

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, FEBRUARY 3, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 6

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (JOHN M. PERZEL)

PRESIDING

PRAYER

REV. DR. KIRBY NELSON KELLER, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Eternal God, creator of all things, Holy Scripture teaches us that "The earth is the Lord's and the fullness thereof." You, O Lord, have entrusted us to be stewards of the vast resources of Pennsylvania – the sparkling lakes and rivers, the majestic mountains, and the fertile valleys. But help us to never forget the greatest resource of all – the millions of people who call Pennsylvania home. May the members of this House work diligently to enable all our citizens to pursue their dreams, provide for their families, and contribute to the common good.

Today as we celebrate being Pennsylvanians, we ask Your continued blessing and grace upon our Governor, the Speaker of the House, the majority and minority leaders, and every member of this chamber. Lord, bless them with vision, courage, and a desire to excel, and grant them the joy that comes in serving others well. This we pray with thanksgiving in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, February 2, 2004, will be postponed until printed.

HOUSE BILLS

INTRODUCED AND REFERRED

No. 2315 By Representatives CRAHALLA, J. TAYLOR, PETRONE, DENLINGER, GOOD, GOODMAN, HENNESSEY, HERSHEY, LEACH, McILHATTAN, PISTELLA, REICHLEY, SCAVELLO, SCRIMENTI, E. Z. TAYLOR, THOMAS, WATSON and YOUNGBLOOD

An Act amending the act of July 7, 1947 (P.L.1368, No.542), known as the Real Estate Tax Sale Law, further providing for hearing and order for judicial sale; and providing for combined judicial sales.

Referred to Committee on URBAN AFFAIRS, February 3, 2004.

No. 2316 By Representatives CRUZ, STABACK, YOUNGBLOOD, SCAVELLO, HENNESSEY, LEACH, SCRIMENTI, DALEY, JOSEPHS, BARD, BROWNE, WASHINGTON, MUNDY, WATERS, DeWEESE, GRUCELA, KELLER, HORSEY, KIRKLAND, LEDERER, GOODMAN, COSTA, JAMES, CAWLEY, FRANKEL, THOMAS and MELIO

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for protection from abuse definitions and for emergency relief by minor judiciary.

Referred to Committee on JUDICIARY, February 3, 2004.

No. 2317 By Representatives CLYMER, ARMSTRONG, BAKER, BIRMELIN, FAIRCHILD, FEESE, HERSHEY, HICKERNELL, LEWIS, METCALFE, PICKETT, ROHRER, SATHER, SCAVELLO, STERN, R. STEVENSON, ZUG, FORCIER, HESS, TRUE, EGOLF, BOYD, SAYLOR and DENLINGER

An Act establishing the Gambling Impact Commission; and providing for the commission's powers and duties.

Referred to Committee on STATE GOVERNMENT, February 3, 2004.

No. 2318 By Representatives WOJNAROSKI, TIGUE, DeWEESE, READSHAW, WALKO, BEBKO-JONES, GEORGE, LAUGHLIN, STERN, KOTIK, HARRIS, SHANER, ROBERTS, GODSHALL, WILT, LEDERER, O'NEILL, MARKOSEK, LEACH, BASTIAN, COY, HALUSKA, GOODMAN, YOUNGBLOOD, KELLER, YUDICHAK, LESCOVITZ, CORRIGAN, E. Z. TAYLOR, SANTONI, TANGRETTI, FABRIZIO, BELFANTI, WHEATLEY, SCAVELLO, MANN, REICHLEY, GEIST, SOLOBAY, CAPPELLI, GERGELY, McILHATTAN, COSTA, SAINATO, HESS, PISTELLA, GRUCELA, JOSEPHS, RAYMOND, THOMAS and HORSEY

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for extension of employee benefits for military membership or duty.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 3, 2004.

No. 2319 By Representatives VANCE, HESS, PISTELLA, WATSON, THOMAS, BAKER, BARD, BEBKO-JONES, BELFANTI, BOYD, CAPPELLI, CIVERA, COSTA, COY, CREIGHTON, DeWEESE, FRANKEL, GEIST, GINGRICH, GOOD, HARRIS, HENNESSEY, HORSEY, KOTIK, MANN, MARSICO, MELIO, R. MILLER, S. MILLER, NAILOR, NICKOL, O'NEILL, PAYNE, PICKETT, REICHLEY, ROSS, RUBLEY, SATHER, SCAVELLO, SCHRODER, SOLOBAY, TIGUE, TRUE, WASHINGTON, WEBER, WILT, YUDICHAK, DeLUCA, YOUNGBLOOD, CRAHALLA and MACKERETH

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, further providing for legislative policy; further defining "employee"; further providing for involuntary intervention by emergency court order, for grounds for denying employment and for applicability relating to criminal history for employees.

Referred to Committee on AGING AND OLDER ADULT SERVICES, February 3, 2004.

No. 2320 By Representatives HABAY, BEBKO-JONES, COY, CRAHALLA, DeLUCA, DeWEESE, DONATUCCI, GEORGE, HORSEY, KOTIK, LEACH, LEDERER, REICHLEY, SCAVELLO, STERN, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, WHEATLEY and YOUNGBLOOD

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for visitation and inspection.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 3, 2004.

No. 2321 By Representatives HABAY, BELFANTI, CAPPELLI, CIVERA, CORRIGAN, COY, DeLUCA, DENLINGER, DeWEESE, FABRIZIO, GEORGE, GOOD, GOODMAN, HENNESSEY, HORSEY, KOTIK, LEACH, LEDERER, O'NEILL, PISTELLA, SCAVELLO, SOLOBAY, T. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, WILT and YOUNGBLOOD

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 health services.

Referred to Committee on EDUCATION, February 3, 2004.

No. 2322 By Representatives HABAY, BEBKO-JONES, CIVERA, COSTA, COY, DENLINGER, DeWEESE, J. EVANS, FABRIZIO, FRANKEL, GEIST, GEORGE, GERGELY, GRUCELA, HORSEY, KOTIK, LEACH, LEDERER, PAYNE, PICKETT, PISTELLA, SATHER, SCAVELLO, SOLOBAY, T. STEVENSON, E. Z. TAYLOR, THOMAS, TIGUE, WALKO, YOUNGBLOOD and WEBER

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for defibrillators in airports.

Referred to Committee on TRANSPORTATION, February 3, 2004.

No. 2323 By Representatives JAMES, BUXTON, DeWEESE, WASHINGTON, MANN, CASORIO, GERGELY, MARSICO, BEBKO-JONES, GRUCELA, JOSEPHS, HARHAI, CIVERA, THOMAS, MELIO, HORSEY, WATERS, GOOD, WILLIAMS, CRUZ, KIRKLAND, PRESTON, MYERS, ROEBUCK, YOUNGBLOOD, VEON, BELARDI and STETLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege.

Referred to Committee on TRANSPORTATION, February 3, 2004.

No. 2324 By Representatives PICKETT, PHILLIPS, E. Z. TAYLOR, R. STEVENSON, CAPPELLI, BALDWIN, BASTIAN, CRAHALLA, DENLINGER, J. EVANS, GEIST, GILLESPIE, GOOD, GOODMAN, HALUSKA, HARPER, HARRIS, HENNESSEY, HERSHEY, HESS, HORSEY, LEVDANSKY, R. MILLER, THOMAS, TURZAI, WASHINGTON and YOUNGBLOOD

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, requiring fish bait dealer licensees to retail fish bait in biodegradable containers.

Referred to Committee on GAME AND FISHERIES, February 3, 2004.

No. 2325 By Representatives HALUSKA, BALDWIN, BASTIAN, BENNINGHOFF, BUNT, FABRIZIO, GEIST, GERGELY, HARHAI, KOTIK, LAUGHLIN, LEVDANSKY, LEWIS, MANN, McGEEHAN, PALLONE, PISTELLA, REICHLEY, SAINATO, SHANER, SOLOBAY, R. STEVENSON, TANGRETTI, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, authorizing the issuance of a spring turkey hunting license; and providing for the use of the revenues raised by such license.

Referred to Committee on GAME AND FISHERIES, February 3, 2004.

No. 2326 By Representatives GILLESPIE, STABACK, B. SMITH, BALDWIN, BENNINGHOFF, CAUSER, DENLINGER, DeWEESE, FAIRCHILD, GEIST, GINGRICH, GOOD, GOODMAN, HALUSKA, HARRIS, HENNESSEY, HERMAN, LEACH, R. MILLER, NAILOR, REICHLEY, ROHRER, SCAVELLO, SOLOBAY, SURRA, TIGUE, YOUNGBLOOD and HORSEY

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for tagging and reporting big game kills.

Referred to Committee on GAME AND FISHERIES, February 3, 2004.

No. 2327 By Representatives HICKERNELL, ARMSTRONG, BALDWIN, BOYD, CAPPELLI, EGOLF, FORCIER, GEIST, GINGRICH, GODSHALL, HARRIS, HERSHEY, HUTCHINSON, LEH, MAJOR, MARSICO, METCALFE, S. MILLER, PAYNE, PICKETT, SAYLOR, STERN, R. STEVENSON, E. Z. TAYLOR, TRUE, TURZAI, WATSON, WEBER, WILT, YOUNGBLOOD, ZUG, O'NEILL and DENLINGER

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further providing for the schedule of compensation.

Referred to Committee on LABOR RELATIONS, February 3, 2004.

No. 2328 By Representatives HICKERNELL, ARMSTRONG, BALDWIN, BOYD, CREIGHTON, DENLINGER, FAIRCHILD, FRANKEL, GEIST, GINGRICH, GOODMAN, HARRIS, HENNESSEY, MUSTIO, O'NEILL, SAINATO, SCHRODER, STERN, T. STEVENSON, TURZAI and YOUNGBLOOD

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for applicants for insurance producer licenses by creating provisional licenses.

Referred to Committee on INSURANCE, February 3, 2004.

No. 2329 By Representatives HICKERNELL, ARMSTRONG, BALDWIN, BELFANTI, BOYD, COSTA, DALEY, DeWEESE, J. EVANS, GINGRICH, GOOD, GRUCELA, HARHAI, HARHART, HERMAN, HORSEY, KOTIK, McGEEHAN, METCALFE, S. MILLER, PAYNE, PISTELLA, REICHLEY, SATHER, SCHRODER, E. Z. TAYLOR, J. TAYLOR, THOMAS, WANSACZ, WASHINGTON, WEBER, WILT, YOUNGBLOOD and FLICK

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for exclusions.

Referred to Committee on FINANCE, February 3, 2004.

No. 2330 By Representatives DiGIROLAMO, CRAHALLA, J. EVANS, FRANKEL, GRUCELA, HARHAI, HORSEY, MELIO, O'NEILL, SCAVELLO, TIGUE, WATSON and WHEATLEY

An Act providing for the duties of the Pennsylvania State Police regarding criminal history background reports for persons participating in harness or horse racing.

Referred to Committee on JUDICIARY, February 3, 2004.

No. 2331 By Representatives BAKER, ARGALL, MARSICO, HERSHEY, R. STEVENSON, ARMSTRONG, BEBKO-JONES, BELFANTI, BOYD, CAPPELLI, CAUSER, CREIGHTON, DALLY, DeLUCA, D. EVANS, FORCIER, GEIST, GILLESPIE, GINGRICH, GOOD, GOODMAN, GRUCELA, HARHAI, HARRIS, HORSEY, KELLER,

MACKERETH, MAJOR, R. MILLER, S. MILLER, O'NEILL, PAYNE, PISTELLA, REICHLEY, SCAVELLO, TIGUE, WEBER, WILT and YOUNGBLOOD

An Act providing for college and university faculty criminal history record and information; and conferring powers and imposing duties on the Department of Education and the Pennsylvania State Police.

Referred to Committee on JUDICIARY, February 3, 2004.

No. 2333 By Representatives SAYLOR, DENLINGER, GEIST, GOOD, SCAVELLO, MUNDY, TANGRETTI, THOMAS, WANSACZ, R. MILLER, B. SMITH, ARMSTRONG, BALDWIN, BELFANTI, BENNINGHOFF, CRUZ, J. EVANS, FRANKEL, GINGRICH, GOODMAN, HENNESSEY, HERSHEY, LEWIS, REICHLEY, ROHRER, STERN, E. Z. TAYLOR, WILT and YOUNGBLOOD

An Act amending the act of December 19, 1975 (P.L.604, No.173), entitled "An act to facilitate the use of electronic funds transfer systems by providing that credits to accounts in financial institutions designated by recipients shall satisfy legal requirements for payments by cash or checks," further providing for payments in accordance with the act.

Referred to Committee on COMMERCE, February 3, 2004.

No. 2334 By Representatives SAYLOR, BENNINGHOFF, BOYD, GINGRICH, BALDWIN, BELFANTI, CRAHALLA, DENLINGER, HARPER, JAMES, LEDERER, B. SMITH, SOLOBAY, THOMAS, TIGUE and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for money paid into court.

Referred to Committee on JUDICIARY, February 3, 2004.

No. 2335 By Representatives SAYLOR, MACKERETH, R. MILLER, BASTIAN, BELFANTI, CAPPELLI, CIVERA, CORRIGAN, CRAHALLA, DENLINGER, GEIST, HARRIS, KOTIK, LEACH, LEDERER, PAYNE, PISTELLA, SATHER, SOLOBAY, E. Z. TAYLOR, THOMAS, WATSON and YOUNGBLOOD

An Act amending Titles 18 (Crimes and Offenses) and 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, adding the offense of impersonating private detective; codifying the Private Detective Act of 1953; and making a repeal related to that codification.

Referred to Committee on JUDICIARY, February 3, 2004.

No. 2336 By Representatives J. TAYLOR, D. EVANS, WHEATLEY, PRESTON, McGEEHAN, McCALL, CAPPELLI, PISTELLA, CRAHALLA, BROWNE, SAYLOR, MELIO, WASHINGTON, LEDERER, KELLER, LAUGHLIN, WALKO, DALEY, KIRKLAND, FABRIZIO, JAMES, THOMAS, KOTIK, GEORGE, DeWEESE, BEBKO-JONES, SCRIMENTI, FRANKEL and WANSACZ

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, further providing for judicial sales; and providing for procedure for judicial sale of multiple properties.

Referred to Committee on JUDICIARY, February 3, 2004.

No. 2337 By Representative HUTCHINSON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for classes of service and for election to become a Class AA member.

Referred to Committee on FINANCE, February 3, 2004.

No. 2338 By Representative HUTCHINSON

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for classes of service.

Referred to Committee on FINANCE, February 3, 2004.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1733, PN 3230**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 279, PN 1061**.

BILLS SIGNED BY SPEAKER

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

HB 900, PN 3186

An Act amending the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, authorizing the incurrence of additional debt for loans for assistance to volunteer fire companies, ambulance services and rescue squads; making a repeal; and making editorial changes.

SB 279, PN 1061

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for display of registration plate; providing for a special motorcycle registration plate for veterans; further providing for automated red light enforcement systems in first class cities, for enumeration of police powers and for certain surcharges; and prescribing a penalty.

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

CALENDAR

BILL ON SECOND CONSIDERATION

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

HB 2332, PN 3228.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2235, PN 3231**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, providing for delivery sales of cigarettes and for violations.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2235, PN 3231, be recommitted to the Committee on Rules.

