

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 16, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 39

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

You can do all things, O God. Whatsoever lies within the realm of possibility lies also in Your power to perform and bring to pass. You are might beyond our thinking, and You are goodness altogether. What You will for Your human creatures is the largest life for each of them, and all Your ways are righteousness and all Your paths peace.

But we cannot do all things, Lord, even though sometimes we believe we can. We are often unsure whether the things we do are right or wise or good. We are so blind; we are so deaf; we are so lacking in perception of the things we ought to understand; and when we think about our inner selves, it is as if we thought of strangers. When we turn to other men and women, we see them not as one of Your awesome creations but as competitors for some prize or place we want ourselves.

So we ask that You will clean our minds, Almighty God; wash their windows, air their sunned spaces, dust their dark and musty corners, scrub their floors until they shine as once they did when You first made them long ago. Unbend the hearts long twisted by jealousy of those of whom we have no cause to be jealous, by hatred of those we ought to love, by fear of things that have no power to hurt us, and by dread of duties meant to be blessings.

Guide us to love one another and to bear one another's burdens in the blessed comradeship of those who have a common purpose – to serve this Commonwealth to the best of our ability. Be present among us, O God, as we seek to serve with honor. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Tuesday, June 15, 2004, will be postponed until printed.

BILLS REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader.

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

HB 121;
HB 1530;
HB 2471;
HB 2474;
SB 255; and
SB 769.

Mr. CASORIO. Madam Speaker?

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

Mr. CASORIO. Madam Speaker, I rise to object to HB 2668 being passed over and HB 2408 on page 4.

The SPEAKER pro tempore. We will return to you, sir, when we get to that order of business.

Returning to the bills that were just mentioned, that the majority leader moved that the following bills be taken from the table, I will repeat them once again: HBs 121, 1530, 2471, and 2474 and SBs 255 and 769.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILLS ON SECOND CONSIDERATION

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

HB 121, PN 3548; HB 1530, PN 2796; HB 2471, PN 3528;
HB 2474, PN 3531; SB 255, PN 1471; and SB 769, PN 1654.

BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair again recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 121;
HB 1530;
HB 2471;
HB 2474;
SB 255; and
SB 769.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Mario Scavello, Cub Scout Pack 91 and Boy Scout Troop 91, all located in the 176th Legislative District. The Cub Scouts are accompanied by cubmaster Andy O'Shea and committee chairman John Salvati. The Boy Scouts are accompanied by senior patrol leader Brendan Kerr and assistant senior patrol leader Michael LoSchiavo. The Scouts and their families are seated in the gallery. Would they please rise.

CALENDAR**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 2521, PN 3664**, entitled:

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

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

BILL TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that HB 2521 be placed on the table.

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

BILL REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair again recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that HB 2521 be taken off the table.

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

COMMUNICATION FROM GOVERNOR**APPROVAL OF HOUSE BILL**

The Speaker pro tempore laid before the House a communication in writing from the office of His Excellency, the Governor of the Commonwealth, advising that the following House bill had been approved and signed by the Governor:

HB 2083.**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2714 By Representatives SEMMEL, WEBER, DALLY, MANN, HARHART, TIGUE, ARGALL, ARMSTRONG, BARRAR, DALEY, DENLINGER, GOODMAN, HARPER, HERSHEY, HESS, KILLION, R. MILLER, PAYNE, E. Z. TAYLOR and J. TAYLOR

An Act amending the act of April 14, 1949 (P.L.482, No.98), entitled, as amended, "An act authorizing and requiring cities, boroughs, townships, municipal authorities and public utility companies engaged in the supplying of water, to shut off the supply of water for nonpayment of sewer, sewerage, or sewage treatment rentals, rates, or charges imposed by municipal authorities organized by counties of the second class, by cities of the second class, by cities of the second class A, by cities of the third class, by boroughs or by townships of the first or second class; authorizing and requiring them to supply to such authorities lists of metered water readings and flat-rate water bills and other data; authorizing them to act as billing and collecting agents for such authorities; and conferring certain powers upon the Pennsylvania Public Utility Commission in connection therewith," further providing for shutting off water if sewer charge not paid and notice and statement of defense.

Referred to Committee on CONSUMER AFFAIRS, June 16, 2004.

No. 2715 By Representatives JOSEPHS, CAWLEY, FRANKEL, HORSEY, JAMES, MUNDY, MANDERINO, THOMAS and YOUNGBLOOD

An Act providing for cigarette tax definitions and imposition; and establishing the Tobacco Control Account.

Referred to Committee on FINANCE, June 16, 2004.

No. 2716 By Representatives LaGROTTA, DeWEESE, BELARDI, GEORGE, ROEBUCK, MANN, GOODMAN, SURRA, LEDERER, BELFANTI, DONATUCCI, TIGUE, SOLOBAY, GOOD, FABRIZIO, JAMES, THOMAS, LEACH, DALEY, JOSEPHS, SCRIMENTI, BEBKO-JONES, YOUNGBLOOD, KELLER, WASHINGTON, KOTIK, PALLONE, CRUZ, PISTELLA and CORRIGAN

An Act amending the act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act, providing for general exits.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 16, 2004.

No. 2717 By Representatives LaGROTTA, DeWEESE, GEORGE, GOODMAN, SOLOBAY, McGEEHAN, WALKO, WATERS, HARHAI, TIGUE, FREEMAN, TANGRETTI, CASORIO, THOMAS, READSHAW, LEDERER, BEBKO-JONES, MANN, BUNT, WASHINGTON, FABRIZIO, SATHER, FICHTER, BELFANTI, DENLINGER, PISTELLA, HASAY, GANNON, LEACH, SURRA, GRUCELA, GEIST, J. TAYLOR, BLAUM, GOOD, JAMES, MILLARD, YOUNGBLOOD, COSTA, ROBERTS, HORSEY and PALLONE

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, expanding the scope of the act to include telephone call centers doing business in this Commonwealth.

Referred to Committee on CONSUMER AFFAIRS, June 16, 2004.

No. 2718 By Representatives LaGROTTA, DeWEESE, BELARDI, COY, LESCOVITZ, GEORGE, LEDERER, STERN, ARMSTRONG, MANN, STURLA, GERGELY, HERMAN, HENNESSEY, SAYLOR, LEVDANSKY, WALKO, McILHATTAN, DALEY, BARRAR, CURRY, GOOD, FICHTER, MARKOSEK, TRAVAGLIO, SANTONI, FABRIZIO, KOTIK, PISTELLA, HUTCHINSON, CORRIGAN, LAUGHLIN, BEBKO-JONES, GOODMAN, HARHAI, CAWLEY, PETRARCA, DeLUCA, SAINATO, COSTA, FAIRCHILD, REICHLEY, TANGRETTI, SHANER, BOYD, J. TAYLOR, BROWNE, RUBLEY, MYERS, SOLOBAY, CREIGHTON, B. SMITH, THOMAS, KIRKLAND, SURRA, WASHINGTON, JOSEPHS, GRUCELA, LEACH, YOUNGBLOOD, PALLONE, CIVERA and HORSEY

An Act establishing a nursing loan forgiveness and scholarship program.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 16, 2004.

No. 2719 By Representatives DIVEN, COSTA, PISTELLA and MANN

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for waiting period after application for marriage license.

Referred to Committee on LOCAL GOVERNMENT, June 16, 2004.

No. 2720 By Representatives CASORIO, DENLINGER, FABRIZIO, GERGELY, HARRIS, LAUGHLIN, McILHATTAN, READSHAW, SOLOBAY, THOMAS, WASHINGTON and WOJNAROSKI

An Act amending the act of August 10, 1951 (P.L.1189, No.265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for detectives.

Referred to Committee on LOCAL GOVERNMENT, June 16, 2004.

No. 2721 By Representatives CASORIO, DENLINGER, FABRIZIO, GERGELY, HARRIS, LAUGHLIN, McILHATTAN, READSHAW, SOLOBAY, THOMAS and WASHINGTON

An Act amending the act of August 10, 1951 (P.L.1189, No.265), entitled, as amended, "An act regulating the appointment, promotion, suspension, reduction, removal and reinstatement of employes (except superintendents, assistant superintendents, inspectors, chief clerks and school guards) in bureaus of police in cities of the second class; and defining the powers and duties of civil service commissions in such cities for such purposes," further providing for qualifications for appointment in the competitive class of the civil service.

Referred to Committee on LOCAL GOVERNMENT, June 16, 2004.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 793 By Representatives LaGROTTA, BELARDI, JOSEPHS, BEBKO-JONES, TIGUE, TRAVAGLIO, THOMAS, READSHAW, BARRAR, DALEY, GOODMAN, HESS, YOUNGBLOOD, HARHAI, SOLOBAY, KIRKLAND, GEORGE, MUNDY, PALLONE, GRUCELA, BELFANTI, MILLARD, KENNEY, SURRA, WASHINGTON and MELIO

A Resolution urging the Insurance Commissioner to order Highmark, Inc., to refund any excess surplus to all of its subscribers through a proportionately equal reduction in premiums.

Referred to Committee on INSURANCE, June 16, 2004.

No. 794 By Representatives LaGROTTA, DeWEESE, BELARDI, STETLER, COY, SURRA, SOLOBAY, LEACH, SANTONI, TIGUE, LEVDANSKY, TANGRETTI, STURLA, FREEMAN, MUNDY, BEBKO-JONES, RUBLEY, GEORGE, PALLONE, LAUGHLIN, McCALL, GRUCELA, JAMES, McGEEHAN, MANN, GOODMAN, LYNCH, HERMAN, READSHAW, ROEBUCK, WASHINGTON, YUDICHAK, BISHOP, HENNESSEY, HERSHEY, BELFANTI, SCRIMENTI, FABRIZIO, FRANKEL, McNAUGHTON, WALKO, BIANCUCCI, YOUNGBLOOD, PISTELLA, JOSEPHS, GERGELY and ROBERTS

A Resolution memorializing the Congress and the President of the United States to restore cuts in education funding and to fully fund the No Child Left Behind Act of 2001.

Referred to Committee on EDUCATION, June 16, 2004.

No. 795 By Representatives WANSACZ, BASTIAN, BEBKO-JONES, BELARDI, BELFANTI, BROWNE, CORRIGAN, CURRY, DALEY, DeWEESE, FABRIZIO, RAYMOND, FLEAGLE, GEORGE, GERGELY, GOOD, GOODMAN, HERMAN, JAMES, KOTIK, LAUGHLIN, LEACH, MARKOSEK, PETRARCA, READSHAW, REED, SCRIMENTI, SHANER, TIGUE, TRAVAGLIO, WALKO, WASHINGTON, WOJNAROSKI and YUDICHAK

A Resolution directing the Legislative Budget and Finance Committee to study the feasibility of providing State premium assistance to surviving spouses of State Employees' Retirement System members who participated in the Retired Employee Health Program through the Pennsylvania Employees Benefit Trust Fund.

