

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 21, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 90

### HOUSE OF REPRESENTATIVES

The House convened at 1:45 a.m., e.d.t.

**THE SPEAKER (JOHN M. PERZEL)**

**PRESIDING**

### PRAYER AND PLEDGE OF ALLEGIANCE DISPENSED WITH

The SPEAKER. Without objection, the prayer and the pledge will be dispensed with.

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, October 20, 2003, will be postponed until printed. The Chair hears no objection.

### MASTER ROLL CALL

The SPEAKER. The master roll call used in the session of Monday, October 20, 2003, will be the same as today.

### CALENDAR

### BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 113, PN 2814**, as further amended by the House Rules Committee:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, adding definitions; requiring school districts to reopen their 2003-2004 budgets; further providing for fiscal year and delay of adoption of annual budget, for tax levy and limitations, for per capita taxes, for auxiliary services and for distress in school districts of the first class; providing for the imposition and collection of an earned income and net profits tax or personal income tax by school districts after approval by the electors, for State matching funds formula and for wage and net profits tax relief in cities of the first class; further providing for loan of textbooks, instructional materials and instructional equipment for nonpublic school children; deleting provisions relating to professional teacher assessment; providing for firefighter and emergency service training; amending provisions relating to the Education Support Services Program; providing for the Educational Assistance Program, the Head Start Supplemental Assistance Program and for a child day care and early childhood development study; further providing for funding for charter schools, for causes for nonrenewal or termination of charter schools, for education empowerment districts and for school

improvement grants; imposing certain limitations on provisions relating to education empowerment; further providing for financial program and reimbursement of payments relating to community colleges; amending provisions relating to educational improvement tax credit; further providing for payments on account of pupils enrolled in vocational curriculums, for small district assistance and for temporary special aid to school districts suffering loss of tax revenue under certain circumstances; providing for basic education funding for 2002-2003 school year; further providing for payments to intermediate units, for special education payments to school districts, for extraordinary special education program expenses and for for Commonwealth reimbursements for charter schools and cyber charter schools; providing for Pennsylvania Accountability Grants; adding provisions relating to certain educational accountability; providing for Teacher Recruitment Assistance; establishing the Teacher Recruitment Assistance Fund; further providing for powers and duties of the State Board of Education; making appropriations; providing for applicability of referendum exceptions and making of elections; making repeals; and making editorial changes.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

### RULES SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move for a suspension of the rules for amendment 3813.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS-183

Adolph	Fairchild	Leh	Ruffing
Allen	Feese	Lescovitz	Sainato
Argall	Fichter	Levdansky	Samuelson
Baker	Fleagle	Lewis	Santoni
Baldwin	Flick	Lynch	Saylor
Bard	Forcier	Mackereth	Scavello
Barrar	Frankel	Maher	Schroder
Bebko-Jones	Freeman	Major	Scrimenti
Belardi	Gabig	Manderino	Semmel
Belfanti	Gannon	Mann	Shaner
Benninghoff	Geist	Markosek	Smith, B.
Biancucci	George	Marsico	Smith, S. H.
Bishop	Gergely	McCall	Solobay
Blaum	Gillespie	McGeehan	Staback
Boyd	Gingrich	McGill	Stairs
Browne	Godshall	McIlhinney	Steil
Bunt	Good	McNaughton	Stetler
Butkovitz	Goodman	Melio	Stevenson, T.
Buxton	Gordner	Micozzie	Sturla
Caltagirone	Grucela	Miller, S.	Surra
Cappelli	Gruitza	Mundy	Tangretti

Casorio	Habay	Myers	Taylor, E. Z.
Causser	Haluska	Nailor	Taylor, J.
Cawley	Hanna	Nickol	Thomas
Civera	Harhai	O'Brien	Tigue
Clymer	Harhart	Oliver	Travaglio
Cohen	Harper	O'Neill	True
Cornell	Harris	Pallone	Vance
Corrigan	Hasay	Payne	Veon
Costa	Hennessey	Petrarca	Vitali
Coy	Herman	Petri	Walko
Cruz	Hershey	Petrone	Wansacz
Curry	Hess	Phillips	Washington
Dailey	Hickernell	Pickett	Waters
Daley	Horsey	Pistella	Watson
Dally	James	Preston	Weber
DeLuca	Josephs	Raymond	Wheatley
Denlinger	Keller	Readshaw	Williams
Dermody	Kenney	Reed	Wojnaroski
DeWeese	Killion	Reichley	Wright
DiGirolando	Kirkland	Rieger	Youngblood
Diven	Kotik	Roberts	Yudichak
Donatucci	LaGrotta	Roebuck	Zug
Eachus	Laughlin	Rooney	
Evans, D.	Leach	Ross	Perzel,
Evans, J.	Lederer	Rubley	Speaker
Fabrizio			

NAYS—19

Armstrong	Egolf	Miller, R.	Stevenson, R.
Bastian	Hutchinson	Mustio	Turzai
Birmelin	Maitland	Rohrer	Wilt
Craballa	McIlhattan	Sather	Yewcic
Creighton	Metcalfe	Stern	

NOT VOTING—0

EXCUSED—1

Coleman

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

On the question recurring,  
Will the House concur in Senate amendments as amended by the Rules Committee?

Mr. S. SMITH offered the following amendment No. **A3813**:

Amend Title, page 2, lines 45 and 46, by striking out "MAKING APPROPRIATIONS,"

Amend Title, page 2, line 47, by striking out "MAKING REPEALS;"

Amend Bill, page 153, lines 26 through 30; pages 154 through 157, lines 1 through 30; page 158, lines 1 through 6, by striking out all of said lines on said pages

Amend Sec. 44, page 158, line 7, by striking out "44" and inserting

42

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

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

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, in an effort to cover all the bases, I guess you could say, the Education Code bill which is embodied in HB 113, also it included the appropriations that coincide with the rest of the bill. Since we were able to include that appropriation in the previous bill we passed yesterday, the general appropriation bill, this amendment simply removes the appropriations section from HB 113, and I would appreciate the members' support.

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

Mr. DeWEESE. Thank you very much, Mr. Speaker.

Within the text of this proposal is language that presupposes the very, very substantial amount of property tax reduction that can be realized if and when gaming is realized in this State. If we are able to accept a bill from the Senate in the near future that will somewhat parallel what we passed months ago and have several gaming venues in the State at our racetracks and our stand-alone slot facilities, somewhere between \$700 million and \$900 million will be available for property tax reduction. These property tax reduction mechanisms are placed within the text of this proposal.

