PASSAGE POSTPONED

The House proceeded to consideration on final passage postponed of **SB 390, PN 1167**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the imposition of an amusement or admissions tax on certain convention centers and for limitations on rates of specific taxes; providing for special limitation on rates of taxes for certain amusements; and further defining "net profits."

On the question recurring,
Shall the bill pass finally?

MOTION TO RESCIND

The SPEAKER. The Chair recognizes the gentleman, Mr. Wright, on the question of final passage.

Mr. WRIGHT. Thank you, Mr. Speaker.

I make a motion to rescind the original decision of the House to not allow amendments to SB 390.

The SPEAKER. Will the gentleman yield for a moment.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the majority whip, who asks that the gentleman, Mr. Krebs, be taken from the leave-of-absence list. The gentleman is in the hall of the House.

CONSIDERATION OF SB 390 CONTINUED

The SPEAKER. The gentleman, Mr. Wright, moves that the House rescind its vote on the question posed by Mr. Blaum to suspend the rules to permit the immediate consideration of SB 390 without amendments. Is that accurate?

Mr. WRIGHT. Yes.

The SPEAKER. On that question, under the rules of Mason's Manual, a vote of 112 will be required.

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

The SPEAKER. On the question, the gentleman, Mr. Wright.
Mr. WRIGHT. Thank you, Mr. Speaker.

Before lunch we had a long debate over whether to allow this bill to come up without amendments or to allow the amendments. At first the members agreed to suspend the rules to offer the bill without any, but then as members started to rise and started to make some points about it and then the debate about postponement came up, then I believe there was a current in the air that started to say, you know, we are not too sure what this bill does; we are not too sure about what the amendments are that were going to be offered; we have not heard from the members to have their say if they have a particular minor change. And what I tried to say earlier repeatedly, that this is such an issue to our local taxpayers, I do not think the members had fully realized what was going on, and I think the opportunity should be given to members, the rank-and-file members, to offer amendments so they can make this bill better. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Montgomery, Mr. Godshall.

Mr. GODSHALL. The motion to suspend the rules for the purpose of bringing this bill up immediately and at the same time

bring it up without amendments was passed overwhelmingly by this House approximately 2 hours ago.

You know, I would urge the House at this time to concur with that vote, and by doing that, they would be voting "no" on the Wright motion. This issue, as I said before, has been discussed and rediscussed. So I would ask for a negative vote, a negative vote on the Wright motion at this point.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Sturla, is recognized on this question.

Mr. STURLA. Thank you, Mr. Speaker.

Point of parliamentary inquiry.

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

Mr. STURLA. Mr. Speaker, the motion of the gentleman, Mr. Wright, would that preclude a vote today or is it just allowing amendments? I am confused as to whether it rescinds all of Mr. Blaum's motion to vote on it today without amendments or whether it just rescinds the portion dealing with the amendments but we would still vote on it today.

The SPEAKER. It is the opinion of the Chair the effect of the motion by the gentleman, Mr. Wright, would be to eliminate the requirement of no amendments – that was in the original motion – as well as the suspension of the rules that permitted the immediate consideration of the bill without amendments. So if it carries, this goes off the calendar for today.

Mr. Sturla.

Mr. STURLA. Mr. Speaker, another point of parliamentary inquiry.

If in fact this motion by Mr. Wright would fail, would it be appropriate for someone to offer a motion to try and make that distinction between offering amendments and voting today, or is it an all-or-nothing deal?

The SPEAKER. Mr. Sturla, if I understand your question – if Mr. Wright's motion passes, can someone stand up and move that the bill be considered immediately without adding the words "without amendment" – my answer to you would be yes.

Mr. STURLA. Conversely, if it fails, can somebody stand up and ask that it be voted on with amendments?

The SPEAKER. Because it is a different motion, it would be permitted.

Mr. STURLA. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Tigue.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. Speaker, I stand up to support the Wright motion.

It is interesting, the Representative from Montgomery just mentioned that we have debated this, and I have heard this earlier today. That is absolute nonsense. Nobody has debated any of this bill. In fact, in violation of the House rules, this bill is not even on people's desks before we vote on it. We have not caucused on the bill. People do not know what is in the bill. Some people have told me they voted against the motion to postpone because of the effect it had on Philadelphia. This does not affect Philadelphia. This does not affect the city of Pittsburgh. And those people actually should support Mr. Wright, because he is asking for the same courtesy they have received in the printing of this bill.

This bill has not been worked on for 5 years. This is crazy. This bill is a product of a couple of special interests getting together and hurrying up and trying to do it now.

The argument was made earlier about the Senate is waiting. Let the Senate wait. I do not care how long the Senate waits. I do not care what the Senate is for. I know what I am for, and I am hoping that you understand what you should be for — to protect your municipalities and some of the school districts like those in Lackawanna County and other areas that have this amusement tax.

Mr. Wright is correct. We should not be voting this today, and the least we can do is wait for less than 24 hours to address this, which if there is so much discussion, we are going to find out when the time comes to vote on this what is in the bill, because people sitting here today have no idea what is in this bill; no idea.

So I would ask that you support Mr. Wright's motion, and let us talk about the bill, have an open discussion, and let us do it within 24 hours — I am satisfied to do that — and let people offer amendments and see what we are going to do. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

Mr. Speaker, this bill has extreme importance to the taxpayers of Middletown Township that Mr. Wright represents and that I represent a small portion of. All Mr. Wright is asking is that we ought to be allowed to submit a simple amendment that would allow something to at least benefit the taxpayers in that community.

I would strongly urge my colleagues to support Representative Wright. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman indicates he will stand for—
Oh, parliamentary inquiry. I am sorry; forgive me.

Mr. LYNCH. That is okay.

The SPEAKER. You may proceed.

Mr. LYNCH. Thank you, Mr. Speaker.

The question I have is this: Can there be a reconsideration vote on the Blaum special order motion?

The SPEAKER. You cannot divide the question, if that is what you are asking the Chair. The Blaum motion had two parts. It will be necessary to rescind the vote on that, and it would not be possible to divide them.

Mr. LYNCH. So what you are telling me—

The SPEAKER. No.

Mr. LYNCH. With all due respect, Mr. Speaker, may I say something on that?

The SPEAKER. Carefully.

Mr. LYNCH. I will.

Mr. Speaker, I believe that the majority of the House who voted for that motion did not know what they were voting for because of the timing of it, and I would believe that if we did a reconsideration, that the vote total would not be the same.

The SPEAKER. That is a belief that you are sharing with us late in the game. The vote has been taken, and it is assumed by the Chair that the gentleman knows what he is voting upon.

Mr. LYNCH. Okay. Mr. Speaker?

The SPEAKER. A motion to postpone may be made again.

Mr. LYNCH. Okay, Mr. Speaker.

I would like to make the motion to— I am sorry. Okay.

The SPEAKER. Mr. Lynch, at this time you cannot make such a motion because there is presently before us the motion of the gentleman, Mr. Wright. I was responding to parliamentary inquiry.

Mr. LYNCH. I will be back up. Thank you, Mr. Speaker.

The SPEAKER. Very good.

The question before the House is the motion of the gentleman, Mr. Wright.

The Chair at this time recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, once again I ask the members to vote "no" on this motion so that we may consider this, again, very important piece of legislation which has been carefully crafted, has agreement from all parties involved, and if any additional amendments were put into it, the bill would not go anywhere anyway, and we all know that is the case.

So let us move this. Let us defeat this motion, pass the bill, and get it to the Senate and the Governor's desk. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the gentleman, Mr. Blaum, and the gentleman, Mr. Godshall.

As both of them mentioned, this legislation is in fact and has been in fact carefully crafted, and like many controversial issues, we often need to strike a very good balance on what we are able to accomplish on this floor at any given time. Mr. Speaker, certainly, in my judgment, we are able to accomplish that with this legislation that is in front of us today, and I would also ask for a negative vote on the gentleman's motion to rescind. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

Not to delay it. I just want to make sure everybody understands that a "yes" vote is needed to allow members to offer their amendments. So if you want to give the opportunity for members of both sides of the aisle in a bipartisan fashion to help craft this bill, you need to vote "yes." Thank you.

The SPEAKER. On the question, the gentleman, Mr. Godshall, for the second time.

Mr. GODSHALL. Thank you, Mr. Speaker.

As was said by Representative Veon, Representative Blaum, this is a carefully crafted, worked-on amendment to solve a problem that we have in the State of Pennsylvania.

I would ask that we vote "no" on the Wright motion at this time and bring this issue to a head. Thank you.

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

Mr. DeWEESE. Thank you, Mr. Speaker.

For the reasons enunciated by the gentleman, Mr. Godshall, and others, I would also request that the gentleman's motion be countervailed and that we would vote to not rescind. Thank you.

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

The following roll call was recorded:

YEAS—95

| | | | |
|-------------|-----------|------------|---------------|
| Adolph | Feese | Masland | Smith, B. |
| Armstrong | Fichter | Mayernik | Snyder |
| Barrar | Fleagle | McCall | Solobay |
| Bebko-Jones | Forcier | McGeehan | Steelman |
| Benninghoff | Frankel | McIlhinney | Steil |
| Bishop | Freeman | Melio | Stern |
| Browne | Geist | Nickol | Strittmatter |
| Butkovitz | Gigliotti | Perzel | Taylor, E. Z. |
| Buxton | Gordner | Pistella | Thomas |
| Caltagirone | Haluska | Readshaw | Tigue |
| Cappabianca | Harhart | Reinard | Vance |
| Casorio | Hennessey | Rieger | Vitali |
| Cawley | Jadlowiec | Roebuck | Walko |
| Chadwick | James | Rohrer | Washington |
| Civera | Josephs | Rubley | Waters |
| Clark | Keller | Ruffing | Williams |
| Colafella | Kirkland | Samuelson | Wojnaroski |
| Costa | Krebs | Santoni | Wright |
| Curry | Levdansky | Schroder | Yewcic |
| Dailey | Lynch | Schuler | Youngblood |
| Dally | Maher | Scrimenti | Zug |
| DiGiroloamo | Maitland | Semmel | |
| Donatucci | Mann | Seyfert | Ryan, |
| Egolf | Markosek | Shaner | Speaker |
| Fargo | | | |

NAYS—104

| | | | |
|--------------|------------|------------|--------------|
| Allen | Evans | Lucyk | Roberts |
| Argall | Fairchild | Major | Robinson |
| Baker | Flick | Manderino | Rooney |
| Bard | Gannon | Marsico | Sainato |
| Barley | George | McGill | Sather |
| Bastian | Gladeck | McIlhattan | Saylor |
| Battisto | Godshall | McNaughton | Serafini |
| Belardi | Grucela | Metcalfe | Smith, S. H. |
| Belfanti | Gruitza | Michlovic | Staback |
| Birmelin | Habay | Micozzie | Stairs |
| Blaum | Hanna | Miller, R. | Stetler |
| Boyes | Harhai | Miller, S. | Stevenson |
| Bunt | Hasay | Mundy | Sturla |
| Carn | Herman | Myers | Surra |
| Clymer | Hershey | Nailor | Taylor, J. |
| Cohen, L. I. | Hess | O'Brien | Travaglio |
| Cohen, M. | Horsey | Oliver | Trello |
| Cornell | Hutchinson | Orie | Trich |
| Corrigan | Kaiser | Pesci | True |
| Coy | Kenney | Petrarca | Tulli |
| DeLuca | LaGrotta | Petrone | Van Home |
| Dempsey | Laughlin | Phillips | Veon |
| Dermody | Lawless | Pippy | Wilt |
| DeWeese | Lederer | Platts | Wogan |
| Druce | Leh | Ramos | Yudichak |
| Eachus | Lescovitz | Raymond | Zimmerman |

NOT VOTING—0

EXCUSED—4

| | | | |
|-------|---------|------|-----------|
| Daley | Preston | Ross | Tangretti |
|-------|---------|------|-----------|

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

On the question recurring,
Shall the bill pass finally?

MOTION TO RECOMMIT

The SPEAKER. Mr. Lynch, do you have a motion at this time? Otherwise, the Chair intends to move in final passage.

Mr. LYNCH. Yes, Mr. Speaker.

I would like to move to recommit this bill to Finance.

The SPEAKER. The motion before the House is that of the gentleman, Mr. Lynch, to recommit the bill to the Finance Committee.

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

The SPEAKER. On the question of recommitment, the Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

At this time I rise to oppose the recommitment of this issue to the Finance Committee.

This issue, as I said before, was worked on, not specifically this bill, but this issue has been worked on for 5 years by the Tourism Committee and it is an issue that we are well versed on. We know what it is, you know, and we should continue to address this issue today and get it down to a final vote.

I oppose the motion to recommit and ask for a "no" vote. Thank you.

The SPEAKER. The gentleman, Mr. Lucyk.

Mr. LUCYK. Thank you, Mr. Speaker.

This motion is a delaying motion and there is no other reason for this motion.

This bill, this idea, has been in the Finance Committee; it has been in the Appropriations Committee; it has been in the budget committee; it has been in every committee in this House practically. We have talked about this issue and rehashed this issue the last — we are saying 5 years — I would say probably 15 years, probably 20 years, the first year I came to this House, under tax reform. It is a nuisance tax. It is an unfair tax.

We have the ability today, the opportunity today, to do something about this. If we recommit this bill to the Finance Committee, it will lie there again for many, many years. We have an opportunity to do something. Whether you want to or not, now is the time to do it.

I ask us not to recommit this bill. Bring this bill before us today and vote it. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester County, Mr. Hershey.

Mr. HERSHEY. Mr. Speaker, I would like to make some comments.

I oppose the motion to recommit, and I will tell you why. SB 390 has provisions. It started out as an Ag bill to reverse the Department of Revenue's ruling to help farmers with their taxes related to the sale of cull cows, et cetera. This needs to pass today without amendments, and that is why the bill was killed last session.

I oppose the motion to recommit. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Melio.
Mr. MELIO. Thank you, Mr. Speaker.

I encourage my colleagues to send this tax-increase bill back to the Finance Committee. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County,
Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I support the motion to recommit this to the Finance Committee.

This is really a tax reform bill. This is a bill that is going to affect your local property taxes. In fact, in Act 50 we recognized that this was an issue, and Act 50 is a tax reform issue.

The SPEAKER. Will the gentleman yield.

The question before the House is simply of recommittal.

Mr. WRIGHT. Thank you, Mr. Speaker.

The Finance Committee has had years of studying this tax reform, and this is a perfect bill for them.

We heard a minute ago that this bill came through the Finance Committee. It did not. It came through Ag. It did not come through the Finance Committee. It did not get amended until recently. The Finance Committee has not reviewed this issue, has not had this proposal yet at all. What this is meant to do is to go back, let the Finance Committee review it — they are the proper committee for it — and then members who have suggestions, ideas of how to make this bill better, will have the opportunity to amend it. It does not delay it. If there is such a rush to get this bill done, there is another bill on the calendar that could be used. Let this bill go back to Finance. Let it get done right. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, it appears that this is *deja vu* all over again and the same issues remain before the House, and that is a well-crafted piece of legislation that hopefully we are going to get done today and make some real progress for the people of Pennsylvania.

I would ask that it not be recommitted and the House take it up and send it to the Senate. Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Boyes, from Erie County.

Mr. BOYES. Thank you, Mr. Speaker.

As the chairman of the Finance Committee, I am going to oppose the motion to send it to the Finance Committee.

The staff of the Finance Committee has worked on the bill; we have looked at it. This version, prior to the version that was before the House, is acceptable to us. I would only call a meeting of the Finance Committee for the purposes of rereporting the bill as committed. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Bunt, do you seek recognition?

Mr. BUNT. Mr. Speaker, SB 390 was in the Agriculture Committee, and we do not want it back either, Mr. Speaker. We debated the bill long enough, and we now think that it should be for the consideration of the full House, and we, too, would be opposed to being recommitted to the House Ag.

MOTION WITHDRAWN

The SPEAKER. On the question of the Lynch motion to recommit to Finance, Mr. Lynch.

Mr. LYNCH. Mr. Speaker, I would like to withdraw the motion and make another.

The SPEAKER. The motion of the gentleman, Mr. Lynch, is withdrawn.

MOTION TO ADJOURN

Mr. LYNCH. I would like to move that we adjourn until tomorrow at 11 o'clock, Wednesday, June 9.

The SPEAKER. On the question of adjournment, the gentleman, Mr. Lynch, moves that this House do now adjourn until 11 a.m. tomorrow, Wednesday, the 9th day of June in this the 1999th year of the Lord.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—43

| | | | |
|-------------|----------|-----------|--------------|
| Armstrong | James | Petrone | Stern |
| Bebko-Jones | Keller | Readshaw | Strittmatter |
| Butkovitz | Krebs | Rohrer | Tigue |
| Buxton | Lynch | Ruffing | Trello |
| Caltagirone | Maitland | Samuelson | Trich |
| Cappabianca | Mann | Santoni | Walko |
| Casorio | Masland | Schuler | Williams |
| Cawley | McGeehan | Scrimenti | Wojnaroski |
| Clark | Melio | Smith, B. | Wright |
| Curry | Myers | Steelman | Yewcic |
| Freeman | Oliver | Steil | |

NAYS—153

| | | | |
|--------------|------------|-------------|---------------|
| Adolph | Egolf | Lederer | Rubley |
| Alien | Evans | Leh | Sainato |
| Argall | Fairchild | Lescovitz | Sather |
| Baker | Fargo | Levdansky | Saylor |
| Bard | Feese | Lucyk | Schroder |
| Barley | Fichter | Maher | Semmel |
| Barrar | Fleagle | Major | Serafini |
| Bastian | Flick | Manderino | Seyfert |
| Battisto | Forcier | Markosek | Shaner |
| Belardi | Frankel | Marsico | Smith, S. H. |
| Belfanti | Gannon | Mayernik | Snyder |
| Benninghoff | Geist | McCall | Solobay |
| Birmelin | George | McGill | Staback |
| Bishop | Gigliotti | McIlhattan | Stetier |
| Blaum | Gladeck | McIlhinney | Stevenson |
| Boyes | Godshall | McNaughton | Sturla |
| Browne | Gordner | Metcalfe | Surra |
| Bunt | Grucela | Michlovic | Taylor, E. Z. |
| Cam | Gruitza | Micozzie | Taylor, J. |
| Chadwick | Habay | Millier, R. | Thomas |
| Civera | Haluska | Miller, S. | Travaglio |
| Clymer | Hanna | Mundy | True |
| Cohen, L. I. | Harhai | Nailor | Tulli |
| Cohen, M. | Harhart | Nickol | Vance |
| Colafella | Hasay | O'Brien | Van Horne |
| Cornell | Hennessey | Orie | Veon |
| Corrigan | Herman | Perzel | Vitali |
| Costa | Hershey | Pesci | Washington |
| Coy | Hess | Petrarca | Waters |
| Dailey | Horsey | Phillips | Wilt |
| Dally | Hutchinson | Pippy | Wogan |
| DeLuca | Jadlowiec | Pistella | Youngblood |
| Dempsey | Josephs | Platts | Yudichak |
| Dermody | Kaiser | Ramos | Zimmerman |
| DeWeese | Kenney | Raymond | Zug |
| DiGirolamo | Kirkland | Reinard | |

| | | | |
|-----------|----------|----------|---------|
| Donatucci | LaGrotta | Roberts | Ryan, |
| Druce | Laughlin | Robinson | Speaker |
| Eachus | Lawless | Rooney | |

NOT VOTING—3

| | | |
|--------|---------|--------|
| Rieger | Roebuck | Stairs |
|--------|---------|--------|

EXCUSED—4

| | | | |
|-------|---------|------|-----------|
| Daley | Preston | Ross | Tangretti |
|-------|---------|------|-----------|

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

CONSIDERATION OF SB 390 CONTINUED

On the question recurring,
Shall the bill pass finally?