Referred to Committee on FINANCE, June 16, 2004.

SENATE BILL FOR CONCURRENCE

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

SB 1107, PN 1579

Referred to Committee on EDUCATION, June 16, 2004.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Ryan Golowski, who is a legislative intern for Representative Santoni. Ryan is a senior at Ursinus College. He is seated in the balcony. Would he please rise.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 2128, PN 3290**, with information that the Senate has passed the same without amendment.

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 989, PN 1428**.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 659, PN 4057**, with information that the Senate has passed the same

with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 815, PN 1688**.

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

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

HB 109, PN 4085 (Amended) By Rep. FLICK

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; imposing penalties; and making a repeal.

CONSUMER AFFAIRS.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who has no requests for leaves of absence.

The Chair recognizes the minority whip, who requests a leave of absence for the gentleman from Dauphin County, Mr. BUXTON. Without objection, the leave of absence is granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—202

Adolph	Evans, J.	Lewis	Sainato
Allen	Fabrizio	Lynch	Samuelson
Argall	Fairchild	Mackereth	Santoni
Armstrong	Feese	Maher	Sather
Baker	Fichter	Maitland	Saylor
Baldwin	Fleagle	Major	Scavello
Bard	Flick	Manderino	Schroder
Barrar	Forcier	Mann	Scrimenti
Bastian	Frankel	Markosek	Semmel
Bebko-Jones	Freeman	Marsico	Shaner
Belardi	Gabig	McCall	Smith, B.
Belfanti	Gannon	McGeehan	Smith, S. H.
Benninghoff	Geist	McGill	Solobay
Biancucci	George	McIlhattan	Staback
Birmelin	Gergely	McIlhinney	Stairs

Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Good	Micozzie	Stevenson, R.
Bunt	Goodman	Millard	Stevenson, T.
Butkovitz	Grucela	Miller, R.	Sturla
Caltagirone	Gruitza	Miller, S.	Surra
Cappelli	Habay	Mundy	Tangretti
Casorio	Haluska	Mustio	Taylor, E. Z.
Causer	Hanna	Myers	Taylor, J.
Cawley	Harhai	Nailor	Thomas
Civera	Harhart	Nickol	Tigue
Clymer	Harper	O'Brien	Travaglio
Cohen	Harris	Oliver	True
Coleman	Hasay	O'Neill	Turzai
Cornell, S. E.	Hennessey	Pallone	Vance
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Coy	Hess	Petri	Walko
Crahalla	Hickernell	Petrone	Wansacz
Creighton	Horsey	Phillips	Washington
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Dailey	Josephs	Preston	Weber
Daley	Keller	Raymond	Wheatley
Dally	Kenney	Readshaw	Williams
DeLuca	Killion	Reed	Wilt
Denlinger	Kirkland	Reichley	Wojnaroski
Dermody	Kotik	Rieger	Wright
DeWeese	LaGrotta	Roberts	Yewcic
DiGirolo	Laughlin	Roebuck	Youngblood
Diven	Leach	Rohrer	Yudichak
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	Perzel,
Evans, D.	Levdansky	Ruffing	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Buxton

LEAVES ADDED—7

Birmelin	Ross	Stetler	Washington
Hershey	Semmel	Wansacz	

RULES COMMITTEE MEETING

The SPEAKER pro tempore. The majority leader calls for an immediate meeting of the Rules Committee at the majority leader's desk.

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1634, PN 4059

By Rep. S. SMITH

An Act providing for the capital budget for the fiscal year 2003-2004, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, The State Stores Fund current revenue projects, public highway projects, Motor License Fund projects, Manufacturer's Fund projects and State forestry bridge projects to be constructed or acquired or

assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; and making related repeals.

RULES.

SB 815, PN 1688

By Rep. S. SMITH

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for policyholder collateral, for deductible reimbursements and for other policyholder obligations.

RULES.

**LODGING MANAGEMENT PROGRAM
COMPETITION WINNERS PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Erie County, Mr. Good, for a citation presentation.

Mr. GOOD. Thank you, Madam Speaker.

The SPEAKER pro tempore. Would you cease just for a second, sir.

These guests have come the whole way from Erie. It would be nice if we could have just a little quiet on the floor of the House, please.

Mr. GOOD. Thank you, Madam Speaker.

During the American Hotel and Lodging Educational Foundation's first Lodging Management Program Competition in Orlando, Florida, the team from Erie County's Technical School was the overall winner of the competition, distinguishing themselves in the areas of hotel operations and for their hospitality project. This group is now honored as a national champion as well as each student being the recipient of a scholarship.

The following of my constituents are part of the winning team and are located up here just directly behind me: Dawn Anselment, Katie Caldwell, Krystal Nolan, and a constituent of Representative Tom Scrimenti in the 4th District, Lindsey Stevenson. I would also like to recognize their instructor, Robert Craft.

Thank you.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Jerome Marcus, who has recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Jerome Marcus.

Whereas, Jerome Marcus earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 147.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Jerome Marcus.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence. The majority whip requests that the gentleman from Lehigh County, Mr. SEMMEL, be placed on leave for the remainder of the day. The Chair hears no objection.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2590, PN 3775**, entitled:

An Act making an appropriation to the Lake Erie College of Osteopathic Medicine, Erie.

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

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

The question is, shall the bill pass finally?

PARLIAMENTARY INQUIRY

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

Mr. SAMUELSON. Thank you, Madam Speaker.

A parliamentary inquiry.

Is this bill a non—

The SPEAKER pro tempore. Would the gentleman state his parliamentary inquiry.

Mr. SAMUELSON. Is this bill a nonpreferred appropriation requiring a two-thirds vote of the House of Representatives for passage?

The SPEAKER pro tempore. The answer is yes.

Mr. SAMUELSON. May I speak on the bill, Madam Speaker?

The SPEAKER pro tempore. You may proceed.

Mr. SAMUELSON. A few weeks ago we voted on nonpreferred appropriations in this House, special money from Harrisburg for certain colleges, certain museums, and certain hospitals in Pennsylvania. In these cases we are allocating public money to private institutions, and for that reason our Constitution requires a two-thirds vote, not a simple majority but a full two-thirds of this House must approve a nonpreferred appropriation. Last year there were 27 nonpreferred appropriations, special money to 8 museums in Pennsylvania but not 300, special money for 2 colleges but not dozens and dozens of other colleges. In fact, yesterday we voted on a bill to

give \$46 million to the University of Pennsylvania, a private institution with over \$3 billion in endowment.

Now today we have a brand-new nonpreferred appropriation. This was not on the list last year. Last year there were 27; this year it appears that now we have 28, and I just wonder what the process is for each of these institutions to be added. It seems to be a very arbitrary process where certain colleges, certain medical schools, certain museums, and certain hospitals can get money but not the rest of the institutions that represent the broad majority of Pennsylvania. It would be much fairer if we had a system where all colleges could apply for funding, where all museums could apply for funding, and where all hospitals and medical schools could apply for funding.

I urge a negative vote on this brand-new nonpreferred appropriation.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Erie, Representative Evans.

Mr. J. EVANS. Thank you very much, Madam Speaker.

I rise to support HB 2590, which does create a nonpreferred appropriation for the Lake Erie College of Osteopathic Medicine. This institution has been funded for the past 10 years from the Department of Education. This bill that is in front of us, 2590 today, is nothing new as far as an added expense. It is simply putting them in line with other medical institutions of this type, the osteopathic medical schools, which there are only two of in Pennsylvania. It simply creates a level of fairness.

Lake Erie College of Osteopathic Medicine has a proven track record. Their applications have increased 300 percent in the past year. They are a vital part of the northwestern Pennsylvania economy. Therefore, I think it is important that we recognize this fact and give them the same opportunity that currently exists for the Philadelphia College of Osteopathic Medicine.

As I stated earlier, this has been funded the past 10 years as a line item in the education budget. We are simply transferring this as a nonpreferred appropriation, so I urge my colleagues to put up a “yes” vote for this bill.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Erie, Ms. Bebko-Jones.

Ms. BEBKO-JONES. Thank you, Madam Speaker.

I rise in support of HB 2590. As my colleague on the other side of the aisle has indicated, this has always been a line item in the budget.

This college is the first medical college in northwestern Pennsylvania. They have proved their credibility. We have students from all around the Commonwealth attending this college, plus students of all ages.

I think it is very beneficial for all of us in this House to give an affirmative vote, and that is what I am asking for on both sides of the aisle, Madam Speaker. Once they appear on the nonpreferred list, then they will be guaranteed their funding just like the other medical colleges that we have in the other parts of the State. So I urge all my colleagues on both sides of the aisle for an affirmative vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. Does the gentleman, Mr. Argall, seek recognition? The Chair recognizes the gentleman from Schuylkill County, Mr. Argall.

Mr. ARGALL. Thank you, Madam Speaker.

I just want to reiterate a couple of important points made by some of my colleagues. This is not new money. This is taking what was a line item in the normal budget and putting it, we believe more properly, as a nonpreferred. So while it may be a minor change, it really does not make any difference in terms of dollars and cents.

This is a very important institution. I believe it was reported unanimously by the House Appropriations Committee, and it has been funded by the General Assembly now for several years.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—193

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

Egolf	Levdansky	Rubley	Perzel,
Evans, D.	Lewis	Ruffing	Speaker

NAYS—8

Birmelin	Haluska	Herman	Samuelson
Creighton	Hanna	Metcalf	Scavello

NOT VOTING—0

EXCUSED—2

Buxton	Semmel
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The two-thirds majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.

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

* * *

The House proceeded to third consideration of **HB 2638, PN 4015**, entitled:

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 alternative collection of delinquent property taxes, for proceeds of assignment to be paid to taxing district and for administrative reimbursement payment; and providing for assignment of claims by taxing district.