I would ask for an affirmative vote on HB 113. I think that HB 113 will go a long way to realizing Governor Rendell's property tax reduction proposals.

Thank you very much, Mr. Speaker.

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—173

Adolph	Fichter	Maitland	Scavello
Allen	Fleagle	Major	Schroder
Argall	Flick	Manderino	Scrimenti
Baker	Frankel	Mann	Semmel
Baldwin	Freeman	Markosek	Shaner
Barrar	Gannon	Marsico	Smith, B.
Bebko-Jones	Geist	McCall	Smith, S. H.
Belardi	George	McGeehan	Solobay
Belfanti	Gergely	McGill	Staback
Biancucci	Gillespie	McIlhattan	Stairs
Bishop	Gingrich	McIlhinney	Steil
Blaum	Godshall	Melio	Stetler
Boyd	Good	Micozzie	Stevenson, R.
Browne	Goodman	Miller, S.	Stevenson, T.
Bunt	Gordner	Mundy	Sturla
Butkovitz	Grucela	Myers	Surra
Buxton	Gruitza	Nailor	Tangretti
Caltagirone	Habay	Nickol	Taylor, E. Z.
Cappelli	Haluska	O'Brien	Taylor, J.
Casorio	Hanna	Oliver	Thomas
Cawley	Harhai	Pallone	Tigue
Civera	Harhart	Payne	Travaglio
Clymer	Harris	Petrarca	True
Cohen	Hasay	Petri	Vance
Cornell	Hennessey	Petrone	Veon
Corrigan	Herman	Phillips	Vitali
Costa	Hershey	Pickett	Walko
Coy	Hickernell	Pistella	Wansacz
Cruz	Horsey	Preston	Washington
Curry	James	Raymond	Waters
Dailey	Josephs	Readshaw	Watson
Daley	Keller	Reed	Weber
Dally	Kenney	Reichley	Wheatley

DeLuca	Killion	Rieger	Williams
Dermody	Kirkland	Roberts	Wojnaroski
DeWeese	Kotik	Roebuck	Wright
DiGirolamo	LaGrotta	Rohrer	Yewcic
Diven	Laughlin	Rooney	Youngblood
Donatucci	Leach	Ross	Yudichak
Eachus	Lederer	Rubley	Zug
Evans, D.	Lescovitz	Ruffing	
Fabrizio	Levdansky	Sainato	
Fairchild	Lewis	Samuelson	Perzel,
Feese	Lynch	Santoni	Speaker

## NAYS—29

Armstrong	Denlinger	Hutchinson	Mustio
Bard	Egolf	Leh	O'Neill
Bastian	Evans, J.	Mackereth	Sather
Benninghoff	Forcier	Maher	Saylor
Birmelin	Gabig	McNaughton	Stern
Causar	Harper	Metcalfe	Turzai
Crahalla	Hess	Miller, R.	Wilt
Creighton			

## NOT VOTING—0

## EXCUSED—1

Coleman

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 concur in Senate amendments as amended?

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Steil.

Mr. STEIL. Mr. Speaker, I move that the rules of the House be suspended for amendment No. 3854.

On the question,

Will the House agree to the motion?

The SPEAKER. Does the gentleman, Mr. Steil, wish to make a statement on the suspension of the rules?

Mr. STEIL. Thank you, Mr. Speaker.

This amendment will simply restore the section of the bill that will require school districts to offer a referendum to their electorate to ensure that they have an opportunity to move from real estate taxes to income taxes and require that the school district offer that opportunity to all of the citizens. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members to support the suspension of the rules. This amendment is certainly worthy of our consideration and our future support.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—190

Adolph	Fabrizio	Levdansky	Ruffing
Allen	Fairchild	Lewis	Sainato
Argall	Feese	Lynch	Samuelson
Armstrong	Fichter	Mackereth	Santoni
Baker	Fleagle	Maher	Sather
Baldwin	Flick	Maitland	Saylor
Bard	Forcier	Major	Scavallo
Barrar	Frankel	Manderino	Schroder
Bastian	Freeman	Mann	Scrimenti
Bebko-Jones	Gabig	Markosek	Semmel
Belardi	Gannon	Marsico	Shaner
Belfanti	Geist	McCall	Smith, B.
Benninghoff	George	McGeehan	Smith, S. H.
Bianucci	Gillespie	McGill	Solobay
Birmelin	Gingrich	McIlhattan	Staback
Bishop	Godshall	McIlhinney	Stairs
Blaum	Good	McNaughton	Steil
Boyd	Goodman	Melio	Stern
Browne	Gordner	Metcalfe	Stetler
Bunt	Grucela	Micozzie	Stevenson, R.
Butkovitz	Gruitza	Miller, R.	Stevenson, T.
Buxton	Habay	Miller, S.	Sturla
Caltagirone	Haluska	Mustio	Surra
Cappelli	Hanna	Myers	Tangretti
Causar	Harhai	Nailor	Taylor, E. Z.
Cawley	Harhart	Nickol	Taylor, J.
Civera	Harper	O'Brien	Thomas
Clymer	Harris	Oliver	Tigue
Cohen	Hasay	O'Neill	Travaglio
Cornell	Hennessey	Pallone	True
Corrigan	Herman	Payne	Turzai
Costa	Hershey	Petrarca	Vance
Crahalla	Hess	Petri	Vitali
Cruz	Hickernell	Petrone	Wansacz
Curry	Horsey	Phillips	Washington
Dailey	Hutchinson	Pickett	Waters
Daley	James	Pistella	Watson
Dally	Keller	Preston	Weber
DeLuca	Kenney	Raymond	Wheatley
Denlinger	Killion	Readshaw	Wilt
Dermody	Kirkland	Reed	Wright
DiGirolamo	Kotik	Reichley	Yewcic
Diven	LaGrotta	Rieger	Youngblood
Donatucci	Laughlin	Roberts	Yudichak
Eachus	Leach	Roebuck	Zug
Egolf	Lederer	Rohrer	
Evans, D.	Leh	Ross	Perzel,
Evans, J.	Lescovitz	Rubley	Speaker

## NAYS—11

Casorio	DeWeese	Rooney	Williams
Coy	Gergely	Veon	Wojnaroski
Creighton	Mundy	Walko	

## NOT VOTING—1

Josephs

## EXCUSED—1

Coleman

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

On the question recurring,  
Will the House concur in Senate amendments as amended?