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

RULES COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, who calls for an immediate meeting of the Rules Committee.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1733, PN 3230

By Rep. S. SMITH

An Act amending Titles 53 (Municipalities Generally) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, reenacting the codification of provisions on the Pennsylvania Convention Center Authority; further providing for definitions, for the governing board, for general purposes and powers, for bond purposes and powers, for authority money, for expansion financing and for award of contracts; providing for convention center performance audits and for the Pennsylvania Convention Center Assistance Fund; making conforming amendments; and making related repeals.

RULES.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who moves for a leave of absence for the gentleman from Erie, Mr. EVANS. Without objection, that leave will be granted.

The Chair notes that the Democrat whip has no request for leaves of absence.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take the master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—200

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—1**

Evans, J.

LEAVES ADDED—1

Harper

COMMUNICATION FROM GOVERNOR**REQUEST FOR JOINT SESSION**

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

January 12, 2004

The Honorable John M. Perzel
Speaker
Pennsylvania House of Representatives
139 Main Capitol Building
Harrisburg, PA 17120

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

If it meets with the approval of the General Assembly, I would like to address the Members in Joint Session on Tuesday, February 3, 2004, at a time convenient to the General Assembly.

Edward G. Rendell
Governor

RESOLUTION**COMMITTEE TO ESCORT GOVERNOR**

Mr. S. SMITH offered the following resolution, which was read, considered, and adopted:

In the House of Representatives
February 3, 2004

RESOLVED, That the Speaker appoint a committee of three to escort the Governor to the Hall of the House for the purpose of attending a Joint Session of the General Assembly.

COMMITTEE APPOINTED

The SPEAKER. The Chair appoints a committee to wait upon the Governor: the gentleman from Indiana, Mr. Reed; the gentlelady from Montgomery County, Ms. Weber; the gentleman from Beaver, Mr. Biancucci.

The committee will proceed with the performance of its duties.

FILMING PERMISSION

The SPEAKER. The Chair has granted permission to the following to film the proceedings of the joint session: Chris Millette of Commonwealth Media; Michael Fernandez of the Patriot-News; Rich Christoff of the Central Penn Business Journal; Cesar Laure of the Morning Call; Larry Kesterson of the Inquirer; and Carolyn Kaster of the AP (Associated Press).

GUEST INTRODUCED

The SPEAKER. The Chair would like to note the presence in the hall of the House of Juan Ramos, a Philadelphia city councilman at large. He is the guest of the Philadelphia delegation. Mr. Ramos, please rise and be recognized by the House.

ARRIVAL OF SENATE

The SPEAKER. The Senate is now entering the hall of the House. Members and guests, please, will rise.

The Chair recognizes the Sergeant at Arms of the House.

The SERGEANT AT ARMS. Mr. Speaker, the Senate is now present in the hall of the House.

The SPEAKER. The Chair requests the Lieutenant Governor, the Honorable Catherine Baker Knoll, to preside over the proceedings of the joint session of the General Assembly.

The President pro tem of the Senate, the Honorable Robert C. Jubelirer, is invited to be seated on the rostrum. The members of the House and the Senate will please be seated.

The Chair would like to welcome the Lieutenant Governor of the Commonwealth of Pennsylvania, the Honorable Catherine Baker Knoll, and now hands the gavel to her to carry on the proceedings.

JOINT SESSION OF THE GENERAL ASSEMBLY

THE LIEUTENANT GOVERNOR (CATHERINE BAKER KNOLL) PRESIDING

The LIEUTENANT GOVERNOR. Thank you so much, Speaker Perzel.

This being the day and the hour agreed upon by a concurrent resolution of the Senate and House of Representatives to hear an address by His Excellency, the Governor, the Honorable Edward G. Rendell, this joint session will please come to order.

The General Assembly will be at ease while it awaits the arrival of the Governor.

REPORT OF COMMITTEE ESCORTING GOVERNOR

The LIEUTENANT GOVERNOR. The General Assembly will come to order. The General Assembly will come to order.

The Governor is entering the hall. Members and the guests, please rise.

The Chair recognizes the chairman of the committee to escort the Governor, the gentleman from Allegheny County, Senator Pippy.

Mr. PIPPY. Madam President, Mr. Speaker, members of the General Assembly, as chairman of the committee to escort the Governor, I wish to announce that His Excellency, the Governor, is present and is prepared to address the joint session.

The LIEUTENANT GOVERNOR. The Chair thanks Senator Pippy, Senator Gordner, and Senator Wagner for escorting the Governor.

Members of the General Assembly, I now have the honor and privilege of presenting His Excellency, the Governor, the Honorable Edward G. Rendell, who will now address this joint session.

FISCAL YEAR 2004-2005 BUDGET ADDRESS OF GOV. EDWARD G. RENDELL

The GOVERNOR. Thank you all. Thank you very much.

Mr. Speaker, President Pro Tem Jubelirer, Lieutenant Governor Baker Knoll, members of the General Assembly, distinguished guests, and fellow Pennsylvanians:

When I stood here before you a year ago, our nation was on the brink of war. During these many difficult months, Pennsylvania's brave service men and women have selflessly put themselves in harm's way on behalf of our great nation. We are indebted to those who remain overseas and to those who have returned home for their courage and valor, and we take great pride in this building that one of those who served so courageously has returned to us, our own Senator John Pippy. And our thoughts and prayers are especially with the Pennsylvania families whose loved ones made the ultimate sacrifice for their country. Let us honor their memory.

And let us also remember the Pennsylvania public servants who died this past year – Speaker of the House Matt Ryan, and Representatives Karl Boyes and Roy Cornell. They are and will continue to be missed. Please stand with me in a moment of silent tribute to all those whose memories we honor today.

(Members and guests stood in a moment of silence.)

Thank you.

Last March I shared with you my vision for a New Pennsylvania, a Commonwealth where families want to come to live and work, where businesses are expanding, where new employers are putting down roots, and where communities are thriving. This vision propels us in a new direction that must be fueled by property tax reform, proven investments in public education, and economic stimulus strategies designed to allow our Commonwealth to take its rightful place among the States as a leader in creating jobs and attracting investment.

But to accomplish this is no easy task. We have made many difficult decisions already. We have been challenged to put aside past histories and partisanship and to trust one another. In the face of many challenges, we made great progress. The people of Pennsylvania saw something new and encouraging in Harrisburg this past year. They saw Democrats and Republicans work together to control the cost of State government. They saw us work together to expand prescription drug coverage for seniors making our PACE (Pharmaceutical Assistance Contract

for the Elderly) program the best prescription drug plan in the nation. They saw us work together to help doctors stay in our State by providing more financial relief from insurance costs than any other State. And while other States were cutting back their support for public education, they saw us work together to improve our public schools.

They also saw us near agreement on substantial property tax relief for millions of Pennsylvania taxpayers and on far-reaching economic stimulus legislation that will start the process of rebuilding our economy.

Today I stand before you to present a budget that continues our progress towards fulfilling the vision of making Pennsylvania a great place to work, to live, and to do business. This budget includes funding to support the agreements reached last year to improve our schools and stimulate our economy. It also seeks to expand our efforts to make Pennsylvania more attractive to both employers and workers through investing in our quality of life. If we can make our cities and towns more livable, offer sportsmen clean streams and healthy game lands, respond to growing needs to preserve farmland and open space and to repair the environmental damage of our industrial past, Pennsylvania will be a far more attractive place for families and employers to come and to stay.

Let us resolve, here, today, to build on the successes we achieved in 2003 and to renew our common commitment to serve the people of this Commonwealth. We all seek good jobs, high-quality schools, and safe neighborhoods. We all believe that State government can and must make a difference in the lives of Pennsylvanians and the communities in which they live. We all can show Pennsylvanians that their leaders have a shared vision for the future, that we can make tough decisions, and that we can do it together reasonably, respectfully, and on time.

One of the first promises I made as Governor was that before asking the people of Pennsylvania to send one additional penny to Harrisburg, we would put the government's fiscal house in order.

We started by instituting an across-the-board cut in general government operations, saving \$210 million. We eliminated outdated programs and required departments to focus their program dollars better, reaping a total of \$319 million in recurring savings. Two weeks ago Auditor General Casey pointed out that our suspension of departmental "rubber ducks" is already reaping large rewards. In PENNDOT alone, prohibiting these purchases saved over \$700,000 – enough money to repair over 8,000 potholes.

Over the past year, our management and productivity programs have gone beyond the hundreds of millions of dollars saved from administrative and programmatic line items, and we can point to an additional \$25 million in recurring savings as a result of our work to bring the operation of government into the 21st century.

For example, when I took office last January, the Commonwealth sold its passenger vehicles after they had been driven 65,000 miles. Now, as every car owner knows, especially those on a tight budget, a car that is properly maintained can last tens of thousands of miles longer. Last year we instructed agencies to keep their cars until they reached 80,000 miles. As a result of what appears to be a small thing, the State is buying 863 fewer cars this year, saving taxpayers over \$13 million. And we are going further. This year we will reduce the size of our fleet by 5 percent. All told, we are eliminating nearly

600 vehicles, including more than 250 SUVs, saving the Commonwealth another \$14 million.

Our State spends \$3.1 billion a year on goods and services. In the private sector that would make us a Fortune 50 company, but until this year we have never wielded our full purchasing power in the marketplace. Now we are working on nine different "strategic sourcing" projects – from computers to office supplies – in which the State will leverage its purchasing power to get better prices than ever before. Our new software contract alone will save the taxpayers \$4 million a year. By December we will have completed sourcing projects for 19 commodities that we project will save us \$100 million each and every year. Using sound business sense in government is good common sense, and it is paying off.

Our enhanced purchasing power will also mean savings throughout the Commonwealth. Our newly implemented cooperative buying program will allow local governments, school districts, nonprofits, and institutions of higher education to piggyback on our new contracts. In effect, this program will allow our smallest townships to share the purchasing power of the State.

This year we will push again to trim the fat in our spending. I am convinced that we can decrease the cost of basic government operations even further, and I am directing our departments to find more ways to make administrative cuts and to save money in all of our programs. Our progress is particularly impressive when you consider that the fastest growing components in the budget are more often than not mandates that we are required to fund. We project that the cost of medical assistance will grow by over 12.5 percent next year. The overall rate of spending in this budget is 4.1 percent, but if you deduct the impact of this growth – the growth in medical assistance – from our budget, the overall increase is only 1.9 percent, lower than the rate of inflation.

We are getting our fiscal house in order. For example, we reduced the number of State government jobs by over 2,000 – almost 3 percent fewer positions than at the beginning of last year. Our savings have made a great dent in our deficit, and together we balanced last year's budget in a responsible manner. As a result, the budget I propose today does not include any general revenue increases and, in most cases, holds spending increases to no more than 2.5 percent, in line with the pace of inflation, and we will continue to reduce our administrative spending while we address program costs.

There are, however, some areas of the budget that require an investment beyond the cost of inflation. This budget includes an increase of 10 percent for our libraries. With these funds, Pennsylvania will rank 4th in the nation in the support that the State gives to its libraries, but we will remain 41st in the level of support libraries get from local communities. I am firm in our commitment, but I am also calling on these communities to pick up their end of the bargain by increasing local support to libraries as well.

We are also providing increases in State funding for our public colleges and universities. Community college funding is also increased significantly, and for the first time in the 40-year history of our community college system, we will provide a separate line to support their capital budget needs. This investment, following in the footsteps of President Bush's recently announced community college initiative, will bolster

the critical role our community colleges play in workforce development.

We balanced our budget last year and we will do so again this year, but I would be remiss if I did not highlight two critical areas of concern: health care and corrections. When health-care costs rise, our outlay for State workers and retirees must rise as well. Even more important, so does the cost of providing State-funded health care to the poor and the elderly. In the last few years, the cost of health insurance rose six times the rate of inflation, and unfortunately, for a number of reasons, the costs of operating and maintaining our prisons are rising almost as quickly. Left uncured, these problems could become budget busters.

Last year's budget forced us to make many tough choices. Our structural deficit required that we find the revenue to continue the programs we all agree are critical to the most vulnerable among us. Other States found themselves in the same predicament. Across the country many States chose to reduce spending by curtailing medical coverage programs. All told, 1.6 million Americans ended up losing medical coverage, but thanks to our efforts, not one of them was a Pennsylvanian.

One way we will address increases in our health-care costs is to realize savings by changing the way the Commonwealth purchases prescription drugs. We spend over \$2.7 billion a year on prescription drugs, making Pennsylvania one of the largest buyers in the nation. We plan to create a buyer's market where we set the terms. In the coming weeks I will be meeting with executives from our nation's largest manufacturers of pharmaceuticals. With their help – or, if we must, without it – we will bring our prescription drug costs under control. I was particularly pleased by the remarks yesterday of our new Attorney General, Jerry Pappert, who expressed his strong support for moving aggressively to control prescription drug costs.

If you think our task this year was difficult, consider what happened in the rest of the country. Thirty-four States balanced their budgets by increasing taxes and fees last year. Ohio raised taxes by \$1.5 billion and New York by \$3 billion. California's budget deficit stands at \$36 billion, and its leaders are still looking for ways to bring that budget into balance. Because of the budget cuts in Massachusetts, 20 percent of schools had to make severe cutbacks, and 70,000 people lost access to medical assistance programs. In stark contrast to these States, here in Pennsylvania we were able to make hard choices, the hard choices necessary to get us back on firm fiscal footing.

Our willingness to work together to restrain government spending will allow us to build a New Pennsylvania. This legislature is poised to pass the most comprehensive property tax reform package in the history of the State of Pennsylvania. By enabling a limited expansion of gaming, we will ensure that school property taxes will drop significantly, but every week we delay means more financial hardship for the working families of Pennsylvania and a greater chance that senior citizens will lose their homes. The people of Pennsylvania have heard countless promises on this issue from Harrisburg in the past. Now is the time to make good on these promises and to get this done.

The budget passed in December also includes an expansion of the personal income tax poverty exemption. As a result, a working family of four earning up to \$32,000 will pay no State income taxes in 2004. Expanding the poverty exemption was an important step, but we can do even more to help our

struggling citizens improve their financial stability. Our Department of Banking is embarking on a far-reaching financial literacy education program to help our citizens spend wisely and save their hard-earned dollars. Our Department of Insurance will soon open an Office of Consumer Liaison to educate consumers to recognize predatory and unethical insurance practices and to help ensure that all Pennsylvanians have access to reasonably priced and reliable insurance coverage. And Representative Dwight Evans came to us with a great idea. He suggested that I appoint a task force on working families to use the entire breadth of our State agencies to help our citizens become better financial consumers, to help families build assets and increase income. I plan to create that task force this month.

I am extremely pleased that we have reached consensus with legislative leaders on the elements of our economic stimulus package. This package will combine Federal and State money and use up to \$2 billion in grants, loans, and guarantees over the next 3 years to attract as much as \$6 billion in private-sector investment. It will boost existing businesses, bring new ones to our State, and put Pennsylvanians to work. I urge members of the House and Senate to support their leaders' efforts to move these bills in the days ahead.

But time is of the essence in completing our work on the economic stimulus package. As I speak, there are companies ready to create jobs in Pennsylvania. We need the tools to help them make these jobs a reality now. In Mercer County, a contaminated industrial site is being cleaned to enable Winner Steel to expand its galvanized steel operation, saving 200 jobs and creating another 110 positions for steelworkers. Through a unique partnership, \$43 million in public and private funds are bringing jobs back to a facility that has been closed for 24 years.