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

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

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

The following roll call was recorded:

YEAS—186

Adolph	Evans, D.	Lewis	Santoni
Armstrong	Evans, J.	Lynch	Sather
Baker	Fabrizio	Maitland	Saylor
Baldwin	Feese	Major	Scavello
Bard	Fichter	Manderino	Schroder
Barrar	Fleagle	Mann	Scrimenti
Bebko-Jones	Flick	Markosek	Shaner
Belardi	Forcier	Marsico	Smith, B.
Belfanti	Frankel	McCall	Smith, S. H.
Benninghoff	Freeman	McGeehan	Solobay
Biancucci	Gabig	McGill	Staback
Birmelin	Gannon	McIlhattan	Stairs
Bishop	Geist	McIlhinney	Steil
Blaum	George	McNaughton	Stern
Boyd	Gergely	Melio	Stetler
Browne	Gillespie	Micozzie	Stevenson, R.
Bunt	Gingrich	Millard	Stevenson, T.
Butkovitz	Godshall	Miller, R.	Sturla
Caltagirone	Good	Miller, S.	Surra
Cappelli	Goodman	Mundy	Tangretti

Casorio	Grucela	Myers	Taylor, E. Z.
Causser	Gruitza	Nailor	Taylor, J.
Cawley	Hanna	Nickol	Thomas
Civera	Harhai	O'Brien	Tigue
Clymer	Harper	Oliver	Travaglio
Cohen	Harris	O'Neill	True
Coleman	Hasay	Pallone	Turzai
Cornell, S. E.	Hennessey	Payne	Vance
Corrigan	Herman	Petrarca	Veon
Costa	Hershey	Petri	Vitali
Coy	Hess	Petrone	Walko
Crahalla	Hickernell	Pickett	Wansacz
Creighton	Horsy	Pistella	Washington
Cruz	Hutchinson	Preston	Waters
Curry	James	Raymond	Watson
Dailey	Josephs	Readshaw	Weber
Daley	Keller	Reed	Wheatley
Dally	Kenney	Rieger	Williams
DeLuca	Killion	Roberts	Wilt
Denlinger	Kirkland	Roebuck	Wojnaroski
Dermody	Kotik	Rohrer	Wright
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Laughlin	Ross	Yudichak
Diven	Leach	Rubley	Zug
Donatucci	Lederer	Ruffing	
Eachus	Leh	Sainato	Perzel,
Egolf	Lescovitz	Samuelson	Speaker

NAYS-15

Allen	Habay	Mackereth	Phillips
Argall	Haluska	Maher	Reichley
Bastian	Harhart	Metcalfe	Yewcic
Fairchild	Levdansky	Mustio	

NOT VOTING-0

EXCUSED-2

Buxton	Semmel
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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.

* * *

The House proceeded to third consideration of **HB 2145, PN 2892**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful acts concerning licenses.

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

The SPEAKER pro tempore. The gentleman, Mr. Haluska, offers the following amendment, which the clerk will read. Has the gentleman, Mr. Haluska, withdrawn this amendment?

Mr. HALUSKA. No, Madam Speaker. The amendment is still on this bill. I withdrew it from Representative Good's bill.

The SPEAKER pro tempore. The clerk will read the amendment.

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

Mr. **HALUSKA** offered the following amendment No. **A1771**:

Amend Title, page 1, line 2, by inserting after "providing" for unlawful use of lights while hunting and Amend Sec. 1, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Sections 2310(b) and (c) and 2711 of Title 34 of the Pennsylvania Consolidated Statutes are amended to read:

§ 2310. Unlawful use of lights while hunting.

* * *

(b) Exceptions.—The provisions of subsection (a) shall not apply to:

(1) A person on foot [may use an artificial light normally carried on the person to take] who is using a flashlight or spotlight held in the hand or worn on the head if the sole source of power for the light is contained in the light or on the person to take coyotes, bobcats, raccoons, skunks, opossum or foxes.

(2) Any political subdivision, its employees or agents, which has a valid deer control permit issued under section 2902(c) (relating to general categories of permits).

(c) Penalties.—A violation of this section is a summary offense of the fifth degree. In addition thereto, if any person is hunting game or wildlife or if any attempt is made to take any game or wildlife [or if any firearm or implement capable of killing or wounding game or wildlife is possessed], the person or persons shall be sentenced to the additional penalties of:

(1) For each endangered or threatened species, a fine of \$1,000 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of ten years.

(2) For each elk or bear, a fine of \$800 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of five years.

(3) For each deer, a fine of \$500 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(4) For each bobcat or otter, a fine of \$300 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of three years.

(5) For each turkey or beaver, a fine of \$200 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of two years.

(6) For each other bird or animal, a fine of \$100 and forfeiture of the privilege to hunt or take game or wildlife anywhere within this Commonwealth for a period of one year.

* * *

Amend Bill, page 4, by inserting between lines 23 and 24 Section 2. The amendment of 34 Pa.C.S. § 2310(b) and (c) shall apply to offenses committed on or after the effective date of this section.

Amend Sec. 2, page 4, line 24, by striking out "2" and inserting
3

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

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

Mr. HALUSKA. Thank you, Madam Speaker.

This is an agreed-to amendment that just changes a little bit of the law in the Game Code with hand-held lights for the taking of some of the predatory animals, and the language in

this amendment was basically written by the Game Commission, Mike Dubaich in Law Enforcement, and I just attached it to this bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from York County, Mr. Smith, on the amendment.

Mr. B. SMITH. Thank you, Madam Speaker.

The speaker is correct; this is an agreed-to amendment. It also has the approval and support of the Pennsylvania Game Commission.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—201

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

Egolf	Lescovitz	Rubley	Perzel,
Evans, D.	Levdansky	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

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

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

The following roll call was recorded:

YEAS—201

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

Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wilt
DeLuca	Killion	Reed	Wojnaroski
Denlinger	Kirkland	Reichley	Wright
Dermody	Kotik	Rieger	Yewcic
DeWeese	LaGrotta	Roberts	Youngblood
DiGirolamo	Laughlin	Roebuck	Yudichak
Diven	Leach	Rohrer	Zug
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	Perzel,
Evans, D.	Levdansky	Ruffing	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Buxton	Semmel
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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.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Gib Armstrong, Sean Porce and Carla Means. They are seated in the balcony. Would they please rise.

The Chair is also pleased to welcome to the hall of the House interns from Representative Geist's Altoona district office who have been visiting with us this week. Stephanie Savino is a sophomore at Lycoming College, majoring in international studies in French with a minor in world politics, and Michael Pennington is a sophomore at Dickinson College where he majors in history and political science and serves as vice president of the student senate. We are pleased to welcome them. Would they please rise.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2643, PN 3931**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for unlawful devices and methods for taking furbearers.

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

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

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Buxton	Semmel
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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.

* * *

The House proceeded to third consideration of **HB 1859, PN 3850**, entitled:

An Act relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Governor's Office; and creating the Office of Disabilities and providing for its funding.

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

RULES SUSPENDED

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

Mr. PISTELLA. Thank you, Madam Speaker.

I would wish to make a motion to suspend the rules for the purposes of offering amendment A2239.

The SPEAKER pro tempore. The gentleman, Mr. Pistella, moves that the rules of the House be suspended in order to offer amendment A2239.

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

The following roll call was recorded:

YEAS—200

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

Daley	Josephs	Pistella	Watson
Dally	Keller	Preston	Weber
DeLuca	Kenney	Raymond	Wheatley
Denlinger	Killion	Readshaw	Williams
Dermody	Kirkland	Reed	Wilt
DeWeese	Kotik	Reichley	Wojnaroski
DiGirolamo	LaGrotta	Rieger	Wright
Diven	Laughlin	Roberts	Yewic
Donatucci	Leach	Roebuck	Youngblood
Eachus	Lederer	Rohrer	Yudichak
Egolf	Leh	Rooney	Zug

NAYS—0

NOT VOTING—1

Perzel,
Speaker

EXCUSED—2

Buxton Semmel

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.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Madam Speaker?

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

Mr. DeWEESE. A point of parliamentary inquiry.

The SPEAKER pro tempore. State your point.

Mr. DeWEESE. The bills that are marked over are being run sporadically, and some of our members are curious as to why this parliamentary evolution is taking place this spring.

The SPEAKER pro tempore. It is our understanding that your caucus was informed of which bills had originally been marked over and are now on the voting calendar. And actually, it was at the request from a Democratic member.

Mr. DeWEESE. I am sorry; I apologize. I did not hear the gentlelady.

The SPEAKER pro tempore. This was done, that we are voting them today that were originally marked over, at the request of a Democratic member.

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

CONSIDERATION OF HB 1859 CONTINUED

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

The SPEAKER pro tempore. Does the gentleman, Mr. Pistella, wish to speak on the amendment?

Mr. PISTELLA. Madam Speaker, if it would be appropriate for me to explain it, I would be more than happy to. If you would prefer to call the vote, that is fine.

The SPEAKER pro tempore. The clerk will first read the amendment.

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

Mr. **PISTELLA** offered the following amendment No. **A2239**:

Amend Bill, page 1, lines 1 through 16; page 2, line 1, by striking out all of said lines on said pages and inserting
Relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Office of the Governor; and creating the Office for People with Disabilities and providing for its funding.

TABLE OF CONTENTS

Chapter 1. Preliminary Provisions

Section 101. Short title.

Section 102. Legislative policy and declaration.

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Chapter 3. Office for People with Disabilities

Section 301. Creation of office.

Section 302. Powers and duties of office.

Section 303. Powers and duties of council.

Chapter 5. Miscellaneous Provisions

Section 501. Funding.

Section 502. Effective date.

Amend Bill, page 2, lines 6 through 30; pages 3 through 6, lines 1 through 30; page 7, lines 1 through 17, by striking out all of said lines on said pages and inserting

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.

This act shall be known and may be cited as the Office for People with Disabilities Act.

Section 102. Legislative policy and declaration.

The General Assembly finds and declares as follows:

(1) Adults and children with disabilities and their families and guardians should have access to the full range of services and programs, including equal access to all services and programs provided for persons without disabilities, as well as individualized and specialized services that meet the unique needs of persons with disabilities regardless of age, gender, race, ethnic origin or sexual identity.

(2) Adults and children with disabilities and their families and guardians have traditionally been underserved. They have often been denied access to individualized and specialized services available to the community at large and have been denied services necessary to their health, well-being, independence and advancement.

(3) Persons who could live and work in the community live in institutions at State expense due to inadequate funding for community support services. The result is a loss both to these individuals and to this Commonwealth as a whole.

(4) Adults and children with disabilities and their families and guardians should have the opportunity to choose and direct the services and programs provided to them, and the community of persons with disabilities should direct the development and operation of the delivery system.

(5) An increased availability of community support services and programs will enable adults and children with disabilities and their families and guardians to be more independent and productive, to remain in their homes and communities and to more fully exercise their rights and responsibilities as citizens.

(6) Services and programs provided by the Commonwealth to adults and children with disabilities and their families and guardians should be provided in a manner that promotes independent living, enables people to obtain and maintain employment and supports people in their homes and communities.

(7) A State-level office is needed to advise and assist the Office of the Governor and the General Assembly in developing

policies addressing the concerns of adults and children with disabilities and their families and guardians.

(8) Access to the office will enable adults and children with disabilities and their families and guardians to have their concerns and issues addressed.

Section 103. Definitions.

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

“Consumer control.” The right of a person with a disability or an individual or guardian acting on behalf of a person with a disability to maintain power and authority over decisions affecting the provision of services and programs and community activities.