Mr. STEIL offered the following amendment No. A3854:

Amend Sec. 8 (Sec. 613-A), page 50, line 28, by striking out “THE BOARD OF SCHOOL DIRECTORS MAY CHOOSE TO” and inserting

If the board of school directors accepts the State match, then the board of school directors shall

Amend Sec. 8 (Sec. 613-A), page 51, lines 2 and 3, by striking out all of said lines and inserting

If the voters

Amend Sec. 8 (Sec. 613-A), page 51, line 4, by inserting after “REFERENDUM”

to enact a personal income tax

Amend Sec. 8 (Sec. 613-A), page 51, line 18, by removing the period after “EXCLUSIONS” and inserting

and to enact a personal income tax at the rate determined under section 621-A(c)(2).

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

The SPEAKER. The Chair recognizes the gentleman, Mr. Steil, for— The gentleman waives off.

The Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. I tried to get him up before I saw you up, Mr. Vitali. The gentleman, Mr. Steil.

Mr. VITALI. Thank you.

Thank you, Mr. Speaker.

If I could ask some questions, or perhaps you could just thresh it out a little more before I do.

Mr. STEIL. Thank you, Mr. Speaker.

The members may recall that when we passed SB 100, which embodies most of the concepts included here, that there was a requirement that school districts hold a referendum to offer to their citizens the right to move from real estate taxes to income taxes. In this particular piece of legislation as it was drafted, it was an option for school districts to make that offer. We are simply requiring school districts to require and to make mandatory that referendum, that school districts do offer that referendum to their citizens.

Mr. VITALI. I want to be clear, because in some of the materials I have been reading today, the way the referendum provisions would work would be, the front-end referendum would be required to enact an income tax, an earned income tax, and then once it is enacted, a back-end referendum would be required for further tax increases, and this would be all required to get matching funds from the slot moneys. That is what the written materials I was reading seem to imply. Is that what your amendment does or changes in some way?

Mr. STEIL. This amendment, Mr. Speaker, does not affect the requirements for a back-end referendum one way or the other. It does require that if you accept the matching funds, then you must also offer the citizens the right to vote on shifting more of their taxes from real estate to income taxes.

Mr. VITALI. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. Strike the board.

You are going to have to make a little bit more motion so that we see that you would like to speak, because I have been told by the Parliamentarian that once we start the counting of the vote, we should continue all the way through. This will be the last time that we will stop it for that.

Mr. BUNT. I apologize if we did not see you.

Mr. BUNT. I appreciate the courtesy, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. The gentleman, Mr. Steil, indicates that he will stand for interrogation.

Mr. BUNT. Mr. Speaker, is there a departure from previous discussion on whether this referendum should be an earned income tax as opposed to a personal income tax?

Mr. STEIL. The amendment does not change the language in the bill which allows an earned income tax or a personal income tax.

Mr. BUNT. So this will be a different form of taxation at the local level that none of us are accustomed to. Is that correct?

Mr. STEIL. All this does is allow the school district or require the school district to ask their citizens whether or not they wish to move off the real estate tax to either the earned income tax or to the personal income tax.

Mr. BUNT. If I read your amendment correctly that I have on the screen, I do not see where it indicates that the referendum would be the option, other than a personal income tax. I read nowhere where it is an option of an earned income tax and where they would have that option. Am I missing something, Mr. Speaker?

Mr. STEIL. Yes. You are in the wrong paragraph.

Mr. BUNT. Mr. Speaker, the amendment that is on the computer screen, either it is not going far enough for me to read or it is not there.

Mr. STEIL. Mr. Speaker, if you will go to page 51 of the bill, it actually begins at the bottom of page 50, on line 28, “THE BOARD OF SCHOOL DIRECTORS MAY CHOOSE TO REQUEST THE APPROVAL OF THE VOTERS TO INCREASE INCOME TAXES TO BE ABLE TO PROVIDE UP TO THE FULL HOMESTEAD EXCLUSION...BY THE...” constitutional requirement. “IF THE BOARD CHOOSES TO REQUEST THE APPROVAL OF THE VOTERS TO ENACT A PERSONAL INCOME TAX AND THE VOTERS APPROVE THE REFERENDUM, THEN ANY EARNED INCOME...TAX...” shall be offset.

What we are asking for, and if you go back to the beginning of that, “SECTION 612-A. CONTINUITY OF TAX. AN EARNED INCOME AND NET PROFITS...OR PERSONAL INCOME TAX LEVIED UNDER THE PROVISIONS OF SUBDIVISION...SHALL CONTINUE IN FORCE...WITHOUT ANNUAL REENACTMENT,...” et cetera, et cetera.

Mr. BUNT. I read this, but for purposes of establishing legislative intent here, are you telling me that they will have the option of putting in place either an earned income tax, a personal income tax, which is patterned something like the State presently has? Is that correct?

Mr. STEIL. For purposes of legislative intent, it is absolutely our intent that the school district chooses whether to offer an earned income tax or a personal income tax as the means by which they move from the real estate tax.

Mr. BUNT. Would they have the option of entertaining both?

Mr. STEIL. Yes. For purposes of legislative intent, yes.

Mr. BUNT. So they could really enact an earned income tax and a personal income tax. Is that correct?

Mr. STEIL. The language says that if you enact a personal income tax, you cannot have an earned income tax. You can choose either-or, not both.

Mr. BUNT. Can you tell me what forms of income would be exempt under the personal income tax?

Mr. STEIL. The personal income tax is exactly the same as imposed under the State's 2.8, current 2.8-percent income tax.

Mr. BUNT. So if you are a senior citizen having a pension, the pension would not be taxed. Is that correct?

Mr. STEIL. That is correct.

Mr. BUNT. But if you do not have a pension and all you have is dividends and interest, that would be taxed.

Mr. STEIL. Dividends, interest, wages, and capital gains are what is included in the personal income tax.

Mr. BUNT. That presently is not taxed under the earned income tax. Is that correct?

Mr. STEIL. That is correct. Well, dividends, interest, and capital gains are not.

Mr. BUNT. You said they are not. Is that correct?

Mr. STEIL. The difference between an earned income tax and personal income tax is that a personal income tax includes dividends, interest, and capital gains.

Mr. BUNT. And earned income does not; I understand that. Okay. Thank you. That concludes my interrogation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he will stand.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, under the bill before us, in order to qualify for the State funds for property tax relief, the school district can by resolution, the school board can pass a resolution to raise the one-tenth of 1 percent of the earned income tax and use that to qualify. Correct?

Mr. STEIL. That is correct.