In Lancaster County, Franklin and Marshall College is preparing an application to become the first of our State's keystone innovation zones. The college's new Life Sciences Building, slated to open in 2007, will offer startup companies access to talented faculty, students, and specialized research equipment. The KIZ will also enable an empty historic building to be transformed into an incubator for biotech and high-tech companies.

In January, I was in Bethlehem to present economic development funds to the Lehigh Valley Industrial Park. Our investment is being matched by millions in local and private dollars to convert 1,000 acres that once housed a Bethlehem Steel plant – the largest privately owned brownfield in the nation – into the Bethlehem Commerce Center. Eventually, this complex will house technology companies, service companies, and manufacturers, creating 6,000 jobs and an annual payroll of \$210 million. In fact, Lehigh Valley Industrial Park representatives told me last month that because of the growing demand to locate in the Commerce Center, they intend to be the first applicant to our Business in our Sites program, which, as you know, is a key element of the economic stimulus package. The transformation of these steel furnaces – relics of the industrial age – into an engine of 21st century economy is exactly what the stimulus program can make happen over and over again.

While we look toward the industries of the future, we must also apply the tools of technology to restore the traditional backbone of our economy – our manufacturing sector. Based on the compelling findings from research conducted by

Team Pennsylvania, I am proposing an increase of \$5 million for our Industrial Resource Centers to help infuse our manufacturing plants with technology and innovation. Our stimulus plan also dramatically expands the Machinery and Equipment Loan Fund program, allowing manufacturers to obtain new technology to improve productivity and increase competitiveness, and that is also part of our stimulus program. We are also planning to hold a manufacturing summit in the coming months to solicit and refine strategies designed to take manufacturing in this State to the next level.

To compete in the global economy, we must also invest in the education of our children. Pennsylvania is the first State in the nation with an Accountability Block Grant that targets funds specifically to students who need help the most. My thanks to the House majority leader, Representative Sam Smith, for proposing the block grant approach and, as a result, improving my original education proposal. Because of all of your efforts, when schools open across the State next September, they will have a downpayment on the resources they need to ensure that all students can read and do math at grade level.

In January, a number of legislators, the Lieutenant Governor, and I visited the Sto-Rox School District – a district, incidentally, where the Lieutenant Governor taught many years ago – a relatively small district with about 1600 students just west of Pittsburgh in Allegheny County. We were there to help kick off the new tutoring program made possible with funds from our \$34 million tutoring appropriation that was included in the budget passed in December. While we were there, a young student told the audience that last year he was able to get some tutoring to help him keep up, and now, he said, he was not “stupid anymore.” Well, you and I know he was never stupid. He just needed a little extra help and was lucky enough to go to a school where the teachers volunteered to help him after school and other students without any pay at all. Well, every student who needs extra help should get it. Now these children and children throughout the State can depend on us to provide the resources to make that happen so that more and more Pennsylvania students will read and do math at grade level.

We are not alone in our tutoring initiative. Last month Gov. Jeb Bush of Florida followed our lead and proposed a multimillion-dollar initiative to put reading coaches in 240 low-performing middle schools throughout the State. In announcing this initiative, Governor Bush said that if students are not continually exposed to reading instruction, especially after elementary school, they will fall behind. Many, he noted, will eventually drop out of school and become burdens for our society.

I am proposing that we fund our innovative block grant approach with \$250 million, an investment that is possible within the constraints of this budget. Given the demands of the Federal No Child Left Behind law, to not make this investment would be unwise. Pennsylvania stands to lose \$721 million in Federal funds if we do not comply with the requirements the Federal government has set. Beyond that, slowing down the help we offer our students means the loss of so much more – lost opportunity for our next generation.

Consider this: By 2005, No Child Left Behind requires that 54 percent of our students read at grade level and that 45 percent pass our State assessments in math – goals that almost 3 in 10 Pennsylvania schools have not yet been able to meet. By 2008, when next year’s kindergartners are in

third grade and taking the PSSA (Pennsylvania System of School Assessment) for the first time, 63 percent of Pennsylvania students will have to be proficient in reading and 56 percent will have to be proficient in math. If those were the standards in place today, more than 6 in 10 of our schools would fail to make the grade. In less than 10 years the law requires every student in our public education system to be working at grade level – an honorable goal that we are woefully unprepared to reach. The Accountability Block Grant represents an important downpayment toward the funds necessary to help us meet these ambitious Federal targets.

While I ask for your approval of these targeted funds to boost student performance, I also ask you again to consider legislation that holds our academic leaders more accountable for the performance of every student – those for whom learning comes easy and those who struggle to keep up. After reviewing the accountability bills introduced in the House and Senate, I am convinced that by collaborating with your leaders, we can craft legislation that offers mandate relief to schools where most students are doing well. And in underperforming districts we need contracts with superintendents and principals that are renewed based in part on improved student performance – rewarding teachers for boosting student skills instead of basing pay on longevity alone.

My approach to improving our public schools – building a fair and practical accountability system and targeting funds to programs we know work – has received strong support from parents, students, and business leaders across the State. At the end of this month I will formalize our Business Education Partnership to help bring the benefits of business practice into the management of our schools, to improve the public’s understanding of what it takes to ensure that every child succeeds and to offer resources to districts that are working the hardest and making the greatest gains.

While we attend to these fundamentals, we must also turn our attention to the buildings where our children spend the bulk of their day. I told you last March I wanted to respond to this need. We have identified ways to increase the resources available for school construction without requiring that the Commonwealth increase its level of indebtedness. In addition, we are soliciting input from all aspects of the school construction field to help us make our school construction process work better. I believe that the quality of our school buildings makes a statement to our parents and our students, a statement of how much we value education. Every school building should be a place where we are proud to send our children and our grandchildren.

Improving education will make us more competitive, but we must remain attentive to the other building blocks of our economy as well. That means we must invest in the physical infrastructure that supports economic growth, such as transportation networks, telecommunications systems, and our water and sewer infrastructure, if we want to create jobs and compete economically.

Modern roads, airports, and transit systems are a precondition for growth, but we must also ensure that our transportation spending helps revitalize our core communities rather than accelerating both sprawl and blight. This will require a new way of thinking about our transportation priorities and how we fund them.

I have been watching closely the ongoing debate regarding Chapter 30 and the telecommunications industry in Pennsylvania. As all of you know, the Public Utility Commission has suggested that the provisions of the law enacted more than a decade ago will remain in place, but it is clear to me that simply allowing these provisions to live on without changing our telecommunications system would be a lost opportunity. Therefore, therefore, today I am calling on the General Assembly to enact legislation that ensures that every Pennsylvanian has access at home to affordable, quality basic telephone service.

In a global economy increasingly reliant on technology, the most modern telecommunications system possible is absolutely essential. Eight of the 10 fastest growing occupations are in professions that depend on high-speed communications. We have no choice but to accelerate the introduction of broadband services across the Commonwealth – well before the 2015 deadline established under Chapter 30. We can do this by providing incentives to local telephone companies and financial assistance to municipalities and entrepreneurs.

Every school in Pennsylvania must have high-speed Internet service at affordable rates within the next 18 months. Today, one of six school districts has Internet service only through telephone modems that operate at a fraction of the speed that we enjoy right here in this building. We can no longer tolerate this. Our schools and our schoolchildren deserve to have access to the most modern technologies available.

Our energy infrastructure is also vital to economic recovery. America's energy history was made right here in Pennsylvania, where the first commercial oil well was drilled in 1859. If we are to remain economically competitive, we must modernize and diversify our energy portfolio. Today, we are just too dependent on a few sources of fuel. We now have an opportunity to develop new technologies that only a few years ago might not have been cost competitive, such as waste coal, wind, biomass, solar, and fuel cells.

Today, today I am proposing a series of initiatives that will move Pennsylvania to the forefront of energy innovation. I am revitalizing the Pennsylvania Energy Development Authority. We will expand our successful Energy Harvest Initiative so we will have the financial tools to build energy projects. These efforts would enable us to invest new capital in alternative energy technologies so that Pennsylvania can gain ground in this dynamic sector of the economy.

If we plan to invest in the energy economy and grow manufacturing and energy companies in our State, then we must also stimulate the demand for highly energy-efficient appliances and put the purchasing power of the people of Pennsylvania to work to expand the alternative fuels economy. I therefore propose that we offer two Green Sales Tax Holidays next year to encourage people to buy energy-efficient appliances.

Having already doubled Pennsylvania's use of green energy, I am directing State agencies to redouble that effort so that fully 20 percent of the Commonwealth's needs are met by state-of-the-art energy technologies. To expand this effort across the State and into the private sector, I am also proposing an Advanced Energy Portfolio Standard so that in 10 years, 10 percent of all energy generated in this State will come from clean, efficient sources of power.

Thirteen States already have energy portfolio standards in place, but Pennsylvania's portfolio would be the first in the

nation, however, to include energy generated from coal-mine methane and waste-coal generation. The energy portfolio has enormous potential to create new jobs and help us reduce greenhouse gases and reuse mountains of coal waste. With support from our Department of Environmental Protection, Reliant Energy built the nation's largest waste-coal energy plant in Indiana County, and that plant now pumps 520 megawatts into the grid – enough power to light 433,000 homes and businesses. This plant will also help eliminate the blight of more than 40 waste-coal piles from 7 southwestern counties.

In Schuylkill County – thank you, Senator – in Schuylkill County, a project that the Senator is very familiar with uses cutting-edge technologies to reuse coal waste and polluted waters from the Gilberton Mine to generate diesel fuels, and the project is moving forward with a \$107 million commitment from the Federal government from both the Clinton and Bush administrations. At a minimum, this plant will employ 150 Pennsylvanians, divert polluted mine waters that would taint the Mahoney Creek, and convert – listen to this – and convert 1.4 million tons of coal waste a year into 60 million gallons of zero sulfur diesel fuel.

For those of you who come from northeastern Pennsylvania, just think for a minute, just think for a minute what the landscape of your home counties would look like if we can eliminate 1.4 million tons of waste coal from that landscape each and every year going forward. It is unbelievable to think about.

We must also modernize our business tax structure. This budget demonstrates our shared commitment to improving the business climate by resuming the phaseout of the capital stock and franchise tax, but this cannot be the only item on our agenda. Currently, too many businesses pay little or no business tax while others face high tax burdens that hurt our competitiveness. A simpler and fairer business tax structure is essential to help revive our economy. While it would have been premature to discuss business taxes during last year's budget process, I will shortly announce the appointment of a panel of experts and business leaders to recommend improvements to our business tax structure before the end of this year.

Education, property tax reform, and economic stimulus are three of the chief components of a strategy for competitiveness. Today, I add to this strategy the goal of improving the quality of our citizens' lives.

The companies and industries we need in Pennsylvania can choose anywhere to do business. Increasingly, they make that investment decision not just by the traditional measures – tax rates, access to markets, the quality of the workforce – but also based on the ability of a particular location to offer workers a place to call home – a community with a clean, safe environment; vibrant towns and neighborhoods; opportunities for outdoor recreation and entertainment; and abundant open space.

Richard Florida, the Heinz chair professor of regional economics at Carnegie Mellon University and a visiting scholar at the American Enterprise Institute, has concluded that based on his extensive research, and I quote, "In the new economy, environmental quality has become important simply not as an end in itself, but as a prerequisite for attracting new talent."

Investing in the quality of life in Pennsylvania's communities will help us with business attraction, no doubt, but that is not the only reason to make these investments.

We should recognize that we are sitting on a tourism gold mine. Pennsylvania has 3.8 million acres of park, forest, and game lands – an area larger than the entire State of Connecticut. Our hunting and fishing resources generate \$9.6 billion in economic activity every year. We must make these natural resources one of the engines of our economic growth. For example, this spring we intend to advertise in the Philadelphia, New York, and Baltimore media markets the wonders that a family can experience by taking a scenic drive along Pennsylvania's Route 6. The incredible view from atop the Kinzua Dam, the breathtaking look down at the Tioga Canyon, the majesty of our regenerated elk herd, and the remarkable vista of Lake Erie's expanse seen while standing on Presque Isle are all experiences that can be had on or near the route that National Geographic calls "one of the best scenic drives in the nation."

In the contest for new jobs and tourist dollars, those States that offer the highest quality of life will have the advantage in the 21st century. Fortunately, for us, this is a contest we can win because of our Commonwealth's wonderful natural gifts and because of two key investment programs created by my predecessors.

With help from many of you, Governor Casey created the Hazardous Sites Cleanup Fund. Prior to 2002, a share of the capital stock and foreign franchise tax was the primary revenue source supporting this important program. As this tax rate was lowered, the portion used for site cleanup was eliminated. If we do nothing to replenish this fund, we will have \$6 million in new revenue and more than \$50 million in new costs next year.

This State is peppered with 11,000 sites in need of remediation. Already 500 sites are ready to be cleaned, but we lack the resources to make these sites safe for reuse. We must continue the good work supported by the Hazardous Sites Fund. To keep the fund in operation, I am proposing a fee of 15 cents a pound on the release of toxic chemicals into our air and water. Funding hazardous site cleanup with resources that come from the sources of pollution is simple common sense and will provide one more good reason for industry to cut down on toxic emissions.

Another program Pennsylvania can be justly proud of is Growing Greener, an important part of the legacy of the Ridge-Schweiker administration supported, again, by most of you. Investing in stream cleanup, farmland protection, upgraded water and sewer systems, improved parks, and a host of related activities – each designed to improve the communities in which we live – just makes environmental and business sense. As Governor Ridge said when he signed the Growing Greener program into law, this voluntary program of environmental stewardship helps meet our obligation "to leave 'Penn's Woods' better than we found them."

But Growing Greener is also beset by budget problems. When it was first created, \$139 million was appropriated for this recurring annual program. This year, recurring funding is down to \$107 million. Absent new revenue, funding will fall by an additional \$27 million next year. We must fill this gap. But simply maintaining the status quo should not be our only goal. In addition to protecting Growing Greener, we should also expand and improve it. Therefore, I am proposing that we build on the legacy of Growing Greener by placing a Growing Greener Bond Act before the citizens of Pennsylvania for their approval.

In spite of the fact that in most of the decade of the 1990s Pennsylvania ranked 48th in population growth, we outpaced 48 States in our consumption of open lands. That startling trend continues today. As a result, the largest share of bond funds, \$330 million, will go to protect our precious lands – our State parks, our forests, farmland, and open space. Pennsylvania has been a national leader in this area for years, but we are still losing 110,000 acres of open land a year, an area the size of Delaware County. This is not because farmers want to abandon their way of life. In fact, there are 1700 farms on the waiting list to enter our successful Farmland Preservation Program. But the economic realities of farming today often leave them little choice. Funds from the Growing Greener Bond Act will help them stay in business.

We should replicate this successful program to help protect our woodlands as well. Giving private forest owners an opportunity to tap the same benefits as our farmers makes good business sense. Pennsylvania is a leader in the nation's timber industry, and we should work to retain this competitive edge. Our Farmland Preservation Program works because we preserve open space yet keep the land in private hands. We can give private forest owners the same option we give to our farmers. Extending this voluntary land preservation effort to our private forests will ensure that these lands remain wooded, giving our timber companies a sustainable source of Pennsylvania wood and helping to stabilize our \$5 billion forest products industry.