“Council.” The Statewide Independent Living Council established under the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

“Disability services.” Services and programs provided to adults or children with disabilities or their families or guardians to enhance their ability to live or work independently and to pursue their rights and responsibilities as citizens.

“Functional limitations.” Those which affect one or more of the following activities of daily living:

- (1) mobility;
- (2) communication;
- (3) self-care;
- (4) economic self-sufficiency;
- (5) recreation;
- (6) independent living;
- (7) learning; or
- (8) self-direction.

“Long-term.” Likely to be of lifelong or extended duration.

“Office.” The Office for People with Disabilities created in section 301.

“Persons with a disability.” Children or adults who have a severe chronic condition resulting in substantial functional limitation which is attributable to psychological, cognitive, developmental, physical or sensory impairment or a combination of psychological, cognitive, developmental, physical or sensory impairment and is likely to continue indefinitely.

CHAPTER 3

OFFICE FOR PEOPLE WITH DISABILITIES

Section 301. Creation of office.

The Office for People with Disabilities is hereby created within the Office of the Governor. The office shall be administered by the Office of the Governor.

Section 302. Powers and duties of office.

The office shall have the power and its duty shall be to:

(1) Assure that all citizens of this Commonwealth who have disabilities and their families and guardians have access to adequate and coordinated quality services and programs.

(2) Establish interagency agreements and working relationships with other governmental bodies and public and private agencies to:

- (i) assure access to the full range of available services and programs for adults and children with disabilities and their families and guardians;
- (ii) advocate for consumer control; and
- (iii) coordinate the delivery of nonduplicative disability services and programs to adults and children with disabilities and their families and guardians.

(3) Work with the council in the development of a three-year plan to maximize the use of available funding and to develop needed services and programs.

(4) Identify gaps in disability services and programs and funding shortages in collaboration with the council and report this information annually to the Governor and to the General Assembly.

(5) Act as a system advocate to expand the availability of disability services and programs and access to generic services and programs.

(6) Assure the planning for Statewide improvements in services and programs for adults and children with disabilities and their families and guardians.

(7) Assure the development of necessary requirements and regulations in collaboration with the council.

(8) Collect data and conduct research.

(9) Provide information and refer adults and children with disabilities and their families and guardians to appropriate agencies or other organizations.

(10) Coordinate disability policy and serve as liaison between the Office of the Governor and the General Assembly.

(11) Identify common concerns of Pennsylvania disability communities and begin to build cohesion between disability groups through education.

(12) Advise and inform the Office of the Governor on issues and concerns regarding adults and children with disabilities and their families and guardians.

(13) Provide the disability community more direct access to the Office of the Governor.

(14) Educate adults and children with disabilities and their families and guardians about their rights under the American with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327), the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and other applicable law.

(15) Assist public agencies and officials with issues related to adults and children with disabilities and their families and guardians.

(16) Review the issues and concerns that are related to the disability community and identify gaps in services and programs.

(17) Hire staff possessing the qualifications needed to deal with issues that arise between adults and children with disabilities and their families and guardians and governmental agencies.

(18) Conduct studies, analyze and gather information, develop model policies and procedures and present information, approaches, strategies, findings, conclusions and recommendations to policymakers to ensure equal opportunity for adults and children with disabilities and their families and guardians as necessary.

(19) Assure outreach by all levels of government to populations that are underserved, including minority groups and urban and rural populations.

(20) Assure ways to expand and improve the services and programs that adults and children with disabilities and their families and guardians may require.

Section 303. Powers and duties of council.

(a) Enumeration.—The council shall have the power and duty to:

(1) Advise the office in the development of its plans, policies and regulations.

(2) Jointly develop and submit, in conjunction with the office, the three-year plan required by this act.

(3) Meet at least quarterly, as required by the act of December 12, 1994 (P.L.1023, No.139), known as the Independent Living Services Act and Title VII of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

(b) Expenses of members.—The members shall receive no payment for their services. Members who are not employees of State government shall be reimbursed for expenses incurred in the course of their official duties and in accordance with applicable law.

CHAPTER 5

MISCELLANEOUS PROVISIONS

Section 501. Funding.

The Office of the Governor shall use Federal funds where possible for the administration of the Office for People with Disabilities created under this act and shall expend such funds, on appropriation by the General Assembly, prior to expending any State appropriations for the same or similar purpose. The Office of the Governor shall utilize any available private funds to carry out the provisions of this act.

Section 502. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pistella, on the amendment.

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

First and foremost, I would like to thank the chairman of the Intergovernmental Affairs Committee, Chairman Russ Fairchild, and his staff, Joyce Frigm; in addition, Democratic chairman Joe Markosek and his staff, Stacia Ritter, for assisting me in drafting this amendment.

Very basically, it does six things. I will enumerate them for you as quickly as I can. Number one, it changes the name of the office to the “Office for People with Disabilities.” Secondly, it puts the emphasis on assisting and advising the Governor and the legislature in developing policies for addressing the concerns of persons with disabilities, children and their families and the guardians of those individuals that may be disabled. It does delete the power of the office to contract with any statewide disability-related organization for services. It amends the definition of “consumer control” to allow those organizations that would be advocates for the disabled that do not have a 51-percent representation on their board to participate. And it also assures that disabled citizens and their families of the Commonwealth will have adequate and coordinated services and allows them to establish interagency agreements and working relationships with other governmental bodies. Most importantly, though, the component dealing with section 501, which is funding, would require that the Governor’s Office apply for Federal funds for the purposes of financing the operation and administration of the office. In addition to that, we would then appropriate those Federal dollars in conjunction with any necessary State dollars for them to perform their duties, and it would also require the office to solicit private funding for the purposes of fulfilling their mission.

And again I would like to thank those members of the staff, including Kathy Seidl from my office, for working very arduously on this particular amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Those in favor of the amendment will vote “aye”; those opposed, “nay.” Members will proceed— I am very sorry. I did not see the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. O’Brien, on the amendment.

Mr. O’BRIEN. Thank you, Madam Speaker.

I admire what the gentleman, Representative Pistella, is attempting to do by this amendment. I would just like to inform

the members of the House that Secretary Richman has taken this issue very seriously and, as we speak, is embarking on creating an Office of Disabilities. And I am not sure what structure that is going to take, but I have full faith in Secretary Richman that when she sets her mind to it, she will do it, and I would like to allow the Secretary to have the flexibility, given her specific expertise, to create this office on her own volition.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Butler County, Mr. Metcalfe, on the amendment.

Mr. METCALFE. Thank you, Madam Speaker.

Could I interrogate the maker of the amendment?

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

Mr. METCALFE. Madam Speaker, in the amendment on page 1, I believe it is, line 36, I believe, it references “sexual identity,” and I was curious as to— I appreciate the gentleman’s concern for the disabled and wanting to improve the statute that is there to help the system, but I have some concerns that “sexual identity” was blended into this language and curious if that is something that is already in the current law. It looked like the amendment was a full change to the law, but maybe I was misreading it and wanted to get the maker’s interpretation of why “sexual identity” is added in there.

Mr. PISTELLA. Mr. Speaker, would you be kind enough to do the following for me: Could you please on amendment 2239, could you cite for me the page and line again, please?

Mr. METCALFE. I believe it is page 1, line 36.

Mr. PISTELLA. Page 1, line 36.

Mr. METCALFE. On the amendment. I believe it is in the paragraph—

Mr. PISTELLA. Oh, in the section dealing with the findings.

Mr. METCALFE. Legislative findings.

Mr. PISTELLA. That language, as far as I know, was inserted by the advocates. There was never any real explanation as to what the purposes were for sexual identity in their minds. I think what they may have been considering would be anybody that was disabled, and presumably there was some relationship, and I do not know in which fashion, that they would not be able to be considered to be advocated for.

Mr. METCALFE. Because I know in the amendment it mentions “gender,” which would cover being a man or a woman.

Mr. PISTELLA. Yeah; that was struck. What was left in here was “sexual identity.” The presumption that I am making is that what this meant was nothing that would be as extensive as the language I understood some members objected to.

Mr. METCALFE. I mean, the “gender” term is still in there, as far as gender that, you know, either a man or a woman, but the “sexual identity” is where there may be some confusion, especially with putting this in the law.

I would ask that we would go over the amendment until we can get that taken care of. I think it is—

The SPEAKER pro tempore. Are you making a formal motion?

Mr. METCALFE. I would like to make a motion based on the “sexual identity” language in this amendment, to have the amendment corrected in whatever way we have to do that. Do we need to recommit it to a committee? Can we go over the

amendment and have another one drafted and brought down to take that out so we can still run it today?

The SPEAKER pro tempore. Would the gentlemen, Messrs. Metcalfe and Pistella, come to the podium, please.

Mr. METCALFE. Thank you.

(Conference held at Speaker’s podium.)

AMENDMENT WITHDRAWN

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. The gentleman, Mr. Pistella, withdraws amendment 2239, and we will go over the bill temporarily.

* * *

The House proceeded to third consideration of **HB 375, PN 3630**, entitled:

An Act establishing the Victims of Domestic Violence Employment Leave Act.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

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

Coleman	Hasay	O'Neill	Vance
Cornell, S. E.	Hennessey	Pallone	Veon
Corrigan	Herman	Payne	Vitali
Costa	Hershey	Petrarca	Walko
Coy	Hess	Petri	Wansacz
Crahalla	Hickernell	Petrone	Washington
Creighton	Horsey	Phillips	Waters
Cruz	Hutchinson	Pickett	Watson
Curry	James	Pistella	Weber
Dailey	Josephs	Preston	Wheatley
Daley	Keller	Raymond	Williams
Dally	Kenney	Readshaw	Wilt
DeLuca	Killion	Reed	Wojnaroski
Denlinger	Kirkland	Reichley	Wright
Dermody	Kotik	Rieger	Yewcic
DeWeese	LaGrotta	Roberts	Youngblood
DiGirolamo	Laughlin	Roebuck	Yudichak
Diven	Leach	Rohrer	Zug
Donatucci	Lederer	Rooney	
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	Perzel, Speaker
Evans, D.	Levdansky	Ruffing	

NAYS—0

NOT VOTING—0

EXCUSED—2

Buxton Semmel

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.

* * *

BILLS PASSED OVER TEMPORARILY

The SPEAKER pro tempore. We have noted the objections of Mr. Casorio of passing over HB 2408 and HB 2668, and we will return to that at a later time.

* * *

The House proceeded to third consideration of **HB 2305, PN 3849**, entitled:

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further prohibiting occupation tax.

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

PARLIAMENTARY INQUIRY

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

Mr. TANGRETTI. A point of parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his point.

Mr. TANGRETTI. Madam Speaker, the discussion at the dais relative to the two bills that you just mentioned going over was based on the fact that the majority leader was not in the hall of the House. He is in the hall of the House, and we would suggest that in view of that, that we have the opportunity to entertain Representative Casorio's motion.