Mr. LEVDANSKY. And under your amendment then, if they want to enact additional property tax relief, the options would be an earned income tax or a personal income tax.

Mr. STEIL. That is correct.

Mr. LEVDANSKY. Under the bill, under the bill as presently drafted, the school board has the option, has the option, to put the matter up for a referendum for either an EIT or a PIT. Correct?

Mr. STEIL. If they take the matching funds, yes.

Mr. LEVDANSKY. Okay. So if they have the option right now, why do you want to require them to put a referendum in place?

Mr. STEIL. Because it is our belief that a number of school districts will not offer the option to their voters unless they are required to do so.

Mr. LEVDANSKY. Okay. So we give them an option, but this would clearly deny them an option and require them to put a—

Mr. STEIL. I think the experience of Act 50 is what has driven us to require school districts to offer the option. If the voters of the district choose not to enact it, that is up to them, but the option should be given to them.

Mr. LEVDANSKY. I mean, that is correct, but in addition, you know, one thing about Act 50, it did not have the back-end referendum, which we do have under this legislation, so I just want to make the members aware that this is essentially telling the school districts that if you want additional property tax relief, you must, you must put it on a ballot rather than having the option of not going.

Mr. STEIL. I think I would phrase it a little bit differently. What we are asking the school district to do is to say that if you accept the State matching funds, then you must also give your citizens the right to move additional amounts of revenue from a real estate tax to either an earned income tax or a personal income tax; give them the option.

Mr. LEVDANSKY. Correct, Mr. Speaker, but also, Mr. Speaker, by making that shift to raise an EIT to provide for property tax relief, does it not disproportionately affect the citizens of a school district based on whether or not they are renters or homeowners?

Mr. STEIL. As with any tax change, there are winners and there are losers. We have done that several times already tonight.

Mr. LEVDANSKY. So the losers are the renters.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—131

Adolph	Egolf	Leh	Rohrer
Allen	Evans, D.	Lescovitz	Ross
Argall	Feese	Lewis	Rubley
Baker	Fleagle	Lynch	Samuelson
Baldwin	Flick	Mackereth	Sather
Barrar	Forcier	Maitland	Saylor
Bastian	Frankel	Major	Scavello
Belardi	Freeman	Manderino	Schroder
Belfanti	Gabig	Marsico	Smith, S. H.
Benninghoff	Gannon	McCall	Staback
Birmelin	Geist	McGeehan	Steil
Bishop	George	McGill	Stern
Blaum	Gillespie	McIlhattan	Stetler
Boyd	Gingrich	McIlhinney	Stevenson, R.
Browne	Godshall	McNaughton	Stevenson, T.
Butkovitz	Goodman	Melio	Surra
Buxton	Grucela	Metcalfe	Taylor, E. Z.
Cappelli	Gruitza	Micozzie	Taylor, J.
Causer	Habay	Miller, R.	Thomas
Cawley	Hanna	Mundy	Tigue
Civera	Harhart	Nickol	Travaglio
Clymer	Harris	O'Brien	True

Cohen	Hasay	Oliver	Turzai
Cornell	Hennessey	O'Neill	Vance
Corrigan	Herman	Payne	Watson
Costa	Hershey	Petri	Wheatley
Coy	Hickernell	Petrone	Wilt
Curry	Hutchinson	Phillips	Wright
Daley	Keller	Pickett	Yudichak
Dally	Kenney	Pistella	Zug
DeLuca	Killion	Raymond	
DiGirolamo	Laughlin	Reed	Perzel,
Diven	Lederer	Reichley	Speaker
Eachus			

NAYS-71

Armstrong	Fichter	Markosek	Shaner
Bard	Gergely	Miller, S.	Smith, B.
Bebko-Jones	Good	Mustio	Solobay
Biancucci	Gordner	Myers	Stairs
Bunt	Haluska	Nailor	Sturla
Caltagirone	Harhai	Pallone	Tangretti
Casorio	Harper	Petrarca	Veon
Crahalla	Hess	Preston	Vitali
Creighton	Horsey	Readshaw	Walko
Cruz	James	Rieger	Wansacz
Dailey	Josephs	Roberts	Washington
Denlinger	Kirkland	Roebuck	Waters
Dermody	Kotik	Rooney	Weber
DeWeese	LaGrotta	Ruffing	Williams
Donatucci	Leach	Sainato	Wojnaroski
Evans, J.	Levdansky	Santoni	Yewcic
Fabrizio	Maher	Scrimenti	Youngblood
Fairchild	Mann	Semmel	

NOT VOTING-0

EXCUSED-1

Coleman

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 concur in Senate amendments as amended?

**MOTION TO SUSPEND RULES**

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

Mr. VEON. Mr. Speaker, I move that the rules of the House be suspended in order to bring up amendment No. 3811.

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

The SPEAKER. Does the gentleman, Mr. Veon, wish to explain the amendment?

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would like to move to suspend the rules for the purposes of offering amendment A3811, and, Mr. Speaker, this amendment would impact the language in this bill regarding the back-end referendum.

Mr. Speaker, I certainly am no fan, to say the least, of even the concept of back-end referendum, and I think that a number of members, Democrat and Republican, have been contacted

throughout the day by public educators or people from the public education community asking for their consideration of this amendment.

Mr. Speaker, this amendment would, I think, strike a fairer balance between those who would like to have some kind of back-end referendum and some folks like me who do not like the concept or the idea of a referendum at all.

Under the bill itself, a question has to be placed on the ballot for a new tax or for an increase of an existing tax above an inflation rate index. Mr. Speaker, this amendment that I would like to offer in this motion to suspend the rules would allow the public body to enact a tax and then allow the public through a petition process to place that question on the ballot.

Mr. Speaker, again, I think that public educators and the public education community have been calling members and at least asking for this consideration of what we believe would be a fairer balance on the entire issue of a back-end referendum, and I would ask for an affirmative vote of the motion to suspend.