MOTION TO REVERT
TO PRIOR PRINTER'S NUMBER

The SPEAKER. The Chair, on the question of final passage, recognizes the gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I would like to move that the bill be reverted to its prior printer's number, PN 631.

MOTION RULED OUT OF ORDER

The SPEAKER. The motion of the gentleman is out of order. The bill is on final passage, and that would be the equivalent of an amendment, and it is out of order.

Mr. MAITLAND. On final passage then, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. MAITLAND. Mr. Speaker, I rise in opposition to final passage of SB 390. The amusement tax repeal provisions of this bill amount to a direct property tax increase on my constituents. The Conewago Valley School District in my legislative district stands to lose \$40,526; the Fairfield School District, \$53,765; and the Gettysburg Area School District, \$251,579. Now, I ask you, Mr. Speaker, where are the school districts going to get this money if this amusement tax is repealed on them? It has got to come out of the property taxes of the people in my legislative district. Now, this is not right; this is not right.

The taxes that are currently being paid by visitors to the battlefield at Gettysburg and the ski slope in my area and the golf courses and museums are user taxes paid by the people that utilize those services. By and large, they are people from out of State. These people cause a great deal of, cause— Our police, we need extra police in Carroll Valley Borough and the borough of Gettysburg. You know, the borough of Gettysburg has between 7,000 and 8,000 people, and we have 35 full- and part-time police officers in our borough because of these people coming into our area. So not only are you going to eliminate the school taxes, but you are going to reduce the amusement taxes that our municipalities get. The borough of Gettysburg, for example, gets close to \$57,000 a year in amusement taxes. That is only proper

and fitting that they get this tax because of those services they have to provide for the visitors.

All I can say, Mr. Speaker, is that I ask you, my fellow members, to consider how you would feel if you were faced with this. This is a tax that your people are not paying unless they voluntarily use that service. Vote "no" on SB 390. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MOTION TO RECOMMIT

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

Mr. RUFFING. Mr. Speaker, I would like to know if I would be in order to recommit this back to Finance. I would like to make that motion.

The SPEAKER. The gentleman, Mr. Ruffing, moves that SB 390, PN 1167, be recommitted to the Committee on Finance.

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

The following roll call was recorded:

YEAS—77

| | | | |
|-------------|-----------|-----------|---------------|
| Adolph | Fichter | Markosek | Smith, B. |
| Armstrong | Fleagle | Masland | Soibay |
| Barrar | Flick | Mayernik | Steelman |
| Bebko-Jones | Forcier | McCall | Steil |
| Butkovitz | Frankel | Melio | Stern |
| Buxton | Freeman | Myers | Strittmatter |
| Caltagirone | Gigliotti | Nickol | Taylor, E. Z. |
| Cappabianca | Gladeck | Petrone | Tigue |
| Casorio | Gordner | Pistella | Trello |
| Cawley | Grucela | Readshaw | Trich |
| Chadwick | Hennessey | Rieger | Vance |
| Clark | James | Roberts | Vitali |
| Colafelia | Keller | Rohrer | Walko |
| Costa | Krebs | Ruffing | Waters |
| Curry | LaGrotta | Samuelson | Williams |
| Dally | Levdansky | Santoni | Wojnaroski |
| DiGirolamo | Lynch | Schuler | Wright |
| Donatucci | Maitland | Scrimenti | Yewcic |
| Egolf | Mann | Seyfert | Youngblood |
| Fairchild | | | |

NAYS—122

| | | | |
|--------------|------------|------------|--------------|
| Allen | Evans | Major | Sainato |
| Argall | Fargo | Manderino | Sather |
| Baker | Feese | Marsico | Saylor |
| Bard | Gannon | McGeehan | Schroder |
| Barley | Geist | McGill | Semmel |
| Bastian | George | McIlhattan | Serafini |
| Battisto | Godshall | McIlhinney | Shaner |
| Belardi | Gruitza | McNaughton | Smith, S. H. |
| Belfanti | Habay | Metcalfe | Snyder |
| Benninghoff | Haluska | Michlovic | Staback |
| Birmelin | Hanna | Micozzie | Stairs |
| Bishop | Harhai | Miller, R. | Stetler |
| Blaum | Harhart | Miller, S. | Stevenson |
| Boyes | Hasay | Mundy | Sturla |
| Browne | Herman | Nailor | Surra |
| Bunt | Hershey | O'Brien | Taylor, J. |
| Carn | Hess | Oliver | Thomas |
| Civera | Horsey | Orie | Travaglio |
| Clymer | Hutchinson | Perzel | True |
| Cohen, L. I. | Jadlowiec | Pesci | Tulli |
| Cohen, M. | Josephs | Petrarca | Van Horne |

| | | | |
|----------|-----------|----------|------------|
| Cornell | Kaiser | Phillips | Veon |
| Corrigan | Kenney | Pippy | Washington |
| Coy | Kirkland | Platts | Wilt |
| Dailey | Laughlin | Ramos | Wogan |
| DeLuca | Lawless | Raymond | Yudichak |
| Dempsey | Lederer | Reinard | Zimmerman |
| Dermody | Leh | Robinson | Zug |
| DeWeese | Lescovitz | Roebuck | |
| Druce | Lucyk | Rooney | Ryan, |
| Eachus | Maher | Rublely | Speaker |

NOT VOTING—0

EXCUSED—4

| | | | |
|-------|---------|------|-----------|
| Daley | Preston | Ross | Tangretti |
|-------|---------|------|-----------|

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The gentleman, Mr. Wright, Bucks County.
Mr. WRIGHT. Thank you, Mr. Speaker.

As I alluded to before, what this basically boils down to is a tax shift. What the body has got to decide is, currently, people who attend events, customers, not the business, customers who go to amusement-type facilities currently are paying a fee, and that fee goes to the local communities, split between the municipalities and the schools. What we are fighting here today is we are saying that we do not think that those customers that are coming from around Pennsylvania and from out of the State should have to pay that fee. We are saying that that fee is too high. But what it boils down to is we are saying that we think that customers should not have to pay the user fee and that we think that expense should be picked up by the local taxpayers instead. What we are saying is, the revenue that is lost, which will be, would then have to be absorbed by the local municipalities and school districts. Nobody in this room can legitimately say, well, they are just going to have to cut back on spending. Everybody knows that if they have a reduction in revenue, they are going to have to raise their primary source of revenue, which is the property taxes.

This proposal is one-sided. It basically says to our local jurisdictions that we are going to take away or at least limit one of your sources. We are going to say to them that we in Harrisburg do not think that you should try to find a revenue source on a local basis from users and instead what we think you should do is shift this tax burden to the taxpayers. What this proposal does is very short and simple. It shifts a user who currently pays it to the property tax payer.

Now, in some communities this amounts to a lot of money, and in other communities it does not. What we really needed is, this was attempted to be resolved in Act 50 when we did tax reform. We discussed it. In fact, we had a small provision, but we did not really resolve it. This issue is all one-sided. It just takes money away. It is easy for us up here. We do not feel any pain; we do not lose any revenue, but our locals do, and we have to go back to our locals and say, we think it is more important that the user, the visitor to some sort of amusement, deserves a tax break instead of the property tax payer who is going to have to foot the tab.

I want to point out, I put a package on everybody's desk, and I just want to point out a few of the items there, and you might want to follow along. The first thing is, I want to point out that it is not a business tax; it is a user's tax. If you look at the chart that is attached to this, you see what the other types of taxes are in the surrounding States. Other States, you are going to hear in a little bit probably, we are the highest amusement tax, but I want to point out something. There are other taxes that are not called amusement taxes that other States have. They are not called amusement taxes, so therefore, they are not in that category of "amusement tax," but there are other types of taxes. In most of the States around us — I do not know if you are aware of this — entertainment and amusements are a part of the sales tax. If you go to an amusement park in most of our States around us, if you go skiing in a resort around us, you will pay sales tax — sales tax. You do not pay sales tax here on any of these events. So you have to compare, if you want to compare strictly amusement taxes, there might be a good debate here, but now when you figure there are other taxes that are not called amusement taxes, such as sales tax, then you start to realize that maybe we are a little more competitive.

Let me give you an example that is commonly used. The Governor presented this to me recently, and I do not think he understood the facts. He was talking about skiing. He is saying people in Pennsylvania are going to Maryland to go skiing, because Maryland, they do not have an amusement tax. That is true. But do you know what they have in Maryland? They have the 5-percent sales tax. So therefore, if you go skiing there, you are going to pay 5 percent. Everybody accepts that. You go everywhere and you pay sales tax. You do not question it; you just expect it. In Pennsylvania there is no sales tax, but we have maybe the 10-percent amusement tax. But are you aware that everything is not created on an even keel in Pennsylvania? Ski-lift tickets are not charged at 100 percent of the retail price. The percentage tax is only on 40 percent of the ticket. So bowling alleys, ski resorts, golf courses, and racetracks, you do not pay the percentage rate on the full ticket price; you only pay it on 40 percent. So let me go back to that example. If you go skiing around here, you will pay maybe 10 percent but of 40 percent of your ticket price, which is only really 4 percent. You go to Maryland, you pay 5. So we already are cheaper. That is just skiing. A lot of people do not realize in this room that currently the law, there are a lot of particular groups that do not pay the full price regardless of what the actual percentage rate is. There are a lot of groups — any golf courses, any ski resorts, bowling alleys, and now racetracks — that you only pay the percentage rate on 40 percent of the ticket. You go to other States, their sales tax is 100 percent of the ticket.

Another point I want to raise is, and if you look at the chart, other States have local optional amusement taxes and local optional sales taxes. I ask you to look at that chart, and you can see on the totals on the side what some of the possible rates are in our neighboring States. Now, I am not going to say that those are the rates that you are going to find in every municipality, but the State law allows those municipalities or those counties to levy these optional taxes. You are not going to hear that in the debate later on; you are just going to hear about the minimums. But I am telling you, some States allow up to 15-and-a-quarter-percent taxation — 15 and a quarter, our surrounding States. We are at the maximum of 10 right now, which a lot of our communities are not even at 10. So in many cases, it is actually more expensive to go to the amusements than it is here.

Another aspect I want to point out, this bill successfully carves out some special groups. This bill affects the State except for Philly and Pittsburgh. Why? They need financial help. They were taken out of the bill because we need to take care of them. Their governmental bodies did not want in because they need the money. Well, then if they need the money, why cannot our communities have the same ability to raise taxes, too?

Last of all, I just want to go over again that this issue is just one-sided. It just takes money away, and it is just another example why we need to go back and revisit tax reform. We need to look at tax reform in total. We need to look at it and put all the factors together, and we need to give those communities other options. This proposal does not give the community any options except for raising property taxes; that is it. And for all those who over the last few months have stood there amendment after amendment and championed the cause of local property tax payers, this proposal directly, directly raises those taxes — directly, absolutely directly. So how can you stand there and say you support the property tax payer when this bill will actually raise their taxes? I cannot understand that.

I have seen some of the votes so far, and I am kind of wondering how some of the members voted, and I implore to you, what we attempted to do with the whole debate a little earlier is offer some amendments. Those amendments were not bill-gutting amendments; they were minor amendments. We tried to get involved that would not kill the bill, but obviously the wishes of the House is they wanted to stick it to the local property tax payers instead.

I will not vote for this bill. I am protecting my property tax payers, and I think everybody else should, too. Thank you.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Representative Buxton.

Mr. BUXTON. Thank you, Madam Speaker.

Madam Speaker, I have heard it said several times this afternoon that this legislation is good for Pennsylvania, that it is good for the taxpayers of Pennsylvania. What confuses me by that argument is the fact that the two largest municipalities in Pennsylvania are exempted under this legislation — the city of Philadelphia and the city of Pittsburgh. I believe those of us who represent municipalities who will gain greatly if this legislation is enacted this afternoon would ask the question, if it is good enough for Philadelphia and Pittsburgh, why is it not good enough for third-class cities around Pennsylvania? If we in fact are helping the tourist industry by now reducing our local governments' ability to pay for some of the infrastructure that supports these amusement facilities, why then can we not include other exemptions in this legislation if indeed it is to benefit the citizens of all of the Commonwealth of Pennsylvania?

This is a bad bill. This is telling our local governments that we are turning our back on you in Harrisburg and placing an additional burden for you to turn and raise your local property taxes. Anyone who believes that local governments who now impose this amusement tax will be able to absorb that tax without passing it along to our constituents is blinded by the true facts.

We need to defeat this legislation. It is not good legislation. The time to address the amusement tax issue, in my opinion, is when

this legislature decides that we are going to enact meaningful local property tax reform. This piecemeal attempt does not do it, and I would appeal to my colleagues today to help those of us who represent municipalities that are not exempted in today's bill to defeat this legislation.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Ms. Williams.

Ms. WILLIAMS. Thank you, Madam Speaker.

Madam Speaker, I rise to oppose this legislation. It will be a direct impact on the property taxes of the citizens of Upper Merion Township. We should be working to lower the property taxes in a lot of ways in this State with property tax reduction, with funding the schools, taking some of the pressure off the local property taxes. I certainly do not want to vote for something that would raise the property taxes.

I urge my colleagues to join me, especially the ones whose property, whose municipalities, will be directly affected by this, and vote "no." Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Madam Speaker.

Madam Speaker, I rise to also oppose SB 390. The proponents of this legislation have called it a carefully crafted piece of legislation, and I suppose in a sense that is true. It is carefully crafted to appease the interests of a few well-heeled interest groups at the expense of the many taxpayers of our Commonwealth.

Make no mistakes about it today, Madam Speaker: This legislation will result in the increase of property taxes here in our Commonwealth. This is not a taxpayer-friendly piece of legislation. There are many Act 511 taxes that are unfair and deserve to be repealed. The amusement tax is not one of those. As the gentleman, Mr. Wright, pointed out and other speakers have alluded to, it is a user fee, and having the ability to levy that user fee enables those municipalities to recoup the costs of added police or fire protection or road repair, which is the direct result of these various amusement facilities being within their jurisdictions. We do a disservice to the taxpayers of Pennsylvania if we pass this legislation today. We deprive them of a needed source of revenue. We give them no other option to make up that revenue except by resorting to an increase in property taxes.

I urge my colleagues, I urge the members of this chamber, to please vote "no" on the passage of SB 390 and to protect our taxpayers here in Pennsylvania.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Melio.

Mr. MELIO. Thank you, Madam Speaker.

This is a bad bill. The people who support this bill are supporting for-profit organizations at the expense of our taxpayers. We had a situation in my district where a local nonprofit organization had an affair at this particular amusement park, and they charged them a very, very high fee. They would not waive the fee. Now, what I am saying to you is that you are allowing this for-profit organization to make money that they are not going to turn around and lower their price for the residents. What you are doing is taking our taxpayers and forcing them to make up the money that they would get from this organization, and in a particular situation where Matt Wright lives, it is \$600,000, and you are saying to those taxpayers, you pay that \$600,000 because we want to help these industries. That is crazy.

So you better think before you vote on this tax increase. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Warren County, Mr. Lynch.

Mr. LYNCH. Thank you, Madam Speaker.

I was wondering, is there anybody that will stand for interrogation on this bill?

The SPEAKER pro tempore. The gentleman, Mr. Godshall, agrees. You may proceed.

Mr. LYNCH. Thank you, Madam Speaker.

My question is this: As I look at part of the bill, and going back to Economics 101 where it says that all wealth comes from agriculture, mining, and manufacturing, I see that we have a — and I am supportive of the agricultural industry as much as anybody — but I see we have a set-aside in here for farming activities in the definition of “net profits,” and I guess my question is this: Should we have a concern here that this thing, because we have a set-aside for a certain class, could be declared unconstitutional somewhere down the road?

Mr. GODSHALL. That was in the bill when it came over. That would probably be better referred to the chairman of the Ag Committee. You know, I am not familiar with the ag part of the bill, except I do know that the Farm Bureau, you know, wants the bill as it came over. The language that is in the bill they favor. That is all I can tell you.

Mr. LYNCH. No, and I understand that, and I do not have a problem with the language in there myself, and if we could get the chairman here, I do not have a problem with that language. What my concern is is that we apparently have a set-aside here that somebody may find to be unconstitutional as, you know, this bill progresses.

Mr. GODSHALL. I suppose that could happen with any bill we pass.

Mr. LYNCH. Madam Speaker, let me close by saying, and I am going to vote against this bill but not necessarily for this reason, but I do have a concern when we have what appears to be a set-aside for the farming community. I support that. However, I am concerned that they are the only ones who are getting it. I mean, you know, there are other industries out there just as important to Pennsylvania as the farming community that do not have this exception, and I am just concerned that there may be a constitutional problem with this. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Lehigh County, Representative Mann.

Miss MANN. Thank you, Madam Speaker.