We are home to the second largest system of State parks and forests in the nation. We must protect and upgrade these lands so Pennsylvanians can enjoy this splendor this year and for years to come. We must also attend to decades of underfunding of the capital needs of the Fish and Boat and Game Commissions. Therefore, I propose to allocate \$50 million to allow us to reduce the backlog of leaky roofs, unsafe dams, rundown fish hatcheries, and deferred maintenance of all kinds.

We will allocate \$300 million to make major investments in environmental cleanup. Pennsylvania's proud history as an industrial State has left us many great legacies but many burdens as well. Communities around the State that once thrived on coal and coal mining are now home to abandoned mines and streams poisoned by acid mine drainage. In fact, if we lined up the 2100 miles of streams polluted from mines and runoff, they would stretch from Philadelphia to Las Vegas. We are slowly cleaning these places up, but at the rate we are going, we will still be at it for decades to come. We must speed up our pace so that anglers can rely on healthy fish no matter where they throw their lines, and we must do it so we can realize the full economic benefit that a robust nature tourism industry can provide for our rural communities.

The best part is, though, as we clean up our streams, we can generate economic activity. Consider for a moment the progress at the Shannopin Mine in Greene County. The waters in the polluted mine pool are being treated and cleaned up before they are sent back to our streams. In the future, these once-polluted waters will have a promising industrial reuse at a powerplant soon to come on line in nearby West Virginia. Treating this water also permits us to open a shut-down mine, keeping 115 Pennsylvania coal miners working and opening the possibility of even more jobs.

Our economic stimulus program will provide funds to clear brownfields for business development, but I also propose we increase funds to help clean up cities and towns that need to

repair blighted lands for public space, housing, and other important community uses. New initiatives like these will speed our efforts to heal the environmental scars from our past.

Finally, the Growing Greener Bond Act will help us invest in rebuilding and revitalizing Pennsylvania's older communities, making \$170 million available for this purpose. The economic stimulus package provides funding for Main Street managers and Elm Street planners. Growing Greener bond funds would take these efforts a necessary step further by providing capital to improve our Main Streets, build new housing and mixed-use redevelopments, and bring life back to community parks. We all know that too many of our cities and towns have seen better days and that modest public investments can catalyze the new private investment that will revive these communities. We also know that some places are pressured by rapid growth, and good land use planning tools – such as those you enacted in Acts 67 and 68 – can help them cope with the demands of development. In this budget, we provide new funding for better planning, and we will work with local governments, citizen groups, developers, and others to determine if additional incentives or tools can promote even smarter growth.

I believe a majority of Pennsylvanians will see the value of the Growing Greener bond program. Almost without exception, when the public is asked if government should do more of what Growing Greener already does – protect threatened open space, clean up streams, reinvest in State and community parks – the resounding answer is yes. In 2002 voters in 2 counties and 11 municipalities considered open-space referenda. Every one of these initiatives passed with an average of 70 percent support.

The original Growing Greener program signed into law by Governor Ridge cost about \$135 million a year, and I am proposing an investment of similar proportions. Given the state of our budget, this cost cannot be funded within our current revenues. Therefore, to fund our efforts to stabilize and expand this program, I am proposing that we raise the trash disposal fee that now funds Growing Greener by an additional \$5 per ton and that we apply a fee to some waste types not currently covered. And remember, this is a fee paid in large part by residents of other States who ship their garbage to our State. Even with the new fees, even with the new fees, disposal costs in New York and New Jersey will exceed ours, mostly because their landfills are reaching capacity and other means of disposing of trash are simply too expensive.

We can improve the quality of life and our economy by other means as well, including the way we spend our transportation funds. While we are working with local leaders to help businesses on Main Street attract new customers, Main Street itself may be falling apart, and in many Pennsylvania communities – small towns, medium-sized boroughs, and even major cities – Main Street happens to be a State highway. I am directing PENNDOT to establish a Home Town Streets program to prioritize the repair, redesign, and reconstruction of main streets, commercial corridors, and major boulevards in our older communities as a way to support local revitalization plans.

I also believe, I also believe that we must do what many States have already done and as many in this legislature have proposed – establish State historic preservation tax credits for commercial and some residential buildings. Pennsylvania could use this tool to help small businesses, homeowners, and

developers rebuild the fabric of hundreds of older communities across the State.

The need for us to act is clear. To do so will require approval by the citizens of an \$800 million Growing Greener bond issue. This amount represents a serious and significant new investment in Pennsylvania's quality of life, but we should remember that currently we are just using 14.8 percent of our constitutionally enabled debt limit. The Growing Greener bond issue will add less than 1 percent now and no more than 6 percent in later years to Pennsylvania's total debt portfolio, and all of that debt service would be fully covered by the fees that I have proposed. Therefore, the impact on our debt rating, if any, should be minuscule. The impact on our quality of life, however, will be immeasurable.

That is my plan for the coming year: to stabilize and expand our efforts to secure jobs and economic success by improving the quality of our communities and our natural resources. In conjunction with the framework that I put forward last year – improving the quality of our schools, cutting property taxes, restraining the growth of State government, and stimulating job creation – these efforts will move us toward the goal we share in quick fashion.

We all should be worried that Brookings Institution found that only 2 of Pennsylvania's 67 counties had a net gain in the number of young people between the ages of 25 and 34 in the past 10 years. Those are the grooming years, the years where the good workers become great, where the best managers move into the early stages of corporate and civic leadership. I believe that the elements of the package I have outlined today can and will help to reverse this trend.

Families will move to Pennsylvania and want to stay here when we improve our schools, improve our natural lands, preserve our open space, and reform our property taxes. Existing businesses will grow and new firms will come when we show faith in our future by using our own funds to invest in Pennsylvania businesses. We must do everything in our power to put Pennsylvanians to work in high-skill, high-wage jobs.

We are battling mighty competitors in this global race for business and jobs. Most of our strongest competitors are far away – as far away as Beijing, China. Other major contenders are right next door in New Jersey. Pennsylvania is in this fight for economic standing, and we are in it to win.

In my 2-year campaign to become Governor, I said that our unmet challenges were our economy, education, and the environment. I also said that these issues were linked together and that to achieve a new revitalization, Pennsylvania had to improve each of them. I believe we are well on our way to realizing that goal.

During the past 12 months our ship has begun to turn. Our course corrections are putting us on the path to growth and prosperity. We must be bold in these times, making smart decisions to expand investment, building a State that young workers and business leaders will want to call home.

Before you is an economic stimulus package that with your efforts can pass this month. And nothing – I repeat – nothing should stand in the way of quick passage of expanded gaming and property tax relief. With a balanced budget that mirrors the one you passed only 7 weeks ago, I urge you to turn your attention, I urge you to turn your attention to the energy and Growing Greener packages I am proposing today. These new components of our economic development strategy will help us

all realize a common vision for a New Pennsylvania. I look forward to working with you to make that vision a reality.

Thank you very much.

JOINT SESSION ADJOURNED

The LIEUTENANT GOVERNOR. Will the members of the House please remain seated for just a moment while the members of the Senate leave the hall of the House.

The members of the Senate will please reassemble immediately in the Senate chamber upon adjournment of this meeting.

The business for which the joint session has been assembled having been transacted, the session is now adjourned.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

The SPEAKER. The House will come to order.

MOTION TO PRINT PROCEEDINGS OF JOINT SESSION

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the proceedings of the joint session of the Senate and the House of Representatives held this 3d day of February 2004 be printed in full in today's Legislative Journal.

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

RECESS

The SPEAKER. This House will now be in recess until 3 p.m.

AFTER RECESS

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

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
February 3, 2004

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, February 9, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of February 9th, it reconvene on Monday, March 8, 2004, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the Senate adjourns the week of March 8th, it reconvene on Monday, March 15, 2004, 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 Tuesday, February 17, 2004, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, That when the House of Representatives adjourns the week of February 17th, it reconvene on Monday, March 15th, 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?

Mr. S. SMITH offered the following amendment:

The second, third, fourth and fifth resolve clauses are deleted and the following language is added:

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, February 9, 2004, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the House agree to the amendment?
Amendment was agreed to.

On the question,
Will the House concur in the resolution of the Senate as amended?

Resolution as amended was concurred in.

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

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and receives a request for a leave of absence from the majority whip for the gentlelady from Montgomery, Ms. HARPER. Without objection, the leave will be granted.

SUPPLEMENTAL CALENDAR C

RESOLUTION PURSUANT TO RULE 35

Mr. WHEATLEY called up **HR 555, PN 3263**, entitled:

A Resolution honoring the Honorable K. Leroy Irvis, former Speaker of the House of Representatives, on the occasion of the premiere of "K. Leroy Irvis: The Lion of Pennsylvania" on February 5, 2004.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Evans, J. Harper

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

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. METCALFE called up **HR 550, PN 3259**, entitled:

A Resolution recognizing February 6, 2004, as "Ronald Reagan Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

The SPEAKER. Temporary malfunction of the system. Would the members please revote on HR 550, offered by the gentleman from Butler, Mr. Metcalfe.

(Members proceeded to vote.)

The SPEAKER. There really is a malfunction here. The House will be temporarily at ease.

RESOLUTION PASSED OVER TEMPORARILY

The SPEAKER. The Chair goes over the resolution temporarily.

STATEMENT BY MAJORITY LEADER

The SPEAKER. At this time the Chair recognizes the majority leader, the gentleman from Jefferson, Mr. Smith.

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

The SPEAKER. Just one second.

Would the House please come to order. The gentleman is entitled to be heard.

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

I wanted to make a few traditional remarks relative to the Governor's budget presentation earlier in the day, and the first thoughts I had were basically, amazing; this is absolutely amazing.

I am not certain just how to respond to what we heard, but when a Governor proposes spending a billion dollars more than in the previous year, I guess something does need to be said.

Two years ago we passed a \$20.4 billion budget. Then the Governor came along, promised to change how things are working around here, and I think he has succeeded. I am not sure he succeeded in the way he intended, but he has succeeded.

He also promised and continues promising to save a billion dollars. I do not really know how that comes out, and I do not want to sound like a cynic, but I must have been missing one of the points here. Two years ago we passed a \$20.4 billion budget; last year, which was really just 5 weeks ago when we finalized the budget, we passed a \$21.3 billion budget that erased the deficit; and this year Governor Rendell is proposing spending \$22.3 billion.

I admit that I anticipated a proposal for an increase in the spending as the full impact of the Governor's tax increase takes effect – I mean, there would be some inflationary component to that, and we all recognize that – but not to the tune of an additional billion dollars, especially – and I think this is

probably one of the most important things I really have to say about the Governor's presentation – by his own revenue estimate, in the book, in the budget book that they present to you, on page A2.3, it shows in here, by his own revenue estimate, that even with the taxes that were increased last year, the fee and tax increases that are proposed in this budget that he just presented to us and the spending that he is proposing, we would be in a deficit next fiscal year. Look it up, page A2.3 in your budget book. The long-term plan just is not in place here.

Obviously, the Governor's priorities have changed again. This year it is the environment. As a person who has been involved with conservancies in the Commonwealth – I have been a long-time member of the Mining Reclamation Advisory Board – I certainly welcome investments for mine reclamation and brownfields, parks, and other such uses. In fact, the Growing Greener bill, when it was first put in place, was a bill that I was the prime sponsor of. Growing Greener did not rely on mortgaging our future but strengthening it for ourselves and future generations.

So I feel we need to ask some tough questions.

Before we can discuss the new initiatives, should we not get this year going right? For instance, let me back up a minute. The Governor has now proposed a whole package of new spending, and what I am suggesting is that we do not even have the things moving forward that were a part of the current budget that was just put in place. For instance, the Classroom Plus tutoring initiative, it was a successful tutoring program to help students get needed assistance in reading and math for the last 4 years, and it has yet to be reactivated under this administration. Why?

I am going to stop.

The SPEAKER. The gentleman is correct.

There is entirely way too much noise in the hall. If necessary, I will have to ask the Sergeants at Arms to take any extra staff people off the floor of the House. I would ask you to please do that on your own. Please.

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

Before we can discuss the new initiatives, I think we ought to go back and look what we are doing this year. For instance, Classroom Plus, which was a successful tutoring program to help students get needed assistance in reading and math for the last 4 years, has yet to be reactivated under this administration. Why?

I am also amazed by the request for \$250 million in the school block grant proposal that we put in place when just 5 weeks ago the Governor felt that \$175 million is what was needed. What has changed in the last 5 weeks?

The Governor's revenue numbers have changed in the last 5 weeks. In late December we voted to erase a deficit. Now, with his increased spending of a billion dollars, he seems to be creating a new deficit. The question becomes, is this good stewardship?

What is the message that is being sent to Pennsylvania residents and employers? What message is he sending nationally?

Last year I tried to take him at his word, and I assume Pennsylvanians took him at his word, and those words were from his inaugural, where they were summed up by these words, and I am going to quote the Governor from his inaugural address just last year: "Like working families across the state, we must find a way to make government live within its means. That is my first priority as governor. We must act now, and we

cannot fail. We must...make tough decisions to reduce spending and cut waste in government. We simply have no other choice," end quote.

That was the Governor from his inauguration speech. Spending an extra billion dollars a year, increasing taxes, fees, and debt by hundreds and hundreds of millions of dollars does not sound like a, quote, "government living within its means," unquote.

I anticipate these questions and other issues will be brought up and answered during the 3 weeks of budget hearings scheduled but also by some of the other standing committees that will be looking at various aspects of this proposal. I intend to keep an open mind. At least I will get the answers to many of these questions. I admit that right now I am concerned. I am concerned about Governor Rendell's new fees and large borrowing, I am concerned about the effects on the State's residents and the quality of life, and I am concerned of the effects that this will have on Pennsylvania's employers and jobseekers.

We answer to our constituents, and as we move forward with this process, we must find a way to live within our means. Should we not be able to balance our priorities with fiscal responsibility? Should we not find a way to fund our priorities within or close to a \$21.3 billion budget? I would bet that most Pennsylvanians believe this amount to be more than enough to keep the functions of government running.

A priority of the House Republicans is and has been to help our communities and those that live within them. Our goal and the goal of the General Assembly should be to make our communities the best and most vibrant in the nation, without placing the burden of paying for today's challenges by tomorrow's children.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY DEMOCRATIC LEADER

The SPEAKER. The Chair recognizes the gentleman from Greene, the minority leader, Representative DeWeese.

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

A. A. Latimer once observed that a budget is a computation of our suspicions, and when you think about it, of course, that is exactly what it is. Every budget is a work in progress, and thanks to the arduous labors of our brothers and sisters on the Republican side of the aisle, we culminated in a successful budget experience just 5 weeks ago, in December.

Mr. Smith audaciously led his liberal and moderate wing into the vortex, and we solved a problem that Tom Ridge and Mark Schweiker had allowed to fester and grow to the point of \$2 billion, but again, with the audacity, aggression, effrontery, political muscle to take care of that Commonwealth Caucus, we were able to solve our budget problem last year. And I say that pretty much tongue in cheek. It was a lot of progress, in spite of the fact that it took a very long time, but initial budgets on almost every Governor's watch are vexatious and challenging.

