

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, OCTOBER 20, 1999

SESSION OF 1999

183D OF THE GENERAL ASSEMBLY

No. 50

HOUSE OF REPRESENTATIVES

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

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

PRAYER

REV. WILLIAM A. MILLER, Chaplain of the House of Representatives and retired United Methodist minister, Myerstown, Pennsylvania, offered the following prayer:

Our Father, we thank You for this gift of a new day. You have given to us this good land for our heritage. This moment we give our thanks to You for life and abundance of this earth, for the richness of field and orchard, for the materials of our industry and commerce, and we thank You for the opportunity of life, for schools and cultures, for the skills of our science and the imagination of our technology, and for the perceptions of our management and labors of all honest men. For the healers of mind and body, for the brave who seek to right the wrongs of our society, for all careers, vocations, and callings who in their way give life grace and meaning, we give our thanks.

Move now within us to seek the truth and to speak it, to work for peace in our time and justice for all men, that we together may help build a better day for all people. Keep us faithful to Your love and the people who are our responsibility, that though we meet with reversal and failure, we may know the power You give that men and women might fulfill Your will.

We ask it in the name of the Lord God of all mankind. 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 Tuesday, October 19, 1999, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1981 By Representatives DeWEESE, VEON, THOMAS, SCRIMENTI, WATERS, BLAUM, STURLA, BELFANTI, BROWNE, COSTA, CURRY, FRANKEL,

TANGRETTI, NICKOL, PETRONE, MANN, TRAVAGLIO, WOJNAROSKI, SANTONI, GEORGE, CALTAGIRONE and BEBKO-JONES

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary election in the year 2000.

Referred to Committee on STATE GOVERNMENT, October 20, 1999.

No. 1982 By Representatives MAYERNIK, PLATTS, ROEBUCK, SHANER, STABACK, CORRIGAN, NAILOR, WOJNAROSKI, DALEY, STERN, LAUGHLIN, WILT, HORSEY, YEWIC, ARGALL, WILLIAMS, HARHAI, LEDERER, WATERS, COSTA, READSHAW, MICHLOVIC, WALKO, DALLY and S. MILLER

An Act regulating telephone surveys and political polling; and providing for enforcement by the Attorney General.

Referred to Committee on CONSUMER AFFAIRS, October 20, 1999.

No. 1983 By Representatives BUNT, ARGALL, BELFANTI, BENNINGHOFF, M. COHEN, COSTA, DeLUCA, FARGO, FICHTER, FRANKEL, GRUCELA, HARHAI, MARKOSEK, McGILL, NAILOR, PRESTON, RAMOS, ROBINSON, SEMMEL, SEYFERT, B. SMITH, SOLOBAY, STABACK, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, VAN HORNE, WILT, WOGAN and YOUNGBLOOD

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for district election boards.

Referred to Committee on STATE GOVERNMENT, October 20, 1999.

No. 1984 By Representatives GRUCELA, ROONEY, DeWEESE, FREEMAN, GIGLIOTTI, SCHULER, COSTA, SOLOBAY, MELIO, HORSEY, ARGALL, HARHAI, WALKO and GEORGE

An Act regulating stockpiled tree stump and tree debris storage management; and providing for powers and duties of the Department of Environmental Protection.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 20, 1999.

No. 1985 By Representatives GLADECK, BELARDI, BELFANTI, BUNT, BUXTON, CALTAGIRONE, CAWLEY, L. I. COHEN, CORNELL, CURRY, DALEY, HALUSKA, HARHAI, KENNEY, KREBS, MARKOSEK, PIPPY, PISTELLA, ROSS, WALKO, WOGAN, WOJNAROSKI, YOUNGBLOOD, ALLEN and STEVENSON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for the definition of "enforcement officer."

Referred to Committee on STATE GOVERNMENT, October 20, 1999.

No. 1986 By Representatives CIVERA, ADOLPH, BAKER, BELARDI, BELFANTI, BUNT, CORRIGAN, DALEY, FAIRCHILD, FICHTER, HARHAI, HESS, KENNEY, LAUGHLIN, LAWLESS, LEDERER, LEH, MANDERINO, MARKOSEK, PESCI, SAYLOR, SCHRODER, B. SMITH, E. Z. TAYLOR, TIGUE, WALKO, WOGAN, MICOZZIE, WOJNAROSKI, WRIGHT, YOUNGBLOOD, RAYMOND and ALLEN

An Act providing for abatement by political subdivisions of 1999 real estate taxes on properties damaged by Hurricane Floyd.

Referred to Committee on LOCAL GOVERNMENT, October 20, 1999.

No. 1987 By Representatives ALLEN, BATTISTO, YOUNGBLOOD, ARGALL, PHILLIPS, KENNEY, LUCYK, SANTONI, PETRONE, CALTAGIRONE, BARLEY, PERZEL and FEESE

An Act amending the act of May 3, 1933 (P.L.242, No.86), referred to as the Cosmetology Law, defining "booth space"; and prohibiting booth rental.

Referred to Committee on PROFESSIONAL LICENSURE, October 20, 1999.

No. 1988 By Representatives BUTKOVITZ, PERZEL, KELLER, EVANS, WOGAN, TANGRETTI, LEDERER, MCGEEHAN, KENNEY, SANTONI, CALTAGIRONE, BATTISTO, CORRIGAN, LUCYK, WOJNAROSKI, PISTELLA, LAWLESS, KREBS, CAWLEY, CAPPABIANCA, BROWNE, ADOLPH, BARRAR, MAYERNIK, BUNT, PESCI, GIGLIOTTI, GRUITZA, E. Z. TAYLOR, TRUE, READSHAW, TRELLO, MARKOSEK, LaGROTTA, YUDICHAK, ROBINSON, SOLOBAY, MANN, MICOZZIE, FLICK, CIVERA, HARHART, DALLY and GLADECK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for the prohibition against possession of weapons.

Referred to Committee on EDUCATION, October 20, 1999.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 392, PN 1417, and SB 1100, PN 1408.**

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following House bills be taken from the table:

HB 420;
HB 847;
HB 878;
HB 879;
HB 894;
HB 1159;
HB 1160;
HB 1161;
HB 1164;
HB 1166; and
HB 1601.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1601 be recommitted to the Committee on Appropriations.

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that the following House bills be placed on the tabled calendar:

HB 420;
HB 847;
HB 878;
HB 879;
HB 894;
HB 1159;
HB 1160;
HB 1161;

HB 1164; and
HB 1166.

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

CALENDAR

BILLS ON SECOND CONSIDERATION

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

HB 1724, PN 2486; and SB 647, PN 1414.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 1724 and SB 647 be recommitted to the Committee on Appropriations.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for the gentleman from Lancaster County, Mr. ARMSTRONG, for today's session.

The Chair recognizes the minority whip, who asks that leave be granted to the gentleman, Mr. BUTKOVITZ, of Philadelphia County for today's session.

Without objection, the leaves will be granted. The Chair hears no objection.

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

HB 1152, PN 2498 (Amended) By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for the establishment, membership and powers and duties of the Community College Coordinating Board; and further providing for payments to community colleges.

EDUCATION.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll call. Members will proceed to vote.

Members will please report to the floor. We are in the process of taking the master roll call.

The following roll call was recorded:

PRESENT--198

Adolph	Fargo	Mann	Schuler
Allen	Feece	Markosek	Scrimenti
Argall	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	Steeiman
Birmelin	Godshall	Michlovic	Steil
Bishop	Gordner	Micozzie	Stern
Blaum	Grucela	Miller, R.	Stetler
Boyes	Gruitza	Miller, S.	Stevenson
Browne	Habay	Mundy	Strittmatter
Bunt	Haluska	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhai	O'Brien	Tangretti
Cappabianca	Harhart	Oliver	Taylor, E. Z.
Carn	Hasay	Orie	Taylor, J.
Casorio	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue
Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsey	Phillips	Trich
Clymer	Hutchinson	Pippy	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Josephs	Preston	Van Horne
Cornell	Kaiser	Ramos	Veon
Corrigan	Keller	Raymond	Vitali
Costa	Kenney	Readshaw	Walko
Coy	Kirkland	Reinard	Washington
Curry	Krebs	Rieger	Waters
Dailey	LaGrotta	Roberts	Williams
Daley	Laughlin	Robinson	Wilt
Dally	Lawless	Roebuck	Wogan
DeLuca	Lederer	Rohrer	Wojnaroski
Dermody	Leh	Rooney	Wright
DeWeese	Lescovitz	Ross	Yewcic
DiGirolamo	Levdansky	Rubley	Youngblood
Donatucci	Lucyk	Sainato	Yudichak
Druce	Lynch	Samuelson	Zimmerman
Eachus	Maher	Santoni	Zug
Egolf	Maitland	Sather	
Evans	Major	Saylor	Ryan, Speaker
Fairchild	Manderino	Schroder	

ADDITIONS--0

NOT VOTING--0

EXCUSED--5

Armstrong	Dempsey	Myers	Ruffing
Butkovitz			

LEAVES ADDED--1

Orie

LEAVES CANCELED--1

Orie

The SPEAKER. The Chair notes the presence in the hall of the House today of Representative Peter Daley, who had earlier been on leave of absence for the week. The leave is withdrawn as to today's session because of his presence.