I rise in opposition to SB 390, primarily because all of us here have a great responsibility to protect the interests of taxpayers. This legislation is an irresponsible shift of taxes. What we are basically saying to communities in the Commonwealth is, you had a money stream, we are taking it away, and you find a way to replace it; it is your problem. Well, we have a job to be here and safeguard our communities. Specifically, an area I represent, South Whitehall Township, stands to lose a great deal of money as a result of this bill.

Again, I ask my colleagues to consider the ramifications and what our responsibilities are as defenders of taxpayers and to vote against SB 390. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Readshaw.

Mr. READSHAW. Thank you, Madam Speaker.

Madam Speaker, if my addition is correct, the borough of West Homestead and the borough of West Mifflin, after everything is carried out that is included in this legislation, will be looking at a loss of \$612,000, and both of these boroughs are located within a financially depressed steel district, the Steel Valley School District.

The fact remains, with this kind of loss of money, as other speakers have said and it is absolutely true, this is going to have to be reflected in raising real estate taxes. I think it is unfair; I do not think it is worthwhile subjecting a depressed school district in these boroughs to this kind of financial structure, and I would hope that everyone votes “no.” Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Madam Speaker.

This bill is an excellent bill. This bill has been around for at least the 5, 6 years that I have been here. We have been talking about amusement taxes for a long time and how unfair this tax is upon businesses of this Commonwealth.

And I find it interesting that people stand here today and talk about users’ fees and how important it is to have this tax because it is costing their municipalities all kinds of money to supply services. This bill simply says a school district provides no services for those tourism people that are coming in and should receive no money from that admission. There is no service provided. It is unreasonable taxation, and it is unfair.

The bottom line is, it is a money grab by local governments onto a business that they cannot get their hands into somebody somewhere else. It is time that we make the taxes fair in this Commonwealth, that everybody has to pay the same way. It is unfair to say to one business in this Commonwealth, you are a ski resort in my area so you are going to pay a certain tax, but if you are a ski resort in another part of this Commonwealth you do not have to pay that tax. We have 31 ski resorts in Pennsylvania. Only 7 pay the tax, and of the 24 that do not pay the tax out of the 31, 2 of them are owned by governments. Then you have got different people charging different rates. If this tax is so great, then why do we not allow this tax to be utilized on other businesses? Why do we not say we are going to start taxing everybody for pizza that comes out of a pizza shop? Why do we not do something else like that? If we keep giving local governments the opportunity to single out businesses in this Commonwealth, all we will have is a hodgepodge of taxes and simply a way for local governments to abuse their power.

This tax has long been outmoded, it has long been abused, and it simply is not good for Pennsylvania taxpayers because of the fact we keep talking about in this Commonwealth of creating jobs. We talk about our number two industry in this State is tourism, next to agriculture, and it is important that we continue that growth in that industry as we create jobs and good-paying jobs in this Commonwealth.

It is also important to note that in this bill is a piece that affects farmers in this Commonwealth. It is important that this legislation get done today and get passed before we adjourn for summer, because it impacts on the income of every farmer in this Commonwealth as they pay their local taxes.

And in closing I remind everybody today, if you had a business in this Commonwealth and you were not paying the same taxes

that a competitor was paying, you would not want this tax either. Thank you, Madam Speaker.

MOTION TO TABLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Ruffing.

Mr. RUFFING. Thank you, Madam Speaker.

It seems that there is a lot of question and confusion on this issue, so at this time I would like to make a motion to table.

The SPEAKER pro tempore. The motion to table is not debatable.

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

The following roll call was recorded:

YEAS—78

| | | | |
|-------------|-----------|-----------|--------------|
| Adolph | Fleagle | Markosek | Smith, B. |
| Armstrong | Flick | Masland | Snyder |
| Barrar | Forcier | Mayernik | Solobay |
| Bebko-Jones | Frankel | McCall | Steelman |
| Benninghoff | Freeman | Melio | Steil |
| Browne | Gannon | Nickol | Stern |
| Butkovitz | Geist | Petrarca | Stetler |
| Buxton | Gigliotti | Pistella | Strittmatter |
| Caltagirone | Gladeck | Readshaw | Sturla |
| Cappabianca | Grucela | Robinson | Tigue |
| Casorio | Hennessey | Rohrer | Trello |
| Cawley | James | Rubley | Trich |
| Chadwick | Keller | Ruffing | Vitali |
| Clark | Krebs | Samuelson | Waiko |
| Costa | LaGrotta | Santoni | Waters |
| Curry | Lawless | Schroder | Williams |
| Dally | Levdansky | Schuler | Wojnaroski |
| DiGirolamo | Lynch | Scrimenti | Wright |
| Donatucci | Maitland | Seyfert | Yewcic |
| Fichter | Mann | | |

NAYS—121

| | | | |
|--------------|------------|------------|---------------|
| Allen | Evans | Manderino | Sainato |
| Argall | Fairchild | Marsico | Sather |
| Baker | Fargo | McGeehan | Saylor |
| Bard | Feese | McGill | Semmel |
| Barley | George | McIlhattan | Serafini |
| Bastian | Godshall | McIlhinney | Shaner |
| Battisto | Gordner | McNaughton | Smith, S. H. |
| Belardi | Gruitza | Metcalfe | Staback |
| Belfanti | Habay | Michlovic | Stairs |
| Birmelin | Haluska | Micozzie | Stevenson |
| Bishop | Hanna | Miller, R. | Surra |
| Blaum | Harhai | Miller, S. | Taylor, E. Z. |
| Boyes | Harhart | Mundy | Taylor, J. |
| Bunt | Hasay | Myers | Thomas |
| Carn | Herman | Nailor | Travaglio |
| Civera | Hershey | O'Brien | True |
| Clymer | Hess | Oliver | Tulli |
| Cohen, L. I. | Horsley | Orie | Vance |
| Cohen, M. | Hutchinson | Perzel | Van Home |
| Colafella | Jadlowiec | Pesci | Veon |
| Cornell | Josephs | Petrone | Washington |
| Corrigan | Kaiser | Phillips | Wilt |
| Coy | Kenney | Pippy | Wogan |
| Dailey | Kirkland | Platts | Youngblood |
| DeLuca | Laughlin | Ramos | Yudichak |
| Dempsey | Lederer | Raymond | Zimmerman |
| Dermody | Leh | Reinard | Zug |
| DeWeese | Lescovitz | Rieger | |

| | | | |
|--------|-------|---------|---------|
| Druce | Lucyk | Roberts | Ryan, |
| Eachus | Maher | Roebuck | Speaker |
| Egolf | Major | Rooney | |

NOT VOTING—0

EXCUSED—4

| | | | |
|-------|---------|------|-----------|
| Daley | Preston | Ross | Tangretti |
|-------|---------|------|-----------|

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

On the question recurring,
Shall the bill pass finally?

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

Mr. BAKER. Thank you, Madam Speaker.

Madam Speaker, I have heard many of the speakers today say that this is a bad bill. I do not agree with that assessment, and I rise to support SB 390. I do not know when it is a bad bill when we get an opportunity, a very rare opportunity, to vote for something that will help our number one industry in Pennsylvania and our number two industry in Pennsylvania at the same time with the same bill.

You have heard that the tourism industry wants this bill and is in favor of this bill very strongly. Well, the agricultural community also wants to see this bill passed because of the unfair tax treatment that they feel is now being used against them. In fact, if this passes, it is estimated that this will save about \$150 for each farmer on local tax savings, because they have to apply State tax rules versus Federal tax rules. If we use the Federal tax rules, then this will effectuate a savings to our farmers and our agricultural community.

So I rise in support of this because it helps our number one and our number two industries in Pennsylvania, and because of that, I think it is a good bill and that we should vote in favor of it. Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Schuylkill County, Mr. Lucyk.

Mr. LUCYK. Thank you, Madam Speaker.

I am trying to bring this argument to some type of a logical close, and in doing so I would like to explain the need and the use of this tax, what it is and what it is not. I believe this tax, the amusement tax, goes back probably to the 1930s, when probably some member of our local governments came to Harrisburg and said to this Pennsylvania House or the Pennsylvania Senate, look, we have a problem; I have an amusement park in my municipality or a fair that is causing our municipality problems; we have all these people coming into our municipality; you know, we have to put on additional police, we have to repair our roads; we have to do things caused by this activity in our area, our town or municipality. So naturally, being fairminded as we always are, the House or the Senate probably said, well, okay; we are going to allow our local municipalities to levy this tax to reimburse them for the expenses they incur in having this activity, this paid-for activity, in their community.

Madam Speaker, this nuisance tax was 10 percent — 5 percent to the local municipalities and 5 percent to our school districts. When our manufacturers in this State had a 10-percent

gross income tax, we raved and yelled, how could any industry compete, how could any industry compete with a 10-percent gross tax? Here we have an industry, an amusement industry, the number two industry in our State, that had a 10-percent gross tax — right off the top, 10 percent; no deductions; on your receipts, 10 percent. How could they compete?

The amusement industry is coming to us and saying, look, let us be fairminded about this; let us be open; if a municipality incurs expenses, if they have to put on a police force, they have to hire additional sanitary workers, et cetera, to put up with this activity in their community, we will pay them for that. I do not think, you know, if I owned an amusement park — at one time I was associated with one — and a municipality came to me and said, you know, we have to put on three extra policemen over Labor Day to handle your crowds; we have to pick up the trash; we have to do this; we have to repair the roads, I think I would say, okay, let us sit down at the table and we will work this out. We can work this out, but do not put a 10-percent tax on me.

This is not a tax increase. This is the elimination of a windfall to both our school districts and our local taxing agents. This can be worked out. As a matter of fact, the one final measure, the one final measure in this bill which this bill contains is the ability of the local taxing body being able to go to the court of common pleas and bringing the local amusement, the local amusement generator in and having a court settle this dispute.

Madam Speaker, let us be fair; let us be openminded. We have, as said before, the number two industry in our Commonwealth coming to us asking for help. Let us give them this help. Let us give them this ability to sit down with their local taxing units and say, look, we are generating money for you; we are generating money for the State; we are creating jobs. Give us a chance to compete. Give us a chance to keep our doors open.

Madam Speaker, I ask for a positive vote on this bill. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Madam Speaker.

Madam Speaker, over the many terms that I have served here—

The SPEAKER pro tempore. Would the gentleman cease just a moment.

Could we clear the space in front of the speaker, please?

You may proceed.

Mr. BELFANTI. Thank you, Madam Speaker.

This issue has been around a long, long time. I am in my 19th year here; it has been talked about the entire period of time that I am here. The reason that it continues to return to the floor or to the committee process and be reintroduced every session is because it is inherently unfair. Many of the exact same types of amusements are taxed in one area and not taxed in another, taxed by one school district and not taxed by another. The amount of taxation is different in all of these various recreational and amusement and entertainment activities.

And the fact is, Madam Speaker, that we have singled out this industry. Somewhere along the line our forefathers down here decided that here is an industry that ought to pay a special tax to the local municipalities and local school districts simply because of the type of business they decided to be an entrepreneur and create and develop. And I think Mr. Saylor made a point that I intended to make — however, he was recognized before me — and that is, why did not we in the General Assembly some 20 years ago

say that instead of taxing people for the privilege of going out and being entertained, why do we not allow municipalities to tax people for the privilege of going out and eating? Why do we not have a restaurant tax of 10 percent, because after all, if you do not want to eat at home and there are good restaurants in your area, why not tax everybody 10 percent because they decide not to slave over a hot stove that night but they take their family out to dine? It is the same thing. It is the same analogy. Why pick the entertainment industry, the tourism industry, the number two industry in this State, and then tax them differently depending on what type of county or municipality they are located in?

It is unfair; it has always been unfair. I think if there is going to be a user fee for amusement parks and movie theaters and other types of entertainment, that user fee ought to be fair, it ought to be discussed with the industry, and then we may want to think about what other types of industry ought to also have a slight tax put on the patrons of that industry. And I am certainly not suggesting that restaurants be one of them; I only used them as an example. But if an individual decides, I am going to buy a McDonald's franchise, and another individual decides, I am going to build an ice-skating rink, why should that one have a 10-percent extra overhead or have to charge his patrons an extra 10 percent and that person who decides to operate that McDonald's be free and clear of a user fee to the municipality and the school district?

So I am going to vote in favor of this bill, and hopefully we will get back to the drawing board and figure out a fair way of taxing people for being entertained.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Hasay.

Mr. HASAY. Thank you, Madam Speaker.

Madam Speaker, as the chairman of the House Commerce Committee, I would like to bring to your attention two major events that we have in the Commonwealth of Pennsylvania. These two events bring approximately 175,000 people at each event. That is a lot of sales tax and that is a lot of income for the Commonwealth, and I refer to the two events as the Pocono 500 and the Pennsylvania 500. In order to have a Winston Cup NASCAR (National Association for Stock Car Auto Racing) race, you have to have a franchise, and that franchise in the Commonwealth of the Pocono track entitles the owners to have two NASCAR races per year. The amusement tax has hindered the owners of the track and have concerns about the amusement tax. That is why I have risen today to support SB 390.

And I also bring to your attention that the owners were offered money for one of those franchises in excess of \$50 million, for a piece of paper so the new tracks in Texas and California or wherever the other new tracks are could purchase that and have a NASCAR race anywhere in the United States. So it is important and it is important for commerce, and it is important for those constituents that have the opportunity to be able to drive in this Commonwealth to see a NASCAR race.

So I urge all of you to support this bill. Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Adams County, Mr. Maitland, for the second time.

Mr. MAITLAND. Thank you, Madam Speaker.

One previous speaker in an earlier comment today stated that the amusement tax language was, quote, "agreed to by all the parties involved," unquote. Well, I would ask the

Gettysburg School District if they are in agreement to the loss of a quarter of a million dollars.

Another speaker earlier talked about how unfair the tax is, and I do not dispute that, but you do not have to look very far or wide to find other unfair taxes in Pennsylvania. How about the real estate tax? How fair is that? How can anyone own property if the government can come and take it away from you if you do not pay your taxes on it? Is that fair? How about the inheritance tax? That money has already been taxed. The inheritance tax represents double taxation. Is that fair? How about the occupational assessment tax? You get assessed on your job title. That has no correlation to how much you earn. Is that a fair tax? No, it is not.

But one good thing will come out of this debate today, Madam Speaker: It shows the hypocrisy of those who espouse their concern for taxpayer protection and property tax cuts. Every member of this House has the opportunity to stand up for the property tax payer today, Madam Speaker. Do the right thing. Vote "no" on SB 390.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Northampton County, Mr. Dally.

Mr. DALLY. Thank you, Madam Speaker.

Madam Speaker, I would like to interrogate the maker of the bill, please.

The SPEAKER pro tempore. It is a Senate bill, sir.

Mr. DALLY. I am sorry. Could I interrogate Representative Godshall then?

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. DALLY. Madam Speaker, is there any empirical evidence from studies that have been done that provides that an amusement tax prevents people from using facilities?

Mr. GODSHALL. Would you repeat that question?

Mr. DALLY. Okay.

Mr. GODSHALL. I am not sure what you are looking for.

Mr. DALLY. All right. There has been a lot of discussion this afternoon about how the amusement tax is anticompetitive and that people do not go to use amusement facilities because of the amusement tax. Is there any independent data that indicates that is the case?

Mr. GODSHALL. Is there any empirical evidence that people do not use a facility because of a tax? We have had testimony in front of our committee pertaining to various golf courses that indeed the answer to that is yes, that senior citizens using a lot of the public courses will travel quite a number of miles to have a \$2 to \$3 reduction in greens fees. So I guess the answer to your question is yes.

Mr. DALLY. Was there ever testimony presented that indicated individuals do not go to NASCAR events because they pay an amusement tax on their ticket?

Mr. GODSHALL. I guess you have to ask the people who did not go, you know—

Mr. DALLY. Okay.

Mr. GODSHALL. —to answer that. I guess the evidence that we have is the fact that there were numerous events that looked at the Poconos for the possibility of locating there and did not go there simply because of the amusement tax. I guess you have got to look at Lancaster County when Sight and Sound lost one of their facilities. They were catered to by States and actually foreign countries to locate their facilities there. They decided to come back to Pennsylvania hoping that something was going to be done with

the amusement tax, but at the same time, it was only their ties to Pennsylvania that kept them here. They had all kinds of considerations. The biggest consideration was no amusement tax. So the answer to that is, we have had a lot of evidence showing that this tax has hurt the industry, the hospitality industry in Pennsylvania.

Mr. DALLY. Madam Speaker, may I speak on the bill, please? The SPEAKER pro tempore. You may proceed.

Mr. DALLY. Madam Speaker, I can appreciate the arguments that have been made this afternoon about the anticompetitive aspects of amusement taxes when they apply to facilities such as ski areas that may be several miles apart and are taxed at different rates because one township may have an amusement tax and the other municipality may not. However, I do not think that argument holds true for larger facilities in the Commonwealth of Pennsylvania, including racetracks, where their special-purpose facilities draw huge crowds several times a year. Those types of facilities place a large impact on the municipalities that host them. I happen to represent a part of Lower Nazareth Township in Northampton County, and if this bill passes, local property taxes there will increase approximately 22 percent.

So as other speakers had said before, a vote for this bill is a vote to increase local property taxes. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Snyder.

Mr. SNYDER. Thank you, Madam Speaker.

Madam Speaker, this vote is very troubling to me, because it goes against many of the basic principles of fairness that this General Assembly normally follows. First of all, I am very disappointed that we were not able to at least debate some of the amendments to this legislation. I think many of the issues that are being raised here on final passage could have been addressed through that process. Very seldom do we restrict the members from adopting amendments for consideration by this body.

Second, Madam Speaker, there is the question of uniformity. It has been pointed out by many speakers already that Pittsburgh and Philadelphia are exempt from this amusement tax reduction. Philadelphia receives over \$9 million and Pittsburgh receives almost \$7 million in amusement taxes. Madam Speaker, if this is a question of providing for a better business climate in Pennsylvania, why not address the two largest imposers of the amusement tax — Philadelphia and Pittsburgh — but yet they are exempt.

Madam Speaker, also the question comes up as we discussed in local tax reform that if you are going to take away the ability of a governing body to tax, we need to provide them with an alternative. In 1989, Madam Speaker, we took away the right of municipalities to impose the business privilege tax. Now we are taking away their right to impose an amusement tax at the level that they already perhaps have it in force.

I can certainly support dealing with the school district issue, I can certainly support putting a cap on taxes that are already imposed so that no future taxes can be imposed at a certain greater percentage, but what we are saying, Madam Speaker, is that these municipalities are going to receive less revenue and no alternative other than the property tax, which is my final point, Madam Speaker.