The SPEAKER pro tempore. Would the majority leader come to the podium, please.

The House will be at ease for a few moments.

(Conference held.)

The House will come to order.

ANNOUNCEMENT BY MR. SCHRODER

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

Mr. SCHRODER. Madam Speaker, since there is nothing on the board at the moment, would I be in order to make an announcement?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. SCHRODER. Thank you, Madam Speaker.

Madam Speaker, yesterday I introduced House discharge resolution No. 3. Pursuant to House rule 21, I am announcing my intention to call up discharge resolution No. 3 on Monday, June 21, or any session day thereafter.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY MR. ZUG

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lebanon County, Mr. Zug, for the purpose of an announcement.

Mr. ZUG. Thank you, Madam Speaker.

The east-central caucus, if we could meet in Representative Argall's conference room in the Appropriations complex at the break, please.

The SPEAKER pro tempore. The gentleman, Mr. Zug, announces a meeting of the east-central caucus in Representative Argall's office at the break.

TRANSPORTATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Geist, for the purpose of an announcement.

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

When we conclude here, there will be a meeting of the Transportation Committee in the back of the House at the conclusion.

Thank you very much.

The SPEAKER pro tempore. The gentleman, Mr. Geist, announces a meeting of the Transportation Committee at the rear of the House at the break.

Would the gentleman, Mr. Casorio, come to the podium, please.

The House will be at ease for a few moments.

(Conference held at Speaker’s podium.)

STATEMENT BY MR. COSTA

The SPEAKER pro tempore. The House will return to order, and the Chair recognizes the gentleman, Mr. Costa. The gentleman, Mr. Costa, is recognized.

Mr. COSTA. Thank you, Madam Speaker.

I would like a point of personal privilege.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. COSTA. Thank you.

Madam Speaker, as I am sure you are aware, this week is Gaynor Cawley Appreciation Week. We are celebrating the achievements and contributions that Gaynor Cawley makes to this Commonwealth, and in lieu of a resolution, I would like to submit comments into the record.

Thank you.

Gaynor Cawley has served the Pennsylvania House of Representatives since 1981 and continues to work his wit and humor on new and veteran legislators.

Gaynor’s commitment to his beloved family and constituents in Lackawanna County is overshadowed only by his dedication to the hall of justice and its residents.

Whereas, as an effective legislator, Gaynor Cawley has perfected the purest form of grassroots democratic principles upon which our country was founded, living up to Hubert Humphrey’s challenge to public leaders: “The moral test of a government is how it treats those who are at the dawn of life...the children; those who are in the twilight of life...the aged; and those who are in the shadow of life...the sick...the needy...and the handicapped.”

And equally important, Gaynor Cawley has met this great moral test as a son, a husband, a father, a friend, and as a mentor.

And, Madam Speaker, I would hope that you and the House of Representatives will join me in celebrating Gaynor Cawley Appreciation Week, culminating with the celebration of his 63d birthday this Saturday, June 19.

And, Madam Speaker, I would like to invite all of our colleagues to join us up in Gaynor’s office as we have a lunch celebration, where we will present Gaynor with the unprecedented 20th consecutive Ruffed Grouse Nesting Award.

Thank you, Madam Speaker.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Mrs. Taylor, for the purpose of an announcement.

Mrs. TAYLOR. Thank you, Madam Speaker.

There will be a Republican majority caucus meeting immediately following the break – immediately following the break.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the purpose of an announcement.

Mr. COHEN. Thank you, Madam Speaker.

We will also be having a Democratic caucus to go over stray bills and amendments that we have not yet caucused on as well as to have informal discussions; immediate Democratic caucus.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the majority whip, who requests that the gentleman, Mr. BIRMELIN, be placed on leave for the remainder of the day.

RECESS

The SPEAKER pro tempore. This House now stands in recess until 1:15 – 1:15.

AFTER RECESS

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

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. MYERS called up **HR 790, PN 4063**, entitled:

A Resolution designating the third Saturday of June 2004 as “Juneteenth National Freedom Day” in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Fabrizio	Lynch	Sainato
Allen	Fairchild	Mackereth	Samuelson
Argall	Feese	Maher	Santoni
Armstrong	Fichter	Maitland	Sather
Baker	Fleagle	Major	Saylor
Baldwin	Flick	Manderino	Scavello
Bard	Forcier	Mann	Schroder
Barrar	Frankel	Markosek	Scrimenti
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
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler
Browne	Good	Micozzie	Stevenson, R.
Bunt	Goodman	Millard	Stevenson, T.
Butkovitz	Grucela	Miller, R.	Sturla
Caltagirone	Gruitza	Miller, S.	Surra
Cappelli	Habay	Mundy	Tangretti
Casorio	Haluska	Mustio	Taylor, E. Z.
Causer	Hanna	Myers	Taylor, J.
Cawley	Harhai	Nailor	Thomas
Civera	Harhart	Nickol	Tigue

Clymer	Harper	O'Brien	Travaglio
Cohen	Harris	Oliver	True
Coleman	Hasay	O'Neill	Turzai
Cornell, S. E.	Hennessey	Pallone	Vance
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Coy	Hess	Petri	Walko
Crahalla	Hickernell	Petrone	Wansacz
Creighton	Horsey	Phillips	Washington
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Dailey	Josephs	Preston	Weber
Daley	Keller	Raymond	Wheatley
Dally	Kenney	Readshaw	Williams
DeLuca	Killion	Reed	Wilt
Denlinger	Kirkland	Reichley	Wojnaroski
Dermody	Kotik	Rieger	Wright
DeWeese	LaGrotta	Roberts	Yewcic
DiGirolamo	Laughlin	Roebuck	Youngblood
Diven	Leach	Rohrer	Yudichak
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	
Evans, D.	Levdansky	Ruffing	Perzel,
Evans, J.	Lewis		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Birmelin Buxton Semmel

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

* * *

Mr. WATERS called up **HR 791, PN 4064**, entitled:

A Resolution designating the week of June 13, 2004, as "Child Abduction Prevention and Safety Awareness Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

Adolph	Fabrizio	Lynch	Sainato
Allen	Fairchild	Mackereth	Samuelson
Argall	Feese	Maher	Santoni
Armstrong	Fichter	Maitland	Sather
Baker	Fleagle	Major	Saylor
Baldwin	Flick	Manderino	Scavello
Bard	Forcier	Mann	Schroder
Barrar	Frankel	Markosek	Scrimenti
Bastian	Freeman	Marsico	Shaner
Bebko-Jones	Gabig	McCall	Smith, B.
Belardi	Gannon	McGeehan	Smith, S. H.
Belfanti	Geist	McGill	Solobay
Benninghoff	George	McIlhattan	Staback
Bianucci	Gergely	McIlhinney	Stairs
Bishop	Gillespie	McNaughton	Steil
Blaum	Gingrich	Melio	Stern
Boyd	Godshall	Metcalfe	Stetler

Browne	Good	Micozzie	Stevenson, R.
Bunt	Goodman	Millard	Stevenson, T.
Butkovitz	Grucela	Miller, R.	Sturla
Caltagirone	Gruitza	Miller, S.	Surra
Cappelli	Habay	Mundy	Tangretti
Casorio	Haluska	Mustio	Taylor, E. Z.
Causer	Hanna	Myers	Taylor, J.
Cawley	Harhai	Nailor	Thomas
Civera	Harhart	Nickol	Tigue
Clymer	Harper	O'Brien	Travaglio
Cohen	Harris	Oliver	True
Coleman	Hasay	O'Neill	Turzai
Cornell, S. E.	Hennessey	Pallone	Vance
Corrigan	Herman	Payne	Veon
Costa	Hershey	Petrarca	Vitali
Coy	Hess	Petri	Walko
Crahalla	Hickernell	Petrone	Wansacz
Creighton	Horsey	Phillips	Washington
Cruz	Hutchinson	Pickett	Waters
Curry	James	Pistella	Watson
Dailey	Josephs	Preston	Weber
Daley	Keller	Raymond	Wheatley
Dally	Kenney	Readshaw	Williams
DeLuca	Killion	Reed	Wilt
Denlinger	Kirkland	Reichley	Wojnaroski
Dermody	Kotik	Rieger	Wright
DeWeese	LaGrotta	Roberts	Yewcic
DiGirolamo	Laughlin	Roebuck	Youngblood
Diven	Leach	Rohrer	Yudichak
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	
Evans, D.	Levdansky	Ruffing	Perzel,
Evans, J.	Lewis		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

Birmelin Buxton Semmel

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

STATEMENT BY MR. WATERS

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

Mr. WATERS. Thank you, Madam Speaker.

I want to ask that the members of this great General Assembly continue to support this resolution throughout the year. As we know, a couple years ago in America we had a tragic year when it came down to child abductions. Too many children were snatched away from their loved ones or just turned up missing, and it is so important that we protect our future and protect the young ones who fall vulnerable to predators who chase down and will try to bring harm to people who we love and care for in our community.

The bipartisan support on this resolution was great, and the amount of people who signed up was great, too. I just want to thank everyone for your support and hope that we continue to do what we can to give the children in our community safety tips so they could have a healthy summer, a healthy year, and a bright future.

Thank you, Madam Speaker.
The SPEAKER pro tempore. The Chair thanks the gentleman.

* * *

Mr. McILHINNEY called up **HR 792, PN 4065**, entitled:

A Resolution honoring fathers and designating June 20, 2004, as "Father's Day" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

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

NAYS—0

Perzel,
Speaker

NOT VOTING—0

EXCUSED—3

Birmelin Buxton Semmel

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 1634, PN 4059**, entitled:

An Act providing for the capital budget for the fiscal year 2003-2004, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, The State Stores Fund current revenue projects, public highway projects, Motor License Fund projects, Manufacturer's Fund projects and State forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; and making related repeals.

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

BILL RECOMMENDED

The SPEAKER pro tempore. The Chair recognizes the majority leader.

Mr. S. SMITH. Madam Speaker, I move that HB 1634, PN 4059, be recommitted to the Rules Committee.

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

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 815, PN 1688**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for policyholder collateral, for deductible reimbursements and for other policyholder obligations.

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

The SPEAKER pro tempore. It is moved by the gentleman, Mr. Smith, that the House concur in the amendments.

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

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Birmelin Buxton Semmel

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.
Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

CONSIDERATION OF HB 2305 CONTINUED

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

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

The question is, shall the bill pass finally?

PARLIAMENTARY INQUIRY

Mr. CASORIO. Madam Speaker?

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

Mr. CASORIO. Madam Speaker, point of parliamentary inquiry, please.

The SPEAKER pro tempore. The gentleman will state his point of parliamentary order.