Thank you, Mr. Speaker.  
The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-99

Bebko-Jones	Fabrizio	Markosek	Smith, S. H.
Belardi	Frankel	McCall	Solobay
Belfanti	Freeman	McGeehan	Staback
Biancucci	George	McIlhattan	Stairs
Bishop	Gergely	Melio	Stetler
Blaum	Goodman	Mundy	Sturla
Butkovitz	Grucela	Myers	Surra
Buxton	Gruitza	Oliver	Tangretti
Caltagirone	Haluska	Pallone	Thomas
Casorio	Hanna	Petrarca	Tigue
Cawley	Harhai	Petrone	Travaglio
Cohen	Horsey	Pistella	Veon
Corrigan	James	Preston	Vitali
Costa	Josephs	Readshaw	Walko
Coy	Keller	Rieger	Wansacz
Cruz	Kirkland	Roberts	Washington
Curry	Kotik	Roebuck	Waters
Daley	LaGrotta	Rooney	Wheatley
DeLuca	Laughlin	Ruffing	Williams
Dermody	Leach	Sainato	Wilt
DeWeese	Lederer	Samuelson	Wojnaroski
Diven	Lescovitz	Santoni	Yewcic
Donatucci	Levdansky	Scrimenti	Youngblood
Eachus	Manderino	Shaner	Yudichak
Evans, D.	Mann	Smith, B.	

NAYS-103

Adolph	Fairchild	Killion	Reed
Allen	Feese	Leh	Reichley
Argall	Fichter	Lewis	Rohrer
Armstrong	Fleagle	Lynch	Ross
Baker	Flick	Mackereth	Rubley
Baldwin	Forcier	Maher	Sather
Bard	Gabig	Maitland	Saylor
Barrar	Gannon	Major	Scavello
Bastian	Geist	Marsico	Schroder
Benninghoff	Gillespie	McGill	Semmel
Birmelin	Gingrich	McIlhinney	Steil
Boyd	Godshall	McNaughton	Stern

Browne	Good	Metcalf	Stevenson, R.
Bunt	Gordner	Micozzie	Stevenson, T.
Cappelli	Habay	Miller, R.	Taylor, E. Z.
Causer	Harhart	Miller, S.	Taylor, J.
Civera	Harper	Mustio	True
Clymer	Harris	Nailor	Turzai
Cornell	Hasay	Nickol	Vance
Crahalla	Hennessey	O'Brien	Watson
Creighton	Herman	O'Neill	Weber
Dailey	Hershey	Payne	Wright
Dally	Hess	Petri	Zug
Denlinger	Hickernell	Phillips	
DiGirolamo	Hutchinson	Pickett	Perzel,
Egolf	Kenney	Raymond	Speaker
Evans, J.			

NOT VOTING—0

EXCUSED—1

Coleman

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House concur in Senate amendments as amended?

### MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Mr. Speaker, I move to suspend the rules to bring up immediate consideration of amendment 3860.

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

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

Mr. REICHLEY. Thank you, Mr. Speaker.

I am asking for a suspension of the rules to support an amendment which would allow for the amendment of the education improvement tax credit to support safety improvements for nonpublic schools. This was an amendment unanimously approved when we took up the school spending measure back in July.

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

This is on the motion to suspend, Mr. Vitali.

Mr. VITALI. Point of order.

The text is not—

The SPEAKER. Pardon me?

Mr. VITALI. It just came up. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

I would like to oppose this motion to suspend, Mr. Speaker.

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

The following roll call was recorded:

YEAS—121

Adolph	Fairchild	Leh	Roebuck
Allen	Feese	Lewis	Rohrer
Argall	Fichter	Lynch	Ross
Armstrong	Fleagle	Mackereth	Rubley
Baker	Flick	Maher	Samuelson
Baldwin	Forcier	Maitland	Sather
Bard	Freeman	Major	Saylor
Barrar	Gabig	Manderino	Scavello
Bastian	Gannon	Marsico	Schroder
Benninghoff	Geist	McGeehan	Semmel
Birmelin	Gillespie	McGill	Smith, B.
Bishop	Gingrich	McIlhattan	Smith, S. H.
Blaum	Godshall	McIlhinney	Stairs
Boyd	Good	McNaughton	Steil
Browne	Gordner	Metcalf	Stern
Bunt	Habay	Micozzie	Stevenson, R.
Butkovitz	Harhart	Miller, R.	Stevenson, T.
Cappelli	Harper	Miller, S.	Taylor, E. Z.
Causer	Harris	Mustio	Taylor, J.
Civera	Hasay	Nailor	True
Clymer	Hennessey	Nickol	Turzai
Cornell	Herman	O'Brien	Vance
Crahalla	Hershey	O'Neill	Watson
Creighton	Hess	Payne	Weber
Dailey	Hickernell	Petri	Wilt
Dally	Hutchinson	Phillips	Wright
Denlinger	Keller	Pickett	Zug
DiGirolamo	Kenney	Raymond	
Donatucci	Killion	Reed	
Egolf	Leach	Reichley	Perzel,
Evans, J.	Lederer	Rieger	Speaker

NAYS—81

Bebko-Jones	Fabrizio	Markosek	Staback
Belardi	Frankel	McCall	Stetler
Belfanti	George	Melio	Sturla
Biancucci	Gergely	Mundy	Surra
Buxton	Goodman	Myers	Tangretti
Caltagirone	Grucela	Oliver	Thomas
Casorio	Gruitza	Pallone	Tigue
Cawley	Haluska	Petrarca	Travaglio
Cohen	Hanna	Petrone	Veon
Corrigan	Harhai	Pistella	Vitali
Costa	Horsely	Preston	Walko
Coy	James	Readshaw	Wansacz
Cruz	Josephs	Roberts	Washington
Curry	Kirkland	Rooney	Waters
Daley	Kotik	Ruffing	Wheatley
DeLuca	LaGrotta	Sainato	Williams
Dermody	Laughlin	Santoni	Wojnaroski
DeWeese	Lescovitz	Scrimenti	Yewcic
Diven	Levdansky	Shaner	Youngblood
Eachus	Mann	Solobay	Yudichak
Evans, D.			

NOT VOTING—0

EXCUSED—1

Coleman

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,  
Will the House concur in Senate amendments as amended?

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

(Members proceeded to vote.)

The SPEAKER. Just for the information of the members, once this vote is recorded, there are a number of important announcements that have to be made. I would pay attention to them.

#### VOTE STRICKEN

The SPEAKER. It has been brought to the attention of the Speaker by the majority leader that Mr. Clymer was out of his seat and seeking recognition prior to us putting this vote up on the board.

That being the case, the clerk will strike the board.

The gentleman, Mr. Clymer, is in order and may proceed.

#### PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. A point of parliamentary inquiry.

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

Mr. DeWEESE. Just for the future reference of the chamber, and I realize this is a subjective and judgmental call on the part of the man or woman at the Speaker's dais, but tomorrow, next week, next month, next year, if the vote is commencing and one of our Democratic members is at the microphone waving feverishly, may I opine that the Speaker's magnanimity will be as aggressive on our side in a future setting as it is tonight for the honorable gentleman, Mr. Clymer?