Many of the members of this body have been talking about property tax and the need to provide relief to individuals. This has been brought up by previous speakers as well. But this is really a

property tax hike for those municipalities that are currently taxing nonresidents. And, Madam Speaker, probably after this legislation, we are going to be considering HB 366, and I would hope that everybody who votes "yes" to remove the amusement tax decides to vote "no" on imposing hotel taxes, because it is the same thing. You are asking one industry to pay a tax on their revenues to provide for other services.

Madam Speaker, I would ask for a "no" vote on this legislation.

And finally, Madam Speaker, for my own legislative district, I am very disappointed that the Appropriations Committee had promised a hearing on this issue before action was taken, and yet here we are with the amendment coming out of the Appropriations Committee. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks County, Mr. Rohrer.

Mr. ROHRER. Thank you, Madam Speaker.

I stand in opposition to this bill as well. I think we have heard a lot of very, very persuasive reasons why this bill and its provisions really are not in the general interests of the people of the State but generally benefit a smaller group. The speaker right before me made many, many good points to which I agree and many of the ones before him as well. I have one that is a little bit different, and I would like to add it to the mix as well for reasons for people to consider voting "no" to this. And frankly, this kind of thing could have been worked out had some amendments been affixed to this bill.

But in my district I have a township. In the township is a racetrack. That racetrack voluntarily entered into an agreement with that township many years ago when they went into existence. That racetrack, because of the noise, because of the extra commotion that it makes in the township, agreed through its taxes to pay the taxes, the local township taxes, for the people of that township. As a result, those who live in that township have not paid local property taxes since the inception of that racetrack. Under this provision, they could not go forward with this, they could not collect those taxes, and it would absolutely mean a brand-new tax for those who live in that township. I think that is wrong. I think that the direction that this bill has moved with these kinds of considerations make it one to oppose, and if we want to move forward on it, these kinds of things should have been corrected earlier. But I cannot vote for it, and I think there are innumerable reasons why the members of this House should vote "no" on this bill in its current form. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Madam Speaker.

Madam Speaker, I rise in support of SB 390, and I think the gentleman, Mr. Baker, said it best. It is rare when a bill comes before the chamber that simultaneously helps Pennsylvania's two major industries, that being agriculture and also tourism.

Let me add one more thing, because I think for those who speak against the bill, they are talking about facilities in and around their area where an amusement tax is imposed. For those municipalities that provide police protection, fire, and so on and so forth, roads, all that is going to happen is that that amusement tax that is a burden on the number one industry of tourism will be reduced from 5 percent to 4 percent. That 1-percent reduction will take place not immediately but in 2001. And even then not immediately, but it will be phased in over 4 years. So those

municipalities will still have the money for police, for fire, for road projects.

But understand one thing when they talk about a reduction in property taxes. Madam Speaker, where these facilities exist, which cause a great deal of excitement and interest, up around those facilities spring all kinds of other businesses and other kinds of road projects, which they are able to benefit from, which generate property taxes for school districts in those municipalities. No one is being hurt with what was a carefully crafted bill. For the municipalities providing the police and fire, it just goes from 5 to 4, which I think provides an adequate source of revenue to meet those municipal needs, at the same time helping tourism throughout Pennsylvania. That is the carefully crafted nature of it. That is where the compromise came in that everyone seems to be on board with.

But let us not lose sight of the fact, as I say once again, that in the areas where these wonderful attractions exist, these attractions in and of themselves generate the construction of new industries and new businesses which also generate property taxes. So there is not a lose-lose here. This bill provides a win-win for the people of Pennsylvania, for most of the members here. When your families and your constituents go to visit these areas, instead of being whacked with a 5 percent, it will now be 4 percent for that municipality. They will still be able to provide the services.

This is a good bill for agriculture — which no one has talked about, the agricultural provisions in the bill, except for Representative Baker — and tourism, and I ask for an affirmative vote. Thank you very much.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Cumberland County, Mr. Masland.

Mr. MASLAND. Thank you, Madam Speaker.

I rise to oppose SB 390 for many of the reasons that have already been mentioned, so I will be very brief.

Historically, this is really just a tax reform issue we are dealing with, and if you look back at 1965 when we passed Act 511, we attempted a piecemeal approach to deal with local taxation, and it failed pretty much by all accounts from the very start and we have been trying to fix that problem from the very start. The fact is, that piecemeal approach, though, was at least a buffet. It at least gave the local municipalities options as to how they could go about raising necessary revenues. We addressed that issue in 1998 with Act 50, local tax reform, or the school property tax relief act, which really no one is standing up and saying that is the best thing we have ever done. It obviously did not solve that problem. It was another piecemeal approach, but even more piecemeal than Act 511, because it only dealt with school districts and it only dealt with earned income and it only did a number of other things which, by all accounts, are not going to solve any problems for the school districts. And the fact is, we completely cut out the municipalities in that situation. So now we come to 1999, we have SB 390, and we are saying to the municipalities, we have not given you any other options. The buffet is a whole lot smaller. In fact, instead of having column A and column B, all you are going to have is column A now, and we all know what column A is — real estate taxes. That is the only option we are giving these municipalities.

Now, do I want to help tourism? Of course I do. It is the number one industry in Pennsylvania. But think about that a second. It is the number one industry in Pennsylvania. It is not number — Or it is number two; number one. It is up there. It is not like they are number 10 or number 20. Are they struggling that

much? You know, the local business in my area that is going to be affected has never called me about this tax. They have never said they have any problem with it, because they do not. The fact is, they have called me about a host of other corporate taxes that concerned them, but not about this admissions tax, because they know as we all know that it is a tax on the user, many times from outside of the State, many, many times from outside of the area, and what we are then doing is just shifting that tax to our local taxpayers. If, as a previous speaker said, you favor local tax reform, this ain't the answer, and if you favor this bill, then I guess you are going to have to vote against SB 366, the hotel tax, because we all want to be consistent.

We should not do this piecemeal. This is an approach to try to help out some people who feel there is a problem when there really is not. It is one of the top industries in the State, and if they really needed to be saved, there are probably a number of other ways we can do it as opposed to just dumping this burden on the local taxpayer. I urge your opposition to SB 390. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna County, Mr. Cawley.

Mr. CAWLEY. Thank you, Madam Speaker.

I would like to interrogate the maker or the floor leader of this bill, Mr. Godshall, please.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. CAWLEY. Madam Speaker, the following municipalities, not the following municipalities; I am just going to run the counties, and municipalities are in all of the counties that I am about to name, and my question is going to be, is there any avenue that has been taken by us in the General Assembly — I know I did not have time, because my counterpart reminded me this morning that it was just amended in the Appropriations Committee — but are we going to have State funding go back to those municipalities in the way of revenue sharing or something to make up for the literally millions of dollars that these municipalities and school districts are going to lose? Yes or no?

Mr. GODSHALL. The answer to that is, 90 percent of the municipalities, the school districts, exist without the amusement tax, and there is no revenue sharing in the bill.

Mr. CAWLEY. Wait until I straighten out. The counties — Thank you for that answer. I do not know what it means, but we will figure it out. I will ask Bud George.

Mr. GODSHALL. It means that there is no revenue sharing.

Mr. CAWLEY. Thank you.

Municipalities in Adams County, Allegheny, Beaver, Berks, Blair, Bradford, Bucks, Butler, Cambria, Carbon, Centre, Chester, Clinton, Columbia, Crawford, Cumberland, Dauphin, Delaware, Erie, Fayette, Franklin, Greene, Huntingdon, Juliana, Lackawanna — Uliana? Is he here? I thought he went to the Senate — Lackawanna, Lancaster, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Schuylkill, Snyder, Somerset, Susquehanna, Washington, Wayne, Westmoreland, and York are all going to lose millions of dollars of revenue that these local municipalities need to run their operations. I have no figure on the school districts, what they are going to lose.

Mr. GODSHALL. Is that a question?

Mr. CAWLEY. I will give you an example. Lackawanna is included, and there is a little municipality in Lackawanna, of which I represent about 50 percent, called the city of Scranton, and

between the school district and the city, we only have a wage tax of only 3.4 percent and a garbage fee of about \$120 a year for every person living in that town and an occupational privilege tax, and the city of Scranton does not have their money. In January of 1996 we had a flood, in which 900 homes in that city were under water, and thanks to Congressman McDade and his efforts from Washington, we were able to get Federal funding. We were able to get a commitment from the State for State funding, and now the city of Scranton has to come up with \$8 million as their share for the flood project. They are telling me and everyone else — and it was just in the local papers this past week — they are down here camping at the Governor's door, looking for moneys for their share for the flood project.

So what is our response to their needs in the city of Scranton? Our response is, we are going to take from them, by the passage of this bill, several million dollars over several years, from a municipality that does not have the money to stay afloat now. And the answer is not to raise the wage taxes — which I just mentioned, 3.4 percent; second only to Philadelphia in this Commonwealth — and now we are going to take over 100-and-some thousand dollars a year just from the city of Scranton, not mentioning what the school district is going to lose.

That, Madam Speaker, and the counties that I mentioned, all those municipalities, losing all of that money, I think that it is irresponsible of us, especially at this time when we have a surplus, not to have sent that money back home that we are taking from those municipalities.

I hope that everyone remembers — they are going to start receiving the phone calls then — from now until doomsday, as long as you are here, I do not care what it is back home that they have to raise taxes on, one of the reasons why those local elected officials are going to say they had to raise taxes, from now until doomsday, is because of what we are doing here today.

Vote "no" on SB 390. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests that the gentleman, Mr. Preston, be removed from the leave list.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as guests of Representative Tim Solobay, former Representative Anthony Colaizzo and guests John Bevec, Joseph Gorby, and Lou Brova. Will they please stand. They are seated to the left of the Speaker. Welcome back.

CONSIDERATION OF SB 390 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Blair County, Mr. Geist.

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

There are not too many of us left in this General Assembly who voted for Governor Casey's tax reform bill. Sam Hayes and I, from Blair County, made that vote. Peck Foster was our lead dog when it came to the Republican side of the aisle on tax reform. That was a long, bitter fight, but it was a comprehensive bill. It was not

piecemeal. It took care of this very problem without putting the burden on others. It allowed for the exchange of taxes.

Madam Speaker, I urge a “no” vote on this bill until we can put a comprehensive bill, as good or better than the Casey plan, so that we in this General Assembly can pass tax reform without passing along tax increases to those who do not deserve to be paying more property taxes. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Wright, for the second time.

Mr. WRIGHT. Thank you, Madam Speaker.

A couple of comments about some remarks, like rebuttal about some remarks that I heard on the floor earlier.

I heard someone say that one of the benefactors is going to be our constituents as tourists, as they go around to tourist places, amusement facilities, et cetera, around the State. They are saying that this reduction will mean that when they go and pay an admission price, they are not going to have to pay as much. Well, candidly — and I do not hold it against them — the amusement businesses have been pretty up front on this in saying that — And maybe I need to give this story. This is not a business tax; it is a personal tax. But the reason why the businesses are going to gain out of this is because currently they include it in the total price of the ticket. And that ticket may be, let us say, \$30 for an amusement facility. They do not collect \$30; they only get to keep maybe \$27. Now, what they are going to do is, if they have a tax reduction, they do not have to charge the customer as much. They have been forward with this, and I do not hold this against them at all, but they are saying that they are not going to reduce the ticket price. They have been pretty fair about that. They have been saying that, no, we are still going to have the sign out front and it is still going to say \$30, and when that is so, what that does is then, when there is a tax reduction, as alluded to earlier, for our constituents that are tourists, it is not true, because the ticket price is going to stay the same. The difference, that savings, would be able to go to the amusement business to be used for whatever reason or for profits.

We also heard that the farmers need this bill. Well, the farmers needed the original bill, and they need the provision of that bill. But what I really want to say here is, by adding this amusement issue to that farming bill, we have really put the farmers at risk. This bill may not pass today. We may defeat it. Even if it is passed, this bill may go over to the Senate. They may choose not to run it. They may choose to defeat it. If we really cared about the farmers, we would not have added this provision. And I do not want people like me to be blamed by the farmers for holding up their provision. The problem started before me.

The amusement tax is a local optional tax. It is from a menu of the Act 511 taxes. There are numerous small taxes that were enacted years ago by this body that give some ability to meet the needs of the local communities. Act 511, the amusement tax is one of the Act 511 taxes. It in itself was not meant to be the main tax. Of course, the property tax is. But it was a way that we would go back to our communities and give them a menu of local optional taxes. As we all heard today, some of our communities do not even impose this; some of them do. But what it really boils down to is, it is local control. It is a signal that we sent down to our local governments over the years and said that we at the State level are not going to financially, totally financially support the school system, and we are giving you, the local school district, a menu of local optional taxes so that you can figure out what is best for you,

and you can levy them upon whatever way you want. What we are doing today is we are systematically reducing those optional taxes. Of course, today we are looking at one of the Act 511 taxes. But let it be known that if this becomes law, if this change occurs, immediately special groups will then arise for every one of those other Act 511 taxes, every single one of them. One by one, there will be bills introduced and amendments offered to other bills that will take away that local option of every single option of Act 511. If we do that, then there will be no optional taxes, the local control disappears, and property taxation will be the only method.

Many times recently we have been rallying about giving our school districts and our local communities more options, and we have been talking about responsibility at the State level to provide funding. This bill goes in the exact opposite direction.

There are some other taxes out there that are just similar to this that I had mentioned earlier. They are variable taxes that the user pays. Sales tax — that is exactly what it is. Sales tax is, there is a price for an item and then you pay sales tax. It is the exact same thing as the amusement. You pay a fee to get into a facility, then you pay, then the user pays an additional fee, just like sales tax. We are not rallying today to kill the sales tax.

Car rental taxes. Everybody remembers of recent years, we are increasing the user fees for car rentals. We are adding it on. We are increasing it. But if we followed today’s strategy, we should be reducing that tax.

Hotel tax. In fact, we are going to have another bill coming up soon. Just this session alone, we have hit the hotel tax a couple times, increased it. The hotel tax is a user tax. Somebody travels; they go to a motel or a lodging facility; they pay the price, and then there is the add-on. In fact, there is sales tax, hotel tax. Then a traveler that comes in has the sales tax, the hotel tax, and probably the car rental tax.

How many people in this room have traveled recently, and I am sure everywhere you went, if you were in another State, let us say, went down to the shore for the weekend, I am sure you paid all kinds of taxes. Are you rallying the cry in another State to try to get that changed, or did you just pay it? You accepted it; you knew it is a tax. You did not even blink an eyeball. You just paid it. When travelers come to our State and they go to an amusement, that is exactly what they are doing. They expect it; they expect to pay extra taxes, whether it is a hotel tax, whether it is a sales tax, whether it is a car rental tax, whether it is an amusement tax.

Also, I heard a rallying cry today that our tourism businesses need this bill; they need the financial support. Currently the State is flush with money. If this is such an important issue, why has the State not stepped in and offered some sort of tax incentive or tax reduction from a State tax? No, it is too easy. We do not want to feel the pain. We do not want to have the reduction. We do not want to get hurt here. But what we are doing is, we are not willing to help provide financial assistance to the tourism businesses, but instead — Well, because that would mean money out of our pockets. No, but it is easier to mandate a local community or school district that they shall give up the funds and give to the local amusement facilities.

I want to point out a few other things. This bill is not quite as smooth as maybe it should be. It affects the whole State, but it carves out a niche. It says that the city of Philadelphia and the city of Pittsburgh shall not be affected. Why are they so much different? Why are their needs different than any other municipality’s? I do not understand that. I suspect it was a

caving-in to those governmental bodies who said they needed the funds, and then therefore, they were exempted out. But that is also a slap in the face to everyone else here when we caved in and we gave Philadelphia and Pittsburgh a break because they needed the money, because they have clout, but to the rest of us who do not live in Philly and Pittsburgh, we obviously do not and we are going to have the tax reductions.

Also, currently at 10 percent and these reductions go into place, I do not know if you are aware, golf courses, driving ranges, miniature golf, bowling alleys, auto racetracks, ski resorts, when this bill goes into place, they are not going to pay 4 percent that is being espoused here; they are going to pay 4 percent of 40 percent of the ticket price, and 4 percent of 40 percent of the ticket price is only 1.6 percent. So when you pass this, what you are really doing is you are going to some of those particular types of businesses who got their foot in the door and you are going to say to them, we are talking about 4 percent here, but what you are really giving them is 1.6 percent. Now, how do you take some of the racetrack members here; they are currently maybe getting 10 percent. Now, you are not just going from 10 to 4; you are going from 10 to 1.6 immediately, immediately, not effective to these other dates. I want to make that very clear. Of course, there are two large auto racetracks, but there are a lot of small dirt tracks and drag-racing tracks.

And I do not know if you are aware of this; there is another little provision. You know, Pittsburgh gets to levy this amusement tax on movie theaters. The rest of the State does not. Pittsburgh gets to levy this on movie theaters now. The rest of the State does not. There is a little niche. Of course, we overlooked that. It is just a small niche, but you see, people have had their hands in this. These are the deals that were cut.

I want to spend a moment to go over that tax chart. I think it is important to look at the surrounding States around us. The surrounding States around us, most of them have a State sales tax that impose that sales tax upon entertainment- and amusement-type facilities. Also, for instance, New Jersey has something called a luxury tax. How many times have we said that today? A luxury tax, of course, is when you buy a boat and a car and things like that, but you know what? It is also entertainment. That was not mentioned. When you go down to the beach, if you go to the Jersey shore, your amusements there are all subject to a 9-percent luxury tax. Do you know that some of the States around us also allow their counties to, on top of the State sales tax, also have a local county sales tax? So when you look at the charts, just look at that. Some of these other States allow their counties or communities to levy well up over 15-percent amusement taxes; 15 percent. We are at 10 now, maybe going to 4. We are not that bad. Just look at the chart around us. When you hear statistics from the other side, they are national statistics. I just want to say, travelers are on a regional basis.

The wrap-up, I want to point out the last two things.

There was a discussion about whether this tax is a fair tax. I want to put forward to you, that was made up earlier, is any tax a fair tax?