Mr. CASORIO. Question: Were we or were we not stuck, positioned on page 4, to resume voting on the two bills that we had gone over on page 4 when we recessed an hour or so ago?

The SPEAKER pro tempore. We would note that neither the majority leader nor the Speaker are on the floor of the House, because they are attending a meeting, and we thought there was an agreement that we would go over these until they again are on the floor of the House. They have asked that we go over this until they are on the floor of the House, and we will return to it this afternoon.

Mr. CASORIO. Do we have any idea, Madam Speaker — thank you, Madam Speaker — when their arrival may be, just for the general information of our members on this side?

The SPEAKER pro tempore. The understanding of the Chair is that we would like to go through the rest of the calendar, and we would go and get them as soon as we are finished with that so we can proceed with the bills in which you have interest.

Mr. CASORIO. Madam Speaker, I would request then that if we cannot continue on page 4 at the moment, that we remain at ease.

The SPEAKER pro tempore. I would remind the gentleman that you are holding up the entire House, and we have a firm word that we would again go to these bills as soon as we are finished.

Would the gentleman please approach the podium.

Mr. CASORIO. Thank you, Madam Speaker.

(Conference held at Speaker’s podium.)

The SPEAKER pro tempore. Returning to consideration of HB 2305, PN 3849.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Birmelin Buxton Semmel

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

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

* * *

The House proceeded to third consideration of **HB 2651, PN 3950**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for powers and duties of the board and for anesthesia.

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

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Madam Speaker.

Madam Speaker, I rise in support of HB 2651. This bill is important in order to extend the implementation date for the Dental Board to require clinical evaluations and office inspections in dental offices where general anesthesia, deep sedation, and conscious sedation are administered by extending the deadline to June 1, 2005, and providing for penalties if the Dental Board fails to deliver final regulations to the committee by March 1, 2005. It is expected that the Dental Board will have in place a workable system for these evaluations and inspections in order to prevent any further incidents or deaths in dental offices related to anesthesia.

I ask your support of this bill.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Mr. Gannon.

Mr. GANNON. Thank you, Madam Speaker.

Madam Speaker, I want to echo the remarks of Representative Markosek, and I want to thank him for his strong support for this legislation, and I ask for a “yes” vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Birmelin	Buxton	Semmel
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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.

* * *

The House proceeded to third consideration of **SB 1059, PN 1473**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

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

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

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

The following roll call was recorded:

YEAS—184

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

Egolf	Lescovitz	Samuelson	
Evans, D.	Levdansky	Santoni	Perzel,
Evans, J.	Lewis		Speaker

NAYS—15

Benninghoff	Forcier	McIlhattan	Reichley
Browne	Habay	Metcalfe	Rohrer
Casorio	Harhart	Petrarca	Stevenson, R.
Creighton	Hutchinson	Reed	

NOT VOTING—1

Maher

EXCUSED—3

Birmelin	Buxton	Semmel
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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 return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 2649, PN 3944**, entitled:

An Act designating a portion of State Route 405 from Clinton Township to Montgomery Borough, Lycoming County, Pennsylvania, as the Dr. Charles F. Taylor Memorial Highway; and designating a bridge over the West Branch of the Susquehanna River on State Route 405 between Muncy Creek Township and Clinton Township, Lycoming County, Pennsylvania, as the The Last Raft Memorial Bridge.

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

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

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Birmelin	Buxton	Semmel
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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.

* * *

The House proceeded to third consideration of **HB 2315, PN 3236**, entitled:

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.

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

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

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

The following roll call was recorded:

YEAS—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Birmelin	Buxton	Semmel
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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.

* * *

The House proceeded to third consideration of **HB 2336, PN 3289**, entitled:

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.

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

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

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

The following roll call was recorded:

YEAS—200

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

DeWeese	LaGrotta	Roberts	Yewcic
DiGirolamo	Laughlin	Roebuck	Youngblood
Diven	Leach	Rohrer	Yudichak
Donatucci	Lederer	Rooney	Zug
Eachus	Leh	Ross	
Egolf	Lescovitz	Rubley	
Evans, D.	Levdansky	Ruffing	Perzel,
Evans, J.	Lewis		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

Birmelin	Buxton	Semmel
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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.

STATEMENT BY MR. PETRONE

The SPEAKER pro tempore. For what reason does the gentleman, Mr. Petrone, rise?

Mr. PETRONE. Remarks concerning HB 2336, Madam Speaker.

The SPEAKER pro tempore. The gentleman is recognized under unanimous consent.

Mr. PETRONE. Thank you, Madam Speaker.

I just want to inform the House that this legislation has been recommended by the Housing Alliance of Pennsylvania, and HB 2336 amends the Municipal Claim and Tax Lien Law to permit municipalities to file one action with the court for judicial tax enforcement against numerous properties.

Presently a municipality seeking to acquire abandoned property must petition the court separately for each property it wishes to foreclose upon for a separate judgment authorizing the property to be sold at sheriff's sale. Other States, such as Maryland, Ohio, and Florida, have added efficiency to the judicial components of a foreclosure proceeding by allowing a municipality to file one action for judicial tax enforcement against hundreds of properties.

There is no constitutional reason why foreclosure cannot be conducted against many properties as part of one action in Pennsylvania, because the owner will not lose the property rights or the right to due process. Permitting one action before the court to include multiple separate properties will still require proof in each case that the owner was delinquent in their property taxes and that adequate notice of the foreclosure action was provided to the owner.

Allowing multiple actions to be brought to the court together in one action would require less repetitive preparation and filing fees, smaller attorney fees, less burden on the courts, and an anticipated quicker resolution. Ultimately, I believe it will allow local governments to transfer blighted properties into the hands of responsible owners faster and at a less cost, and I thank the members for their affirmative vote, and I also would like to thank Liz Hersh, the executive director of the

Pennsylvania Housing Alliance, for their efforts and her efforts on this legislation.

Thank you very much, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence. The minority whip requests a leave of absence for the gentleman, Mr. WANSACZ, from Lackawanna County for the remainder of the day. The Chair hears no objection.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2358**, **PN 4053**, entitled:

An Act amending the act of May 16, 1923 (P.L.207, No.153), referred to as the Municipal Claim and Tax Lien Law, providing for donation of property; and further providing for form of claims, for records of claims and tax liens and for report of nonpayment of taxes.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—1

Horsey

NOT VOTING—0

EXCUSED—4

Birmelin Buxton Semmel Wansacz

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

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

* * *

The House proceeded to third consideration of **HB 2385, PN 3851**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for invasion of privacy.

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

The SPEAKER pro tempore. The gentleman, Mr. Williams, offers the following amendment, which the clerk will read. The gentleman has withdrawn that amendment. The Chair thanks the gentleman.

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

Mr. **REICHLEY** offered the following amendment No. **A2057**:

Amend Title, page 1, line 2, by inserting after “for” exceptions to the prohibition of interception and disclosure of certain communications and for

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Section 5704 of Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a paragraph to read:

§ 5704. Exceptions to prohibition of interception and disclosure of communications.

It shall not be unlawful and no prior court approval shall be required under this chapter for:

* * *

(17) A person who is a consumer to electronically record a telephone call from a debt collector so defined under the Fair Debt Collection Practices Act (Public Law 95-109, 15 U.S.C. § 1692 et seq.) without the consent or knowledge of the debt collector.

Section 2. Section 7507.1 of Title 18 is amended to read:

Amend Sec. 2, page 4, line 17, by striking out “2” and inserting

3

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

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

Mr. REICHLEY. Thank you, Madam Speaker.

This amendment would seek to provide a consumer protection provision in the law to allow consumers to record the harassing phone calls from debt collectors. Importantly, this does not provide any penalty to the original creditor, such as a credit card company, a bank, a mortgage company. It only is referring to debt collectors, and it is meant to assist those individuals who want to pursue harassment charges against debt collectors under the Federal Fair Claims Act, and I would appreciate the support of the members.

Thank you, and I believe this is not opposed by the prime sponsor of the bill.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

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

Coleman	Hasay	Oliver	True
Cornell, S. E.	Hennessey	O'Neill	Turzai
Corrigan	Herman	Pallone	Vance
Costa	Hershey	Payne	Veon
Coy	Hess	Petrarca	Vitali
Crahalla	Hickernell	Petri	Walko
Creighton	Horsey	Petrone	Washington
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Dailey	Josephs	Pistella	Weber
Daley	Keller	Preston	Wheatley
Dally	Kenney	Raymond	Williams
DeLuca	Killion	Readshaw	Wilt
Denlinger	Kirkland	Reed	Wojnarowski
Dermody	Kotik	Reichley	Wright
DeWeese	LaGrotta	Rieger	Yewcic
DiGirolamo	Laughlin	Roberts	Youngblood
Diven	Leach	Roebuck	Yudichak
Donatucci	Lederer	Rohrer	Zug
Eachus	Leh	Rooney	
Egolf	Lescovitz	Ross	Perzel,
Evans, D.	Levdansky	Rubley	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—4

Birmelin	Buxton	Semmel	Wansacz
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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 pro tempore. This bill has been considered on three different days and agreed to and is now on final passage.

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—199

Adolph	Fabrizio	Lewis	Ruffing
Allen	Fairchild	Lynch	Sainato
Argall	Feese	Mackereth	Samuelson
Armstrong	Fichter	Maher	Santoni
Baker	Fleagle	Maitland	Sather
Baldwin	Flick	Major	Saylor
Bard	Forcier	Manderino	Scavello
Barrar	Frankel	Mann	Schroder
Bastian	Freeman	Markosek	Scrimenti
Bebko-Jones	Gabig	Marsico	Shaner
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.
Benninghoff	George	McGill	Solobay
Bianucci	Gergely	McIlhattan	Staback
Bishop	Gillespie	McIlhinney	Stairs
Blaum	Gingrich	McNaughton	Steil
Boyd	Godshall	Melio	Stern

Browne	Good	Metcalfe	Stetler
Bunt	Goodman	Micozzie	Stevenson, R.
Butkovitz	Grucela	Millard	Stevenson, T.
Caltagirone	Gruitza	Miller, R.	Sturla
Cappelli	Habay	Miller, S.	Surra
Casorio	Haluska	Mundy	Tangretti
Causer	Hanna	Mustio	Taylor, E. Z.
Cawley	Harhai	Myers	Taylor, J.
Civera	Harhart	Nailor	Thomas
Clymer	Harper	Nickol	Tigue
Cohen	Harris	O'Brien	Travaglio
Coleman	Hasay	Oliver	True
Cornell, S. E.	Hennessey	O'Neill	Turzai
Corrigan	Herman	Pallone	Vance
Costa	Hershey	Payne	Veon
Coy	Hess	Petrarca	Vitali
Crahalla	Hickernell	Petri	Walko
Creighton	Horsey	Petrone	Washington
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Dailey	Josephs	Pistella	Weber
Daley	Keller	Preston	Wheatley
Dally	Kenney	Raymond	Williams
DeLuca	Killion	Readshaw	Wilt
Denlinger	Kirkland	Reed	Wojnarowski
Dermody	Kotik	Reichley	Wright
DeWeese	LaGrotta	Rieger	Yewcic
DiGirolamo	Laughlin	Roberts	Youngblood
Diven	Leach	Roebuck	Yudichak
Donatucci	Lederer	Rohrer	Zug
Eachus	Leh	Rooney	
Egolf	Lescovitz	Ross	Perzel,
Evans, D.	Levdansky	Rubley	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—4

Birmelin	Buxton	Semmel	Wansacz
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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.