The SPEAKER. I used to think I was a partisan politician, Bill. I am getting really, really nice up here.

I have listened to both sides. Mr. Smith indicates that the gentleman was standing. If you have someone that was standing and was not recognized, we are more than willing to hear what they have to say, Bill.

Mr. DeWEESE. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Clymer, is recognized and may proceed.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, is there anyone in the House on the other side that would stand for interrogation?

Seeing that there is no one that would stand for interrogation, then I will kind of ask my questions and maybe answer them myself.

The SPEAKER. That has been done before, Mr. Clymer.

Mr. CLYMER. Mr. Speaker, thank you.

I believe we are on a slippery slope on this issue. It seems to me that the revenues that we are to secure from casino gambling are to exceed \$600 million before they can be put in play and passed on to the property owners.

Now, Mr. Speaker, my question would have been, how is that figure arrived at? Did we just arbitrarily grab a figure out of the air and say this is the amount of dollars that we are going to have available? I think we need to know, you know, how many

racetracks are going to be out there and how many slot machines, the addictive slot machines, will be at these racetracks, and how is this calculated?

Mr. Speaker, it then goes on to say, on page 79, that if the Secretary of the Budget certifies \$750 million, that there is more money available. Well, how do we get this \$750 million? Where does that come from? Mr. Speaker, there is only one State in the nation that has ever exceeded \$600 million, and yet we are saying with 30-some, 35 States having casino gambling, that we are going to get all this money into the Commonwealth. We are going to get more than the other States that have been at this for some time. Six hundred billion dollars is gambled, and for some reason in the bill we are going to secure all this money.

Not only that, Mr. Speaker, but my question to the person who would stand for interrogation is that what happens after the first year? Suppose you are able to secure that large amount of money because you have charged a tax for the licensing, \$50 million. For how many racetracks? That is the question, but no one is here to answer that, but let us assume it may be eight racetracks. You have eight racetracks and you bring in some money and you achieve your goal the first year, but you are certainly not going to get it the second year or the third year or the fourth year, and you are telling the people back in your districts that that is okay; we are going to give you this tax rebate; we are going to give you this real estate tax rebate. How in the world can you give it when you do not have the money, when the money is not going to be realized?

And then, Mr. Speaker, I would also ask, how many—Because there are these unknown quantities here, are we looking at just riverboats? I mean, are we looking perhaps at riverboats? Is that also to be factored in here? And what about the Native Americans coming down from the State of Connecticut? Are we looking at them? They are going to come to Northampton County. They are going to go out to Brownsville in Fayette County. Are we factoring those dollars in as well? I mean, what are we looking at? How are we going to achieve all this money? In fact, we said that it could go up to a billion dollars. How can that be possible when, again, only one State in the nation is getting more than \$600 million that it feeds back to the State itself? I do not quite understand that. I think members would want to know those answers before they make a vote on this bill.

And then, Mr. Speaker, I would also ask the question, if there would be someone here to answer it, what are the social costs that are involved when you have this type of addictive gambling? Now, maybe that has not been entered in here and someone could just stand up and say, no, the social costs, the destructive social costs that come from addictive casino gambling, have not been entered in, and that is all I would need to hear is, no, that has not been entered in.

Mr. Speaker, I would also ask the question, if someone would stand for interrogation—

The SPEAKER. Would the gentleman suspend just for one moment.

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

Mr. FLICK. Thank you.

Mr. Speaker, the hour is late, and I do not believe the gentleman is discussing what is contained in the legislation. He either should keep his comments to the bill or, you know, or sit down. We can have the debate on gambling another day. It is late. I have to go home.



Mr. CLYMER. Mr. Speaker, I am only taking the figures that are in the bill itself. I mean, you are looking to make this money available for property tax, and you have the figures and not the person who spoke—

The SPEAKER. Mr. Clymer, there is no room here for debate. You can continue with your comments. The Parliamentarian indicates that you were moving a little far from where you are, but we have allowed it so far.

So please continue, and he, I am sure, will tell me when you get off track.

Mr. CLYMER. Okay. Thank you, Mr. Speaker. I certainly appreciate your thoughts in that direction.

Mr. Speaker, again, if we are to look at this in a long-range posture, the reality is that you are not going to get the \$600 million because no one seems to know where the money is coming from, and if you are thinking that Pennsylvanians are going to stay in Pennsylvania to do their gambling, that is a misconception, because States that are our neighbors have already begun to initiate new programs to keep those gamblers from Pennsylvania in those States and the buses are not going to stop running to Atlantic City. So we are getting back to that \$600 million, that \$750 million. Where is it coming from? I think that is a legitimate question, because many of you are going to put up a vote perhaps in support of this bill and you think that the money is going to be there, and suppose it is not? Just think about it. Who is going to be embarrassed by the fact that we have not been able to provide the funding that was supposedly available and which you voted for?

So, Mr. Speaker, I appreciate your indulgence here. I can only tell you that this is not a good deal for Pennsylvanians. Anytime you have a type of industry operation that is going to cost Pennsylvanians and some dysfunctional families, crime, all the other problems that come with it, it is not a good public policy that we are engaged in, and, Mr. Speaker, I would ask that we have a “no” vote on concurrence with HB 113.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. METCALFE. Mr. Speaker, just a brief comment on the bill.

The SPEAKER. Well, Mr. Metcalfe, you know that we rescinded the vote while it was in progress to hear Mr. Clymer, who the majority leader said was standing at the point in time when we called for the vote.

At the indulgence of the members, which I think is the wrong thing for me to do, I do not know how I can not let you do it.

The gentleman is in order.

Mr. METCALFE. Just a short comment related to a section in the bill relating to the State Board of Education and extending powers to the State Board of Education. Just for the members' information, we recently had a couple of representatives from the State Board of Education before the Education Committee, and the arrogance of that entity that was created by the legislature is just overwhelming.

One of the sections that they are proposing in the new regulations to take out of the regulations deals with loyalty-to-State-and-national-government language, and we have it currently in the School Code that that is to be taught with civics, and our State Board of Education is proposing to take that language out and just leave it as civics being taught, to take out loyalty-to-State-and-national-government language.

So I think, as an example of the arrogance of the State Board of Education, I have a problem with extending any more power to that board. Actually, they should probably be eliminated the way they have been acting, and I think a number of the members would probably agree.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Greene, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

Just to sum things up, there is no more driving propulsion in the Rendell Administration than the effort to realize property tax reductions in the State.