But retrospectively, we did a pretty good job. The Governor mentioned it not many hours ago. He talked about us having the best PACE program, the best pharmaceutical help for the elderly, of any of the 50 States, and that is not a small accomplishment. It is something that Pennsylvania can be proud of.

With a \$2 billion problem, now our fiscal house is in order, and why is it in order? Because Republicans and Democrats came together on the floor of the House and Senate, after many weary months, and put the final imprimatur on last year's budget. And now we are in the process of commencing another budget. In spite of the tentative perplexity of the honorable gentleman from Jefferson, according to Governor Rendell's cherubic budgeteer, Mr. Masch, we are only talking about 1.9 percent of growth, which is below the rate of inflation last year.

Now, that sounds pretty good to me, Sam. We have a budget presented by this austere, fiscally conservative Democratic Governor – do not smile too much, chairman of Appropriations; he is a very conservative Democratic Governor – 1.9-percent rate of growth, which is below the rate of inflation.

For a long, long time, most of you rural men and women like me have been trying to focus on community colleges and our job structures in rural counties. This Governor has tried to focus on rural issues. If you hunt in Pennsylvania, this is your Governor. If you fish in Pennsylvania, this is your Governor. If you hike in Pennsylvania, this is your Governor. If you like the out-of-doors, this is your Governor. This is a very progressive budget.

Now, you folks, almost all of you, a few years ago, just a couple of years ago – I think it was near the denouement of Mr. Schweiker's administration – you all voted for tipping fees to go up to solve the operational budget of the State. Now, again, with all due deference to those lean, mean conservatives that Colonel Rohrer's battalion so magnificently exemplifies, maybe not everybody voted for it, but you guys solved the State problem under poor old Schweiker with a tipping tax, and now you are raising Cain when our Governor wants to preserve Tom Ridge's Growing Greener. Give me a break.

I could not believe it. I was in such a happy mood. My face was almost beatific as I sashayed out the back of the hall a little bit ago, and I thought, what a great budget speech. It was a little bit long, but it was a good speech. With a substantive 1.9-percent rate of growth, I thought, holy mackerel; we have got a conservative Democrat – and I am not all that conservative, but we have got to win a few seats someday, so we need some more conservatives – Rendell is leading the charge. I go to the back of the hall of the House, and Sam and Chip Brightbill and Bob Jubelirer, they must have had some of those mechanical devices on their ears; they must have heard a different speech, Mr. Speaker. They were caterwauling about Governor Rendell's conservative budget. They did not seem to have the same feeling I had about 2100 miles of messed-up streams.

The acid mine drainage in this State, Mr. Speaker, is a persistent and sinister poison, ravaging the landscape. What a wonderfully linear metaphor that bounces around in my brain right now. The river would go from Philadelphia to Las Vegas if we had a stream that encapsulated all of the 2100 miles of bad, acid-mine-affected streams in this State.

So Ed Rendell wants to do what George Bush has been doing again and again and again and again – borrowing, borrowing, borrowing, borrowing, to quote my good friend, the honorable gentleman from Jefferson. We are going to go to the bond market and try to fix these streams and try to fix these coal mine refuse sites.

Some of you guys from Schuylkill County and the hard coal region up north – as Gaynor Cawley always says, up our way, and the late great Joe Wargo used to say, up our way, up in northeast Pennsylvania – well, down in the southwest, we have got site after site, scores and scores of mine sites, with culm banks and slag piles, and this Governor's budget is trying desperately to focus on generating funds to clean up those sites, to clean up those streams, to make sure that young men and women who marry and settle down and have families, kids graduating from Lafayette or Shippensburg or Penn State or Penn or Pitt or Waynesburg College, they want to settle in this State, this beautiful State, with our great hospitals and our great universities, but they want those outdoor experiences.

This is an environmental friendly budget, and all of you suburban Republicans should be aware of the fact that your constituents hone in on environmental issues. Young Vitali is not the only one that thinks about the environment. Your constituents think about the environment. The economic development impact of this budget, Mr. Speaker, is palpably obvious to even a casual observer. If you clean up Pennsylvania, you are going to invite more young people to come back into Pennsylvania with their wives and children and raise families in Pennsylvania.

If you take this budget and pass it and we realize gaming and property tax reductions of 23 to 40 percent in this State, you are going to increase economic development; you are going to enhance education. We had enough of the status quo. We had enough of do-nothing budgets in the 1990s in this State where all that happened were massive business tax reductions. And even my honorable gentleman friends from Lancaster County, even that conservative backbone of the GOP's hard right has to admit that in the last decade, we were 48 in educational testing scores and 48 – 48 – in job growth.

So we have got a Governor who is, as my favorite phrase at least of the moment is, an audacious buccaneer. He is willing to reach beyond the horizon and try to develop a better educational system in this State, a better environmental approach in this State, and an economic development effort next to none in this State.

If you have not gathered, I am enthusiastic.

Abraham Lincoln once observed, Mr. Speaker, and I say this in closing, "I'm a slow walker, but I don't walk backwards." Mr. Rendell's initial steps in last year's budget, as obviously observed by many of us during recent months, were slow steps, but they were deliberate, and in spite of some trips and obstacles, we passed a budget in December. This is a natural evolutionary process, and I feel that today's remarks and today's documents are pregnant with hope, and I am very confident that we will have a budget sometime in May or June, and I think that notwithstanding today's pyrotechnics, Republicans and Democrats will once again work together, as we did in the past.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MAJORITY LEADER

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

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

The previous speaker, like a certain Senator I have been sparring with in a few letters, does know pyrotechnics, so I would not want to dispute his definition of the day's events.

Let me just correct a couple things or at least give you my version of a couple things in response to some things that the minority leader just mentioned.

He suggested at the beginning of his remarks that the fiscal order of this Commonwealth was put into place because of the taxes that were increased in this past budget, the current fiscal year, and all the other adjustments that we made to spending, and I would tend to agree with that, that at this very moment we do have things in order, and I guess the point I was trying to make and I was not as articulate or I was not capable of making it as clear is, why do we want to take it back out of whack now by increasing spending to the degree that by the Governor's own long-term budgeting projections will have us in a deficit situation next year? It just does not make sense to me.

Number two, the minority leader suggested that this budget, this budget represented a 1.9-percent growth, below the rate of inflation. That is not exactly true, and I will refer you to page 5 of the Governor's speech, as it was presented to us here this morning. Midway down through, the Governor said, "We project that the cost of Medical Assistance will grow by over 12.5 percent next year. But if you deduct the impact of this growth from our budget, the overall increase in spending is only 1.9 percent – lower than the rate of inflation..." Now, I grant you that we do not control or we have very, very little control over the increase that the medical assistance programs generate in our budget and that that 12.5 percent is a significant number. When you look at it in the budget book, it is one of those numbers, the increases in those various lines do jump out at you. But that does not change the fact that we still have to spend that money. Therefore, the overall growth in this budget is actually closer to 4.1 percent versus an inflation rate of around 2 percent. So not to nitpick, but if he is going to claim that this budget only represents a 1.9-percent growth in inflation, it at least needs to be qualified by the statement that that is if you exclude paying for the increases in medical assistance, and I think that is an important note to make.

The third item is the issue of Growing Greener and what the Governor has proposed in his environmental package. Number one, as someone who was very much involved with that legislation when it became law and when we adjusted it a couple years ago, when it was first created, it was created as a 5-year program under Governor Ridge. Subsequent to that, what we in fact did was we in essence reamortized it and committed it initially at around \$130 million a year. Later we came back and spread it out over 10 years – at the time it would have been 13, but it was 10 years' extension over the initial 5 – at around \$107 million a year. So when we are saying that Growing Greener is getting less money to operate on this year versus previous years, while in a pure numerical analysis of it that may be true, in fact the Growing Greener program is funded for several years out, dedicated funding for several years out, at around \$107 million. So it is not like Growing Greener is withering on the vine and the program is not being funded. If we just stayed with the status quo, in fact it is substantially funded, with a dedicated funding source that was somewhat debated and controversial at the time, but in fact, it is in place.

I would even remind the minority leader of one of the benefits of the Growing Greener. One point here a minute ago, he said that the last several years, we have not done anything, that nothing was accomplished. That Growing Greener program and the expansion of it reminds me of a burning pile of refuse down in his own district. I believe it was something called the matter refuse pile, was it, I believe? I was hoping you would help me with the actual name. Although I am not familiar with the exact site, I am familiar with the project, and I seem to recall the minority leader seeking some assistance from the previous administration, under the Growing Greener program, to remediate and clean up that pile, and I was always led to believe, as I had contributed to the minority leader's getting some attention to that, that it was in fact cleaned up and remediated. The Growing Greener program has been successful, and it will continue to be successful.

One other comment, Mr. Speaker, and then I will certainly back away from the microphone.

Frequently the administration, and it was restated here that after all those years of economic growth in the country, the Commonwealth of Pennsylvania was still 48th in job creation. That statistic came out of a study that compared 40 or 50 different elements of economic development, and that particular statistic rated Pennsylvania 48th based on a percentage of jobs that it created compared to jobs that it already held, so that if you were up against a State that was a smaller State that did not have as many people in population or as many people working and they created X number, they actually rated better on a percentage basis, when in fact if you look at the number of jobs that were created in Pennsylvania based on the number of jobs, not a percentage of our employed but the actual number of jobs, the raw number, the Commonwealth rated at around 11th in the nation in job creation.

So I think it is time we start setting that record straight as well that Pennsylvania was not the 48th in total jobs created. As a percentage, that study said it was, but in total number of jobs created, there were a heck of a lot of jobs created in Pennsylvania, and I do not think it is fair to try to characterize those years as years of failure, and with that, Mr. Speaker, I will conclude my remarks. Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. ARGALL

The SPEAKER. The Chair recognizes the majority Appropriations Committee chairman, the gentleman from Schuylkill, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

I promise not to caterwaul. I will at least do my best.

Let me try to focus on some of the issues that I think we actually all agree on.

Finally, after many, many months of fiscal distress, the economy in Pennsylvania is steadily improving. We have seen in 2001, 2002, and 2003, many areas of this Commonwealth were indeed hit hard by the economic downturn. In my own district – and Representative McCall and Representative Goodman have seen it – we just lost another 400 jobs in the garment trades when Sara Lee closed down the Morgan Mill in Hometown, Pennsylvania, after generations of operations. To me, to my colleagues, you know, the people who lost those jobs,

they are not just statistics; they are our friends, they are our neighbors, they are people we see every day. And there have been too many instances like that all across the State, and so I, for one, and I suspect just about every member of this House was pleased by the Governor's focus on economic development.

What do we have to do to retain jobs in Pennsylvania? What do we have to do to create new jobs in Pennsylvania, working with the private sector? It is not a secret. We need to focus on the economy. We need to focus on education. We need to focus on rebuilding solid communities. And I think that whether it was the Governor, whether it was the minority leader, whether it was the majority leader, here and the Senate, those are things we all agree on.

The Governor's focus on the environment was very interesting. I listened to his comments with great interest. The minority leader mentioned, we do have streams all across parts of Pennsylvania near abandoned mines that were once hopelessly polluted, but – and we should always remember – as a result of important clean water initiatives passed by this General Assembly, many of those streams and rivers are now running clear again, open to fishing and a variety of water sports. We have to continue that record of progress. Whether that means adopting the Governor's plan that we just heard about or whether that means adopting an alternate plan, I think it is too early for any of us to say.

We also need to control the costs of the growth of State government. In that quest, just recently I asked every member of my caucus to give me their ideas for potential cuts, potential freezes, to tell us from their own experience what government programs work and what government programs they would like to see replaced.

We would like to assist the Governor in keeping his campaign pledge of eliminating more than a billion dollars in unnecessary State funding. If we do not, you heard what the majority leader had to say, that buried deep in the budget, on page A2.3 – look it up – if we do not do our job well in controlling costs in 2005, we are looking at a \$10 million deficit and on and on. It only gets worse after that.

And so as we face this next budget, we need to consider some of the facts that the Governor presented, and not just the Governor. We have heard from the Commonwealth Foundation; we have heard from the Pennsylvania Manufacturers' Association; we recently heard from the Brookings Institution. Many of these reports, in looking at Pennsylvania's economy, now, they may not agree on the solutions, but they all agree on the critical problems that we need to address: the needs of an ever-, ever-aging population; the outmigration of our young people; the loss of our traditional job base; high property taxes; poor educational attainment in too many of our school districts. You know what the list is. We all agree on the list that needs to be addressed.

In the Governor's comments this morning, he talked about the economy; he talked about the environment. To do our job well as members of this House, we need to ensure that any package that we support, those two components need to work together. We cannot afford to waste time and waste money by passing environmental bills and economic development bills that do not work on the same track, and that is going to be a key task for us in the weeks and months to come.

You all know that that is a challenge because of the diversity of Pennsylvania. In our southeastern counties, the issue of open

space is of critical importance, but in many of our other counties, when they talk about open space, they are talking about bringing jobs to the open space and the old abandoned mills and factories. We need to work on both.

By working together on the most pressing economic and environmental initiatives, Pennsylvanians should not have to choose between improving the economy and protecting our environment. Quite simply, we must do both. The solutions need to make sense. They need to work together in unison.

We know that Pennsylvanians have been through some tough times. You have heard me say at this podium that many of the observers of the fiscal climates across the State have talked about the fact that we face the toughest fiscal climate in the last 50 years, and we are happy to see that the recent news about the economy has been much more positive.

All four legislative caucuses in the House and the Senate have been working together on an economic stimulus package, as referenced by the Governor this morning. We are hopeful that in the weeks and months to come, we can finalize that work. Not just the members of the Appropriations Committee but all of the members of this House have a lot of work ahead of us.

We will work together in a bipartisan manner, with Representative Evans, all the members of the Appropriations Committee, as we go through this document, line by line, program by program, to see what makes sense and what should be adopted and what does not make sense and what should be changed.

Sometimes we are going to agree with the Governor; sometimes we will not. Sometimes we will agree with the Senate, and sometimes we will not. But our goal remains the same: to pass a budget, just one this time, that meets the needs of the people of Pennsylvania.

Thank you, Mr. Speaker.

STATEMENT BY MR. D. EVANS

The SPEAKER. The Chair recognizes the Democrat Appropriations Committee chairman, the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to first say to the chairman of the Appropriations Committee that I am looking forward and this side is looking forward to working together through this process, going line by line, in dealing with the various issues that we face today in the Commonwealth of Pennsylvania.

But what I would like to do, Mr. Speaker, is start off with a quote: "We are battling mighty competitors in this global race for business and jobs. Most of our strongest competitors are far away – as far away as Beijing, China. Other major contenders are right next door in New Jersey. Pennsylvania is in this fight for economic standing, and we are in it to win," said by Governor Rendell.

Mr. Speaker, we could have these debates about percentages of increases – high, low, whatever they may be – but the reality of it is, is that we are trying to reposition Pennsylvania to take advantage of opportunity, and what the Governor has attempted to do is to deal with two basic issues.

The Governor walked into a situation last year with a structural deficit in the ballpark of \$2.4 billion. That is what the Governor walked into last March. You may recall, on March 4

he came in and he asked us, he wanted to do a two-part budget and he came in and he asked us, we have got a deficit of \$2.4 billion, and the Governor took some very strong medicine in the ballpark of like \$1.6 billion in reductions. So the first thing the Governor had to do is stabilize the finances in the Commonwealth of Pennsylvania. The second thing the Governor wanted to attempt to do is to make investments for the future – investments in education, investments in economic development, investments in the environment.