GUESTS INTRODUCED

The SPEAKER. I am pleased to welcome to the hall of the House today, as guests of Representative Jennifer Mann, two cousins of hers: Patrick and Marcus Fischer. They are visiting from Boston, and they are seated to the left of the rostrum. Would the guests please rise.

The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Frank Tulli, Jessica Adler and Douglas Jones. Both are students at Penn State College of Medicine and are participating in the Health Policy and Legislative Awareness Initiative. Would these guests please rise. They are to the left of the Speaker.

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. May I have the attention of the House, please.

We are pleased to welcome to the hall of the House today, as our guests, each and every one of us, a group of students who are accompanied by the executive directors of the Bipartisan Management Committee, Susan Cohen and Pete Wambach, and their fellowship coordinator, Kristen Bernard. They are Jennifer Boger, Levet Couch, Keith Graham, Shanda Graves, Tyra Kennedy, and Nicole McCue. Would these guests please rise.

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:

HB 882;
HB 1675;
HB 1903; and
SB 405.

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

BILLS RECOMMENDED

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:

HB 882;
HB 1675;
HB 1903; and
SB 405.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1154, PN 1892**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known The County Code, further providing for reports and for preparation and filing of proposed budget; and making editorial changes.

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

Mr. **LAWLESS** offered the following amendment No. **A3699**:

Amend Title, page 1, line 5, by inserting after "initiatives," " providing for political activity;

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. The act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended by adding a section to read:

Section 415. Political Activity.—(a) No county civil service employe shall use his official authority or influence for the purpose of interfering with or affecting the result of an election.

(b) No county civil service employe shall take an active part in political management or in a political campaign. Activities prohibited by this subsection include, but are not limited to, the following activities:

(1) Serving as an officer of a political party, a member of a national, State or local committee of a political party or an officer or member of a committee of a partisan political club, or being a candidate for any of these positions.

(2) Organizing or reorganizing a political party organization or political club.

(3) Directly or indirectly soliciting, receiving, collecting, handling, disbursing or accounting for assessments, contributions or other funds for a partisan political purpose.

(4) Organizing, selling tickets to, promoting or actively participating in a fund-raising activity of a candidate in a partisan election or of a political party, or political club.

(5) Taking an active part in managing the political campaign of a candidate for public office in a partisan election or a candidate for political party office.

(6) Becoming a candidate for, or campaigning for, an elective public office in a partisan election.

(7) Soliciting votes in support of or in opposition to a candidate for public office in a partisan election or a candidate for political party office.

(8) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in a partisan election.

(9) Driving voters to the polls on behalf of a political party or a candidate in a partisan election.

(10) Endorsing or opposing a candidate for public office in a partisan election or a candidate for political party office in a political advertisement, a broadcast, campaign, literature or similar material.

(11) Serving as a delegate, alternate or proxy to a political party convention.

(12) Addressing a convention, caucus, rally or similar gathering of a political party in support of or in opposition to a partisan candidate for public office or political party office.

(13) Initiating or circulating a partisan nominating petition.

(14) Soliciting, paying, collecting or receiving a contribution at or in the workplace from any employe for any political party, political fund or other partisan recipient.

(15) Paying a contribution at or in the workplace to any employe who is the employer or employing authority of the person making the contribution for any political party, political fund or other partisan ecipient.

(c) An employe or individual to whom subsection (a) or (b) applies retains the right to vote and to express an opinion on political subjects and candidates, and may engage in the following activities:

(1) Register and vote in any election.

(2) Express an opinion as an individual privately and publicly on political subjects and candidates.

(3) Display a political picture, sticker, badge or button when not on duty and at locations other than the workplace.

(4) Participate in the nonpartisan activities of a civic, community, social, labor or professional organization, or of a similar organization.

(5) Be a member of a political party or other political organization or club and participate in its activities to the extent consistent with this section.

(6) Attend a political convention, rally, fund-raising function or other political gathering.

(7) Sign a political petition as an individual.

(8) Make a financial contribution to a political party or organization.

(9) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character.

(10) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise efficiency or integrity as an employe or the neutrality, efficiency or integrity of a Commonwealth agency.

(d) Notwithstanding anything in this section or any other act to the contrary, no person shall be deemed ineligible for the office of school director solely on the basis that such person is a member of the classified service under this act.

(e) Subsection (c) does not authorize an employe to engage in political activity while on duty or while in a uniform that identifies him as an employe. The head of an agency may prohibit or limit the participation of an employe or class of employes of the agency in an activity permitted by subsection (c), if participation in the activity would interfere with the efficient performance of official duties or create a conflict or apparent conflict of interests.

(f) A county civil service employe who violates this section shall be removed from employment and funds appropriated for the position from which removed thereafter may not be used to pay the employe or individual: Provided, That, the county commissioners in their discretion may impose a penalty of suspension without pay for at least thirty days, but not more than one hundred twenty days, if they find that the violation does not warrant termination.

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

(1) "Agency" means an entity employing county civil service employes.

(2) "Contribution" means any gift, subscription, loan, advance, deposit of money, allotment of money or anything of value given or transferred by one person to another, including in cash, by check, by draft, through a payroll deduction or allotment plan, or by pledge or promise, whether or not enforceable, or otherwise.

(3) "County" means any county of the first class, second class, second class A, third class, fourth class, fifth class, sixth class, seventh class, eighth class and any county which has adopted a home rule charter or optional plan.

(4) "Election" means a primary, municipal, special and general election.

(5) "Employe" means a county civil service employe.

(6) "Employer" or "employing authority" means the immediate employing agency head, agency principals or an employe's supervisor.

(7) "Partisan" when used as an adjective refers to a political party.

(8) "Political fund" means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any partisan election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party, candidate, organization, political action committee or any other entity.

Section 2. Section 1720 of the act, amended May 6, 1981 (P.L.49, No.16), is amended to read:

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting

3

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting

4

Amend Sec. 4, page 4, line 23, by striking out "4" and inserting

5

Amend Sec. 5, page 5, line 8, by striking out "5" and inserting

6

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—197

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

NAYS—1

Scrimenti

NOT VOTING—0

EXCUSED—5

Armstrong
Butkovitz

Dempsey

Myers

Ruffing

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?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Mr. Carn, who offers the following amendment. Will the gentleman please identify which amendment he wishes called up first.

Mr. CARN. Okay. The first amendment I would like to call up, Mr. Speaker, is 3242. But they are on their way over. Could we come back to my amendments when they come to the floor? They are on their way over here right now. I would appreciate it.

The SPEAKER. All right. The gentleman, Mr. Carn, yields the floor to the gentleman, Mr. Roberts.

On the question recurring,

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

Mr. ROBERTS offered the following amendment No. A3477:

Amend Title, page 1, line 7, by inserting after "budget;" providing for representation at certain hearings and appeals to court; making repeals;

Amend Bill, page 5, by inserting between lines 7 and 8

Section 5. Article XVII of the act is amended by adding a subdivision to read:

(h) Board of Assessment Appeals

Section 1796. Representation at Hearings and Appeal to Court.—(a)

An attorney-in-fact under a power of attorney signed by a person who has the right to appeal to the board of assessment appeals may file the appeal for the person and represent the person in all aspects of the appeal. Representation by an attorney-in-fact under this section shall not be construed as the unauthorized practice of law.

(b) The appeal of a property assessment decision from the board of assessment appeals to the court of common pleas shall be a de novo proceeding.

Section 6. The following acts are repealed insofar as they are inconsistent with this act:

(1) The act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law.

(2) The act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law.

Amend Sec. 5, page 5, line 8, by striking out "5" and inserting

7

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. Roberts.

Mr. ROBERTS. Mr. Speaker, this amendment has to do with a situation where taxpayers who go in for an assessment appeal have been denied the opportunity to have someone represent them in their appeal. My amendment simply states that someone with a power of attorney can in fact represent a property owner who is presenting an appeal before a board of appeals, and I would ask that my colleagues vote "yes" on amendment 3477.

The SPEAKER. Mr. Gannon.

Mr. GANNON. Mr. Speaker, as I read this amendment, this permits a nonattorney to represent someone before the appeals board, and I do not believe that a person who is not an attorney has near the qualifications, education, experience that would be needed to properly represent somebody. I think this is a bad amendment, and I ask for a "no" vote.

The SPEAKER. The gentleman, Mr. Roberts.

Mr. ROBERTS. Thank you, Mr. Speaker.

An assessment appeal is an administrative hearing, and it is a nonjudicial issue in that particular forum. In addition to that, an assessment appeal hearing is a de novo hearing, which means that if someone in fact has an assessment appeal hearing, whatever occurs at that hearing does not have any impact on the next step, which would in fact be an appeal to the common pleas court.

This particular amendment simply allows for someone who cannot appear for their own assessment appeal to be able to have a power of attorney for someone else to represent them. Our current laws in the State of Pennsylvania in fact do allow you to have a power of attorney for many matters, and the holder of that power of attorney does not have to be a licensed attorney. So I am simply asking that we clarify the assessment law so that we can in fact have people represented by someone other than an attorney.