The honorable gentleman from Bucks County, who is obviously chary about at least one of the mechanisms, that being gaming, should remind us all that in Governor Rendell's initial proposal, dollars from a personal income tax, a corporate net income tax, the telecommunications tax, a variety of different venues would be available for this trust fund, this trust fund which would trigger the opportunity to reduce property taxes.

We have been here, many of us in our second and third decades, trying to realize property tax reform in the State. There are very few opportunities that we will have like we have tonight for HB 113 on concurrence. If we vote favorably, we will at least commence to start to trigger mechanisms that will allow for billions over the years of property tax reduction. This House has already voted for a variety of slot machine venues at our racetracks and stand-alone facilities that might augur favorably to 800 million or a billion dollars, 800 million or a billion dollars. This is no pipe dream. We will get a chance to vote on gaming again in this General Assembly, and slot machines will have a palliative effect upon the reduction of property taxes in Pennsylvania, notwithstanding the objections of the honorable gentleman from Bucks County.

I would ask for a favorable vote on concurrence.

The SPEAKER. The Chair thanks the gentleman.

The Chair notes that the gentleman from Berks, Mr. Rohrer, would like to speak. I am sure that he was also one of the ones we made a mistake with when we cut off the debate.

Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Yes, I was standing at that time.

I was not going to stand— I mean, I was going to sit down until the good minority leader made his comments.

My comments will be brief, but they are, I hope, pointed.

This bill cannot be referred to as our property tax solution. How in the world can we give hope to the people of this State with a bill in this package that has revenues that are uncertain, a figment of one's imagination, have dropped in half since the last time we considered this just a few months ago, has a trigger in it that it has got to be \$600 million before anything is even given out, that has reduced the ability to help our school districts from what was 50 percent back in July down to, in most cases, 10 percent?

Mr. Speaker, if this is this House's best effort for property tax reform, everybody ought to be unelected. This is a shame. The people of this State clearly understand that this does nothing. At best it may offset property tax increases they may get this year. It is not going to reduce anything, and it is a sham, and I think, Mr. Speaker, that we cannot let stand on the record

that this is a good effort. This is not a good effort. That is a failed effort, and it will not be received by the people of the State. We have more to do.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments as amended?

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

The following roll call was recorded:

#### YEAS—148

Adolph	Evans, D.	Lewis	Sainato
Allen	Evans, J.	Lynch	Samuelson
Argall	Fabrizio	Major	Santoni
Baker	Feese	Manderino	Scavello
Barrar	Fichter	Mann	Schroder
Bebko-Jones	Flick	Markosek	Scrimenti
Belardi	Frankel	Marsico	Shaner
Belfanti	Freeman	McCall	Smith, S. H.
Biancucci	Gannon	McGeehan	Solobay
Bishop	George	McGill	Staback
Blaum	Gergely	McIlhinney	Stairs
Browne	Good	Melio	Steil
Bunt	Goodman	Micozzie	Stetler
Butkovitz	Gordner	Mundy	Stevenson, T.
Buxton	Grucela	Myers	Sturla
Caltagirone	Gruitza	O'Brien	Surra
Cappelli	Habay	Oliver	Tangretti
Casorio	Haluska	Pallone	Taylor, J.
Cawley	Hanna	Payne	Thomas
Civera	Harhai	Petrarca	Tigue
Cohen	Harhart	Petri	Travaglio
Cornell	Hasay	Petrone	Veon
Corrigan	Hennessey	Phillips	Walko
Costa	Hershey	Pickett	Wansacz
Coy	Horshey	Pistella	Washington
Crahalla	James	Preston	Waters
Cruz	Josephs	Raymond	Weber
Curry	Keller	Readshaw	Wheatley
Dailey	Kenney	Reed	Williams
Daley	Killion	Reichley	Wojnaroski
Dally	Kirkland	Rieger	Wright
DeLuca	Kotik	Roberts	Youngblood
Dermody	LaGrotta	Roebuck	Yudichak
DeWeese	Laughlin	Rooney	Zug
DiGirolamo	Leach	Ross	
Diven	Lederer	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky		Speaker

#### NAYS—54

Armstrong	Forcier	Maher	Saylor
Baldwin	Gabig	Maitland	Semmel
Bard	Geist	McIlhattan	Smith, B.
Bastian	Gillespie	McNaughton	Stern
Benninghoff	Gingrich	Metcalfe	Stevenson, R.
Birmelin	Godshall	Miller, R.	Taylor, E. Z.
Boyd	Harper	Miller, S.	True
Causar	Harris	Mustio	Turzai
Clymer	Herman	Nailor	Vance
Creighton	Hess	Nickol	Vitali
Denlinger	Hickernell	O'Neill	Watson
Egolf	Hutchinson	Rohrer	Wilt
Fairchild	Leh	Sather	Yewcic
Fleagle	Mackereth		

#### NOT VOTING—0

#### EXCUSED—1

Coleman

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

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

#### RESOLUTION PURSUANT TO RULE 35

Ms. WEBER called up **HR 456, PN 2817**, entitled:

A Resolution observing the week of October 20 through 24, 2003, as "National Businesswomen's Week" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

#### YEAS—202

Adolph	Evans, J.	Levdansky	Sainato
Allen	Fabrizio	Lewis	Samuelson
Argall	Fairchild	Lynch	Santoni
Armstrong	Feese	Mackereth	Sather
Baker	Fichter	Maher	Saylor
Baldwin	Fleagle	Maitland	Scavello
Bard	Flick	Major	Schroder
Barrar	Forcier	Manderino	Scrimenti
Bastian	Frankel	Mann	Semmel
Bebko-Jones	Freeman	Markosek	Shaner
Belardi	Gabig	Marsico	Smith, B.
Belfanti	Gannon	McCall	Smith, S. H.
Benninghoff	Geist	McGeehan	Solobay
Biancucci	George	McGill	Staback
Birmelin	Gergely	McIlhattan	Stairs
Bishop	Gillespie	McIlhinney	Steil
Blaum	Gingrich	McNaughton	Stern
Boyd	Godshall	Melio	Stetler
Browne	Good	Metcalfe	Stevenson, R.
Bunt	Goodman	Micozzie	Stevenson, T.
Butkovitz	Gordner	Miller, R.	Sturla
Buxton	Grucela	Miller, S.	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappelli	Habay	Mustio	Taylor, E. Z.
Casorio	Haluska	Myers	Taylor, J.
Causar	Hanna	Nailor	Thomas
Cawley	Harhai	Nickol	Tigue
Civera	Harhart	O'Brien	Travaglio
Clymer	Harper	Oliver	True
Cohen	Harris	O'Neill	Turzai
Cornell	Hasay	Pallone	Vance
Corrigan	Hennessey	Payne	Veon
Costa	Herman	Petrarca	Vitali
Coy	Hershey	Petri	Walko
Crahalla	Hess	Petrone	Wansacz
Creighton	Hickernell	Phillips	Washington
Cruz	Horshey	Pickett	Waters
Curry	Hutchinson	Pistella	Watson
Dailey	James	Preston	Weber
Daley	Josephs	Raymond	Wheatley
Dally	Keller	Readshaw	Williams
DeLuca	Kenney	Reed	Wilt
Denlinger	Killion	Reichley	Wojnaroski
Dermody	Kirkland	Rieger	Wright
DeWeese	Kotik	Roberts	Yewcic
DiGirolamo	LaGrotta	Roebuck	Youngblood