CONSIDERATION OF HB 1859 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pistella, for a suspension of the rules.

Mr. PISTELLA. I would so move, Madam Speaker, for a suspension of the rules so that the House may immediately consider amendment A2252.

The SPEAKER pro tempore. The gentleman, Mr. Pistella, moves that the rules of the House be suspended in order to offer amendment A2252.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

Mr. **PISTELLA** offered the following amendment No. **A2252**:

Amend Bill, page 1, lines 1 through 16; page 2, line 1, by striking out all of said lines on said pages and inserting
Relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Office of the Governor; and creating the Office for People with Disabilities and providing for its funding.

TABLE OF CONTENTS

Chapter 1. Preliminary Provisions
Section 101. Short title.
Section 102. Legislative policy and declaration.
Section 103. Definitions.
Chapter 3. Office for People with Disabilities
Section 301. Creation of office.
Section 302. Powers and duties of office.
Section 303. Powers and duties of council.
Chapter 5. Miscellaneous Provisions
Section 501. Funding.
Section 502. Effective date.

Amend Bill, page 2, lines 6 through 30; pages 3 through 6, lines 1 through 30; page 7, lines 1 through 17, by striking out all of said lines on said pages and inserting

CHAPTER 1

PRELIMINARY PROVISIONS

Section 101. Short title.
This act shall be known and may be cited as the Office for People with Disabilities Act.
Section 102. Legislative policy and declaration.

The General Assembly finds and declares as follows:

(1) Adults and children with disabilities and their families and guardians should have access to the full range of services and programs, including equal access to all services and programs provided for persons without disabilities, as well as individualized and specialized services that meet the unique needs of persons with disabilities regardless of age, gender, race or ethnic origin.

(2) Adults and children with disabilities and their families and guardians have traditionally been underserved. They have often been denied access to individualized and specialized services available to the community at large and have been denied services necessary to their health, well-being, independence and advancement.

(3) Persons who could live and work in the community live in institutions at State expense due to inadequate funding for community support services. The result is a loss both to these individuals and to this Commonwealth as a whole.

(4) Adults and children with disabilities and their families and guardians should have the opportunity to choose and direct the services and programs provided to them, and the community of persons with disabilities should direct the development and operation of the delivery system.

(5) An increased availability of community support services and programs will enable adults and children with disabilities and their families and guardians to be more independent and productive, to remain in their homes and communities and to more fully exercise their rights and responsibilities as citizens.

(6) Services and programs provided by the Commonwealth to adults and children with disabilities and their families and guardians should be provided in a manner that promotes independent living, enables people to obtain and maintain employment and supports people in their homes and communities.

(7) A State-level office is needed to advise and assist the Office of the Governor and the General Assembly in developing

policies addressing the concerns of adults and children with disabilities and their families and guardians.

(8) Access to the office will enable adults and children with disabilities and their families and guardians to have their concerns and issues addressed.

Section 103. Definitions.

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

“Consumer control.” The right of a person with a disability or an individual or guardian acting on behalf of a person with a disability to maintain power and authority over decisions affecting the provision of services and programs and community activities.

“Council.” The Statewide Independent Living Council established under the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

“Disability services.” Services and programs provided to adults or children with disabilities or their families or guardians to enhance their ability to live or work independently and to pursue their rights and responsibilities as citizens.

“Functional limitations.” Those which affect one or more of the following activities of daily living:

- (1) mobility;
- (2) communication;
- (3) self-care;
- (4) economic self-sufficiency;
- (5) recreation;
- (6) independent living;
- (7) learning; or
- (8) self-direction.

“Long-term.” Likely to be of lifelong or extended duration.

“Office.” The Office for People with Disabilities created in section 301.

“Persons with a disability.” Children or adults who have a severe chronic condition resulting in substantial functional limitation which is attributable to psychological, cognitive, developmental, physical or sensory impairment or a combination of psychological, cognitive, developmental, physical or sensory impairment and is likely to continue indefinitely.

CHAPTER 3

OFFICE FOR PEOPLE WITH DISABILITIES

Section 301. Creation of office.

The Office for People with Disabilities is hereby created within the Office of the Governor. The office shall be administered by the Office of the Governor.

Section 302. Powers and duties of office.

The office shall have the power and its duty shall be to:

(1) Assure that all citizens of this Commonwealth who have disabilities and their families and guardians have access to adequate and coordinated quality services and programs.

(2) Establish interagency agreements and working relationships with other governmental bodies and public and private agencies to:

- (i) assure access to the full range of available services and programs for adults and children with disabilities and their families and guardians;
- (ii) advocate for consumer control; and
- (iii) coordinate the delivery of nonduplicative disability services and programs to adults and children with disabilities and their families and guardians.

(3) Work with the council in the development of a three-year plan to maximize the use of available funding and to develop needed services and programs.

(4) Identify gaps in disability services and programs and funding shortages in collaboration with the council and report this information annually to the Governor and to the General Assembly.

(5) Act as a system advocate to expand the availability of disability services and programs and access to generic services and programs.

(6) Assure the planning for Statewide improvements in services and programs for adults and children with disabilities and their families and guardians.

(7) Assure the development of necessary requirements and regulations in collaboration with the council.

(8) Collect data and conduct research.

(9) Provide information and refer adults and children with disabilities and their families and guardians to appropriate agencies or other organizations.

(10) Coordinate disability policy and serve as liaison between the Office of the Governor and the General Assembly.

(11) Identify common concerns of Pennsylvania disability communities and begin to build cohesion between disability groups through education.

(12) Advise and inform the Office of the Governor on issues and concerns regarding adults and children with disabilities and their families and guardians.

(13) Provide the disability community more direct access to the Office of the Governor.

(14) Educate adults and children with disabilities and their families and guardians about their rights under the American with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327), the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.), the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act, the Individuals with Disabilities Education Act (Public Law 91-230, 20 U.S.C. § 1400 et seq.) and other applicable law.

(15) Assist public agencies and officials with issues related to adults and children with disabilities and their families and guardians.

(16) Review the issues and concerns that are related to the disability community and identify gaps in services and programs.

(17) Hire staff possessing the qualifications needed to deal with issues that arise between people with disabilities and governmental agencies.

(18) Conduct studies, analyze and gather information, develop model policies and procedures and present information, approaches, strategies, findings, conclusions and recommendations to policymakers to ensure equal opportunity for adults and children with disabilities and their families and guardians as necessary.

(19) Assure outreach by all levels of government to populations that are underserved, including minority groups and urban and rural populations.

(20) Assure ways to expand and improve the services and programs that adults and children with disabilities and their families and guardians may require.

Section 303. Powers and duties of council.

(a) Enumeration.—The council shall have the power and duty to:

(1) Advise the office in the development of its plans, policies and regulations.

(2) Jointly develop and submit, in conjunction with the office, the three-year plan required by this act.

(3) Meet at least quarterly, as required by the act of December 12, 1994 (P.L.1023, No.139), known as the Independent Living Services Act and Title VII of the Rehabilitation Act of 1973 (Public Law 93-112, 29 U.S.C. § 701 et seq.).

(b) Expenses of members.—The members shall receive no payment for their services. Members who are not employees of State government shall be reimbursed for expenses incurred in the course of their official duties and in accordance with applicable law.

CHAPTER 5
MISCELLANEOUS PROVISIONS

Section 501. Funding.

The Office of the Governor shall use Federal funds where possible for the administration of the Office for People with Disabilities created under this act and shall expend such funds, on appropriation by the General Assembly, prior to expending any State appropriations for the same or similar purpose. The Office of the Governor shall utilize any available private funds to carry out the provisions of this act.

Section 502. Effective date.

This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

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

Mr. PISTELLA. Thank you, Madam Speaker.

Madam Speaker, you may recall that one of our colleagues from Butler County had raised the issue of language that was contained within the amendment in regards to the concept or the idea of sexual identity. I was not able at the time to determine what the purpose of the advocates of this legislation were attempting to do. However, in discussion it was agreed that we would remove that language from this particular amendment, which has been done with this version, amendment A2252.

Just very briefly, all of the provisions that I outlined to you earlier, the five or six that dealt with the issues of the funding of the office, its powers, its inability to enter into separate contracts, its serving as an advocate and coordinator for disability services throughout the State and with other organizations that would be on other levels of government, all remain consistent with the original language and intent of what we are attempting to accomplish with this particular amendment.

I would encourage the support of the members for the adoption of this amendment.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

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

I rise reluctantly to speak on this amendment.

As many of the members know, I called for an Office of Developmental Disabilities or an Office of Disabilities to be created in this Commonwealth, but I say so with the caveat that we really do not know at this point what we want that office to look like, and the Secretary of Welfare has diligently been exploring this process. I am hopeful that in the near future, we will have some definition, and in my view, I think it makes for a better approach if we define what we want that office to look like on a needs-based basis and then go back and create that office and find the people that can implement that mission.

So reluctantly, I would ask the members to vote against this resolution, or in lieu of that, I would ask the gentleman to withdraw his amendment and hopefully join in the conversation and create a meaningful Office of Disabilities for the Commonwealth of Pennsylvania.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pistella, for the second time on the amendment.

Mr. PISTELLA. Madam Speaker, I can appreciate the gentleman's concern.

Let me first and foremost say that I was interrupted in the middle of a conversation on the telephone with the Secretary of Welfare on this very issue. That was done as a result of a followup of a phone call that was placed by the legislative liaison's office from the Department of Welfare to my senior research analyst informing me that the Secretary of Welfare has considered this idea, that it is part of her vision to explore the concept of the establishment of an office for disabilities or individuals with disabilities, but she has never committed to establish such an office.

I do not know if that in fact is entirely the subject of the conversation that would have ensued had this bill and amendment not been called up when it was and I had to cut my conversation off, but what I am prepared to say to you is this: If this legislation is adopted in this House, there is no guarantee the same language will be adopted by the Senate or signed into law by the Governor. That gives the advocates and anyone that would propose or espouse the establishment of the Office for Disabilities two more bites of the apple to create what they would like to see happen, number one.