This is really an assault on Act 511. It really needs to be resolved in tax reform. This just takes money away. It does not give the communities any option. It does not give the communities any control. We are taking it away. All too often recently, we sat on this floor, beat our chests about assisting the local property tax owners. This is a chance to defeat this bill. If you support this bill,

you are really saying that, no, the local communities do not have control; we are going to force them to raise property taxes. And I am not going to support this bill, because my communities will be forced, many of your communities. There are about 220 communities and school districts across this State that rely on this. Those communities are going to have nothing to do but be forced to raise property taxes, and you are going to be part of it. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Tigue, for the second time.

Mr. TIGUE. No, no.

The SPEAKER pro tempore. Just the first time?

Mr. TIGUE. Yes, Madam Speaker.

The SPEAKER pro tempore. I stand corrected.

Mr. TIGUE. Thank you.

I would like to interrogate Representative Godshall, please.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. TIGUE. Thank you, Madam Speaker.

Madam Speaker, in this bill, I think it is time we start talking about the provisions of the bill and what people have perceived that is in it that is not.

On page 3, the first changes that were made by the Appropriations Committee talk about "...AN AMUSEMENT TAX OR AN ADMISSIONS TAX ON EVENTS OCCURRING WITHIN A FACILITY...." How many facilities does that apply to?

Mr. GODSHALL. I am sorry. I was trying to locate the bill when you asked the question. Would you—

Mr. TIGUE. It is page 3, beginning on line 7. As it starts spelling out the facilities, it says, "...A FACILITY...." so I guess it means one facility. Is that correct? It only applies to one facility in the Commonwealth?

I know it is hard to get a bill, but in violation of our rules, we do not have the bills on our desk.

Mr. GODSHALL. That would apply to any facility that is covered in that language.

Mr. TIGUE. Okay. Let me rephrase that. How many facilities does this apply to, under these guidelines?

Mr. GODSHALL. Any facility that qualifies under that language. I do not know how many there would be.

Mr. TIGUE. Mr. Speaker, if we are going to play games, then I am going to start answering the questions. This applies to one facility, the Luzerne County Arena. Is that correct?

Mr. GODSHALL. It applies to one facility that I know of, and that is in Luzerne County right now.

Mr. TIGUE. Thank you, Mr. Speaker.

Mr. GODSHALL. But I do not know how many that I do not know of.

Mr. TIGUE. Okay. So that is the first part of the bill.

Looking at the other parts of the bill, what effect does this bill have on communities that currently have taxes on ski, golf, or bowling arenas?

I mean, this has been studied for 5 years. We should know the answers quickly.

Mr. GODSHALL. Okay. You said right now. It has no effect right now, because the provisions do not become effective for municipalities until January 1, 2001.

Mr. TIGUE. So you are telling me that this bill does not affect any municipalities regarding what they may charge now or in the future on ski facilities, on movie theaters, or on bowling arenas?

Mr. GODSHALL. The reduction in the tax, if there is to be a reduction, if somebody is charged 10 percent at this point, they would go down to 4 percent over a period of about the next 5½ years, with the first reduction coming in, as far as a municipality, on January 1 of the year 2001.

Mr. TIGUE. How about if it is a school district that has the tax on one of these facilities?

Mr. GODSHALL. If a school district has a tax on any, that has a tax in place at this point, since no new school districts can come in, would mean they would see a reduction after the fiscal year July 1, 2001, through the next 4 years.

Mr. TIGUE. So they would have to eliminate the tax?

Mr. GODSHALL. They would have to be phased out over a period of 5 years, starting July 1 in the year 2001.

Mr. TIGUE. So any school district that currently has -- let me understand this, and see if I am correct -- any school district that currently has the amusement tax must eliminate it over a period of 5 years.

Mr. GODSHALL. They must eliminate it over a period of 4 years, starting July 1, 2001.

Mr. TIGUE. So they have to eliminate it over a period of years.

Mr. GODSHALL. Over a period of years; the answer to that is yes.

Mr. TIGUE. Okay.

I also notice in here, "...ON ADMISSIONS TO AUTOMOBILE RACING FACILITIES, TEN PERCENT IN CITIES OF THE SECOND CLASS AND IN ALL OTHER POLITICAL SUBDIVISIONS.... THE TAX BASE UPON WHICH THE TAX SHALL BE LEVIED SHALL NOT EXCEED FORTY PERCENT OF THE...ADMISSION...." Could you explain this provision to me, please?

Mr. GODSHALL. That is the exact same language that exists today in dealing with bowling alleys, ski slopes, golf courses, and so forth. That language refers to previous language. What it really means is, it is 10 percent of the amount of the tax that is in place.

Mr. TIGUE. I do not think so. Could you explain that again? There is nothing about 10 percent.

Mr. GODSHALL. We are reducing it to the exact same amount that is in place today for bowling alleys, ski slopes, and—

Mr. TIGUE. Which means it is going to be reduced at least 60 percent, if you have the maximum.

Mr. GODSHALL. The answer to that is correct.

Mr. TIGUE. Let me give you an example. If the Pocono International Speedway in Tunkhannock Township, in Monroe County, currently has a 3-percent tax on the tickets for the Pocono 500 or the Pennsylvania 500, as Representative Hasay mentioned earlier, so now at the maximum, if they kept 3 percent, they could only in essence charge 1.2 percent. Is that correct?

Mr. GODSHALL. Is that a municipality?

Mr. TIGUE. Pardon?

Mr. GODSHALL. You said a municipality, right—

Mr. TIGUE. Yes.

Mr. GODSHALL. —not a school district?

Mr. TIGUE. Yes.

Mr. GODSHALL. The maximum the school district—

Mr. TIGUE. I am not talking about a school district; a municipality.

Mr. GODSHALL. Okay; I am sorry. That municipality, under this bill, could go up to 4 percent.

Mr. TIGUE. But they could only go up to 4 percent on 40 percent of the ticket.

Mr. GODSHALL. That is right.

Mr. TIGUE. So that in essence is 1.2 percent of the cost of the ticket.

Mr. GODSHALL. 1.6 percent.

Mr. TIGUE. 1.2 percent of 3 percent, right? And they are at 3 percent; they are not at 4 or higher. They are currently at 3 percent, so it is 1.2 percent.

Mr. GODSHALL. 1.2 percent presently. They could go up to 4 percent, which would then be 1.6.

Mr. TIGUE. Okay. One other question: When you talk about the reduction for the motion picture facilities, ski facilities and that, we are going to keep that at 10 percent for the city of Pittsburgh?

Mr. GODSHALL. The city of Pittsburgh has their amusement tax tied in with the RAD (regional asset district) tax, and it is a totally different ball game. You know, we are not changing what— The city of Pittsburgh has made a deal with the RAD tax on amusement, with the amusement tax, and we have not touched that, and it is for that reason.

Mr. TIGUE. Mr. Speaker, I am not sure that is correct, but my understanding is that Allegheny County has the RAD tax — is that correct? — not the city of Pittsburgh.

Mr. GODSHALL. If the gentleman knows the answer, I mean, better than me—

Mr. TIGUE. I do not know the answer. I am trying to find out— I was told a couple of times today that this bill has been worked on so hard for 5 years and everybody understands it, and we cannot get answers. I do not understand this.

Mr. GODSHALL. All I know is, the amusement tax is tied in with the RAD tax.

Mr. TIGUE. Okay. I appreciate the interrogation.

Madam Speaker, I would like to make a statement, please.

The SPEAKER pro tempore. You may proceed.

Mr. TIGUE. We have been here for a number of hours listening to both pro and con on this bill, and very few times did we hear what is actually in the bill.

I heard people say, all this is is a reduction from 5 percent to 4 percent. That is not right. There is a facility in Luzerne County, they cannot charge anything. A racetrack that now charges 3 percent in essence is going to be dropped to 1.2 percent. Any racetrack that charges an amusement tax, the maximum they can charge at the end of the effect of this bill is 1.6 percent. It is not 5 percent to 4 percent.

School districts, school districts — and we all know what school districts do; they raise property taxes — they cannot have this tax. We passed Act 50 as a small step for tax reform, and in Act 50, we said that municipalities who did not have the tax in place were limited to 5 percent, that school districts that did not have the tax in place could not raise the tax, so that was taken care of 2 years ago.

The arguments that this is necessary for tourism are kind of ludicrous, and you know, in essence, what it amounts to is taking the taxpayers' money and handing it to a private concern, because as was said over and over and over today, the cost of these tickets is not going to go down. So if I buy a ticket for the Pocono 500, which is June 20, or next year's race, and I pay 3 percent to

Tunkhannock Township, the track gets to keep that money. They are not going to lower it. They are taking taxpayers' money.

Someone said, there is no such thing as a good tax. The best tax is the tax that you pay. Well, this is one of those "you pay" taxes. I want to know if there is anybody in this chamber who had a constituent come to their office and say, you know what? The amusement tax is killing me; I cannot afford it; please take this burden off my back; I do not know how I can buy food with this amusement tax. It is ludicrous.

The argument is that, well, there are other ways to do this and we are going to be effective in what we are going to do. You are not going to be effective if you have a racetrack or some other facility where they can only charge 1.6 percent. They cannot provide services at 1.6 percent. Plus, there is a reduction if they go on all the other— Read the bill where it says about going to the court and what they get credit for. Please read the bill. Nobody wants you to read the bill. They do not want you to know what is in the bill. They want you to hurry up and pass the bill.

It is interesting that those people who are concerned about agriculture, that we are in a hurry and we have to do this bill now, where were you people on April 19 when the motion was made to lay this bill on the table? And it stayed on the table from April 19 to June 7. There was no hurry. There was no hurry. And all of a sudden we are in a hurry.

Where were the people who were concerned about agriculture when this was amended yesterday? I did not amend this bill. I did not ask to have this bill amended. They put the bill in, amended it, and now agriculture has a problem. Well, let us not pass the bill, and then tomorrow bring the bill up, revert to a prior printer's number, and send it right to the Governor. It does not have to go back to the Senate, because it was not amended in Agriculture.

You know what really disappoints me about this bill today? My side, my caucus, claims their number one priority is to run a bill, which Representative Grucela sponsored, to reduce property taxes. I have that amendment on my desk. They are not interested in running that. They are interested in special legislation.

This is a property tax increase for those municipalities who currently have this tax on their books. And for school districts, they do not go down to 4 percent. They have to eliminate it, all in the name of special interest. People talk about special interest, tax breaks and that. It is amazing that tourism, and we eliminate— The biggest tourist area in this State, in this Commonwealth, is the city of Philadelphia. If this is so bad for tourism, why are we not changing the rate in Philadelphia? If it is so bad for the Pocono International Speedway, why did they just add 15,000 seats for this year's race? That is how bad it is. It is terrible, this amusement tax. But when you go someplace, I hope you do what I do and check your bills and see what taxes you pay when you visit other tourist areas, whether it is California or Florida or Las Vegas or anywhere else, and see what you pay. We have one of the lowest.

If people would take time to study issues and look at this, this is just ridiculous that we are doing this for a handful of industries, because why? Because they want it. Well, is that not nice. They want it. So by them wanting it, we are going to punish municipalities and school districts.

Representative Geist before was absolutely right. In 1989, when we passed local tax reform and when it was voted on in the spring of 1989, we said you could do these things but let us give them a way of picking up the additional revenue. This is not even tax

shifting. This is not tax shifting, because we have not given them another tax to shift to, other than the property tax. This is an increase in the property tax. This, Madam Speaker, is the wrong thing to do.

So I would ask you to vote against this bill. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lackawanna County, Mr. Serafini.

Mr. SERAFINI. Thank you, Madam Speaker.

Madam Speaker, my comments are few, but I have to say that I am supporting this legislation.

One of the problems I found, being in business, as an individual living in a community that has a ski slope that is owned by the county, is that they advertise the same as privately owned ski slopes, they are utilized the same as privately owned ski slopes, and they compete directly with privately owned ski slopes that are assessed the taxes that the ski community in Lackawanna County does not have to pay. It is an unfair competitive advantage. And after reading a recent newspaper article that showed that that local ski slope lost money last year, you could just imagine how a privately owned ski facility operator and owner must feel when he is in direct competition with that facility. In my opinion, the amusement tax is just one other hindrance to those facilities who are privately owned from competing in a market where government is their direct competitor.

I would appreciate your support for this legislation.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Luzerne County, Mr. Blaum, for the second time.

Mr. BLAUM. Thank you, Madam Speaker.

Not to belabor the point but once again to say that municipalities that provide for the necessary services still will have the funds necessary to do that, in addition to all of the additional development, jobs that are created, economic activity that these facilities generate. We are not hurting anyone, and what they are doing is providing, I think, an appropriate balance for our municipalities throughout Pennsylvania.

I ask again, for the sixth or seventh time, for the members to approve this bill, send it to the Senate, and get it to the Governor. Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Saylor, for the second time.

Mr. SAYLOR. Thank you, Madam Speaker.

Again, you know, it is interesting as we go through this bill, it keeps getting distorted as we go through it as to what it does and what it does not do. The idea that it is going to cause some massive tax increase on the taxpayers of this Commonwealth, again, is not true. In many cases, there is very little increase in taxes that is going to take place to replace this tax.

Again I remind you that this tax is an unfair tax. It has been unfair since its creation years ago, and it is time that this Commonwealth stop and look at what we are doing to our own business community. This is a tax that only a small minority, a very small minority of our businesses in this Commonwealth pay, and they do not even pay it on a fair basis. We have 31 ski resorts in this Commonwealth, 7 of which pay this tax, and 2 of the 31 that do not pay are State-owned or locally owned. You know, where is competition? Why do we not have it in this Commonwealth that if one has to pay, all have to pay? Letting local governments reach into the pockets of small businessmen and making competition unfair — they cannot compete with another business across the

county line or in another township that does not pay that same tax — is not fair.

We can sit here today and say, well, it is taking money out of the pockets of these local governments. Well, yes, it is, but it is money that they should never have had in the first place and should never have thought of enacting. I thought it was the part of this Commonwealth and the part of all local governments to incur and to increase job creation in this Commonwealth, not deterring job creation in this Commonwealth, and to promote tourism.

This bill goes a long way in this Commonwealth. It does not get rid of the tax; it simply reduces it. And it finally takes the tax away from school districts that never should have had it in the first place, because they do not provide any services to the people of this Commonwealth when it comes to these ski resorts and racetracks and all the other amusement taxes that are being levied. Nowhere, nohow, do these school districts provide any service to those businesses. And we do not have this tax on any other businesses in this Commonwealth. Why should these businesses have to pay it as well?

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie County, Mr. Cappabianca.

Mr. CAPPABIANCA. Thank you, Madam Speaker.

I guess it is Mr. Godshall that is answering all the questions, and I would like to direct a question to Mr. Godshall.

The SPEAKER pro tempore. The gentleman agrees. You may proceed.

Mr. CAPPABIANCA. Thank you.

Madam Speaker, help me out here. If I understand this correctly, it says authorities shall not have the power "...TO LEVY, ASSESS OR COLLECT AN AMUSEMENT TAX OR AN ADMISSIONS TAX ON EVENTS..." It is the admissions tax that has me. Does that mean, for example, that the city of Erie that presently collects 50 cents, 25 cents, and maybe \$1 for those who attend certain events will now be prohibited from collecting that fee if this is passed?

Mr. GODSHALL. The admissions tax and amusement tax are addressed synonymously in Act 511. The answer is that they can continue to collect.

Mr. CAPPABIANCA. You are telling me, your interpretation, your interpretation of the legislation as written is that the city of Erie or any other third-class community that has an admissions tax or fee of 50 cents, a quarter, or \$1 will still be able to collect that fee if this legislation passes in its present form?

Mr. GODSHALL. They will be allowed to collect the fee; that is correct. Exactly what that fee would be, I am not sure, because overall the tax is being reduced, say, from 10 percent to 4 percent, so I do not know what rate. All municipalities are charging, you know, a different rate.

Mr. CAPPABIANCA. It is a flat ticket fee of a quarter or 50 cents.

Mr. GODSHALL. I do not know what percent that 50 cents is of the price of the ticket.

Mr. CAPPABIANCA. It is not a percent. The ticket could be \$40, and it is 50 cents. The ticket could be \$10, and it is 50 cents. It is not a percent; it is a flat fee.

Mr. GODSHALL. Act 511 presently allows those municipalities to collect up to 10 percent, up to 10 percent of the price of admission, so it is tied into something, and you know, I cannot tell you what it is, because they may just arbitrarily say

50 cents, but I do not know. They cannot go over 10 percent, under present law, of the price of that admission. They cannot go over 10 percent, unless they voluntarily agree to it. But this would take it down to a maximum of 4 percent. As long as 50 cents is under 4 percent, there is no problem.

Mr. CAPPABIANCA. Under Act 50, I thought we eliminated that. They can only go as high as 5 percent for a municipality. School districts were already eliminated. So I do not understand that.

Mr. GODSHALL. Under Act 50, they went down to 5 percent, but anybody over 5 percent was grandfathered in at whatever rate that they had. So if those people had it before Act 50 at 10 percent or whatever, they are grandfathered at 10 percent.

Mr. CAPPABIANCA. Fine. All right. Let us address a municipality that has an authority that was not imposing an amusement tax prior to Act 50. They did not have the amusement tax, but they did have a fee per ticket. How does it affect that municipality that has a fee per ticket but cannot under Act 50 impose an amusement tax?

Mr. GODSHALL. It is probably an agreement between the two, because we did not change anything pertaining to that at all. All we are doing is pertaining to the fee schedule, from 10 percent overall down to 4 percent.

Mr. CAPPABIANCA. Well, then the definition here, shall not have the power "...TO LEVY, ASSESS OR COLLECT AN AMUSEMENT TAX OR AN ADMISSIONS TAX..." is misleading.

Mr. GODSHALL. That is the language that is presently in law.

Mr. CAPPABIANCA. It is also going to be in the law that we are going to pass.

Mr. GODSHALL. But it is presently in the law, where it was copied from.

Mr. CAPPABIANCA. Well, then we are doing something illegal in Erie, because we are imposing an admissions fee.

Mr. GODSHALL. They can charge a maximum of 4 percent—

Mr. CAPPABIANCA. Not anymore they cannot, under Act 50.

Mr. GODSHALL. Under Act 50, they could charge a maximum of 5 percent.

Mr. CAPPABIANCA. No, because they never had it prior to Act 50; we did not have an amusement tax.

Mr. GODSHALL. Even without that, before Act 50 they could charge up to 10 percent.