Diven	Laughlin	Rohrer	Yudichak
Donatucci	Leach	Rooney	Zug
Eachus	Lederer	Ross	
Egolf	Leh	Rubley	Perzel,
Evans, D.	Lescovitz	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Coleman

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

### COMMITTEE MEETING POSTPONED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Adolph, for the purposes of an announcement.

Mr. ADOLPH. Thank you, Mr. Speaker.

I would like to announce that today's meeting of the House Environmental Committee that was scheduled for 10 o'clock will be temporarily postponed. I will notify the members when it will be rescheduled.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

### COMMITTEE MEETING POSTPONED

The SPEAKER. The Chair recognizes the gentleman from Delaware, Mr. Gannon, for the purpose of an announcement.

Mr. GANNON. Thank you, Mr. Speaker.

Mr. Speaker, the meeting of the House Professional Licensure Committee scheduled for 10 a.m. today will be scheduled at the call of the Chair. The members will be notified of the time and place of the meeting.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Bedford, Mr. Hess.

Mr. HESS. Thank you, Mr. Speaker.

The meeting scheduled for today at 10 o'clock of the Health and Human Services Committee and Aging and Older Adult Committee is canceled and it will be rescheduled.

The SPEAKER. The Chair thanks the gentleman.

### COMMITTEE MEETING CANCELED

The SPEAKER. The Judiciary Committee for tomorrow is canceled.

### COMMITTEE MEETING POSTPONED

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman.

Mr. HERMAN. Thank you very much, Mr. Speaker.

The House Local Government Committee scheduled for 10 o'clock today is going to be postponed and rescheduled.

Thank you, Mr. Speaker.

### COMMITTEE MEETING CANCELED

The SPEAKER. The Chair recognizes the gentleman from Westmoreland, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

The Education Committee meeting scheduled for Wednesday, not today but Wednesday, will be canceled this week and be held off to the next week then.

So thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

### ANNOUNCEMENT BY MR. COHEN

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, beginning at 8 a.m. this morning, there will be informal discussions in the Democratic caucus room.

The SPEAKER. The Chair thanks the gentleman.

### VOTE CORRECTIONS

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

Mr. KIRKLAND. Thank you, Mr. Speaker.

Mr. Speaker, I want to set the record straight. Mr. Speaker, our rules indicate that when a member is in his or her seat and a vote is being taken, that they are required to vote "yea" or "nay." Mr. Speaker, I want the record to indicate that I was in my seat during the vote on HB 200, and I tried frantically to push my button and get the attention of the Speaker's desk. I was unsuccessful in doing so. So I want the record to indicate that I was voting in the affirmative.

The SPEAKER. The gentleman's remarks will be spread across the record, and there will be a record of those comments. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Westmoreland, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Also I want to correct the record.

I was present on the House floor in my seat on the vote for HB 200. My mechanical voting device did not properly respond to my physical pressure, and therefore, it was not recorded. I would ask that the record be accurately reflected that I should be recorded in the affirmative, voting "yea."

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, my button malfunctioned. I was pressed in the negative. I want affirmative on amendment 3860.

**ANNOUNCEMENT BY MRS. MILLER**

The SPEAKER. The Chair recognizes the gentledady from Berks, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Tomorrow morning's meeting with the Telephone Association to discuss Chapter 30 and its impact on rural Pennsylvania at this point is still scheduled. So members who are interested in getting this information and having some breakfast tomorrow morning, that meeting will still continue to take place.

Thank you, Mr. Speaker. Today, today. I am sorry, Mr. Speaker; today.

The SPEAKER. The Chair understands.

**VOTE CORRECTION**

The SPEAKER. The Chair recognizes the gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

To correct the record.

On HB 200, the motion to suspend the rules for amendment A3848, I was recorded as not voting. I was in my seat trying to push the "no" button. So I would like the record to reflect a negative vote on the motion to suspend the rules.

Thank you.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

**ANNOUNCEMENT BY MR. HALUSKA**

The SPEAKER. The gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

The sportsmen's caucus meeting that was to be held on Wednesday, we will reschedule that also.

The SPEAKER. The Chair thanks the gentleman.

The Chair is announcing that Wednesday is a nonvoting day along with Monday, the 27th of October, which will be a nonvoting day. There will be a memo sent out on this Wednesday about the voting schedule for next Tuesday.

Are there any more corrections for the record?

**SENATE MESSAGE****ADJOURNMENT RESOLUTION  
FOR CONCURRENCE**

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

In the Senate  
October 20, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, October 27, 2003, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, October 27, 2003, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

**RESOLUTION**

Mr. S. SMITH called up **HR 356, PN 2400**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study certain issues related to health care facilities.

On the question,

Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the following resolution be placed upon the table: HR 356.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the following resolution be taken off the table: HR 356.

On the question,

Will the House agree to the motion?

Motion was agreed to.

**BILLS REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken off the table:

HB 496;  
HB 667;  
HB 668; and  
HB 1215.

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. S. SMITH. Mr. Speaker, I move that the following bills be placed upon the table:

HB 496;  
HB 667;  
HB 668; and  
HB 1215.

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

### **BILLS AND RESOLUTIONS PASSED OVER**

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

### **ADJOURNMENT**

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Denlinger.

Mr. DENLINGER. Mr. Speaker, I move that this House do now adjourn until Wednesday, October 22, 2003, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 2:43 a.m., e.d.t., the House adjourned.