The SPEAKER. Mr. Gannon.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the prior speaker gave every reason why this amendment should be voted down. First of all, he said this dealt with administrative law. Administrative law is probably the most complex area of law that an individual can deal with and requires someone with experience, knowledge, and understanding of all of the administrative process, administrative procedures, and the limitations that are placed on appellate courts with respect to underlying administrative procedures. This is not something that the novice should be involved in.

Secondly, he said, well, this is a de novo hearing, so you do not need a lawyer for that. If anything, you do need a lawyer for a hearing such as this. For example, in our district courts, an individual cannot send somebody else to represent them at a hearing before a district justice. They can go themselves, or they can hire a practicing attorney or ask a practicing attorney, somebody who is admitted to the practice of law, to represent them, and that is so the person does not have to go.

This involves substantial property rights, which are protected under the Constitution, which are protected by a very complex series of laws, in statute, and requires someone with a great deal of experience and understanding of all of the implications of that. I am just concerned that an attorney in fact showing up without any qualifications, without any malpractice insurance, if they do the wrong thing, which an attorney practicing law is required to have, that puts the property rights of that individual so much in jeopardy,

and it gives them a false sense of confidence if we enact a statute that lets somebody do that.

This is just a bad amendment, Mr. Speaker, and I urge a “no” vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

This language in this amendment is exactly, word for word, a bill that I had in the last session, and I think the members maybe should look at what we are voting here or listen to what we are voting here. This is a situation that came up in my county a couple years ago when we had a reassessment.

We had a reassessment in the county, and in my own situation, I had appealed a number of those assessments. The first appeal was when we were in session. I asked for a continuance. I got the continuance. I was scheduled again to another day when we were in session. I asked for a further continuance, and they could not do it because there were too many people that were asking for it. We had like 29,000 appeals, I think, in our county, so they said, one and done, and everybody has to be treated equally. I said, okay. I said, I am going to send my appraiser, because he is the one that is going to handle the situation anyway; he is totally familiar with my property; he knows my property; he has done the appraisals on the property; I will be sending him. They said to me, by virtue of State law, you cannot do that; you cannot send your appraiser; you have got to send your attorney. And I said, well, I do not have an attorney. Well, that is immaterial; you have to send an attorney. So what I had to do was get an attorney, who then stuck his head in the door where the board of assessment sat. The board of assessment is made up of a nonjudicial body in Montgomery County. It is a real estate person, a person involved in real estate; it is a businessman; and it is an attorney. It is a nonjudicial body. He sticks his head in the door and says, I am here to represent Representative Godshall, and now I am going to turn it over to his assessor, who I wanted to send in the first place.

This is an issue of property rights. You know, it is my property; I will worry about my property, and when I have a hearing before a nonjudicial board, I should be entitled to have represent me, in case I cannot go, I should be able to have somebody represent me who I would want to have and he is knowledgeable about my property. Under the present situation, you do not have that; you have to send an attorney.

So I am asking everybody to vote for this legislation. It is what we should have. It is an issue of property rights, and let us stand up for the property owners for once, and the lawyers, I know it is going to hit them in the pocketbook, but they make enough money on other issues, so let us do something for the people of Pennsylvania. Thank you.

The SPEAKER. The gentleman, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Other than saying I am in total agreement with Representative Godshall’s comments, this is not an issue of law. This is a nonjudicial body. This is an issue of value, and being in the real estate business and owning numerous properties and appealing to the board of assessment personally, or in addition, one of my family members, and being successful, you do not need to know law to appear before the board of assessment appeals. You need to know value and understand value, and the best person to represent you there is a real estate agent or an appraiser, as Representative Godshall says.

We do not need a full employment act for attorneys. We have enough of those in this Commonwealth. This is a good amendment. We should pass it. I urge my colleagues to vote “yes.”

The SPEAKER. The gentleman, Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, I want to go back to my background as a former chief assessor of York County who represented the county on the assessment board and to remind people here again exactly what Representative McNaughton said. At that hearing and at the completion of that hearing, no matter what that board of assessment appeals does, most times boards of assessment appeals have no attorneys on them. They are taxpayers. They may be farmers, realtors, whatever — members of our community. Anything decided by the board of assessment appeals in a final decision goes to court and is totally wiped off the record, and not being an attorney, I do not know exactly the word, but I think it is “de novo.” Basically, the facts before that board cannot be entered into a court decision or as evidence in court. So there is no reason for an individual to hire an attorney, particularly senior citizens who cannot afford to pay their taxes, let alone an attorney to represent them before that board of assessment appeals.

This is the best level of justice out there for any of our taxpayers. There is no reason that we need to require our taxpayers of this Commonwealth to go to such great expense to have a level of justice that they also have as well at our district magistrates’ offices.

So I ask for a positive vote on Representative Roberts’ amendment. Thank you.

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

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, I really had not intended to say anything about this, but I agree with the—

The SPEAKER. Will the gentleman yield.

Conferences on the floor, please. The conferees to the right of the Speaker will please be seated.

Mr. Coy.

Mr. COY. Thank you, Mr. Speaker.

Mr. Speaker, as I was about to say, I had not intended to comment one way or the other on the amendment, but after hearing the last couple speakers, I think they make very good sense.

This is a sort of “let the buyer beware” issue. This is an issue of empowering a citizen to employ whom he or she cares to employ on a given issue, and for us to mandate in law that it must be an attorney, an attorney who may well not have as much experience in assessment law or in real estate law as many average citizens who spend every working day on it, I think would be wrong. I think it is simply an empowerment amendment. It lets the average taxpayer make the decision, and he makes it in the light of day, in full faith of what he or she is doing. I do not see anything wrong with it, and I do not see what we are trying to protect by not allowing it.

I commend the gentleman, and I urge support for the amendment.

The SPEAKER. The gentleman, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

This goes back to one of those old sayings about how attorneys are such bad people until you need one.

I think that this is an area of expertise, and to say that individual taxpayers can represent themselves, I am sure they can, and with all due respect to the maker of the amendment, I think that legal representation is very important and it is certainly something that

will help in this area of law. I practiced administrative law for over 3 years before I came here, and it is a very intricate area of law, and I would just ask all the members, especially on my side, to oppose this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

I have a concern with this amendment. The wording of it, if you look at it, says that "An attorney-in-fact under a power of attorney signed by a person who has the right to appeal to the board... may file the appeal for the person and represent the person in all aspects of the appeal." I am not aware of any other situation where someone can go before a hearing or an administrative court or any other district court or common pleas court representing another individual in all aspects of an appeal.

As previously mentioned, those of us who are attorneys have a code that we have to go by. We have—

The SPEAKER. Will the gentleman yield.

Please. Conversations on the floor, please cease. Sergeant at Arms, ask the members who are— Thank you.

Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

As mentioned, those of us who are attorneys, we have a code of professional responsibility; we have an ethics law; we have malpractice insurance; there is a disciplinary board. All of those guarantee that a person who retains an attorney will get either good representation or, if they do not, there will be a means to go after that attorney for ineffective counsel or disciplinary measure. Under this action, you are now setting up a class of people who will have no obligations or responsibilities at all ethically, code of professional responsibility-wise, or otherwise, and I think this is a very real situation of letting the buyer beware but not having the buyer any consumer protections whatsoever, and therefore, I would stringently oppose this amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Travaglio.

Mr. TRAVAGLIO. Thank you, Mr. Speaker.

I think that when you are talking about in front of a board of assessment and everyone has to agree with it, neither the board itself nor the person who is in charge of them are lawyers, so they would not have the slightest idea of what a lawyer was talking about. This is a matter of value and mathematics, and a person should be able to represent themselves or, with a power of attorney, represent somebody else. It has nothing to do with the legal profession until after the board makes a decision. If they then decide that that is not the right decision, then they go into the courts. There you need a lawyer. I could not be able to represent anybody other than that. It would have to be a lawyer.

There is nothing wrong with this bill. It is a bill that should be voted on. People have been doing it for years and years and there is no reason to change it now. Thank you.

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—172

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

NAYS—26

Browne	Feese	Masland	Snyder
Casorio	Gannon	Melio	Tangretti
Cawley	Gordner	Micozzie	Taylor, J.
Civera	Grucela	Nickol	Vitali
Cohen, L. I.	Gruitza	Petrarca	
Daily	Hutchinson	Schroder	Ryan,
Dermody	Manderino	Scrimenti	Speaker

NOT VOTING—0

EXCUSED—5

Armstrong	Dempsey	Myers	Ruffing
Butkovitz			

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

On the question recurring,

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

Mr. ROBERTS offered the following amendment No. A3478:

Amend Title, page 1, line 7, by inserting after "budget;" providing for explanation of assessments and for decisions of appeals;

Amend Bill, page 5, by inserting between lines 7 and 8

Section 5. Article XVII of the act is amended by adding a subdivision to read:

(h) Assessments

Section 1796. Explanation of Assessments.—Whenever the county assesses a property, the county shall provide the property owner with a detailed explanation in writing of the manner in which the property was assessed.