Mr. CAPPABIANCA. That is true.

Mr. GODSHALL. Act 50 gave them the right to charge up to 5 percent.

Mr. CAPPABIANCA. If they had adopted an amusement tax prior.

Mr. GODSHALL. That is not correct. It is only if they did adopt an amusement tax prior to Act 50, they had the right to be grandfathered up to 10 percent. Without having an amusement tax in place at the time of Act 50, then it was put down to 5 percent, and we are lowering that to 4.

Mr. CAPPABIANCA. Thank you, Madam Speaker.

A brief comment, Madam Speaker.

The SPEAKER pro tempore. You may proceed.

Mr. CAPPABIANCA. Madam Speaker, when SB 390 first came into Agriculture, obviously, as everyone knows, it pertained only to agriculture and it was a very, very good bill. We were doing something for the ag community. Now, in order to help the ag community, we committed an abortion to a very good bill.

We aborted a very good bill, and I am going to oppose SB 390 in its present term. And I would like to tell everybody, if you believe in abortions, vote for SB 390. I do not believe in abortions.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, I recognize there has been a lot of debate and a lot of discussions, and I certainly recognize that many members come to the floor today with a predisposition on this issue, either for or against it. But I would respectfully disagree with the speaker that immediately preceded me. We very often come to this floor and try to patch together various pieces of legislation to bring a broad array of support from various groups and various members to try to get an issue passed. I think the gentleman did point out that there is a very special provision in here for the farmers in this State, and it is an issue that they have been working hard for and fighting for this whole legislative session, and I think they have made it clear to all of us, they may not get another opportunity to get this passed into law, and I think that that is one very compelling reason.

I think the final reason is that I think the gentleman from Montgomery County has been very clear today. In fact, he has been very clear for the last 5 years as he has tried very hard to work out a compromise that can get enough votes to pass this House. And most of you know, he started with a provision that actually eliminated, totally eliminated this tax. To come here today with a provision that phases it out over a longer period of time, that actually allows for some percentage of the tax to be maintained, to give the communities a longer period of time to figure out how to make up the difference in the tax base, I think this is a compromise that has earned our respect. I think the gentleman has put a lot of time and effort into it over a lot of years, and I certainly think it is a compromise that has earned our votes here today, and I would encourage an affirmative vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Madam Speaker.

I am going to be brief on this issue.

Representative Belardi, Representative Blaum, Representatives Veon, Saylor, Baker, and others have spoken of the benefits of this bill. The amusement tax is the number one agenda item of the Pennsylvania Tourist Bureau, the Pennsylvania hospitality industry, and your own tourist promotion agencies. It is the number one agenda item.

At the present time, Pennsylvania has the highest local amusement tax in the nation of up to 10 percent, and that 10 percent is on gross. Now, I do not know how many people in here have ever been in business, but 10 percent on gross is obscene. Thirty-two States do not even have a local amusement tax on the books. When these States are factored in, the average local amusement tax is less than 2 percent. Our rate is five times that number.

What this amendment does is phase in over a number of years, not starting till the year 2001, a reduction in Pennsylvania's municipal amusement tax to a more reasonable 4 percent, which is still more than twice the national average but well below our current level. It also phases out the school districts presently collecting this tax, again, beginning in the year 2001, over an additional 4 years.

Millions of Pennsylvania consumers will pay less as they enjoy many of our events and tourist attractions. Small businesses who already pay more than their fair share of mercantile, sales, and income taxes will enjoy the benefits of this and hopefully expand their businesses — small businesses who not only have to compete with out-of-State facilities which are free of the amusement tax but neighboring facilities which do not levy the tax. Businesses who wish to locate a new business in Pennsylvania will now know that Pennsylvania's tax at the 4-percent level is at least something they could possibly live with. Pennsylvania workers, including our children, will continue to benefit from tens of thousands of full- and part-time employment opportunities. Tens of thousands of our people and kids will enjoy continued employment.

Madam Speaker, tourism is the fastest growing segment of our economy, growing more than 5 percent annually, generating over \$23 billion in 1997 and employing nearly one-half million residents of the Commonwealth. Now, if this legislation addresses special interests, I guess if those half million people are looked at as special interest people, so be it. Unfortunately, our imposition of the highest amusement tax in the nation has caused us to experience a competitive disadvantage with our neighboring States, which in turn costs us jobs, has prevented tourism-related businesses from locating here, and we have evidence of this being so.

Over the course of the past 5 years, my committee has sponsored hearings on the need to reduce this onerous tax. The abuses which this tax has created have been legend and truly unfair to Pennsylvania's tourism industry, but today we can change all that by voting "yes" on SB 390.

Presently about 10 percent of our school districts and 10 percent of our municipalities have an amusement tax enacted. That means 90 percent of our municipalities and 90 percent of our school districts do not. So this legislation addresses 10 percent of the various districts.

I want to suggest, it has been brought up — a few of the things that have been brought up here today: Philadelphia. Philadelphia does not come under Act 511. Philadelphia is regulated by the Sterling Act. Pittsburgh. I know there is an agreement between the city of Pittsburgh, the amusement tax, and the RAD tax. That takes those municipalities out of the ball game.

We have had no new major, major events and facilities put in Pennsylvania in the last number of years. We have had the State looked at by companies that have wanted to locate here, but it has not happened. Basically there is one reason: it is the amusement tax.

It was mentioned by a gentleman from Berks County about there was an agreement between a racetrack and a municipality. You know, that is fine. This does not rule out any agreements. In fact, it was right here in Hershey, in Derry Township, in the school district, that an agreement was reached between them and the Hershey Entertainment complex.

I guess I could continue on and on. I am not going to do that. But at this point I would say that the passage of this act will give a major shot in the arm to the tourism-entertainment industries here in Pennsylvania. It will not hurt the State of Pennsylvania, but it will create tremendous opportunities for new jobs and new taxation for not only your local municipalities but for the Commonwealth.

I would ask for a "yes" vote on SB 390.

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—109

| | | | |
|--------------|------------|------------|--------------|
| Allen | Fairchild | Marsico | Saylor |
| Argall | Fargo | McGill | Serafini |
| Armstrong | Feese | McIlhattan | Shaner |
| Baker | Gannon | McIlhinney | Smith, S. H. |
| Bard | George | McNaughton | Staback |
| Barley | Gigliotti | Metcalfe | Steil |
| Bastian | Godshall | Michlovic | Stetler |
| Battisto | Habay | Micozzie | Stevenson |
| Belardi | Haluska | Miller, R. | Strittmatter |
| Belfanti | Hanna | Miller, S. | Sturla |
| Birmelin | Harhai | Mundy | Surra |
| Bishop | Harhart | Nailor | Taylor, J. |
| Blaum | Hasay | O'Brien | Thomas |
| Boyes | Herman | Oliver | Travaglio |
| Bunt | Hershey | Orie | True |
| Civera | Hess | Perzel | Tulli |
| Cohen, L. I. | Hutchinson | Pesci | Van Horne |
| Cornell | Josephs | Petrarca | Veon |
| Corrigan | Kaiser | Petrone | Walko |
| Coy | Kenney | Phillips | Wilt |
| DeLuca | LaGrotta | Platts | Wogan |
| Dempsey | Laughlin | Ramos | Yewcic |
| Dermody | Lawless | Raymond | Zimmerman |
| DeWeese | Lederer | Reinard | Zug |
| Donatucci | Leh | Robinson | |
| Druce | Lescovitz | Roebuck | Ryan, |
| Eachus | Lucyk | Sainato | Speaker |
| Egolf | Major | Sather | |

NAYS—89

| | | | |
|-------------|-----------|-----------|---------------|
| Adolph | Fleagle | Mann | Scrimenti |
| Barrar | Flick | Markosek | Semmel |
| Bebko-Jones | Forcier | Masland | Seyfert |
| Benninghoff | Frankel | Mayernik | Smith, B. |
| Browne | Freeman | McCall | Snyder |
| Butkovitz | Geist | Melio | Solobay |
| Buxton | Gladeck | Myers | Stairs |
| Caltagirone | Gordner | Nickol | Steelman |
| Cappabianca | Grucela | Pippy | Stern |
| Carn | Gruitza | Pistella | Taylor, E. Z. |
| Casorio | Hennessey | Preston | Tigue |
| Cawley | Horsey | Readshaw | Trello |
| Chadwick | Jadlowiec | Rieger | Trich |
| Clark | James | Roberts | Vance |
| Clymer | Keller | Rohrer | Vitali |
| Cohen, M. | Kirkland | Rooney | Washington |
| Colafella | Krebs | Ruble | Waters |
| Costa | Levdansky | Ruffing | Williams |
| Curry | Lynch | Samuelson | Wojnaroski |
| Dailey | Maher | Santoni | Wright |
| Dally | Maitland | Schroder | Youngblood |
| DiGirolamo | Manderino | Schuler | Yudichak |
| Fichter | | | |

NOT VOTING—2

| | |
|-------|----------|
| Evans | McGeehan |
|-------|----------|

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 17, PN 1897**, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, further providing for State-aid to local libraries and library systems.

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

Mr. McCALL offered the following amendment No. **A2385**:

Amend Sec. 1 (Sec. 302), page 3, by inserting between lines 3 and 4

(5.1) "Internet." The international nonproprietary computer network of both Federal and non-Federal interoperable packet-switched data networks.

Amend Sec. 1 (Sec. 302), page 3, line 4, by striking out "(5.1)" and inserting

(5.2)

Amend Sec. 3, page 19, line 16, by striking out "SECTION 304 OF THE ACT IS AMENDED" and inserting

Section 304(b) of the act, amended December 1, 1971 (P.L.578, No.150), is amended and the section is amended

Amend Sec. 3 (Sec. 304), page 19, by inserting between lines 19 and 20

(b) No State-aid shall be given to any library unless [the]:

(1) The local library board commits the library to participation in the District Library Center Cooperative Program including attendance at district meetings and the use of interlibrary loans and interlibrary references.

(2) If the library provides access to the Internet or an on-line service, it has adopted a policy regarding access by minors to Internet and on-line sites that contain or make reference to explicit sexual materials as defined in 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances).

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, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, my amendment does two things. First of all, it defines the term "Internet," and secondly, it says that any library that provides Internet access and that access is accessible to minors or children, the library has to have a written policy in place for

children accessing the Internet. What we are trying to do is allow parents who know their children are going to a public library to know that that library has in place a written policy as it pertains to explicit materials being viewed on the Internet.

I would ask for an affirmative vote for this amendment.

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

The following roll call was recorded:

YEAS—199

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Manderino | Saylor |
| Allen | Fargo | Mann | Schroder |
| Argall | Feese | Markosek | Schuler |
| Armstrong | Fichter | Marsico | Scrimenti |
| Baker | Fleagle | Masland | Semmel |
| Bard | Flick | Mayernik | Serafini |
| Barley | Forcier | McCall | Seyfert |
| Barrar | Frankel | McGeehan | Shaner |
| Bastian | Freeman | McGill | Smith, B. |
| Battisto | Gannon | McIlhattan | Smith, S. H. |
| Bebko-Jones | Geist | McIlhinney | Snyder |
| Belardi | George | McNaughton | Solobay |
| Belfanti | Gigliotti | Melio | Staback |
| Benninghoff | Gladeck | Metcalfe | Stairs |
| Birmelin | Godshall | Michlovic | Steelman |
| Bishop | Gordner | Micozzie | Steil |
| Blaum | Grucela | Miller, R. | Stern |
| Boyes | Gruitza | Miller, S. | Stetler |
| Browne | Habay | Mundy | Stevenson |
| Bunt | Haluska | Myers | Strittmatter |
| Butkovitz | Hanna | Nailor | Sturla |
| Buxton | Harhai | Nickol | Surra |
| Caltagirone | Harhart | O'Brien | Taylor, E. Z. |
| Cappabianca | Hasay | Oliver | Taylor, J. |
| Carn | Hennessey | Orie | Thomas |
| Casorio | Herman | Perzel | Tigue |
| Cawley | Hershey | Pesci | Travaglio |
| Chadwick | Hess | Petrarca | Trello |
| Civera | Horsey | Petrone | Trich |
| Clark | Hutchinson | Phillips | True |
| Clymer | Jadiowicz | Pippy | Tulli |
| Cohen, L. I. | James | Pistella | Vance |
| Cohen, M. | Josephs | Platts | Van Home |
| Colafella | Kaiser | Preston | Veon |
| Cornell | Keller | Ramos | Vitali |
| Corrigan | Kenney | Raymond | Walko |
| Costa | Kirkland | Readshaw | Washington |
| Coy | Krebs | Reinard | Williams |
| Curry | LaGrotta | Rieger | Wilt |
| Dailey | Laughlin | Roberts | Wogan |
| Daily | Lawless | Robinson | Wojnaroski |
| DeLuca | Lederer | Roebuck | Wright |
| Dempsey | Leh | Rohrer | Yewcic |
| Dermody | Lescovitz | Rooney | Youngblood |
| DeWeese | Levdansky | Rubley | Yudichak |
| DiGirolamo | Lucyk | Ruffing | Zimmerman |
| Donatucci | Lynch | Sainato | Zug |
| Druce | Maher | Samuelson | |
| Eachus | Maitland | Santoni | Ryan, |
| Egolf | Major | Sather | Speaker |
| Evans | | | |

NAYS—0

NOT VOTING—1

Waters

EXCUSED—3

Daley Ross Tangretti

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?

Mr. PISTELLA offered the following amendment No. A2446:

Amend Sec. 4, page 19, line 28, by striking out "a section" and inserting

sections

Amend Sec. 4, page 20, by inserting between lines 14 and 15

Section 429. Internet.—(a) Every public library that provides public access to the Internet shall purchase, install and maintain computer software for use on all computers that could at any time be available for use by children under 18 years of age that prohibits access to obscene matter as defined under 18 Pa.C.S. § 5903 (relating to obscene and other sexual materials and performances) on the Internet.

(b) Any library that installs filtering software required by this section shall provide a disclaimer to the public that the library and its staff have no control over the content of material provided over the Internet and that the library and its staff are not responsible for the content of material accessed over the Internet. This disclaimer shall also indicate that the filtering software is not intended to replace adult supervision, but is intended to act as a safeguard when adults are not present.

(c) A child under 18 years of age may access the Internet at a public library that provides Internet access under the following circumstances:

(1) If a child is accompanied and supervised by an adult the child may have full Internet access.

(2) If the child is not accompanied or supervised by an adult, the child may access the Internet provided the filtering software is activated.

(3) An unaccompanied or unsupervised child may have unfiltered access to the Internet as long as a written and verified authorization form from a parent or guardian is placed on file with the library. Each library shall develop its own authorization form to be signed by the parent or guardian.

(d) As used in this section, the term "Internet" means the international nonproprietary computer network of both Federal and non-Federal interoperable packet-switched data networks.

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair passes over temporarily HB 17 with amendments. The Chair hears no objection.

BILLS PASSED OVER

The SPEAKER. The balance of the bills on that page are over.

The House proceeded to third consideration of **HB 1030, PN 1698**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices and for

sentences for offenses against elderly persons and persons with mental disabilities.

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

The following roll call was recorded:

YEAS—200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fieagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Cam | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Home |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Corneli | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rublely | Youngblood |
| DeWeese | Levdanskyy | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

Daley Ross Tangretti

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.

REMARKS SUBMITTED FOR THE RECORD

Mrs. HARHART submitted the following remarks for the Legislative Journal:

The General Assembly has been so good in the past in passing laws to protect the elderly and our youngest citizens. It is now time to include our mentally disabled citizens under these laws.

My bill adds provisions to our Crimes Code and our Judicial Code.

First, there is a penalty enhancement for those who violate the Deceptive Business Practices Act when they prey upon the mentally disabled. Currently these protections already apply to the elderly.

Second, our Judicial Code is amended to apply existing provisions regarding mandatory sentences for sex offenses, rape, aggravated assault committed against the elderly. Now we are adding the mentally disabled.

The SPEAKER. The gentleman, Mr. Casorio. For what purpose does the gentleman rise?

Mr. CASORIO. Mr. Speaker, I have information that the Department of Labor and Industry has established an agreement to sell income and employment records for residents—

The SPEAKER. Will the gentleman yield.

For what purpose does the gentleman rise?

Mr. CASORIO. Mr. Speaker, I would like a point of personal privilege, please.

The SPEAKER. We are in the middle of a calendar right now. Can the gentleman wait until we have completed the calendar?

Mr. CASORIO. Yeah. I would like to actually suspend the rules so that I can offer a resolution calling on the department—

The SPEAKER. We will do that as a matter of order when we have completed the calendar, if you do not mind.

Mr. CASORIO. Thank you.

The SPEAKER. Thank you.

BILLS ON THIRD CONSIDERATION

BILL PASSED OVER

The SPEAKER. The Chair turns to page 4 of today's calendar. SB 366 is over.

* * *

The House proceeded to third consideration of SB 832, PN 1020, entitled:

An Act redesignating a portion of the Lackawanna Valley Industrial Highway, SR 0006, as the Governor Robert P. Casey Highway; and designating the Olyphant on and off ramp, Exit 2 of the Lackawanna Valley Industrial Highway as the Representative Joseph G. Wargo Exit.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Birmelin, who offers the following amendment, which the clerk will now read. Mr. Birmelin, it is my understanding that you are withdrawing that amendment. Is that correct?

Mr. BIRMELIN. Mr. Speaker, that is true. I would like to make a few remarks before I do so.

The SPEAKER. The gentleman is in order.

Mr. BIRMELIN. I promise to be brief.

For the benefit of the members, this bill will name a new highway in Lackawanna County after former Governor Robert Patrick Casey. This project, which is approximately 14 miles of new highway, four lanes, is going to be designated as U.S. Route 6. This project, which originated many, many years ago, is really the product of Governor Casey's work and effort in the past, and I think it is fitting that we name the highway after him.

Part of the reason why I had an amendment to this particular naming of the highway was that until it was decided by the people who live in the Lackawanna Valley what it ought to be named, it was going to be called the Lackawanna Valley Industrial Highway, and it was built primarily, although not only but primarily for the purpose of developing industry in the Lackawanna Valley, and as a result of that, I had prepared an amendment that would have named it the Robert P. Casey Industrial Highway. But in conversations with Representative Staback, who was in touch with other people in that particular area, they strongly requested that I would not include that particular wording on that bill, and so I have agreed to withdraw that, but I would like to, before I do that, emphasize that this is a half-a-billion-dollar highway that I think is a good thing to develop industry in the Lackawanna Valley. It is right next to my district. It is one that I think can, over the long haul, be a great asset to the people not only of Lackawanna County but also to northeastern Pennsylvania, and I am encouraging the people of northeastern Pennsylvania, even though we may not be naming the highway as an industrial highway, that we would remember that that was the major purpose for which it was built.