So yes, we can have this kind of debate back and forth about is it a 1.9-percent increase or is it a 4.8-percent increase, but what we must look at is outcomes. What we must look at is, where we are making the investments, are we getting the kind of returns that we need? And that is a part of the process. When we go through the budget hearings, we will have that kind of debate, but the Governor has put out a challenge to all of us: Are we going to begin to reverse the trend of people leaving the Commonwealth of Pennsylvania? That is not a Democratic effort or Republican effort, because under Governor Ridge, he talked about the brain drain. Governor Rendell is now talking about the brain drain. Governor Rendell pointed out something in the Brookings report that only in two counties, people between the ages of 25 and 34 were at that kind of growth. We cannot ignore those numbers. Those numbers are reality.

So what the Governor has attempted to do is, one, deal with a structural deficit – not to blame anybody, not to point fingers at anyone, but basically put a challenge out to all of us, on both sides of the aisle. Yes, I heard my leader and the majority leader go back and forth about the numbers, but that is not really important. What is important is, do we create a New Pennsylvania? Do we create a plan for a New Pennsylvania? Do we convince people who are here as well as people we are trying to attract that business is going to be done differently in Pennsylvania? It is not going to be done like it has been done in the past.

So the Governor put a challenge out to us. He has made some recommendations. If we do not agree with those particular recommendations, we have the ability to make changes, but let us begin this discussion, in my view, in a different type of a tone, in a tone that we are all Pennsylvanians first.

Now, I have been here for a little while, and I know that we have to kind of go through the theater that we just went through, and I think the world of the majority leader. As a matter of fact, the Governor mentioned very specifically that he thanked the majority leader for his recommendation on the accountability approach. I, too, thank the majority leader for what he has suggested. Because of his suggestion, we can begin to move in the direction where no child will be left behind, but that only happens when we begin to work together.

In addition, the Governor talked about something that is very close to my heart, and that is about working with working families, figuring out how we can build assets and facilities and raise income for working families. The Governor is talking about something that they are doing in the State of Delaware. In the State of Delaware, our neighboring State, they are doing things with working families. He also is talking about it here in Pennsylvania.

So I say to you, Mr. Speaker, I understand the kind of theater that we have to have, but at the end of the day we have got to do whatever is best for putting people in the forefront. In my view, Mr. Speaker, the Governor is attempting to deal with that issue.

He is attempting to reduce that structural deficit so that we can have fiscal stability. He is attempting to make the investments in the right places in terms of economic development, in terms of education, in terms of environment. We cannot ignore that. That again is not a Democratic solution or a Republican solution. It is a Pennsylvania solution.

So I hope, Mr. Speaker, after we go through this particular process and we have our little debate here in the House and in the Senate, at the end of the day we will stand up and say we need to do what is best for Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

CONSIDERATION OF HR 550 CONTINUED

The SPEAKER. The House returns to the Metcalfe resolution, HR 550.

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

The following roll call was recorded:

YEAS—195

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

Diven	Lescovitz	Ross	
Donatucci	Levdansky	Rubley	Perzel,
Eachus	Lewis	Ruffing	Speaker
Egolf			

NAYS—2

Josephs	Williams
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NOT VOTING—2

Freeman	Tangretti
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EXCUSED—2

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

SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 1733, PN 3230**, entitled:

An Act amending Titles 53 (Municipalities Generally) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, reenacting the codification of provisions on the Pennsylvania Convention Center Authority; further providing for definitions, for the governing board, for general purposes and powers, for bond purposes and powers, for authority money, for expansion financing and for award of contracts; providing for convention center performance audits and for the Pennsylvania Convention Center Assistance Fund; making conforming amendments; and making related repeals.

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

The SPEAKER. It has been moved by the gentleman, Mr. Evans, that the House concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—199

Adolph	Fabrizio	Lynch	Samuelson
Allen	Fairchild	Mackereth	Santoni
Argall	Feese	Maher	Sather
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Major	Scavello
Baldwin	Flick	Manderino	Schroder

Bard	Forcier	Mann	Scrimenti
Barrar	Frankel	Markosek	Semmel
Bastian	Freeman	Marsico	Shaner
Bebko-Jones	Gabig	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Solobay
Benninghoff	George	McIlhattan	Staback
Biancucci	Gergely	McIlhinney	Stairs
Birmelin	Gillespie	McNaughton	Steil
Bishop	Gingrich	Melio	Stern
Blaum	Godshall	Metcalfe	Stetler
Boyd	Good	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Grucela	Miller, S.	Sturla
Butkovitz	Gruitza	Mundy	Surra
Buxton	Habay	Mustio	Tangretti
Caltagirone	Haluska	Myers	Taylor, E. Z.
Cappelli	Hanna	Nailor	Taylor, J.
Casorio	Harhai	Nickol	Thomas
Causer	Harhart	O'Brien	Tigue
Cawley	Harris	Oliver	Travaglio
Civera	Hasay	O'Neill	True
Clymer	Hennessey	Pallone	Turzai
Cohen	Herman	Payne	Vance
Coleman	Hershey	Petrarca	Veon
Corrigan	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko
Coy	Horsley	Phillips	Wansacz
Crahalla	Hutchinson	Pickett	Washington
Creighton	James	Pistella	Waters
Cruz	Josephs	Preston	Watson
Curry	Keller	Raymond	Weber
Dailey	Kenney	Readshaw	Wheatley
Daley	Killion	Reed	Williams
Dally	Kirkland	Reichley	Wilt
DeLuca	Kotik	Rieger	Wojnarowski
Denlinger	LaGrotta	Roberts	Wright
Demody	Laughlin	Roebuck	Yewcic
DeWeese	Leach	Rohrer	Youngblood
DiGirolo	Lederer	Rooney	Yudichak
Diven	Leh	Ross	Zug
Donatucci	Lescovitz	Rubley	
Eachus	Levdansky	Ruffing	Perzel,
Egolf	Lewis	Sainato	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—2

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

Ordered, That the clerk inform the Senate accordingly.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Does the gentleman, Mr. Evans, wish to submit some remarks for the record? The gentleman will please send his remarks. The Chair thanks the gentleman.

Mr. D. EVANS submitted the following remarks for the Legislative Journal:

The issue before us is a concurrence vote on Senate amendments to HB 1733, which reenacts the Pennsylvania Convention Center Authority, which is located in Philadelphia.

It is necessary to reenact the enabling legislation of the Pennsylvania Convention Center Authority because on November 7, 2003, the Pennsylvania Supreme Court overturned Act 230 of 2002, which was SB 1100 from last session. The court stayed its decision for 90 days, giving the General Assembly 90 days to pass legislation before Act 230 becomes null and void. This deadline is before us. The 90th day is just 2 days away, and on this Friday, Act 230 becomes null and void.

As I had explained before on the floor of this House, the court did not overturn the act based on the substance of the enabling law of the authority. Instead, the court overturned Act 230 on grounds that the General Assembly violated the one-subject rule, which is a legislative procedural issue.

We here in the House acted swiftly in response to the Supreme Court, and on December 16, 2003, we passed this bill nearly unanimously with a vote of 193 to 1. Now the Senate has acted and changes have been inserted into the bill, and we are asked for our concurrence.

These changes are the result of negotiations among both parties in both chambers, and we have what I believe is the best possible compromise we can achieve on this bill. The Governor's Office has also been kept in the loop on this important piece of legislation, and where seen fit, weighed in on some of the issues.

The version before us passed the Senate with unanimous support; it passed 50 to 0. To reemphasize the point, there was not a single negative vote in the Senate.

I will now summarize the changes. First, I will cover the changes made to the board.

The Governor's two appointments were changed. Instead of coming from lists provided by various organizations within the hospitality industry, the Governor, with the advice and consent of the Senate, appoints one member who is a resident of the city and another who is a resident of one of the surrounding counties, and the appointees cannot be from the same political party.

The appointment by the president of Philadelphia City Council is now mandated to be the city council person whose district contains the majority of the convention center within it. This happens to be the current appointment, so it maintains the status quo.

The term of the authority's chairman was changed from 4 years to 2 starting after the completion of his current term, which ends in 2008. Because his term will be the same as the legislative appointees, there will be one term consisting of 1 year before the 2-year terms begin.

Starting on December 31, 2005, the chairman can only be removed from office for misfeasance or malfeasance provided the board holds a public hearing. The version as it left the House allowed the chairman to be removed by a simple majority vote for any reason whatsoever.

Language was added to make the appointments by the legislative leaders to serve at the pleasure of the legislative leaders. This would enable legislative leaders to replace their appointees anytime as they see fit, not just within a 45-day window. Consequently, the 45-day replacement window for all appointees was removed.

The terms of office for the legislative leaders were changed from coterminous with the terms of office of the leaders to be 2 years beginning on the third Tuesday of each January. This change does not impact the terms of office for the House leadership or the Senate minority leader. It was changed this way because the President pro tem has only a 1-year term, and the Senate did not want him to have to make annual appointments to the authority.

Moving on, there were other changes than simply to the board. The language for the Assistance Fund was changed and shortened at the request of the Governor's Budget Office. The revision will still create the fund, make the State Treasurer the custodian, and make the fund

subject to the same laws affecting funds pursuant to section 302 of the Fiscal Code.

The revision, however, will remove all the details of how the fund will be managed and distributed. It is the intention to amend the Fiscal Code or another appropriate law to include any necessary specifications at the time a source of funding, such as gambling, is identified for the expansion, which is an issue not before us at this time.

In addition, there have been numerous technical and stylistic changes, some of which to clarify the intent of the bill.

A number of the sections have been renumbered and reordered in a way that the Senate believed was more logical. Perhaps the most important reorganization is placing the transition language in the back of the bill as a technical provision so that it does not become part of Title 64. This is actually the original way we had the bill drafted, but Reference Bureau moved it into the main body of the bill.

Transitional language relating to the original 1986 act for the board members was eliminated because it is no longer needed. There are no longer any appointees remaining in their original appointed positions from the 1986 act.

New language on the effective date and retroactivity was added to ensure a smooth transition. Changes to this is partly required because when HB 1733 left the House, we were uncertain on the date it would be sent to the Governor, and the bill included language allowing for the possibility of an earlier enactment.

There are other stylistic changes too tedious and unimportant to enumerate.

This summarizes all the changes from the Senate, and I would be happy to answer any questions on these or on the bill itself.

In closing, I would like to say that HB 1733 is very important not just for Philadelphia but for the entire economy of the southeast region, and what is good for the southeast economy is good for the State. It brings in tourists for conventions, which keeps the hospitality and tourism industry thriving, which has multiplier effects on the rest of the economy. These increases in economic activity also benefit the city and the State because more tax revenues are collected, which can be used for further improvements for public services.

We need to move forward and continue the progress being made to make the center a better one. It is my hope that one day it will be ranked among the best in the nation. But your vote, all our votes, are needed because HB 1733 is just the first step.

I ask for your affirmative vote.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2254, PN 3085**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for when a prosecution is barred by a former prosecution for a different offense.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Evans, J. Harper

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

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

BILL SIGNED BY SPEAKER

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

HB 1733, PN 3230

An Act amending Titles 53 (Municipalities Generally) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, reenacting the codification of provisions on the Pennsylvania Convention Center Authority; further providing for definitions, for the governing board, for general purposes and powers, for bond purposes and powers, for authority money, for expansion financing and for award of contracts; providing for convention center performance audits and for the Pennsylvania Convention Center Assistance Fund; making conforming amendments; and making related repeals.

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

RULES SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 2239, PN 3232.

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

The following roll call was recorded:

YEAS-199

Adolph	Fabrizio	Lynch	Samuelson
Allen	Fairchild	Mackereth	Santoni
Argall	Feese	Maher	Sather
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Major	Scavello
Baldwin	Flick	Manderino	Schroder
Bard	Forcier	Mann	Scrimenti
Barrar	Frankel	Markosek	Semmel
Bastian	Freeman	Marsico	Shaner
Bebko-Jones	Gabig	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Solobay
Benninghoff	George	McIlhattan	Staback
Biancucci	Gergely	McIlhinney	Stairs
Birmelin	Gillespie	McNaughton	Steil
Bishop	Gingrich	Melio	Stern
Blaum	Godshall	Metcalfe	Stetler
Boyd	Good	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Grucela	Miller, S.	Sturla
Butkovitz	Gruitza	Mundy	Surra
Buxton	Habay	Mustio	Tangretti
Caltagirone	Haluska	Myers	Taylor, E. Z.
Cappelli	Hanna	Nailor	Taylor, J.
Casorio	Harhai	Nickol	Thomas
Causar	Harhart	O'Brien	Tigue
Cawley	Harris	Oliver	Travaglio
Civera	Hasay	O'Neill	True
Clymer	Hennessey	Pallone	Turzai
Cohen	Herman	Payne	Vance
Coleman	Hershey	Petrarca	Veon
Corrigan	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko

Coy	Horse	Phillips	Wansacz
Crahalla	Hutchinson	Pickett	Washington
Creighton	James	Pistella	Waters
Cruz	Josephs	Preston	Watson
Curry	Keller	Raymond	Weber
Dailey	Kenney	Readshaw	Wheatley
Daley	Killion	Reed	Williams
Dally	Kirkland	Reichley	Wilt
DeLuca	Kotik	Rieger	Wojnaroski
Denlinger	LaGrotta	Roberts	Wright
Dermody	Laughlin	Roebuck	Yewcic
DeWeese	Leach	Rohrer	Youngblood
DiGirolamo	Lederer	Rooney	Yudichak
Diven	Leh	Ross	Zug
Donatucci	Lescovitz	Ruble	
Eachus	Levdansky	Ruffing	Perzel,
Egolf	Lewis	Sainato	Speaker
Evans, D.			

NAYS-0

NOT VOTING-0

EXCUSED-2

Evans, J. Harper

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2239, PN 3232**, entitled:

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for qualifications, eligibility and compensation for district attorneys; and making repeals.

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

Mr. **O'BRIEN** offered the following amendment No. **A0200**:

Amend Sec. 2 (Sec. 1401), page 4, line 26, by inserting after "clause"

directing that the office of district attorney be full time

Amend Sec. 2 (Sec. 1401), page 5, lines 12 and 13, by striking out "§ 3731" and inserting

§ 3802

Amend Sec. 2 (Sec. 1401), page 5, line 14, by inserting after "substance"

or the former 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance)

Amend Sec. 2 (Sec. 1401), page 8, lines 29 and 30, by striking out "SUBJECT TO SPECIFIC ANNUAL APPROPRIATIONS FOR THIS PURPOSE. THE" and inserting

The

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

The following roll call was recorded:

YEAS-199

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Evans, J. Harper

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

For that purpose, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for interrogation?

The SPEAKER. The gentleman, Mr. O'Brien, indicates that he will stand for interrogation.

Mr. VITALI. Initially, could we have a brief explanation for what the bill does?

The SPEAKER. The Chair apologizes.

The gentlelady from Philadelphia, Ms. Manderino.

Try it again.

The gentleman, Mr. Daley.

Mr. DALEY. Mr. Speaker, could you repeat your question, please?