Section 1797. Decisions of Appeals.—The Board of Assessment Appeals of a county shall provide a detailed explanation in writing of the basis for its decision in either the denial or approval of an assessment appeal.

Amend Sec. 5, page 5, line 8, by striking out "5" and inserting 6

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

The SPEAKER. On the question of the adoption of the amendment, Mr. Roberts.

Mr. ROBERTS. Thank you, Mr. Speaker.

This is another amendment that has to do with property assessments. All this amendment does is require the assessment office to provide an explanation as to how a property was assessed and also requires the board of assessment appeals to also explain to the property owner how in fact their decision was made on whether or not to approve or deny an assessment appeal, and I would ask for an affirmative vote.

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

Mr. COSTA. Thank you, Mr. Speaker.

I rise in support of this amendment.

I have a constituent who lives in my neighborhood who asked my help. She is a widow who lives on a street where there are only four houses on this street. Her house is the smallest house on the street and also on the smallest piece of property on the street. Her house is half brick and half wood. The other three homes on the street are all made out of brick. Every year she goes in to appeal the assessment because her house is assessed at a lot larger rate than her neighbors. Every year she is denied, but not once have they told her why she was denied. One of the assessors told her orally that the problem is that her neighbors are underassessed and that she is assessed properly, but they have never given her a formal definition as to why she is assessed the way she is and her neighbors are.

So in her instance, I am standing up for her, and I wish that my colleagues would also support this amendment. Thank you.

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

The following roll call was recorded:

YEAS—198

- Adolph, Allen, Argall, Fargo, Feese, Fichtner, Mann, Markosek, Marsico, Schuler, Scrimentti, Semmel

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

NAYS—0

NOT VOTING—0

EXCUSED—5

- Armstrong, Butkovitz, Dempsey, Myers, Ruffing

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

GUEST INTRODUCED

The SPEAKER. At this time the Chair would interrupt the proceedings to welcome to the hall of the House Daniel Rupp, a 10th grade student at the Dover High School. He is here today as the guest of Representative Todd Platts. Would the guest please rise. He is to the left of the Speaker.

CONSIDERATION OF HB 1154 CONTINUED

On the question recurring,

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

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Mr. Vitali, who indicates that he has withdrawn his amendment.

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A3494:

Amend Title, page 1, line 7, by inserting after "budget;" authorizing county control over certain solid waste landfills;

Amend Bill, page 5, by inserting between lines 7 and 8 Section 5. The act is amended by adding a section to read:

Section 1976. County Control.—(a) The governing body of a host municipality may deny any permit or permit modification for a facility located in the municipality, except as provided in subsection (b).

(b) (1) The host municipality may not deny a permit or permit modification of a facility located in the municipality if the department determines that there is a public need for the additional capacity contained within that permit or permit modification. The public need for additional capacity shall be determined by the department, at least every three years, by totaling the available disposal capacity within that region. If the total disposal capacity within that region is at or below the two-year capacity, the department may issue a certificate of public need which shall override any host municipality denials of permits or permit modifications.

(2) The department may issue permits and permit modifications within that region until such time as the permitted capacity within that region reaches the seven-year capacity.

(c) (1) If the department determines to issue a certificate of public need under subsection (b), the department shall conduct at least one public hearing in the host municipality before the permit or permit modification is approved. The public hearing shall be scheduled with a minimum of thirty days' public notice prior to the hearing date. A comment period of not less than sixty days shall be provided to accept written comments on the permit or permit modification.

(2) At the public hearing, the department shall present information, including, but not limited to:

(i) The nature of the proposed facility.

(ii) The site of the proposed facility or expansion of existing facility.

(iii) The potential generators of waste.

(iv) The life expectancy of the proposed facility or expansion of existing facility.

(v) An explanation of the host municipality's rights with regard to abatement of nuisances at the facility, including, but not limited to, traffic problems, litter, odors, noise, dust or other nuisances that may emanate from the facility or that may increase daily volume at the facility.

(d) This section shall not become effective until the Governor has issued a certification that the General Assembly has enacted the same restrictions for all municipalities including counties.

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

"Department," the Department of Environmental Protection of the Commonwealth.

"Facility," a municipal waste landfill, construction/demolition waste landfill, resource recovery facility or commercial residual waste disposal facility.

"Host municipality," a county or home rule county within which a facility is located or proposed to be located or has been permitted but not constructed.

"Region," the geographical area designated by the Department of Environmental Protection for each of its regional field operations.

"Secretary," the Secretary of Environmental Protection of the Commonwealth.

"Solid waste," solid waste as defined in the act of July 7, 1980 (P.L.380, No.97), known as the "Solid Waste Management Act."

Amend Sec. 5, page 5, line 8, by striking out "5" and inserting 6

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes Mr. George.

Mr. GEORGE. Mr. Speaker, we introduced this amendment in SB 366. It passed with a substantial margin. It simply is something that we should be forcing the Senate to accept. It does not in any way impede on the commerce of waste material. It simply says that it puts a decision to site these facilities in the hands of the folks that should have that decision, the counties that will have to deal with the truck traffic, the health problems, the odors, and the decreased quality of life.

Mr. Speaker, the amendment also protects Pennsylvania from running out of landfill space so we can take care of the waste that is generated within our Commonwealth.

Mr. Speaker, it has been over a year since His Excellency promised to stop the landfill machine in Pennsylvania. It is time for us to help him keep his promise. This amendment should be accepted by all of us. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Fargo	Mann	Schuler
Allen	Feese	Markosek	Scrimenti
Argall	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	Nailor	Sturla
Buxton	Hanna	Nickol	Surra
Caltagirone	Harhai	O'Brien	Tangretti
Cappabianca	Harhart	Oliver	Taylor, E. Z.
Cam	Hasay	Orie	Taylor, J.
Casorio	Hennessey	Perzel	Thomas
Cawley	Herman	Pesci	Tigue

Chadwick	Hershey	Petrarca	Travaglio
Civera	Hess	Petrone	Trello
Clark	Horsley	Phillips	Trich
Clymer	Hutchinson	Pippy	True
Cohen, L. I.	Jadlowiec	Pistella	Tulli
Cohen, M.	James	Platts	Vance
Colafella	Josephs	Preston	Van Horne
Cornell	Kaiser	Ramos	Veon
Corrigan	Keller	Raymond	Vitali
Costa	Kenney	Readshaw	Walko
Coy	Kirkland	Reinard	Washington
Curry	Krebs	Rieger	Waters
Dailey	LaGrotta	Roberts	Williams
Daley	Laughlin	Robinson	Wilt
Daily	Lawless	Roebuck	Wogan
DeLuca	Lederer	Rohrer	Wojnaroski
Dermody	Leh	Rooney	Wright
DeWeese	Lescovitz	Ross	Yewcic
DiGiroloamo	Levdansky	Rubley	Youngblood
Donatucci	Lucyk	Sainato	Yudichak
Druce	Lynch	Samuelson	Zimmerman
Eachus	Maher	Santoni	Zug
Egolf	Maitland	Sather	
Evans	Major	Saylor	Ryan,
Fairchild	Manderino	Schroder	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-5

Armstrong	Dempsey	Myers	Ruffing
Butkovitz			

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

On the question recurring,

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

The SPEAKER. Mr. Carn, do you have your amendments ready now?

Mr. CARN. Yes, sir, Mr. Speaker. They have been submitted.

The SPEAKER. All right. Would you tell us which one you wish to first consider.

Mr. CARN. Amendment 3242, Mr. Speaker.

Mr. CARN offered the following amendment No. A3242:

Amend Title, page 1, line 7, by inserting after "budget;" providing for a Southeastern Pennsylvania Stadium Referendum;

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. The title of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended June 25, 1999 (P.L.182, No.25), is amended to read:

AN ACT

Relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives and for Southeastern Pennsylvania Stadium Referendum.

Section 2. Section 1720 of the act, amended May 6, 1981 (P.L.49, No.16), is amended to read:

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting 3

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting 4

Amend Sec. 4, page 4, line 23, by striking out "4" and inserting 5

Amend Bill, page 5, by inserting between lines 7 and 8

Section 6. The act is amended by adding an article to read:

ARTICLE XXXI

SOUTHEASTERN PENNSYLVANIA STADIUM REFERENDUM

Section 3101. Short Title.—This article shall be known and may be cited as the "Southeastern Pennsylvania Stadium Referendum."

Section 3102. Definitions.—As used in this article,

"Central county" shall mean a county of the first class.

"Contiguous county" shall mean a county, other than a county of the first class, that:

(1) has a boundary that touches, even at a single point, a county of the first class; or

(2) is a county of the third class and shares common boundaries at more than a single point with two counties described in clause (1).

Section 3103. Authorization.—The County Board of Election of the central county and each contiguous county shall cause to be printed on the official ballot, at the primary or general election occurring at least thirty days next following the effective date of this act, a nonbinding referendum to determine the will of the electorate in the city of the first class and contiguous counties with respect to public funding of professional sports stadiums.