And all that having been said, Mr. Speaker, I will withdraw that amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank the gentleman, Mr. Birmelin, and congratulate the sponsors of this bill. Governor Casey is probably the finest public servant I have ever known, and when you think about highways, they are so inadequate, but I think they represent what he did for all of Pennsylvania and especially northeastern Pennsylvania, where he remade the landscape of the place where he grew up and where we, many of us in the northeast delegation, live. He did so much to improve the quality of life for all Pennsylvanians, young and old, especially the kids, and as he works every day to maintain his quality of life, I think it is very fitting that the House of Representatives here today stop for a moment and vote unanimously for this small token of all of our appreciation for the wonderful job that that man did 8 years as Governor, his 8 years he spent as Auditor General, and his term in the State Senate. As I said, he is the finest public servant I have ever known, and I think we do him proud today with this vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Staback.

Mr. STABACK. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman yield.

Mr. Staback, for what purpose do you rise?

I mistakenly allowed Mr. Blaum to go on as if it were on final passage. In fact, Mr. Gordner has an amendment which I would like to take at this time.

Mr. STABACK. I will wait and offer comments on final passage, Mr. Speaker.

The SPEAKER. Very good.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. GORDNER offered the following amendment No. A2355:

Amend Title, page 1, line 3, by striking out "and" where it appears the first time

Amend Title, page 1, line 5, by removing the period after "Exit" and inserting

; and designating a section of U.S. Route 11 in Columbia County as Columbia Boulevard.

Amend Bill, page 1, by inserting between lines 15 and 16

Section 3. The section of U.S. Route 11 from the intersection with East Street (SR 487) and West Sixth Street in the Town of Bloomsburg to the bridge over Briar Creek in the Borough of Briar Creek, Columbia County, is hereby designated and shall be known as Columbia Boulevard.

Amend Sec. 3, page 1, line 16, by striking out "3." and inserting

4. (a)

Amend Sec. 3, page 1, by inserting after line 18

(b) The Department of Transportation shall erect and maintain appropriate signs identifying the beginning and end of the section of U. S. Route 11 designated under section 3 as Columbia Boulevard.

Amend Sec. 4, page 2, line 1, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

(1) Sections 3 and 4(b) shall take effect January 1, 2000.

(2) This section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

My amendment names a section of U.S. Route 11 between Berwick and Bloomsburg as Columbia Boulevard, and I would appreciate your support on this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

| | | | |
|-----------|-----------|----------|-----------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |

| | | | |
|--------------|------------|------------|---------------|
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Carn | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Home |
| Cohen, M. | Josephs | Preston | Veon |
| Colafrella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

Daley Ross Tangretti

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?

On that question, Mr. Staback.
Mr. STABACK. Thank you very much, Mr. Speaker.
Mr. Speaker, I first want to thank Representative Birmelin for his considerate address here with the withdrawal of his amendment. Jerry, thank you.

Mr. Speaker, additionally, I rise in support of SB 832.
Those of us, Mr. Speaker, who had the opportunity to serve with Governor Casey several years ago know the strong support that he demonstrated for the construction of the LVH — the Lackawanna Valley Highway — and I think it goes without saying that without that strong support, the project never ever would have materialized. Indeed, it would probably be nonexistent today.

Additionally, Mr. Speaker, those of us from Lackawanna County who can remember back 25 or 30 years ago will also recall that the initial concept for the LVH was that of former Representative Joe Wargo, and back then, Mr. Speaker, the project was just a whisper, a whisper away from becoming a reality when it ran into some environmental problems that halted it. Since then and over the years, all those problems have been resolved, and thanks to the efforts of Governor Casey and indeed this General Assembly, the highway project is now about 99 percent complete.

With that thought in mind, Mr. Speaker, in my view, the language that is contained in SB 832, as it references former Representative Wargo and Governor Casey, is not only justified and proper but indeed is in good taste and deserves the unanimous “yes” vote from our chamber. With that being said, Mr. Speaker, I indeed ask for a unanimous “yes” vote on SB 832, and thank you.
The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayemik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Carn | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Home |
| Cohen, M. | Josephs | Preston | Veon |

| | | | |
|------------|-----------|-----------|------------|
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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 17 CONTINUED

AMENDMENT WITHDRAWN

The SPEAKER. The Chair returns now to page 2 of today's calendar, HB 17.

It is the understanding of the Chair that the gentleman, Mr. Pistella, is not offering his amendment.

On the question recurring,

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.

The following roll call was recorded:

YEAS—200

| | | | |
|-----------|-----------|----------|-----------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |

| | | | |
|--------------|------------|------------|---------------|
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Cam | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Does the gentleman, Mr. Stevenson, desire recognition?

Mr. STEVENSON. Mr. Speaker, I have remarks I would like to submit for the record.

The SPEAKER. They are gratefully accepted.

Mr. STEVENSON. Thank you.

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

Thank you, Mr. Speaker.

Today I ask for the members' approval of HB 17, a bill that creates two new formulas for granting State assistance to local public libraries.

A total of \$47.3 million is included to improve library services in the 1999-2000 fiscal year budget, an increase of \$17 million or 56 percent more than in the prior fiscal year.

HB 17 determines how additional moneys will be allocated to libraries. No library or library system will get less State aid under the hold-harmless provision. In fact, all libraries will receive more State funding when they meet the criteria set forth in the bill. Libraries should have no problem meeting these criteria.

To receive the first level of additional aid, called Quality Libraries Aid, libraries and library systems will have up to 3 years to make a minimum financial effort of \$5 per capita. In economically distressed areas, libraries must raise \$2 per capita.

The Quality Libraries Aid line item receives 47 percent of the \$17 million and is accompanied by five basic requirements. To get this aid, libraries must:

1. agree to participate in the Access Pennsylvania Statewide Library Card Program;
2. lend materials free of charge to other libraries;
3. make interlibrary loans to patrons free of charge;
4. be open for at least 26 hours per week including 6 hours on the weekend and
5. require that library directors receive at least 8 hours a year of continuing professional development.

The second category is Incentive for Excellence Aid, which receives 53 percent of the additional funding.

Libraries eligible for this money must have a local effort in excess of \$5 per capita. The State will match local support from \$5 to \$7.50 per capita with 66 cents in State aid for each dollar in local aid.

There will be no State match if local aid decreases and is not attributable to one-time fluctuations such as a gift or endowment. Additionally, to receive this level of aid, libraries must:

1. spend no less than 12 percent of their total operating budget on library materials. Operating budgets for materials must increase by at least 5 percent or the percentage increase in the annual appropriation in preceding years.
2. be open for at least 45 hours a week including 7 on the weekend unless the library serves less than 7,000 residents; small libraries must be open 35 hours a week.
3. library staff who work 20 or more hours must get 6 hours of continuing education every 2 years.

These are not onerous provisions for libraries to meet. It is expected that all libraries will meet these minimums.

I have a list of the projected appropriation increases for all local library systems. Please note that the asterisk in the chart pertains to district library centers that get their funding through the library system headquarters, not a direct allocation.

This bill is supported by the Governor's Office, the Department of Education, the Pennsylvania Library Association, the Carnegie Library, and the Philadelphia Free Library.

I know you all support your public libraries as a valuable community resource. Now I ask you to support final passage of HB 17 to provide vital funding.

Thank you, Mr. Speaker.

RESOLUTIONS PURSUANT TO RULE 35

Mr. KAISER called up **HR 24, PN 298**, entitled:

A Resolution proclaiming October 6, 1999, as "German-American Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McLhattan | Smith, S. H. |
| Battisto | Gannon | McLhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Soiboy |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Cam | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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

Ms. BEBKO-JONES called up **HR 42, PN 627**, entitled:

A Resolution urging the Governor to proclaim October 1999 as "German Heritage Month" and October 6, 1999, as "German-American Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Carn | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGrolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS-0

NOT VOTING-0

EXCUSED-3

Daley Ross Tangretti

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

Mr. READSHAW called up **HR 118, PN 1377**, entitled:

A Resolution proclaiming November 14 through 20, 1999, as "American Education Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Carn | Hennessey | Perzei | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGrolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS-0

NOT VOTING-0

EXCUSED—3

Daley Ross Tangretti

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

* * *

Mrs. LEDERER called up **HR 153, PN 1595**, entitled:

A Resolution celebrating the week of October 17 through 23, 1999, as "Weekly Newspaper Week."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Cam | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGiolamo | Lucyk | Sainato | Zimmerman |
| Jonatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

Daley Ross Tangretti

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

* * *

Mr. PISTELLA called up **HR 157, PN 1612**, entitled:

A Resolution designating September 26, 1999, as "American Gold Star Mothers' Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Cam | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGiolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |

| | | | |
|--------|-----------|---------|---------|
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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

* * *

Mr. PISTELLA called up **HR 205, PN 1913**, entitled:

A Resolution recognizing the 1999 Pittsburgh Martial Arts Championship, June 11 through 13, 1999.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Carn | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |
| Dailey | Laughlin | Robinson | Wogan |
| Daily | Lawless | Roebuck | Wojnarowski |
| DeLuca | Lederer | Rohrer | Wright |

| | | | |
|------------|-----------|-----------|------------|
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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

SUPPLEMENTAL CALENDAR A

The SPEAKER. The Chair turns to House calendar supplemental A, concurrent resolution 182.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman, Mr. Smith, from Jefferson County.

Mr. S. H. SMITH. Mr. Speaker, I have a parliamentary inquiry. I hate to put a sharp stick in my own eye, but I was previously told that we would have to suspend the rules to properly deal with this resolution, just so I do not get in trouble later.

The SPEAKER. You would not have.

Mr. S. H. SMITH. Well, somebody should have told me that.

RULES SUSPENDED

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

Mr. S. H. SMITH. Mr. Speaker, I move that the rules of this House be suspended to permit the immediate consideration of concurrent HR 182, PN 1769.

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

The following roll call was recorded:

YEAS—196

| | | | |
|-------------|-----------|------------|--------------|
| Adolph | Evans | Markosek | Schroder |
| Allen | Fairchild | Marsico | Schuler |
| Argall | Fargo | Masland | Scrimenti |
| Armstrong | Feese | Mayernik | Semmel |
| Baker | Fichter | McCall | Serafini |
| Bard | Fleagle | McGeehan | Seyfert |
| Barley | Flick | McGill | Shaner |
| Barrar | Forcier | McIlhattan | Smith, B. |
| Bastian | Frankel | McIlhinney | Smith, S. H. |
| Battisto | Freeman | McNaughton | Snyder |
| Bebko-Jones | Gannon | Melio | Solobay |
| Belardi | Geist | Metcalfe | Staback |
| Belfanti | George | Michlovic | Stairs |

| | | | |
|--------------|------------|------------|---------------|
| Benninghoff | Gigliotti | Micozzie | Steil |
| Birmelin | Gladeck | Miller, R. | Stern |
| Bishop | Godshall | Miller, S. | Stetler |
| Blaum | Gordner | Mundy | Stevenson |
| Boyes | Grucela | Myers | Strittmatter |
| Browne | Habay | Nailor | Sturla |
| Bunt | Haluska | Nickol | Surra |
| Butkovitz | Harhai | O'Brien | Taylor, E. Z. |
| Buxton | Harhart | Oliver | Taylor, J. |
| Caltagirone | Hasay | Orie | Thomas |
| Cappabianca | Hennessey | Perzel | Tigue |
| Carn | Herman | Pesci | Travaglio |
| Casorio | Hershey | Petrarca | Trello |
| Cawley | Hess | Petrone | Trich |
| Chadwick | Horsey | Phillips | True |
| Civera | Hutchinson | Pippy | Tulli |
| Clark | Jadlowiec | Pistella | Vance |
| Clymer | James | Platts | Van Horne |
| Cohen, L. I. | Josephs | Preston | Veon |
| Cohen, M. | Kaiser | Ramos | Vitali |
| Colafella | Keller | Raymond | Walko |
| Cornell | Kenney | Readshaw | Washington |
| Corrigan | Kirkland | Reinard | Waters |
| Costa | LaGrotta | Rieger | Williams |
| Coy | Laughlin | Roberts | Wilt |
| Curry | Lawless | Robinson | Wogan |
| Dailey | Lederer | Roebuck | Wojnaroski |
| Dally | Leh | Rohrer | Wright |
| DeLuca | Lescovitz | Rooney | Yewcic |
| Dempsey | Levdansky | Rubley | Youngblood |
| Dermody | Lucyk | Ruffing | Yudichak |
| DeWeese | Lynch | Sainato | Zimmerman |
| DiGirolamo | Maher | Samuelson | Zug |
| Donatucci | Maitland | Santoni | |
| Druce | Major | Sather | Ryan, |
| Eachus | Manderino | Saylor | Speaker |
| Egolf | Mann | | |

NAYS—3

Hanna Krebs Steelman

NOT VOTING—1

Gruitza

EXCUSED—3

Daley Ross Tangretti

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.

RESOLUTION

Mr. S. H. SMITH called up **HR 182, PN 1769**, entitled:

A Concurrent Resolution encouraging regional fairness and a level playing field among states in the timing and adoption of electric utility emission control requirements for the reduction of smog; promoting fair interstate competition among electric utilities subject to Environmental Protection Agency regulations for the reduction of electric utility nitrogen oxide emissions; and requesting the Department of Environmental Protection to revise certain proposed regulations to achieve these purposes.

On the question,
Will the House adopt the resolution?

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

Mr. Smith, do you desire recognition on this resolution?

Mr. S. H. SMITH. Given your last advice, Mr. Speaker, I will only stand for interrogation if some member wants to. We will let it run.

The SPEAKER. You have got a taker, Mr. Smith.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Just very quickly, what does the amendment do?

The SPEAKER. This is a resolution, not an amendment.

Mr. VITALI. But what does the resolution do?

Mr. S. H. SMITH. Mr. Speaker, this resolution urges the Department of Environmental Protection to include in their regulations a provision that would keep Pennsylvania's air quality requirements under the EPA (Environmental Protection Agency) regulations, that our regulations would flow in step with other States around us. In other words, there were a couple of court rulings that ruled that other States did not have to comply. Pennsylvania was proceeding ahead. This resolution simply urges the Department of Environmental Protection to allow us to go at the same pace that other States are going in our region.

Mr. VITALI. Thank you, Mr. Speaker.

On the question recurring,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

| | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Freeman | McIlhattan | Smith, S. H. |
| Battisto | Gannon | McIlhinney | Snyder |
| Bebko-Jones | Geist | McNaughton | Solobay |
| Belardi | George | Melio | Staback |
| Belfanti | Gigliotti | Metcalfe | Stairs |
| Benninghoff | Gladeck | Michlovic | Steelman |
| Birmelin | Godshall | Micozzie | Steil |
| Bishop | Gordner | Miller, R. | Stern |
| Blaum | Grucela | Miller, S. | Stetler |
| Boyes | Gruitza | Mundy | Stevenson |
| Browne | Habay | Myers | Strittmatter |
| Bunt | Haluska | Nailor | Sturla |
| Butkovitz | Hanna | Nickol | Surra |
| Buxton | Harhai | O'Brien | Taylor, E. Z. |
| Caltagirone | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Carn | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | Krebs | Rieger | Williams |
| Curry | LaGrotta | Roberts | Wilt |

| | | | |
|------------|-----------|-----------|------------|
| Dailey | Laughlin | Robinson | Wogan |
| Dally | Lawless | Roebuck | Wojnaroski |
| DeLuca | Lederer | Rohrer | Wright |
| Dempsey | Leh | Rooney | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, |
| Egolf | Major | Saylor | Speaker |
| Evans | Manderino | | |

NAYS—0

NOT VOTING—0

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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.

SUPPLEMENTAL CALENDAR B

RULES SUSPENDED

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

Mr. TAYLOR. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of HR 197.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—197

| | | | |
|--------------|-----------|------------|---------------|
| Adolph | Evans | Mann | Schroder |
| Allen | Fairchild | Markosek | Schuler |
| Argall | Fargo | Marsico | Scrimenti |
| Armstrong | Feese | Masland | Semmel |
| Baker | Fichter | Mayernik | Serafini |
| Bard | Fleagle | McCall | Seyfert |
| Barley | Flick | McGeehan | Shaner |
| Barrar | Forcier | McGill | Smith, B. |
| Bastian | Frankel | McIlhattan | Smith, S. H. |
| Battisto | Freeman | McIlhinney | Snyder |
| Bebko-Jones | Gannon | McNaughton | Solobay |
| Belardi | Geist | Melio | Staback |
| Belfanti | George | Metcalfe | Stairs |
| Benninghoff | Gigliotti | Michlovic | Steil |
| Birmelin | Gladeck | Micozzie | Stern |
| Bishop | Godshall | Miller, R. | Stetler |
| Blaum | Gordner | Miller, S. | Stevenson |
| Boyes | Grucela | Mundy | Stritmatter |
| Browne | Gruitza | Myers | Sturla |
| Bunt | Habay | Nailor | Surra |
| Butkovitz | Haluska | Nickol | Taylor, E. Z. |
| Buxton | Harhai | O'Brien | Taylor, J. |
| Callagironne | Harhart | Oliver | Thomas |
| Cappabianca | Hasay | Orie | Tigue |
| Cam | Hennessey | Perzel | Travaglio |
| Casorio | Herman | Pesci | Trello |

| | | | |
|--------------|------------|-----------|------------|
| Cawley | Hershey | Petrarca | Trich |
| Chadwick | Hess | Petrone | True |
| Civera | Horsley | Phillips | Tulli |
| Clark | Hutchinson | Pippy | Vance |
| Clymer | Jadlowiec | Pistella | Van Home |
| Cohen, L. I. | James | Platts | Veon |
| Cohen, M. | Josephs | Preston | Vitali |
| Colafella | Kaiser | Ramos | Walko |
| Cornell | Keller | Raymond | Washington |
| Corrigan | Kenney | Readshaw | Waters |
| Costa | Kirkland | Reinard | Williams |
| Coy | LaGrotta | Rieger | Wilt |
| Curry | Laughlin | Roberts | Wogan |
| Dailey | Lawless | Robinson | Wojnaroski |
| Dally | Lederer | Roebuck | Wright |
| DeLuca | Leh | Rohrer | Yewcic |
| Dempsey | Lescovitz | Rooney | Youngblood |
| Dermody | Levdansky | Rubley | Yudichak |
| DeWeese | Lucyk | Ruffing | Zimmerman |
| DiGirolamo | Lynch | Sainato | Zug |
| Donatucci | Maher | Samuelson | |
| Druce | Maitland | Santoni | Ryan, |
| Eachus | Major | Sather | Speaker |
| Egolf | Manderino | Saylor | |

NAYS—3

| | | |
|-------|-------|---------|
| Hanna | Krebs | Stelman |
|-------|-------|---------|

NOT VOTING—0

EXCUSED—3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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.