Mr. VITALI. Initially, could you explain what the bill does before I get into more specific questions?

Mr. DALEY. Mr. Speaker, the nutshell of this bill creates full-time district attorneys in counties of the fourth through the eighth class in the Commonwealth of Pennsylvania and sets up a State appropriation mechanism to fund these district attorney offices.

Mr. VITALI. In other words, if I understand it correctly, it would, if passed, mandate that these counties have full-time district attorneys.

Mr. DALEY. Could you repeat that, please.

Mr. VITALI. If I understand this bill correctly, it mandates that the counties you have mentioned have full-time district attorneys.

Mr. DALEY. Yes, Mr. Speaker, except for counties in the seventh and the counties of class eight.

Mr. VITALI. Okay.

So right now these counties can have full-time district attorneys if they choose to under current law.

Mr. DALEY. Yes. Many counties do have full-time district attorneys. In the State I think there are 26 counties that do have full-time district attorneys currently.

Mr. VITALI. Okay. But under this legislation it would, in a sense, take the choice away from those counties and require them to have full-time district attorneys. Is that correct?

Mr. DALEY. Well, that is fundamentally true except for counties of the seventh and eighth – just eighth class where the evaluation is undertaken by the prosecuting attorney or the district attorney to make a determination. We have a criteria set up on pages 4 and 5 of the bill that is utilized by the district attorney in order to make a determination that that county would merit a full-time district attorney.

Mr. VITALI. Okay. So right now a county of the seventh class, for example, which I understand can have as few as 20,000 people, under this bill they would have to have a full-time district attorney under this bill, a county that has as few as 20,000 people. Is that correct?

Mr. DALEY. Could you repeat the question? We are having a hard time hearing you, Mr. Vitali, down here.

Mr. VITALI. As I understand it, under this bill a county of the seventh class, which could have as few as 20,000 people, would be required to have a full-time district attorney whether it wants it or not. Is that correct?

Mr. DALEY. If a determination is made under that criteria, that is indeed possible; yes.

Mr. VITALI. Now, it is my understanding that the salary that would have to be paid would be about \$123,000. Is that correct?

Mr. DALEY. It is based upon the salary of the Court of Common Pleas in that county, and that is fairly close to the figure that we have been able to determine.

Mr. VITALI. So it really would require, it really would require paying a district attorney full time, whether the county wanted to or not, a \$123,000 position.

Mr. DALEY. That would be indeed true if we had not passed the O'Brien amendment, and fundamentally, what we are doing now is the State is going to pick up 65 percent of that cost and the county would be required to pay 35 percent of that cost.

Mr. VITALI. But still—

Mr. DALEY. And let me point out, Mr. Speaker, counties of the eighth class are 25,000 in population, 25 and less, not 20,000.

Mr. VITALI. Well, the information given to me may be wrong, but counties of the seventh class can be as low as 20,000 people.

Mr. DALEY. I am sorry; could you repeat that, please?

Mr. VITALI. Counties of the seventh class can be as low in population as 20,000 people.

Mr. DALEY. I know of none. Could you name one, please, for me so we would be able to know?

Mr. VITALI. I think Juniata County, for example, would have 23,000 people, and that is a county of the seventh class.

Mr. DALEY. I am sure we could ask the Representative from Juniata County to see if that is indeed true. I am not sure.

Mr. VITALI. So under this bill, as I understand it, you will have counties right now who may be paying their district attorneys under \$60,000. Under this bill the salary for that district attorney would more than double from, let us say, \$58,000 to \$123,000.

Mr. DALEY. Only in those counties, as I told you, if the caseload does not merit this being a full-time prosecutor, a full-time chief law enforcement officer for the county, and if it did not merit that type of position, then there would not be that position created. If it did merit that type of position, yes. But if you look currently, Mr. Speaker, most counties are paying over \$60,000 to \$65,000 now for district attorneys. It would be much less for the county because the State is going to be picking up the costs.

Mr. VITALI. I am really concerned about overall taxpayer dollars, be they come from the pocket of the taxpayer through the State or the pocket through the county, but what you are telling me seems to be a little bit at variance with regard to what I have heard in caucus, and maybe correct me if I am wrong.

With regard to counties of the seventh class, you have to hire – it has to be a full-time D.A. There is no criteria to be met. If it is seventh, sixth, fifth, fourth, you have to hire the full-time position. It has to be \$123,000. Is that right?

Mr. DALEY. If I had misspoken earlier and said seventh-class counties had the option, seventh-class counties do have to have a full-time district attorney.

Mr. VITALI. Okay.

Now, I am trying to get at the policy reasons. Do we have a shortage of attracting people who want to run for D.A. so we have to up their salaries? Is that the issue? Why are we upping their salaries?

Mr. DALEY. Well, Mr. Speaker, I think it is quite evident. You are a practicing attorney. You have passed the bar—

Mr. VITALI. Well, actually, I am not a practicing attorney, but anyway—

Mr. DALEY. Well, maybe you need to go out and practice a little bit and you will see how many, the caseload, that some of these attorneys have, these district attorneys have all over the State, and as a chief prosecuting officer for each county representing the Commonwealth that I have seen all over Pennsylvania, there is an outcry to make these positions as a full-time position to avoid, obviously, the conflict of interest that can occur with a district attorney practicing as a part-time district attorney making \$60,000 and having an outside practice. It insulates that person from those conflicts, and I think it is the proper thing to do. It is good public policy.

Mr. VITALI. Okay.

So you are saying that in all of these counties where we are mandating this, in every single county when we are mandating this, district attorneys cannot handle their current caseload? Is that the policy reason driving this?

Mr. DALEY. What we are saying, Mr. Speaker, that counties of the eighth class have that option where the population is much less than counties of the seventh and all the way down to counties of the fourth, and they make their own evaluation, determination, if a full-time district attorney is necessary there. In the other counties, however, we are saying that they should have a full-time district attorney, a full-time prosecuting officer for the county, and we are saying that the Commonwealth, by the passing of the O'Brien amendment, will be picking up 65 percent of that cost. That indeed translates to a savings by and large to every county that now has attorneys, district attorneys, that make a minimum of \$65,000 a year.

Mr. VITALI. But if a county is right now under current law handling its caseload and doing that by paying their D.A. \$58,000, why are we saying "you must" as opposed to "you may"? Why are we saying you must more than double that salary? Why are we not just saying you may, and if you do, you will get money from the State, but you do not have to? Why are we saying you have to?

Mr. DALEY. Because you know what, Mr. Speaker? Pennsylvania is the only State east of the Mississippi that engages in wide-spread practice having part-time district attorneys. It is time when we require a full-time prosecuting attorney, being the chief law enforcement officer of those counties, to step forward. Mr. Speaker, by hiring a full-time district attorney in these counties that right now have part-time district attorneys, we may be eliminating the full-time assistant district attorneys. So the district attorney, the full-time district attorney, can pick up that load. It can be a savings to the taxpayers.

Mr. VITALI. Okay.

My concern is this: I am from Delaware County. We have about 600,000 people, give or take, you know, 10,000 or so.

I can certainly understand why we really would make the choice to have a full-time, because there is a lot of crime in a 600,000-person county, but once you get to some of these other counties where you might only have 20,000, 25,000 people and let us say you are in rural areas – you do not have the urban centers where there is a little more crime but it is rural – do you really, in all of these places, need a full-time district attorney? I am afraid. Is the need really there in all of these places?

Mr. DALEY. Mr. Speaker, let me give you a case in point. Several years ago I had a client whose wife was killed by a reckless, careless driver that was high on marijuana and crack driving at 95 miles an hour in a little county outside of Bedford County. This little county has 12,000 people and a part-time district attorney. He had no staff to help him prosecute this individual on a murder charge. He charged him with murder, and I assisted that district attorney in getting that man convicted for homicide by motor vehicle.

You cannot tell me, Mr. Speaker, in your broad legal experience, that crime only settles in urban areas. Crack cocaine, OxyContin, drugs are in every county no matter what the size is. The prosecuting attorney has the same work as the district attorney does in Dauphin County, in Allegheny County, in Philadelphia County. You may have the same caseload but you have the same kind of crimes, Mr. Speaker.

Mr. VITALI. But the question – and I am sure you do – but the question is really volume, and I would suspect in your example, because it was less than 20,000, it really does not apply, the mandate really does not apply, but I am just concerned that you have to treat a rural small county the same as an urban large county, and I just have my concerns here, and that would conclude my interrogation. Thank you.

Mr. DALEY. Thank you, Mr. Speaker.

And just as a retort to your last statement, crime knows no population; drug abuse knows no county boundaries, and what we have here, Mr. Speaker, is a tremendous need. That is why we have judges that do not practice law. We need district attorneys that do not have outside practices, that are full-time prosecuting attorneys.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien.

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

For the information of the ladies and gentlemen of the House, this does mandate that D.A.s in first- through seventh-class counties become full time. The only exception is if that D.A. in one of those counties elects to remain part time for the remainder of his term, then the next election that D.A. will become full time.

In eighth-class counties, in eighth-class counties, the D.A. can become full time by an act of city ordinance, county ordinance by the county commissioners, or the D.A. can file a motion before the president judge, and within 180 days the judge has a hearing and considers six factors that are included in the bill. If the judge, if the president judge, finds two of those factors, then he can make the D.A. full time. If the judge finds against that motion of the district attorney, then the district attorney and the county commissioners under the appellate court procedures can file an appeal. The trade-off for becoming full time in Pennsylvania is very simple. We will fund 65 percent of the cost of the district attorney's office.

The reason that this is very important in Pennsylvania, Mr. Speaker, is this legislature and court decisions are making the law more and more complex. We have advances in technology like the DNA statute; we have white-collar criminals who are engaging in accounting debacles, they are engaging in unethical practices; there is identity theft that is running rampant across this country; there are also cyber criminals. We have to find about the secret world that cyberspace is creating a world of crime, and the D.A.s very simply have to educate themselves, they have to educate their staff, and they have to educate the police officers to do their jobs.

In small counties, Mr. Speaker, to respond to Mr. Vitali's question, in very small counties you have maybe the appearance of impropriety because one day a part-time D.A. may be negotiating a plea agreement on a very serious criminal issue. The very next day or even the same day with that same attorney, he may be negotiating damages in a civil claim. Mr. Speaker, we cannot allow even the appearance of impropriety. We have to ensure that people have faith in our criminal justice system, and very simply stated, that is why we need this bill.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STEIL. Thank you, Mr. Speaker.

I would like to interrogate the prime sponsor.

The SPEAKER. The gentleman, Mr. Daley, indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. STEIL. Thank you, Mr. Speaker.

For purposes of legislative intent, I want to ensure that the intent of this legislation is that the State will reimburse 65 percent of the district attorney's salary in every county regardless of class and regardless of whether or not that district attorney is now full time.

Mr. DALEY. That is indeed the intent.

Mr. STEIL. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Philadelphia, Ms. Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of HB 2239.

I think it is very important that we upgrade and modernize our whole judicial system to be responsive to the needs of the 21st century, and I think that making our district attorneys full time is a good first step in the right direction, because things have gotten much more complicated and much more complex, and I think it is the right thing to do for the citizens of Pennsylvania.

But I also want to remind the members of our chamber that we have a unified judicial court system, and that issue with regard to the funding of the unified judicial court system is something that has been floating around that we have not quite dealt with square on yet in this General Assembly. And one of the positive aspects of this bill, in my opinion, is that for the first time, for the first time the Commonwealth is recognizing, should HB 2239 pass, that it has an obligation to help our counties with the costs of the fair, effective, and efficient administration of justice, and that brings me to my final point.

My only disappointment about this bill is not that it recognizes the need for full-time district attorneys, because it does that and that is important, but it does not recognize the

other half of the equation for a fair, effective, and efficient administration of justice. It is high time, in my opinion, that the Commonwealth help to fund all of the related county costs that come with the administration of justice.

The Pennsylvania Supreme Court recently issued a very comprehensive report on racial and gender bias in the criminal justice system in Pennsylvania. In that voluminous text, which we all received a copy of, there is a whole chapter on the inadequacy of Pennsylvania's funding of criminal defense in our Commonwealth, and that affects not only indigent people who are accused of crimes but, quite frankly, that affects every aspect of our court system, and if we can professionalize not just the prosecutorial arm of our criminal justice system but also add to the reimbursement costs for the criminal defense part of our criminal justice system, I think we will save a lot of taxpayer dollars in the end. We will be able to have more efficient administration of justice; we will be able to get rid of a lot of cases of ineffective counsel or lack of effective resources for counsel. The postconviction reliefs that happen now often with ad hoc and court-appointed and part-time criminal defense attorneys, I think a lot of that will go away.

So I had originally had an amendment to this, which, talking with the chairman of the Judiciary, I agreed to withdraw, that would have provided equal amount of reimbursement to the county for both the prosecutorial and the defense, criminal defense costs, and with the agreement and support of the chairman of the Judiciary, I look forward to us as a whole body addressing the broader picture of adequate funding for a fair, effective, and efficient criminal justice system in Pennsylvania.

The SPEAKER. The Chair thanks the gentelady.

For the information of the membership, we have turned the volume on the microphones up as loud as we can turn it up now. We would deeply appreciate your keeping your conversation as low as you possibly can. The gentlemen and genteladies that are speaking have every right to be heard.

With that being said, the Chair recognizes the majority chairman of the Judiciary Committee, the gentleman from Philadelphia, Mr. O'Brien.

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

The gentelady from Philadelphia raises a very interesting point, and that is how to fund the public defender's office in an appropriate way. Addressing that by making public defenders full time may not be the answer, but professionalizing the public defender's office may be an appropriate response, and I have assured the lady that the Judiciary Committee will look at that in the short term. Thank you.

The SPEAKER. The gentleman, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

I have been listening to this debate with some trepidation, because I am really concerned about, here we go again, another unfunded mandate.

I know some language was in the amendment that supposedly is satisfactory to the county governments, but I have not heard from all of my counties as to their position on this.

I guess for interrogation, Mr. Speaker, if I could ask—

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

Mr. SATHER.—if I could ask the prime sponsor on this.

Do you have an understanding that there is money already in the budget to fund this program?

Mr. DALEY. It is my understanding that there have been talks with the Governor's Office, and there has been a general

agreement with the Governor's Office to be able to find money in the budget to fund this.

Mr. SATHER. Did I hear you to say he would find money in the budget to fund this?

Mr. DALEY. Yes.

Mr. SATHER. But at this moment in time before we have not adopted a budget, we are dealing with another mandate that may or may not – and I understand where you are coming from – have said that this administration will support it.

Mr. DALEY. Well, I mean, I think you are mischaracterizing the legislation as a mandate. What we have is, there is no line item in the budget because we do not have this, of course, legislation enacted yet that would warrant a line item in the budget, but again, there have been discussions with the Governor and the Governor's Office, and there is general agreement that if this bill passes and it passes the Senate, that there will be moneys in the budget that will be able to fund this particular program.

Mr. SATHER. Thank you, Mr. Speaker.

I am finished with interrogation. Can I comment on the final passage?

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

Mr. SATHER. Thank you, Mr. Speaker.

I think we are premature. I really believe we should be waiting until we have a finalized budget before we may saddle local governments, county governments, once again with another mandate that may or may not get funded. My position is "no" at this moment in time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lebanon, Mr. Zug.