Section 3104. Form of Question.—The referendum question shall be in substantially the following form:

Do you favor the use of State, county or municipal funding in the financing of new sports stadiums in the City of Philadelphia?

Section 3105. Conduct of Election.—The referendum required under this article shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

Amend Sec. 5, page 5, line 8, by striking out "5" and inserting 7

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question, the Chair recognizes the gentleman from Philadelphia County.

Mr. CARN. Thank you, Mr. Speaker.

I rise today to offer the southeastern Pennsylvania stadium referendum amendment. My amendment would provide the people of southeastern Pennsylvania with a choice in the matter of public financing of major league sports stadiums. Mr. Speaker, this amendment would empower the people of southeastern Pennsylvania to decide for themselves whether they want their tax dollars spent on the development of new sports stadiums. My amendment amends the same State county code that provided the people of western Pennsylvania with the opportunity to vote on this subject in 1997.

My amendment is straightforward and simply asks the electorate its opinion on this matter of public financing of major league stadiums. It is straightforward because some individuals claim that the vote in western Pennsylvania was about a tax increase, not stadium funding. Mr. Speaker, this amendment leaves no doubt about what the voters are being asked. During the debate

in this House over the western Pennsylvania referendum, one of my distinguished colleagues noted that in a referendum, every citizen's vote or opinion counts. Mr. Speaker, a referendum is the ultimate public hearing. Over the summer recess, I attended a public hearing in the community where the Phillies' proposed stadium would be built. The crowd was so large that all who wished to participate could not gain access. In a referendum, all who wish to participate can exercise their right to express their opinion.

Mr. Speaker, I only ask for fairness. We allowed the people of western Pennsylvania an opportunity to have their say on stadiums. To be fair, we must provide the people of Philadelphia and southeastern Pennsylvania with the same opportunity. A vote today in favor of this amendment will not delay stadium plans in Philadelphia. We were told in June that the local share for the city's stadium would be secured by now. It is clear to me and others who have been involved in this issue that the problems of local financing and location will not be resolved by the end of this year.

I ask this body for an affirmative vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Philadelphia, Mr. Perzel.

Mr. PERZEL. Mr. Speaker, we have already voted on this issue. It is really up to city council and the city of Philadelphia, and they really should be determining what is going to happen with these stadiums and not us anymore, Mr. Speaker. So I would request that the members vote "no" against the Carn amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Carn, do you seek further recognition?

Mr. CARN. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. CARN. Again, Mr. Speaker, I am only asking, on behalf of the voters of southeastern Pennsylvania, the opportunity to vote as others in western Pennsylvania had the opportunity to vote on an issue pertaining to using their tax dollars to finance stadiums for major league teams. I am just asking that we give our people the opportunity to express themselves, and again, this is a nonbinding resolution. It does not stop any deals or plans that are in place. I just think it is important that we as lawmakers hear from our constituents as to how they feel about their moneys being used to finance stadiums.

Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. Does the gentleman from Bucks, Mr. Druce, desire recognition on this amendment?

Mr. DRUCE. Yes, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. DRUCE. Mr. Speaker, on the amendment, given that the gentleman is offering a nonbinding referendum, which in my understanding is unconstitutional in Pennsylvania, I would like to question the constitutionality of the amendment being offered before the House.

The SPEAKER. The gentleman, Mr. Druce, raises a point of order that amendment No. 3242 is unconstitutional.

The Chair, under rule 4, is required to submit questions affecting constitutionality of an amendment to the House for decision. The Chair now does that.

On the question,

Will the House sustain the constitutionality of the amendment?

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

Mr. DRUCE. Mr. Speaker, I would just point out to the members of the House that we have on several occasions passed legislation where we have provided for nonbinding referendums. I recall a time when Governor Casey in fact vetoed a piece of legislation and very specifically zeroed in on a nonbinding referendum provision that we provided for local government officials which he declared to be unconstitutional. And it is my understanding that when the Senate dealt with some of the gambling issues that were before this House not too long ago, the Senate concluded in its opinion that a nonbinding referendum before the voters of this Commonwealth on the issue of gambling was unconstitutional. I fail to see the difference in those issues that are before us today and before the issue that the gentleman from Philadelphia brings before us. I see nowhere in our Constitution in this Commonwealth do we provide for nonbinding referendums in Pennsylvania, and I would urge the members to vote in favor of this as this motion being unconstitutional.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman, Mr. Cohen, on the issue.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, in support of the constitutionality of Representative Carn's amendment, I would point out to you that under the Constitution, local government is treated differently from State government. Local governments under the State Constitution can only exercise those powers specifically granted for by the State Constitution, whereas the State government does not have that kind of restriction. There has never ever in the history of this Commonwealth been a finding by any court that any State nonbinding referendum is unconstitutional. Only local government nonbinding referendums have been found to be unconstitutional and have been found unconstitutional because of the restricted powers of local government. The Carn amendment may or may not be something the members of the House want to support but it is constitutional, and I would urge support of the constitutionality of the Carn amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Carn.

Mr. CARN. Thank you, Mr. Speaker.

I ask that the members of this House vote that this amendment is constitutional, because clearly when we passed SB 125, it was constitutional when we introduced and passed an amendment calling for a nonbinding referendum for the voters in western Pennsylvania. That also, in my understanding, was a nonbinding referendum vote that this House readily passed. So I ask for a "yes" vote on constitutionality.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, would the author of the motion stand for interrogation?

The SPEAKER. The gentleman, Mr. Druce, will stand for interrogation. You may begin.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, it has been common practice that when issues of constitutionality are raised, that there is a specific reference to the Constitution, a specific article to the Constitution that either provides for or prohibits certain conduct or either some reference to case law which goes back to the Constitution, and I would just like to ask you, what specific article of the Pennsylvania or United States Constitution are you making reference to?

The SPEAKER. Mr. Druce.

Mr. DRUCE. Thank you, Mr. Speaker.

I would point out to the gentleman that I am not citing a specific article which provides for a nonbinding referendum in Pennsylvania, and my understanding is that the action the Senate recently took on the gambling issue as well as positions Governor Casey has taken in the past is that our Constitution does not provide for it. The mere absence of it being identified in our Constitution does not grant us the ability to do that.

I would argue further to the gentleman that if we were to pass this and we are talking about State money, I would think that someone could question the constitutionality of a referendum being conducted in very specific counties. When no one in central Pennsylvania or western Pennsylvania gets to vote on this referendum when in fact there are State tax dollars involved in this, you have disenfranchised most of the Commonwealth.

So I think the amendment is seriously flawed, and the lack of the fact that we provide specifically for that referendum is why I am saying it is unconstitutional.

Mr. THOMAS. Okay. So, Mr. Speaker, you are saying that it is your understanding that it is unconstitutional.

Now, you raised a couple other questions in your response that I would just like to ask you about. Number one, is it implied that because the Senate took a particular course of action, that that action is in fact correct?

Mr. DRUCE. I would say no in a blanket statement, Mr. Speaker, but I think that they made a very compelling argument for why a nonbinding statewide referendum on the issue of gambling was not constitutional, and I do have confidence in the legal counsel of the Senate that came to that conclusion.

Mr. THOMAS. Well, Mr. Speaker, I mean, because of the brilliance of the framers of the Pennsylvania form of government, I mean, a lot of stuff comes over from the Senate that we amend and send back. Sometimes we provide technical amendments to Senate bills, and I am thankful that we do not have this underlying presumption that because the Senate acted in a certain way, that the Senate was in fact correct.

My second question runs to whether or not you are aware of any complainants throughout the Commonwealth of Pennsylvania that are on their way to the courts to challenge the constitutionality of this issue?

Mr. DRUCE. Well, Mr. Speaker, I would just respond first by saying that the process the Senate used to determine the fact that the gambling issue was not constitutional is a process we are going to have to do right here ourselves and rely on our own legal counsel as well, and I am not implying that the Senate is always right, but we certainly are going to have to use that same process, and that is the best we have available to us today.

I am unaware of challenges that are before the court that would clarify that issue simply because I think other Governors and

legislative leaders have not allowed the issue to get to that point where a court challenge could be made about a nonbinding referendum. Had the Senate passed some of the provisions that we passed here for gambling, there may well have been a court challenge that would have resolved this issue for us, and I would suggest that given the flawed nature of the amendment, the fact that you are disenfranchising most of the Commonwealth from participating in this referendum, you may well see a court challenge on this particular issue since they cannot participate in the referendum.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have concluded my interrogation. I would like to comment on the motion.

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

Mr. THOMAS. Mr. Speaker, I rise to affirmatively state that this amendment is in fact constitutional. There is no prohibitive language in the Pennsylvania Constitution or the United States Constitution which prohibits this body from providing local municipalities or local regions with the capacity to respond on a particular question by way of referendum, and in the absence of any prohibitive language, then, Mr. Speaker, this is only a challenge to something that the architect does not want to deal with straightforward.

And to that end, Mr. Speaker, I urge my colleagues on both sides of the aisle to vote that this amendment is constitutional and to provide southeastern Pennsylvania with the opportunity to speak in a very clear and concise manner as to whether or not, as a matter of public policy, should public financing be used to construct and/or to develop sports stadiums. A very simple question. Vote "yes" on the constitutionality of this amendment.