RESOLUTION

Mr. TAYLOR called up HR 197, PN 1905, entitled:

A Resolution designating the Walnut Street Theatre at 9th and Walnut Streets, Philadelphia, Pennsylvania, as the "State Theatre of Pennsylvania."

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

| | | | |
|-------------|-----------|------------|--------------|
| Adolph | Fairchild | Mann | Schroder |
| Allen | Fargo | Markosek | Schuler |
| Argall | Feese | Marsico | Scrimenti |
| Armstrong | Fichter | Masland | Semmel |
| Baker | Fleagle | Mayernik | Serafini |
| Bard | Flick | McCall | Seyfert |
| Barley | Forcier | McGeehan | Shaner |
| Barrar | Frankel | McGill | Smith, B. |
| Bastian | Gannon | McIlhattan | Smith, S. H. |
| Battisto | Geist | McIlhinney | Snyder |
| Bebko-Jones | George | McNaughton | Solobay |
| Belardi | Gigliotti | Melio | Staback |
| Belfanti | Gladeck | Metcalfe | Stairs |
| Benninghoff | Godshall | Michlovic | Stelman |
| Birmelin | Gordner | Micozzie | Steil |
| Bishop | Grucela | Miller, R. | Stern |
| Blaum | Gruitza | Miller, S. | Stetler |

| | | | |
|--------------|------------|-----------|---------------|
| Boyes | Habay | Mundy | Stevenson |
| Browne | Haluska | Myers | Strittmatter |
| Bunt | Hanna | Nailor | Sturla |
| Butkovitz | Harhai | Nickol | Surra |
| Buxton | Harhart | O'Brien | Taylor, E. Z. |
| Cappabianca | Hasay | Oliver | Taylor, J. |
| Carn | Hennessey | Orie | Thomas |
| Casorio | Herman | Perzel | Tigue |
| Cawley | Hershey | Pesci | Travaglio |
| Chadwick | Hess | Petrarca | Trello |
| Civera | Horsey | Petrone | Trich |
| Clark | Hutchinson | Phillips | True |
| Clymer | Jadlowiec | Pippy | Tulli |
| Cohen, L. I. | James | Pistella | Vance |
| Cohen, M. | Josephs | Platts | Van Horne |
| Colafella | Kaiser | Preston | Veon |
| Cornell | Keller | Ramos | Vitali |
| Corrigan | Kenney | Raymond | Walko |
| Costa | Kirkland | Readshaw | Washington |
| Coy | Krebs | Reinard | Waters |
| Curry | LaGrotta | Rieger | Williams |
| Dailey | Laughlin | Roberts | Wilt |
| Daily | Lawless | Robinson | Wogan |
| DeLuca | Lederer | Roebuck | Wojnaroski |
| Dempsey | Leh | Rohrer | Wright |
| Dermody | Lescovitz | Rooney | Yewcic |
| DeWeese | Levdansky | Rublely | Youngblood |
| DiGirolamo | Lucyk | Ruffing | Yudichak |
| Donatucci | Lynch | Sainato | Zimmerman |
| Druce | Maher | Samuelson | Zug |
| Eachus | Maitland | Santoni | |
| Egolf | Major | Sather | Ryan, |
| Evans | Manderino | Saylor | Speaker |

NAYS-2

| | |
|-------------|---------|
| Caltagirone | Freeman |
|-------------|---------|

NOT VOTING-0

EXCUSED-3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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

RULES SUSPENDED

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

Mr. PHILLIPS. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of HR 198.

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

The following roll call was recorded:

YEAS-196

| | | | |
|-----------|-----------|------------|--------------|
| Adolph | Fairchild | Markosek | Schroder |
| Ailen | Fargo | Marsico | Schuler |
| Argall | Feese | Masland | Scrimenti |
| Armstrong | Fichter | Mayernik | Semmel |
| Baker | Fleagle | McCall | Serafini |
| Bard | Flick | McGeehan | Seyfert |
| Barley | Forcier | McGill | Shaner |
| Barrar | Frankel | McIlhattan | Smith, B. |
| Bastian | Freeman | McIlhinney | Smith, S. H. |
| Battisto | Gannon | McNaughton | Snyder |

| | | | |
|--------------|------------|------------|---------------|
| Bebko-Jones | Geist | Melio | Solobay |
| Belardi | George | Metcalfe | Staback |
| Belfanti | Gigliotti | Michlovic | Stairs |
| Benninghoff | Gladeck | Micozzie | Steil |
| Birmelin | Godshall | Miller, R. | Stern |
| Bishop | Gordner | Miller, S. | Stetler |
| Blaum | Grucela | Mundy | Stevenson |
| Boyes | Gruitza | Myers | Strittmatter |
| Browne | Habay | Nailor | Sturla |
| Bunt | Haluska | Nickol | Surra |
| Butkovitz | Harhai | O'Brien | Taylor, E. Z. |
| Buxton | Harhart | Oliver | Taylor, J. |
| Cappabianca | Hasay | Orie | Thomas |
| Carn | Hennessey | Perzel | Tigue |
| Casorio | Herman | Pesci | Travaglio |
| Cawley | Hershey | Petrarca | Trello |
| Chadwick | Hess | Petrone | Trich |
| Civera | Horsey | Phillips | True |
| Clark | Hutchinson | Pippy | Tulli |
| Clymer | Jadlowiec | Pistella | Vance |
| Cohen, L. I. | James | Platts | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Washington |
| Costa | Kirkland | Reinard | Waters |
| Coy | LaGrotta | Rieger | Williams |
| Curry | Laughlin | Roberts | Wilt |
| Dailey | Lawless | Robinson | Wogan |
| Daily | Lederer | Roebuck | Wojnaroski |
| DeLuca | Leh | Rohrer | Wright |
| Dempsey | Lescovitz | Rooney | Yewcic |
| Dermody | Levdansky | Rublely | Youngblood |
| DeWeese | Lucyk | Ruffing | Yudichak |
| DiGirolamo | Lynch | Sainato | Zimmerman |
| Donatucci | Maher | Samuelson | Zug |
| Druce | Maitland | Santoni | |
| Eachus | Major | Sather | Ryan, |
| Egolf | Manderino | Saylor | Speaker |
| Evans | Mann | | |

NAYS-4

| | | | |
|-------------|-------|-------|----------|
| Caltagirone | Hanna | Krebs | Steelman |
|-------------|-------|-------|----------|

NOT VOTING-0

EXCUSED-3

| | | |
|-------|------|-----------|
| Daley | Ross | Tangretti |
|-------|------|-----------|

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.

RESOLUTION

Mr. PHILLIPS called up HR 198, PN 1906, entitled:

A Resolution designating the teddy bear named Burke P. Bear, of Boyds Bears, as Pennsylvania's ambassador for love, peace, fun and a cure for cystic fibrosis and encouraging the citizens of Pennsylvania to support efforts to find a cure for cystic fibrosis.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

| | | | |
|--------------|------------|------------|------------------|
| Adolph | Fairchild | Manderino | Schroder |
| Allen | Fargo | Mann | Schuler |
| Argall | Feese | Markosek | Scrimenti |
| Armstrong | Fichter | Marsico | Semmel |
| Baker | Fleagle | Masland | Serafini |
| Bard | Flick | Mayernik | Seyfert |
| Barley | Forcier | McCall | Shaner |
| Barrar | Frankel | McGeehan | Smith, B. |
| Bastian | Freeman | McGill | Smith, S. H. |
| Battisto | Gannon | McIlhattan | Snyder |
| Bebko-Jones | Geist | McIlhinney | Solobay |
| Belardi | George | McNaughton | Staback |
| Belfanti | Gigliotti | Melio | Stairs |
| Benninghoff | Gladeck | Metcalfe | Steelman |
| Birmelin | Godshall | Michlovic | Steil |
| Bishop | Gordner | Micozzie | Stern |
| Blaum | Grucela | Miller, R. | Stetler |
| Boyes | Gruitza | Miller, S. | Stevenson |
| Browne | Habay | Mundy | Strittmatter |
| Bunt | Haluska | Myers | Sturla |
| Butkovitz | Hanna | Nailor | Surra |
| Buxton | Harhai | Nickol | Taylor, E. Z. |
| Caltagirone | Harhart | O'Brien | Taylor, J. |
| Cappabianca | Hasay | Oliver | Thomas |
| Carn | Hennessey | Orie | Tigue |
| Casorio | Herman | Perzel | Travaglio |
| Cawley | Hershey | Pesci | Trello |
| Chadwick | Hess | Petrarca | Trich |
| Civera | Horsley | Petrone | True |
| Clark | Hutchinson | Phillips | Tulli |
| Clymer | Jadlowiec | Pippy | Vance |
| Cohen, L. I. | James | Pistella | Van Home |
| Cohen, M. | Josephs | Platts | Veon |
| Colafella | Kaiser | Preston | Vitali |
| Cornell | Keller | Ramos | Walko |
| Corrigan | Kenney | Raymond | Washington |
| Costa | Kirkland | Readshaw | Waters |
| Coy | Krebs | Reinard | Williams |
| Curry | LaGrotta | Rieger | Wilt |
| Dailey | Laughlin | Roberts | Wogan |
| Dally | Lawless | Robinson | Wojnaroski |
| DeLuca | Lederer | Roebuck | Wright |
| Dempsey | Leh | Rohrer | Yewcic |
| Dermody | Lescovitz | Rubley | Youngblood |
| DeWeese | Levdansky | Ruffing | Yudichak |
| DiGirolamo | Lucyk | Sainato | Zimmerman |
| Donatucci | Lynch | Samuelson | Zug |
| Druce | Maher | Santoni | |
| Eachus | Maitland | Sather | Ryan, Speaker |
| Egolf | Major | Saylor | |
| Evans | | | |

NAYS—0

NOT VOTING—1

Rooney

EXCUSED—3

Daley Ross Tangretti

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

CONDOLENCE RESOLUTION

The SPEAKER. We are about to take up a condolence resolution on the death of a former member of this House. The Sergeant at Arms will close the doors of the House. Members, please take your seats.

The clerk will read the resolution.

The following resolution was read:

COMMONWEALTH OF PENNSYLVANIA
THE HOUSE OF REPRESENTATIVES

RESOLUTION

WHEREAS, The Honorable William Earl Brown, Sr., a former member of the House of Representatives of Pennsylvania, passed away May 26, 1999, at the age of eighty-eight; and

WHEREAS, Formerly of Coatesville, Mr. Brown served the then-58th Legislative District with distinction for six terms, from 1948 to 1960. Active in the Chester County Republican Party for most of his adult life and a former party vice chairman, he served as a member of the Labor Relations Committee of the House of Representatives and was especially involved in issues concerning workers and workers' compensation; and

WHEREAS, A Coatesville High School graduate, Mr. Brown graduated in 1934 from Bucknell University, Lewisburg, and during World War II he served in the United States Navy as a pharmacist's mate aboard a destroyer escort. An outstanding community and civic leader, Mr. Brown was a seventy-five-year member and former trustee of Olivet United Methodist Church in Coatesville. He also was a life member of Disabled American Veterans, the Washington Hose Company and American Legion Post 64 in Coatesville; and a member of the Veterans of Foreign Wars in Chesapeake City, Maryland, and the Sigma Chi Fraternity at Bucknell University. In 1997 he was preceded in death by Thelma Esworthy Brown, his wife of sixty-two years; now therefore be it

RESOLVED, That the House of Representatives of the Commonwealth of Pennsylvania note with great sadness the passing of William Earl Brown, Sr.; extend heartfelt condolences to his sons, William E., Jr., and Thomas E.; daughter, Esther B. Miller; three grandchildren; and two great-grandchildren; and be it further

RESOLVED, That a copy of this resolution, sponsored by the Honorable Tim Hennessey, be transmitted to the family of William Earl Brown, Sr.

Matthew Ryan, Speaker of the House
ATTEST:
Ted Mazia, Chief Clerk of the House

On the question,
Will the House adopt the resolution?

The SPEAKER. Those in favor of the resolution will rise and remain standing as a mark of respect for the deceased former member. Guests will also please rise.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable William Earl Brown, Sr.)

The SPEAKER. The resolution has been unanimously adopted. The Sergeant at Arms may open the doors of the House.

STATEMENT BY MR. CASORIO

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

Mr. CASORIO. Thank you, Mr. Speaker. I will be brief.

We had intended to suspend the rules to offer a resolution. We have information that the Department of Labor and Industry had

entered into an agreement to sell individuals' private employment records and their earnings history to a California firm. We understand several hours ago that the administration issued a press release saying that they were going to stop that contract.

My resolution would have prohibited all departments — asking for an Executive order — prohibiting all departments and agencies from selling personal, private records. We understand that the majority leader has agreed to run several amendments of that nature tomorrow, and those of us on this side of the aisle look forward to supporting that. Thank you for your latitude, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. EACHUS

The SPEAKER. The gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I appreciate a moment of personal privilege. Thank you.

I call today on the Pennsylvania Senate and I urge them to pass HB 773, which we passed unanimously with our PACE (Pharmaceutical Assistance Contract for the Elderly) amendments in it. The PACE legislation that is in here is critical to low-income senior citizens, and I believe that the Senate needs to do the right thing by its seniors.

The Eachus amendment, which passed this House on May 3, needs to be kept in the bill to maintain the integrity of the PACE Program. It is clear that the PACENET (Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier) Program that the Ridge administration has passed has clearly failed. After a \$600,000 campaign, public campaign, only 1,000 senior citizens have signed up for the PACE Program. We cannot afford not to fix the PACE Program. Currently there is a \$96-million surplus in the PACE Program and a \$627-million surplus in the General Fund. I believe it is time that we do it, and I urge the Senate to do the right thing.

The solution to the PACE problem is sitting right now in the Senate, in the Aging and Youth Committee in the Senate. The Senate should pass this bill with the PACE amendments intact, and we will just have to wait and see whether they put their money where their mouth is. Thank you, sir.

The SPEAKER. The Chair thanks the gentleman.

DEMOCRATIC CAUCUS

The SPEAKER. Are there any further announcements?

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be a caucus at 10 o'clock tomorrow morning. We would like to go over mainly the changes in the Ethics Commission regulations dealing with the lobbyist disclosure law. This can have a significant effect on each and every member. The Ethics Commission committee working on these regulations has been somewhat responsive to the concerns of a variety of members who would like to go over it and see if we should make further input.

In addition, we will go over a couple of legislative matters, but the main thing will be the Ethics Commission regulations. Please be there at the caucus 10 a.m. tomorrow morning.

The SPEAKER. The Chair thanks the gentleman.

JUDICIARY COMMITTEE MEETING

The SPEAKER. Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the House Judiciary Committee will reconvene its meeting of this morning immediately on the declaration of the recess in the Appropriations Committee room in the back of the building.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Fargo.

Mr. FARGO. Thank you, Mr. Speaker.

There will be a Republican caucus tomorrow at 10 o'clock; Republican caucus in the majority caucus room at 10 o'clock. Thank you.

VOTE CORRECTIONS

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

Mr. MCGEEHAN. For purposes of correcting the record, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. MCGEEHAN. On final passage of SB 390, I was not recorded. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman.

The lady, Miss Mann.

Miss MANN. Mr. Speaker, a correction of the record, please.

On the motion to suspend the rules for SB 390 consideration, I would like to be recorded in the negative. Thank you.

The SPEAKER. The Chair thanks the lady. Your remarks will be spread upon the record.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be taken from the table:

SB 174;

SB 601; and

HB 1085.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

SB 174;

SB 601; and

HB 1085.

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

**BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1600, PN 1944

By Rep. GEIST

An Act designating a portion of the Mon/Fayette Expressway, State Route 43, as the J. Barry Stout Expressway; designating a portion of the Mon/Fayette Expressway, State Route 43, as the James J. Manderino Memorial Highway; designating the twin bridges at milepost 45 of the Mon/Fayette Expressway as the Joe Montana Bridges; and designating State Route 1077 in Donora and Carroll Township, Washington County, as the Stan Musial Byway.

TRANSPORTATION.

The SPEAKER. It is the intention of the Chair to declare a recess so that the bill or bills coming from the Judiciary Committee may be considered on today's calendar.

SENATE BILLS FOR CONCURRENCE

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

SB 852, PN 954

Referred to Committee on LOCAL GOVERNMENT, June 8, 1999.

SB 931, PN 995

Referred to Committee on APPROPRIATIONS, June 8, 1999.

SB 932, PN 1169

Referred to Committee on EDUCATION, June 8, 1999.

SB 933, PN 997

Referred to Committee on EDUCATION, June 8, 1999.

SB 970, PN 1100

Referred to Committee on APPROPRIATIONS, June 8, 1999.

RECESS

The SPEAKER. Does the majority leader or minority leader have any further business? Any announcements?

Hearing none, this House will stand in recess to the call of the Chair.

AFTER RECESS

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

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

SB 3, PN 632

By Rep. GANNON

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for county-level court administrators and for the transfer of accumulated annual leave and sick leave of certain county administrators transferred to the State judicial personnel system; establishing the Unified Judicial System Transferred County-Level Administrator Leave Fund; requiring certain county payments; requiring periodic reports; providing for the transfer of county-level court administrators to the State Employees' Retirement System; and making a repeal.

JUDICIARY.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Does the majority leader or minority leader have any further business in Tuesday's session?

Hearing none, the Chair recognizes the gentleman, Mr. Waters.

Mr. WATERS. Mr. Speaker, I move that this House do now adjourn until Wednesday, June 9, 1999, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 11:59 p.m., e.d.t., the House adjourned.