Mr. ZUG. Thank you, Mr. Speaker.

I come from a smaller county, fifth-class county. I got a call today from my county administrator, Jamie Wolgemuth, who said the county commissioners are opposed to this bill. They are for two reasons: one is it is a mandate. It is the State coming in and telling our little county what we should do.

Now, we have a part-time district attorney in Lebanon County. I know most of the previous district attorneys in Lebanon County, and they have all done a pretty good job dealing with crime issues. I think that ultimately, if we want to have a full-time D.A. – and the county commissioners are currently looking at that – they have until the end of the year this year to decide themselves if they want a full-time district attorney for the next election. Our district attorney runs next year, and that is the way I think it should be.

I do not think crime in Philadelphia is the same as crime in Lebanon which is the same as crime in Potter County. We have a very diverse State. We have local governments for a reason, and that is simply to make decisions how they affect our local areas. I think it is important that we do not give this mandate to the counties.

The second thing, as the previous speaker talked about, is the money issue. My county commissioners are very concerned that there is not going to be any money to fund a full-time district attorney. You say that we did not do the budget; we are doing it; we could put it in. Well, sure, that is how the process works, but we already have a growth of 4.2 percent in the budget, huge amounts of fee increases in the budget, and there is some concern that we just will not have the money to fund this program if we provide a mandate.

So I am going to be voting against this, and I ask the members to respect the county commissioners in all the small counties in Pennsylvania and let them make, ultimately, the decisions that affect their people and their constituents. That is why we are sent here, not to dictate to everybody but to try to work with our local governments.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Just to clarify one point: Under the O'Brien amendment, if there is no money in the budget that would cover this program, that, in essence, the program does not create the mandate; it does not go into effect.

And, Mr. Speaker, all I ask is for an affirmative vote on this bill.

REMARKS SUBMITTED FOR THE RECORD

Mr. DALEY. I am going to be submitting some comments for the record.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The district attorney is more than just the chief prosecutor in a county. He or she is also the chief law enforcement officer in the county. And they also serve on numerous official and voluntary boards in their counties. For example:

- Community policing projects, drug education programs, and other crime prevention projects encourage more community-based programs that involve substantial administrative responsibilities.

Prosecutors are now more directly involved in the investigation of crime.

- Court rules and statutes give prosecutors responsibilities to approve wiretap and electronic surveillance applications, search warrants, and arrest warrants.
- The complexities of Federal and State court rulings on search and seizure matters have led police officers to consult with prosecutors regularly.
- Decisions on discovery and other pretrial issues have created a responsibility for prosecutors to train and supervise investigators.

Having the prosecutor serve in a full-time capacity gives greater assurance that the prosecutor will be highly trained and devote undivided loyalty and attention to the responsibilities of that public office.

- It reduces the potential for conflicts of interest and assures greater availability and increased accountability.
- Both the American Bar Association and the National District Attorney's Association support, and recommend, that district attorneys be full time.
- Three-fourths of all district attorneys' offices across the U.S. have a full-time chief prosecutor.

At the present time 26 counties in Pennsylvania have full-time district attorneys.

Of the remaining 41 counties, at least 17 have full-time assistants.

- The potential for conflicts of interest and conflicts in time allocation are real.
- The size of the county or the caseload is not a factor in situations where cases with complex legal issues arise.

The need for a thoroughly trained, experienced prosecutor continues to grow as statutes, rules, and case law becomes more complex.

- The number of criminal statutes and case law interpretations have increased markedly.
- In 1972 the Pennsylvania Penal Code consisted of two volumes.
- In 2000 the Pennsylvania Crimes Code consists of six volumes.
- The continually developing law of search and seizure, arrest, discovery, and other pretrial issues requires great expertise and continuing legal education.

Pennsylvania is the only State east of the Mississippi that still engages in the widespread practice of having part-time district attorneys.

- Seventeen States provide all or part of the funding for the salary of the district attorney: Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Massachusetts, New Mexico, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Vermont, Virginia, and Washington (1/2).

For the past 150 years, district attorneys have been responsible for the trial or disposition of misdemeanor and felony cases occurring in their respective counties.

- The volume and complexity of this duty has increased dramatically.
- The volume of cases continues to increase.
- The number of filings in counties with part-time prosecutors increased 9 percent from 1995 through 1998.

There is yet one more reason for us to provide State funding for these offices. As the court said in Williams v. Fedor:

...The historical foundation of the office serving as a replacement for state deputy attorneys – general coupled with the district attorney’s subordinate relationship with the Attorney General, compel the conclusion that when engaged in his or her “basic function – enforcement of the Commonwealth’s penal statutes,”...a district attorney represents the Commonwealth and not the County.

Williams v. Fedor et. al., 69 F. Supp. 2d at 660.

The simplest way to avoid conflicts is to eliminate the private practice.

Under a government of laws, the lives, fortunes, and freedom of the people are dependent on lawyers and judges who are the stewards of the legal rights and obligations of the citizens. Public prosecutors are foremost among these stewards of democracy. It is appropriate and in the public interest to require the chief law enforcement officer in each county to devote his or her full attention to the public interest.

I ask for an affirmative vote on this proposal.

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I represent a fourth-class, a fifth-class, and an eighth-class county, and I did hear from my eighth-class county today that they were opposed to the legislation, but I do not believe they were aware of the exculpatory language dealing with their role in making their D.A. full time.

However, in the other counties I represent, Northumberland and Columbia, I do very much believe, because of the dramatic increase in the caseload, that a full-time D.A. is warranted, and if the Commonwealth is going to be paying 65 percent of the salary of those full-time D.A.s, they will actually realize a cost savings to the taxpayer because they will be paying less out of pocket than they are presently to their part-time district attorneys.

In addition to that, Mr. Speaker, it is quite likely that if our district attorneys in Northumberland County and Columbia County would go full time, the board of county commissioners and the salary board, who have to approve the appointment of assistant district attorneys, would likely eliminate one of those positions, adding even a further saving to the county taxpayers by allowing that part-time D.A. to spend that 40- or 50- or 60-hour week that some of these D.A.s would like to put in but because of their salary, they cannot afford to work full time if they are not being paid full time. They have to take civil court cases; they have to take injury claims; they have to take all kinds of other cases that takes away from their ability to concentrate on the criminal matters at hand in the respective county. So, Mr. Speaker, I can see a large savings for counties that are small, fourth-class and fifth-class counties in particular. I believe they would save a substantial amount of money.

As long as the O’Brien amendment states that this bill does not take effect unless the State is going to pay 65 percent, I see no reason not to professionalize that office, not to let these individuals do what they are supposed to be doing when they get elected. There are a lot of people who do not even know that we have so many counties in this State where their own D.A. is not full time. They do not even know that, because they are in the paper so often with drug arrests and murders and rapes and everything else.

So, Mr. Speaker, I rise in favor of HB 2239 on final passage.

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-159

Adolph	Eachus	Maitland	Sainato
Allen	Evans, D.	Major	Samuelson
Argall	Fairchild	Manderino	Santoni
Baker	Fichter	Mann	Saylor
Baldwin	Fleagle	Markosek	Schroder
Bard	Flick	Marsico	Semmel
Barrar	Frankel	McCall	Shaner
Bastian	Freeman	McGeehan	Smith, B.
Bebko-Jones	Gabig	McGill	Smith, S. H.
Belardi	Gannon	McIlhattan	Solobay
Belfanti	Geist	McIlhinney	Staback

Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stetler
Blaum	Gillespie	Micozzie	Stevenson, R.
Boyd	Godshall	Miller, R.	Sturla
Browne	Goodman	Myers	Surra
Bunt	Grucela	Nailor	Tangretti
Butkovitz	Gruitza	Nickol	Taylor, E. Z.
Buxton	Haluska	O'Brien	Taylor, J.
Caltagirone	Harhai	Oliver	Thomas
Casorio	Harhart	O'Neill	Tigue
Causar	Harris	Pallone	Travaglio
Cawley	Hennessey	Payne	True
Civera	Hershey	Petrarca	Turzai
Clymer	Hess	Petri	Walko
Cohen	Hickernell	Petrone	Wansacz
Coleman	Hutchinson	Phillips	Washington
Corrigan	Josephs	Pickett	Waters
Costa	Keller	Pistella	Watson
Coy	Kenney	Preston	Weber
Cruz	Killion	Raymond	Wheatley
Curry	Kirkland	Readshaw	Williams
Daley	Kotik	Reed	Wilt
Dally	LaGrotta	Reichley	Wojnaroski
DeLuca	Leach	Rieger	Wright
Denlinger	Lederer	Roberts	Youngblood
Dermody	Lescovitz	Roebuck	Yudichak
DeWeese	Levdansky	Rooney	
DiGirolamo	Lynch	Rubley	Perzel,
Diven	Mackereth	Ruffing	Speaker
Donatucci			

NAYS-40

Armstrong	Forcier	Leh	Scavello
Benninghoff	Gingrich	Lewis	Scrimenti
Biancucci	Good	Maher	Stairs
Cappelli	Habay	Metcalfe	Stern
Crahalla	Hanna	Miller, S.	Stevenson, T.
Creighton	Hasay	Mundy	Vance
Dailey	Herman	Mustio	Veon
Egolf	Horse	Rohrer	Vitali
Fabrizio	James	Ross	Yewcic
Feese	Laughlin	Sather	Zug

NOT VOTING-0

EXCUSED-2

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

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

REMARKS SUBMITTED FOR THE RECORD

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

I feel I need to speak out regarding HB 2239. There are several reasons why this bill warrants more attention and further scrutiny.

I agree that the State's system regarding full-time district attorneys and staff needs to be addressed, but an enactment of this bill falls short of what we as a legislature needed to consider in regards to the performance of these individuals.

HB 2239 confronts the advancement of standards for district attorneys by increasing the age of eligibility, experience requirements, and residency obligations. However, the bill neglects accountability for

an attorney once they meet these requirements and have gained employment as a D.A. I think that while it is important to set criteria for eligibility, it is equally valuable to dictate standards of conduct.

Last year I introduced a bill with 16 cosponsors that examined and established ethical conditions for district attorneys. HB 1208 provided the element of accountability that the current bill lacks. I outlined rules that D.A.s, assistant D.A.s, and employees of their office must conform with.

I also made mention of actions that would be violations of the ethical and professional principles that ought to govern these persons. My bill included a process for reporting possible incidents of ethical misconduct that would require an investigation as well as a timeline for such investigations to take place.

These key concerns are completely absent from the current bill in this chamber, and for that reason I cannot be satisfied with HB 2239.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1438, PN 1784**, entitled:

An Act amending the act of June 15, 1982 (P.L.502, No.140), known as the Occupational Therapy Practice Act, further providing for practice and referral.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-199

Adolph	Fabrizio	Lynch	Samuelson
Allen	Fairchild	Mackereth	Santoni
Argall	Feese	Maher	Sather
Armstrong	Fichter	Maitland	Saylor
Baker	Fleagle	Major	Scavello
Baldwin	Flick	Manderino	Schroder
Bard	Forcier	Mann	Scrimenti
Barrar	Frankel	Markosek	Semmel
Bastian	Freeman	Marsico	Shaner
Bebko-Jones	Gabig	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Solobay
Benninghoff	George	McIlhattan	Staback
Biancucci	Gergely	McIlhinney	Stairs
Birmelin	Gillespie	McNaughton	Steil
Bishop	Gingrich	Melio	Stern
Blaum	Godshall	Metcalfe	Stetler
Boyd	Good	Micozzie	Stevenson, R.
Browne	Goodman	Miller, R.	Stevenson, T.
Bunt	Grucela	Miller, S.	Sturla
Butkovitz	Gruitza	Mundy	Surra
Buxton	Habay	Mustio	Tangretti
Caltagirone	Haluska	Myers	Taylor, E. Z.
Cappelli	Hanna	Nailor	Taylor, J.
Casorio	Harhai	Nickol	Thomas
Causar	Harhart	O'Brien	Tigue
Cawley	Harris	Oliver	Travaglio
Civera	Hasay	O'Neill	True
Clymer	Hennessey	Pallone	Turzai
Cohen	Herman	Payne	Vance
Coleman	Hershey	Petrarca	Veon

Corrigan	Hess	Petri	Vitali
Costa	Hickernell	Petrone	Walko
Coy	Horsey	Phillips	Wansacz
Crahalla	Hutchinson	Pickett	Washington
Creighton	James	Pistella	Waters
Cruz	Josephs	Preston	Watson
Curry	Keller	Raymond	Weber
Dailey	Kenney	Readshaw	Wheatley
Daley	Killion	Reed	Williams
Dally	Kirkland	Reichley	Wilt
DeLuca	Kotik	Rieger	Wojnaroski
Denlinger	LaGrotta	Roberts	Wright
Dermody	Laughlin	Roebuck	Yewic
DeWeese	Leach	Rohrer	Youngblood
DiGirolamo	Lederer	Rooney	Yudichak
Diven	Leh	Ross	Zug
Donatucci	Lescovitz	Rubley	
Eachus	Levdansky	Ruffing	Perzel,
Egolf	Lewis	Sainato	Speaker
Evans, D.			

NAYS—0

NOT VOTING—0

EXCUSED—2

Evans, J. Harper

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. There will be no further votes on the floor of the House.

Tomorrow will be a full voting day.

Does the Republican majority caucus secretary wish to be recognized? No.

HOUSE BILL INTRODUCED AND REFERRED

No. 2348 By Representatives S. H. SMITH, SEMMEL, ALLEN, ARGALL, BAKER, BALDWIN, BARRAR, BASTIAN, BELFANTI, BENNINGHOFF, BOYD, BROWNE, CAPPELLI, CAUSER, CLYMER, COLEMAN, COY, CRAHALLA, DAILEY, DALLY, DeLUCA, DeWEESE, J. EVANS, FAIRCHILD, FICHTER, FORCIER, FRANKEL, GABIG, GEIST, GEORGE, GERGELY, GILLESPIE, GINGRICH, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARHART, HARPER, HARRIS, HASAY, HENNESSEY, HERMAN, HERSHEY, HESS, HICKERNELL, HORSEY, HUTCHINSON, JAMES, JOSEPHS, KOTIK, LAUGHLIN, LEDERER, LEH, LESCOVITZ, MAJOR, MANDERINO, MARSICO, McCALL, MELIO, METCALFE, R. MILLER, S. MILLER, MUNDY, NAILOR, NICKOL, O'NEILL, PAYNE, PETRARCA, PETRI, PHILLIPS, PICKETT, PISTELLA, READSHAW, REED, REICHLEY, ROBERTS, RUBLEY, SANTONI, SATHER, SCAVELLO, SCHRODER, B. SMITH, SOLOBAY, STERN, R. STEVENSON, T. STEVENSON, SURRA, TANGRETTI, TIGUE, TRUE, VANCE, WANSACZ, WATSON, WEBER, WHEATLEY,

WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK and ZUG

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for deferred motor vehicle insurance coverage.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 3, 2004.

Are there any further announcements?

Does the majority leader have any further announcements?

Does the minority leader have any further announcements?

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 gentleman, Mr. Kotik, from Allegheny County.

Mr. KOTIK. Mr. Speaker, I move that the House do now adjourn until Wednesday, February 4, 2004, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:37 p.m., e.s.t., the House adjourned.