The SPEAKER. On the question of constitutionality, the gentleman, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support this amendment and to vote against the motion proposed by the gentleman. It escapes me how he arrived at the conclusion, but we sit here at the behest of the public and of the voters, Mr. Speaker, and they give us X amount of power.

To suggest, Mr. Speaker, in any way, shape, or form that we cannot return the power that is given to us by the people back to them for an instance, in the form of a referendum, is ludicrous; it is absolutely insane, Mr. Speaker.

Once again, in this democracy we sit at the behest of the public. They are the ones who have empowered us to be here today. They are the ones who have empowered the Senate and every other elected official to represent them, Mr. Speaker, and to suggest, and to suggest in any way that we cannot lend power back to the people in the form of a referendum, to allow them to decide what government does, is insane. Thank you, Mr. Speaker.

Vote against this motion. Thank you.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair momentarily returns to leaves of absence and recognizes the majority whip, who requests a leave for the lady from Allegheny, Miss ORIE, for the balance of the day. Without objection, the leave will be granted. The Chair hears no objection.

CONSIDERATION OF HB 1154 CONTINUED

PARLIAMENTARY INQUIRY

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

Mr. PRESTON. Thank you, Mr. Speaker.

A question of parliamentary inquiry, please.

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

Mr. PRESTON. Relative to one gentleman's question questioning the issue about constitutionality with the maker of the motion and he was asked which section of the Constitution of the U.S. or the State Constitution of the Commonwealth of Pennsylvania was this germane to, there was not an answer. But my question to the Speaker is, you have always elicited to me, my understanding over the few years of your Speakership, what part of the Constitution? The gentleman is supposed to speak on that. I would like to hear a ruling of the Chair, what is the difference when the gentleman did not answer that and how can he make a motion without saying which part of the Constitution is relevant?

The SPEAKER. I struggled with that, Mr. Preston, and I looked to Mr. Cohen's remarks to the effect that there is no provision in the Constitution with respect to local government, and as I understood his remarks, therefore, the absence of that positive provision would negate the right to have a referendum, a nonbinding referendum.

Ordinarily, I would say without doubt that the rules of the House, not just my rulings, require assigning a number from the Constitution to the question. However, here, if the argument is there is no authority due to the absence of provision in the Constitution, I cannot very well say what the number is because there is no number. They are talking about the absence of a provision rather than the interpretation of a provision, and I am bothered by it, but I think under the circumstances, I will let it continue because of the way it developed.

Mr. PRESTON. But am I correct in saying there is a section in the State Constitution that deals with local government?

The SPEAKER. Well, I am not going to try and practice constitutional law on the floor. Of course there is. Do not ask me what is in it.

Mr. PRESTON. I am not, but the issue is, the gentleman was asked the question, what part of the Constitution? You yourself are saying that there is a section that deals with specifically local government, no matter how broad, whatever is in it, but the gentleman did not say what part.

The SPEAKER. The argument, as I understand it — and basically, it was the argument of Mr. Cohen — is that in local government affairs, you must spell out what rights and authority they have. Now, if you are arguing that something is okay for government to do, you would ordinarily be able to say that is section 3.a or whatever it might be, but here if you are saying there is no positive provision to do it, therefore you are precluded from doing it. If that is the argument, there is no way I can say that there is a number.

Mr. PRESTON. Well, my question then—

The SPEAKER. You are proving a negative.

Mr. PRESTON. —give it to the Parliamentarian in relationship to the gentleman's question. If he cannot answer the question, what part of the Constitution, but there are areas in there for

local government and county government — constitutionally counties must exist; municipalities are granted a right and a charter of operation — how can the question be valid if both sections, which Philadelphia falls under, can be addressed? How can his question even be relevant and be applied then if there are sections in the Constitution that address those particular subjects as far as county and municipal governments, and then I am going to ask him to inquire on the same question after your answer, sir.

The SPEAKER. I do not know how to answer you any differently than I already have.

Mr. PRESTON. Okay.

Will the maker of the motion please stand for interrogation?

The SPEAKER. Mr. Druce indicates he will stand for interrogation.

Mr. Preston.

Mr. PRESTON. Mr. Speaker, if you can tell me, in relationship to your motion relative to the State Constitution, which involves counties of the first class and also involves municipalities of the first class, can you tell me relative to that, even in the Constitution, where your motion would be and be able to point out to the line in the Constitution, since I have helped you a little bit to tell you that those sections are in the Commonwealth of Pennsylvania's Constitution.

Mr. DRUCE. Mr. Speaker, I think the gentleman is making exactly the point I was attempting to make in my earlier remarks. There are specific sections in our Constitution that deal with local government and deal with county government, and my point to the gentleman and to this body was that when I recalled a veto message by Governor Casey, he had pointed out that the absence of specific language providing for nonbinding referendums triggered his veto in the fact that it was not mentioned. So I cannot point out to the gentleman a specific section that says nonbinding referendums are prohibited. His legal counsel and his judgment a few years ago when he was in office determined that the absence of that positive language thus made it unconstitutional, and that is the remark I would make to the gentleman again today.

Mr. PRESTON. Thank you.

Mr. Speaker?

The SPEAKER. Mr. Preston.

Mr. PRESTON. Yes.

The SPEAKER. The Parliamentarian corrected me on an earlier statement I made when I said that the provision was in our rules. You were right the first time. I am the one who has insisted that people assign the article that they are referring to. It is not a rule but rather just a ruling of my own. Thank you.

Mr. PRESTON. So are you saying then that you are right; because you have always held that rule, that this gentleman is not covered by that same rule?

The SPEAKER. No. No. No. If there was a provision that was specific as to referendums and he was doing something against it, then it would be unconstitutional and you would have a place to cite. But you cannot find and I cannot find anything in the Constitution dealing with the question of referendums. I do not believe; neither can he. So he is saying, because it is not there, we cannot do it in this situation.

Mr. PRESTON. Does that mean then that other questions that we put in the past that dealt with—

The SPEAKER. Mr. Preston, I have ruled.

Mr. PRESTON. Okay.

The SPEAKER. And right or wrong, I have ruled. You know the alternative. It is senseless to keep debating.

Mr. PRESTON. On the issue of constitutionality and possibly a repetitive amongst myself then.

For us to be able to say that one thing is constitutional and then later on after all the different referendums and different questions that we have raised — and the gentleman did not point out any difference and he even mentioned some different things that came from the Senate — it is really kind of amusing that we are going to make an exception on something that is almost the same rubber stamp that we have already done in the past, and I would ask us to continue to do what we have done in the past and be able to make this constitutional.

If you do not want to vote for it, let us not be squeamish about it and try to hide behind something. Let us vote for it or against it, but to try to be able to have what I call a shenanigan political removal I just do not think is really appropriate. I think that the question is constitutional because we have done it in the past. I have voted “yes” for some; I have voted “no” for some, and everybody should be able to have the same thing unless the gentleman can prove me otherwise. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question of constitutionality, each member is permitted to debate only once, and the gentleman, Mr. Cohen, has already debated this issue.

Further members seek recognition on the question of constitutionality?

Those voting “aye” will vote to declare the amendment constitutional; those voting “no” will vote to declare the amendment to be unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the amendment?

The following roll call was recorded:

YEAS—94

Bebko-Jones	Freeman	McCall	Shaner
Belardi	George	McGeehan	Solobay
Belfanti	Gigliotti	Melio	Staback
Blaum	Grucela	Mundy	Steeleman
Buxton	Gruitza	O’Brien	Sturla
Caltagirone	Haluska	Oliver	Surra
Cappabianca	Hanna	Pesci	Tangretti
Carn	Harhai	Petrarca	Thomas
Casorio	Horsey	Petrone	Tigue
Cawley	James	Pistella	Travaglio
Cohen, M.	Josephs	Platts	Trello
Colafella	Kaiser	Preston	Van Horne
Corrigan	Kirkland	Ramos	Veon
Costa	Krebs	Readshaw	Vitafi
Coy	LaGrotta	Rieger	Walko
Curry	Laughlin	Robinson	Washington
Daley	Lawless	Roebuck	Waters
DeLuca	Lederer	Rohrer	Williams
Dermody	Levdansky	Rooney	Wogan
DeWeese	Lucyk	Sainato	Wojnaroski
Donatucci	Manderino	Samuelson	Yewcic
Eachus	Mann	Santoni	Youngblood
Evans	Markosek	Scrimenti	Yudichak
Frankel	Mayernik		

NAYS—98

Adolph	Fairchild	Maitland	Semmel
Allen	Fargo	Major	Serafini

Argall	Feese	Marsico	Seyfert
Baker	Fichter	Masland	Smith, B.
Bard	Fleagle	McGill	Smith, S. H.
Barley	Flick	McIlhattan	Snyder
Barrar	Forcier	McIlhinney	Stairs
Bastian	Gannon	McNaughton	Steil
Battisto	Geist	Metcalfe	Stern
Benninghoff	Gladeck	Micozzie	Stetler
Birmelin	Godshall	Miller, R.	Stevenson
Boyes	Gordner	Miller, S.	Strittmatter
Browne	Habay	Nailor	Taylor, E. Z.
Bunt	Harhart	Nickol	Taylor, J.
Chadwick	Hasay	Perzel	Trich
Civera	Hennessey	Phillips	True
Clark	Herman	Pippy	Tulli
Clymer	Hershey	Raymond	Vance
Cohen, L. I.	Hess	Reinard	Wilt
Cornell	Hutchinson	Ross	Wright
Dailey	Jadlowiec	Rubley	Zimmerman
Dally	Kenney	Sather	Zug
DiGirolamo	Leh	Saylor	
Druce	Lynch	Schroder	Ryan,
Egolf	Maher	Schuler	Speaker

NOT VOTING—5

Bishop	Lescovitz	Michlovic	Roberts
Keller			

EXCUSED—6

Armstrong	Dempsey	Orie	Ruffing
Butkovitz	Myers		

Less than the majority having voted in the affirmative, the question was determined in the negative and the constitutionality of the amendment was not sustained.

On the question recurring,

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

The SPEAKER. Mr. Carn, would you come to the desk, please. The House will stand at ease a moment.

(Conference held at Speaker’s podium.)

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair, without objection, sets aside HB 1154 temporarily. We will be back to it shortly, but at the moment we will go over that.

RESOLUTION PURSUANT TO RULE 35

Mrs. TRUE called up HR 285, PN 2473, entitled:

A Resolution designating October 22 through 30, 1999, as “Red Ribbon Week.”

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Armstrong	Dempsey	Orie	Ruffing
Butkovitz	Myers		

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1569, PN 2456**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, adding provisions relating to labeling and packaging; and further providing for penalties for certain sales or transfers of cigarettes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

Mr. Sturla, did you desire recognition on this bill? Mr. Sturla. Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I had planned on offering an amendment that dealt with taxpayer fairness legislation that would have strengthened the taxpayer bill of rights, streamlined the process, and created an independent taxpayers' office. However, I understand that Mr. Fargo's legislation is extremely important, and at this time I will withdraw my amendment in deference to Mr. Fargo so that his legislation can move forward, and I will try and move my legislation through the process in the near future. Thank you.

The SPEAKER. Mr. Fargo, do you desire recognition on this bill?

Mr. FARGO. Thank you, Mr. Speaker.

I first want to thank Representative Sturla and Representative George and Representative Vitali for withdrawing the amendments that they had on this piece of legislation so that we have an opportunity to consider it in the House and send it to the Senate in such a way that the Senate, hopefully, will pass it and take care of it in a very expeditious manner.

This legislation would ban the sale of gray-market cigarettes. Gray-market cigarettes are cigarettes that are intended for sale in foreign countries, including Puerto Rico and the Virgin Isles, and which are exempt from a 45-cent-per-pack excise tax that they would normally have to pay if they were to be sold in the United States. Unfortunately, some of these cigarettes now are being diverted back into the States and sold in the gray market.

This process has two rather unfortunate events, one of which is that the youth of Pennsylvania can then buy cigarettes at a lower price and it tends to help youth or to increase the usage of cigarettes by the teenage smokers in Pennsylvania. Certainly we are working against that.

In Pennsylvania so far we are not seeing a lot of the gray-market activity that they are seeing in some of the other States. By passing this bill immediately, we are going to, in my mind, prevent those gray-market cigarettes from coming into the States. A violator would be subject to the civil penalty equal to 200 percent of the value of the cigarettes that are involved or \$2,500, whichever is greater, and the cigarettes and all the equipment that is used -- vending machines, machinery, vehicles -- can be confiscated and forfeited to the Commonwealth under this legislation.

The Attorney General's Office, the Department of Revenue, and some of the associations such as the Food Merchants Association and the convenience stores are also highly in favor of seeing this legislation passed. So I would appreciate very much a favorable vote on this House bill, 1569. 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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Armstrong	Dempsey	Orie	Ruffing
Butkovitz	Myers		

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.

CONSIDERATION OF HB 1154 CONTINUED

The SPEAKER. The Chair returns at this time to HB 1154, PN 1892.

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

Mr. CARN offered the following amendment No. A3237:

Amend Title, page 1, line 7, by inserting after "budget;"
providing for a Southeastern Pennsylvania Stadium
Location Referendum;

Amend Bill, page 1, lines 10 through 12, by striking out all of said lines and inserting

Section 1. The title of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended June 25, 1999 (P.L.182, No.25), is amended to read:

AN ACT

Relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives and for Southeastern Pennsylvania Stadium Location Referendum.

Section 2. Section 1720 of the act, amended May 6, 1981 (P.L.49, No.16), is amended to read:

Amend Sec. 2, page 2, line 24, by striking out "2" and inserting
3

Amend Sec. 3, page 4, line 8, by striking out "3" and inserting
4

Amend Sec. 4, page 4, line 23, by striking out "4" and inserting
5

Amend Bill, page 5, by inserting between lines 7 and 8

Section 6. The act is amended by adding an article to read:

ARTICLE XXXI

SOUTHEASTERN PENNSYLVANIA STADIUM
LOCATION REFERENDUM

Section 3101. Short Title.—This article shall be known and may be cited as the "Southeastern Pennsylvania Stadium Location Referendum."

Section 3102. Definitions.—As used in this article,

"Central county" shall mean a county of the first class.

"Contiguous county" shall mean a county, other than a county of the first class, that:

(1) has a boundary that touches, even at a single point, a county of the first class; or

(2) is a county of the third class and shares common boundaries at more than a single point with two counties described in clause (1).

Section 3103. Authorization.—The County Board of Election of the central county and each contiguous county shall cause to be printed on the official ballot, at the primary or general election occurring at least thirty days next following the effective date of this act, a nonbinding referendum to determine the will of the electorate in the city of the first class and contiguous counties with respect to public funding of professional sports stadiums.

Section 3104. Form of Question.—The referendum question shall be in substantially the following form:

Do you favor the location of a new baseball stadium in the City of Philadelphia at:

- (1) Broad and Spring Garden Streets;
- (2) 30th Street;
- (3) South Philadelphia Sports Complex; or
- (4) Port Richmond?

Section 3105. Conduct of Election.—The referendum required under this article shall be advertised and conducted in accordance with the provisions of the act of June 3, 1937 (P.L. 1333, No.320), known as the "Pennsylvania Election Code."

Amend Sec. 5, page 5, line 8, by striking out "5" and inserting

7

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

AMENDMENT RULED OUT OF ORDER

The SPEAKER. On the question of the adoption of the amendment, the Chair on a sidebar discussion with the gentleman, Mr. Carn, advised him that the Chair would rule that this amendment is inappropriate and should not be considered by the House.

The Chair relies on a ruling by the gentleman, Mr. Irvis, when he was Speaker on August 13, 1977. The ruling of the gentleman, Mr. Irvis, was to the effect that once the House has decided that an issue is constitutional — is constitutional — then it has been stated as constitutional and the question may not recur. If the gentleman has additional arguments either pro or con on the question of constitutionality, he should state them for the arguments at this time, which is the finishing of the sentence.

Now, in the case I cite in 1977, the question before the House was constitutionality; it was found to be constitutional. I see no difference and, accordingly, rule that there is no difference. Where the House has spoken and said it is nonconstitutional, then these subsequent amendments about to be offered by the gentleman, Mr. Carn, I believe under the theory of the Irvis decision, are inappropriate because that question is decided.

For the benefit of the members, the amendments that the gentleman, Mr. Carn, wants to offer all have in them the same referendum question that we just passed judgment on.

RULING OF CHAIR APPEALED

The SPEAKER. Mr. Carn, on the question of the ruling of the Chair.

Mr. CARN. Mr. Speaker, I want to challenge the ruling of the Chair, but you made a statement that all of my amendments are the same, and that is not true. So I am challenging the ruling of the Chair. I truly do not understand your ruling. I was listening, but it did not make much sense to me. Of course, being here 17 years I have experienced many rulings that I know were for the purpose of avoiding voting the issue. So I would just like to make a challenge to the Chair at this time.

The SPEAKER. Will the gentleman yield a moment.

I may be wrong, and if so, I will apologize and change my thinking, but each of these amendments as we view them call for a southeastern Pennsylvania referendum.

Mr. CARN. That is not true. Two of them only call for a Philadelphia referendum.

The SPEAKER. Will the gentleman come to the desk.

Mr. CARN. Yes, sir.

(Conference held at Speaker's podium.)

The SPEAKER. For the information of the members who are curious as to the sidebar, we have agreed to disagree, in the friendliest of fashions.

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

The SPEAKER. The Chair has already recognized the gentleman, Mr. Carn, who has appealed the ruling of the Chair, and the gentleman is recognized on that question.

Mr. CARN. Thank you, Mr. Speaker.

Again I want to thank you for the opportunity of explaining to me your reasoning for ruling my amendment out of order. Unfortunately, I am not still clear on what you are trying to share with me, but clearly, my objective is to get a vote on a referendum for the people of Philadelphia and southeastern Pennsylvania, and if first we must vote on a ruling of the Chair, then I must challenge that, and I just ask that the ruling of the Chair be not accepted by this House, Mr. Speaker. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Snyder, desire recognition?

Mr. SNYDER. Thank you, Mr. Speaker.

For the members of the House, the issue before you is to sustain the ruling of the Chair, and that ruling, as explained by the Speaker, is that we have already decided the constitutionality of the issue of whether or not to mandate a nonbinding referendum. The only distinction between this amendment and the previous amendment is what counties are included under the jurisdiction of the referendum. Therefore, since the House has already decided that mandating a nonbinding referendum is unconstitutional, we should vote to sustain the ruling of the Chair. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would point out to the members that Mr. Druce in dealing with the question of constitutionality made reference to the number of counties that were voting on the referendum. Now, it was his point— I am putting words in his mouth. I assume he was raising an equal protection argument that some counties were voting on it; other counties were not voting on it.

This amendment, by limiting it to Philadelphia, the city in which unquestionably the stadium is going to be built in, there clearly is a rational purpose for the city of Philadelphia to vote on this that may be absent, say, for Montgomery County voting on it, and I think it mattered to Mr. Druce when he made the argument who was voting on it and it should matter to us. And therefore, it is possible for anybody who was persuaded by Mr. Druce's argument that different counties were not voting on it — that some counties outside of Philadelphia were voting on it and other counties outside of Philadelphia were not voting on it — anybody who was persuaded by that kind of argument might want to vote differently, and therefore, I agree with Mr. Carn that this is a different question and support his effort to appeal the ruling of the Chair.

The SPEAKER. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—111

Adolph	Feese	Maitland	Sather
Allen	Fichter	Major	Saylor
Argall	Fleagle	Marsico	Schroder
Baker	Flick	Masland	Schuler
Bard	Forcier	McGill	Semmel
Barley	Gannon	McIlhattan	Serafini
Barrar	Geist	McIlhinney	Seyfert
Bastian	Gladeck	McNaughton	Smith, B.
Belfanti	Godshall	Melio	Smith, S. H.
Benninghoff	Gordner	Metcalfe	Snyder
Birmelin	Habay	Michlovic	Stairs
Boyes	Haluska	Micozzie	Steil
Browne	Harhart	Miller, R.	Stern
Bunt	Hasay	Miller, S.	Stevenson
Chadwick	Hennessey	Nailor	Strittmatter
Civera	Herman	Nickol	Taylor, E. Z.
Clark	Hershey	O'Brien	Taylor, J.
Clymer	Hess	Oliver	True
Cohen, L. I.	Hutchinson	Perzel	Tulfi
Cornell	Jadlowiec	Petrone	Vance
Corrigan	Kaiser	Phillips	Wilt
Dailey	Kenney	Pippy	Wogan
Dally	Krebs	Platts	Wright
DiGirolamo	Lawless	Raymond	Zimmerman
Donatucci	Leh	Reinard	Zug
Druce	Levdansky	Rohrer	
Egolf	Lynch	Ross	Ryan,
Fairchild	Maher	Rubley	Speaker
Fargo			

NAYS—86

Battisto	Frankel	McCall	Steelman
Bebko-Jones	Freeman	McGeehan	Stetler
Belardi	George	Mundy	Sturla
Bishop	Gigliotti	Pesci	Surra
Blaum	Grucela	Petrarca	Tangretti
Buxton	Gruitza	Pistella	Thomas
Caltagirone	Hanna	Preston	Tigue
Cappabianca	Harhai	Ramos	Travaglio
Carn	Horsey	Readshaw	Trelo
Casorio	James	Rieger	Trich
Cawley	Josephs	Roberts	Van Home
Cohen, M.	Keller	Robinson	Veon
Colafella	Kirkland	Roebuck	Vitali
Costa	LaGrotta	Rooney	Walko
Coy	Laughlin	Sainato	Washington
Curry	Lederer	Samuelson	Waters
Daley	Lescovitz	Santoni	Williams
DeLuca	Lucyk	Scrimenti	Wojnaroski
Dermody	Manderino	Shaner	Yewcic
DeWeese	Mann	Solobay	Youngblood
Eachus	Markosek	Staback	Yudichak
Evans	Mayernik		

NOT VOTING—0

EXCUSED—6

Armstrong	Dempsey	Orie	Ruffing
Butkovitz	Myers		

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

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

Mr. CARN. I would like to withdraw my other two amendments, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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—197

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

NAYS—0

NOT VOTING—0

EXCUSED—6

Armstrong	Dempsey	Orie	Ruffing
Butkovitz	Myers		

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

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

The SPEAKER. Mr. Cohen, at the conclusion of today's session, would you meet with me? I want to give you some further information from the Journals on the questions we have just had.

BILL SIGNED BY SPEAKER

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

SB 949, PN 1181

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Newlin Township, certain property situate in Newlin Township, Chester County, Pennsylvania.

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

ADDITIONS AND DELETIONS OF SPONSORS

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

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the gentleman, Mr. Snyder, who requests that the lady, Miss Orie, be placed back on the master roll call. Her presence is noted on the House floor.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 1393, PN 1635**

By Rep. B. SMITH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, limiting the prohibition on the use of turkey blinds.

GAME AND FISHERIES.

HB 1439, PN 2499 (Amended)

By Rep. B. SMITH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing an exemption from the required boating safety education certificate for certain owner-operators of personal watercraft.

GAME AND FISHERIES.

The SPEAKER. There will be no further votes.
Are there any announcements?

GUESTS INTRODUCED

The SPEAKER. The Chair neglected to introduce guests today, and I apologize for that.

Today as the guests of Representative Steve Barrar are the members of the Brookhaven 10-year-old Babe Ruth State champions. They are here with their families, and they are located in the gallery. My apologies, and welcome to Harrisburg.

VOTE CORRECTION

The SPEAKER. Mr. Roberts.

Mr. ROBERTS. Thank you, Mr. Speaker.

I would like to make a correction to the record, please.

For HB 1154, the constitutionality question of A3242, I was out of my seat and did not cast a vote. I would like to be shown as casting a "yes" vote.

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

**STATE GOVERNMENT
COMMITTEE MEETING**

The SPEAKER. Mr. Clymer, from Bucks County.

Mr. CLYMER. Thank you.

Mr. Speaker, just a reminder that State Government meets at 2 o'clock this afternoon in room 40 in the East Wing for an important meeting. Please remember, 2 o'clock this afternoon in room 40 in the East Wing. Thank you.

ANNOUNCEMENT BY MR. COHEN

The SPEAKER. The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce for the benefit of the Democratic members that there will be informal discussions in the caucus room immediately upon the recess.

The SPEAKER. The Chair thanks the gentleman.

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. Any further announcements? Corrections to the record? Do the majority or minority leaders have any further business?

Hearing none, the Chair recognizes the lady from Montgomery County, Mrs. Dailey.

Mrs. DAILEY. Mr. Speaker, I move that this House do now adjourn until Monday, October 25, 1999, at 1 p.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 12:44 p.m., e.d.t., the House adjourned.

HOUSE RECALLED

The House was recalled at 12:45 p.m., e.d.t.

The SPEAKER. The Chair, pursuant to the adjournment motion, calls the House back into session for the sole purpose of receiving reports of committees.

RECESS

The SPEAKER. The House will stand in recess. The House will stand in recess until it receives the report of the State Government Committee.

AFTER RECESS

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

The SPEAKER. For the benefit of our guests in the balcony, the House is open at this time for the sole purpose of receiving a committee report, and when we have received that report, we will then adjourn for the day. I do not want you to think that this is the way we usually do business, with nobody at all in the House chamber, but this is the way we take the report of committees occasionally. So I am trying to just explain that and apologize for the absence of perhaps your members.

You are very welcome to the House. We are glad to see you here in Harrisburg, and we hope you have a good time. Thank you.

RECESS

The SPEAKER. The House will stand in recess.

AFTER RECESS

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

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

SB 983, PN 1430 (Amended)

By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Mercer County certain lands situate in Coolspring Township, Mercer County; and authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Capital Region Economic Development Corporation, a Pennsylvania nonprofit corporation, certain lands situate in the City of Harrisburg, Dauphin County.

STATE GOVERNMENT.

SB 1004, PN 1431 (Amended)

By Rep. CLYMER

An Act amending the act of December 22, 1989 (P.L.732, No.101), entitled Election District Alteration and Data Reporting Act, further providing for alteration of election districts.

STATE GOVERNMENT.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that SB 1004 and SB 983 be taken from the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

CALENDAR CONTINUED**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 867, PN 925**, entitled:

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.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader. Mr. PERZEL. Mr. Speaker, I move that HB 867 be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

ADJOURNMENT

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

Hearing none, the Chair recognizes the lady from Montgomery County, Mrs. Dailey.

Mrs. DAILEY. Mr. Speaker, I move that this House do now adjourn until Monday, October 25, 1999, at 1 p.m., e.d.t., unless sooner recalled by the Chair.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:45 p.m., e.d.t., the House adjourned.