And number two, if you feel that you have to go ahead and vote against this amendment and against this bill, I completely understand that, but let me also say, if you would rather vote for it, let me take the heat with the Secretary of Welfare as to why I was so bullheaded as to push this issue before you today, and I will deal with that situation as it would occur.

Now, I realize for many of you, that may not mean a whole lot, but I have stood on this chamber's floor on a number of occasions to stand up for what I believe in and what I think is an appropriate step. I am taking this step on behalf of a constituent of mine who has worked with the Disabilities Advocacy Network to see that this job is done. I am not prepared to wait any further to see to it that appropriate steps are taken, and I think that everyone in this legislature can take a giant step forward in seeing to it that this office is established if they vote to support this amendment and this bill today.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Union County, Mr. Fairchild, on the amendment.

Mr. FAIRCHILD. Thank you, Madam Speaker.

This amendment is agreed to. We worked hard on the provisions of the bill. There were multiple changes to the amendment. I understand Representative O'Brien's concerns, and I think the prime sponsor of the amendment and the bill adequately addressed those. I have got a commitment that he will indeed work with the administration. This bill will probably come back to us in a different form. However, we are starting the process. We are starting the process that probably should have been started 5, 10, or 15 years ago.

Again, thank you. I urge your support. Again, it is an agreed-to amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Markosek, on the amendment.

Mr. MARKOSEK. Thank you, Madam Speaker.

Madam Speaker, I, too, rise in support of this amendment and ultimately this bill.

In echoing the words of the majority chairman of the Intergovernmental Affairs Committee, this is an agreed-to amendment. Our staffs have been busy here for really several months now working on this. This ultimately takes care of a situation that many disabled Pennsylvanians have asked for many years, and that is an Office of Disabilities within the Commonwealth of Pennsylvania and the Governor's Office.

So therefore, I will vote for this, and I would urge all my colleagues on both sides of the aisle to vote for this on behalf of the disabled in Pennsylvania.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—197

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

NAYS—2

Harper O'Brien

NOT VOTING—0

EXCUSED—4

Birmelin Buxton Semmel Wansacz

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

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

The following roll call was recorded:

YEAS—199

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

Dally	Kenney	Raymond	Williams
DeLuca	Killion	Readshaw	Wilt
Denlinger	Kirkland	Reed	Wojnaroski
Dermody	Kotik	Reichley	Wright
DeWeese	LaGrotta	Rieger	Yewcic
DiGirolamo	Laughlin	Roberts	Youngblood
Diven	Leach	Roebuck	Yudichak
Donatucci	Lederer	Rohrer	Zug
Eachus	Leh	Rooney	
Egolf	Lescovitz	Ross	Perzel,
Evans, D.	Levdansky	Rubley	Speaker
Evans, J.			

NAYS-0

NOT VOTING-0

EXCUSED-4

Birmelin	Buxton	Semmel	Wansacz
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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.

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

FORMER MEMBER WELCOMED

The SPEAKER. The Chair has a very special guest today before the General Assembly, a former member of ours, Curt Bowley of Warren County, a member from 1985 to 1992. He is to the left of the Speaker, and he is here to pick up his turkey.

RULES SUSPENDED

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

Mr. ARGALL Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 2706, PN 4049.

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

The following roll call was recorded:

YEAS-199

Adolph	Fabrizio	Lewis	Ruffing
Allen	Fairchild	Lynch	Sainato
Argall	Feese	Mackereth	Samuelson
Armstrong	Fichter	Maher	Santoni
Baker	Fleagle	Maitland	Sather
Baldwin	Flick	Major	Saylor
Bard	Forcier	Manderino	Scavello
Barrar	Frankel	Mann	Schroder
Bastian	Freeman	Markosek	Scrimenti
Bebko-Jones	Gabig	Marsico	Shaner
Belardi	Gannon	McCall	Smith, B.
Belfanti	Geist	McGeehan	Smith, S. H.

Benninghoff	George	McGill	Solobay
Bianucci	Gergely	McIlhatten	Staback
Bishop	Gillespie	McIlhinney	Stairs
Blaum	Gingrich	McNaughton	Steil
Boyd	Godshall	Melio	Stern
Browne	Good	Metcalfe	Stetler
Bunt	Goodman	Micozzie	Stevenson, R.
Butkowitz	Grucela	Millard	Stevenson, T.
Caltagirone	Gruitza	Miller, R.	Sturla
Cappelli	Habay	Miller, S.	Surra
Casorio	Haluska	Mundy	Tangretti
Causar	Hanna	Mustio	Taylor, E. Z.
Cawley	Harhai	Myers	Taylor, J.
Civera	Harhart	Nailor	Thomas
Clymer	Harper	Nickol	Tigue
Cohen	Harris	O'Brien	Travaglio
Coleman	Hasay	Oliver	True
Cornell, S. E.	Hennessey	O'Neill	Turzai
Corrigan	Herman	Pallone	Vance
Costa	Hershey	Payne	Veon
Coy	Hess	Petrarca	Vitali
Crahalla	Hickernell	Petri	Walko
Creighton	Horsey	Petrone	Washington
Cruz	Hutchinson	Phillips	Waters
Curry	James	Pickett	Watson
Dailey	Josephs	Pistella	Weber
Daley	Keller	Preston	Wheatley
Dally	Kenney	Raymond	Williams
DeLuca	Killion	Readshaw	Wilt
Denlinger	Kirkland	Reed	Wojnaroski
Dermody	Kotik	Reichley	Wright
DeWeese	LaGrotta	Rieger	Yewcic
DiGirolamo	Laughlin	Roberts	Youngblood
Diven	Leach	Roebuck	Yudichak
Donatucci	Lederer	Rohrer	Zug
Eachus	Leh	Rooney	
Egolf	Lescovitz	Ross	Perzel,
Evans, D.	Levdansky	Rubley	Speaker
Evans, J.			

NAYS-0

NOT VOTING-0

EXCUSED-4

Birmelin	Buxton	Semmel	Wansacz
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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.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2706, PN 4049**, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations and for a method of accounting for the funds appropriated.

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Birmelin	Buxton	Semmel	Wansacz
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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.

* * *

The House proceeded to third consideration of **HB 2668, PN 3974**, entitled:

An Act amending act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for regulations.

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

Mr. **HERMAN** offered the following amendment No. **A2101**:

Amend Title, page 1, line 6, by striking out “regulations.” and inserting

definitions, for application, for regulations and for changes in Uniform Construction Code.

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 103 of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended by adding definitions to read:

Section 103. Definitions.

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

“Addition.” An extension or increase in floor area or height of a building or structure.

* * *

“Alteration.” Any construction or renovation to an existing structure other than repair or addition.

* * *

“Repair.” The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

“Residential building.” Detached one-family and two-family dwelling and multiple single-family dwellings which are not more than three stories in height with a separate means of egress which includes accessory structures.

* * *

Section 2. Section 104(b) of the act is amended to read:

Section 104. Application.

* * *

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act;

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings; [or]

(4) any agricultural building;

(5) alterations to residential buildings which do not make structural changes or changes to means of egress, except as might be required by ordinances in effect pursuant to section 303(b)(1) or adopted pursuant to section 503; or

(6) repairs to residential buildings, except as might be required by ordinances in effect pursuant to section 303(b)(1) or adopted pursuant to section 503.

* * *

Section 3. Section 301(a) of the act is amended by adding a paragraph to read:

Amend Bill, page 2, by inserting between lines 1 and 2

Section 4. Section 503(a) of the act is amended to read:

Section 503. Changes in Uniform Construction Code.

(a) Administration.—Municipalities may enact ordinances which equal or exceed the minimum requirements of Chapter 1 of the 1999 BOCA National Building Code, Fourteenth Edition, relating to administration consistent with the provisions of section 501(c). Municipalities may enact ordinances pursuant to this section which adopt additional code requirements for alterations or repairs to residential buildings.

* * *

Amend Sec. 2, page 2, line 2, by striking out “2” and inserting
5

Amend Sec. 3, page 2, line 4, by striking out “3” and inserting
6

On the question,

Will the House agree to the amendment?

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

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

This amendment deals with a great deal of controversy and concern that we all face here regarding the implementation of the Uniform Construction Code in Pennsylvania, and, Mr. Speaker, I have to preface my remarks with some historical remarks, I guess, for the people, because this law, this Uniform Construction Code, was Act 45 of 1999. It passed some years ago, and many of the members of the legislature were not here at that time, but the whole purpose of the Uniform Construction Code was to place some standards across the municipalities that all the engineers and the builders and architects can deal with with a great deal of uniformity as well as provide for safety in housing construction to protect your fire services personnel much more greatly.

But still with that, the Department of Labor and Industry was identified as promulgating regulations for this legislation, which did not come forward until January 10 of this year, and many of the members, newer members, here in the General Assembly probably do not know the history behind this legislation, but regardless, I think it is important to point that out, because I do not think that any of us who dealt with this issue in committee or on the House floor thought that we could be as far reaching into home ownership and residential repairs and alterations as it has been.

With that, Mr. Speaker, I turn to the specifics of my amendment, which does what I think that we can all agree to, and during the course of the last couple weeks, myself and staff have been deliberating with the Pennsylvania State Association of Township Supervisors, the Pennsylvania Builders, and others who are involved with this and are somewhat agreeable that this is an amendment, I think, that we can all live with.

What the amendment would do, Mr. Speaker, is basically amend Act 45 of 1999, dealing with the Uniform Construction Code, and deleting all references of its implementation and administration to minor repairs and alterations, thereby leaving the UCC to be administered and implemented in regard to new housing as well as both housing and commercial establishments.

The definitions that are applicable in this amendment, Mr. Speaker, come directly from the International Residential Code, so these are the definitions that the municipal officials are very much aware of, can agree to, so we are not really inventing anything or re-creating a wheel, but rather, it is something I think we can all agree to.

And with that, Mr. Speaker, I would like to ask the members of the House to vote in favor of this amendment.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence. The minority whip requests a leave of absence for the gentlelady from Philadelphia, Ms. WASHINGTON. Without objection, that leave will be granted.

CONSIDERATION OF HB 2668 CONTINUED

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

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the language of the Herman amendment. I think it goes a long way to correcting this problem that we created ourselves 5 years ago, but we just did not realize how much of a monster it was in the residential area.

So I am asking that the Herman amendment be supported.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I wondered if the gentleman from Centre County would agree to a brief interrogation.

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

Mr. TANGRETTI. Mr. Speaker, the gentleman from Centre has appropriately and accurately portrayed the circumstances relative to what has occurred with the UCC and the regulations, but I am curious, with respect to your amendment, would you explain to us, when you in your amendment talk about structural changes, how that would be defined, how that would be regulated, who would make the determination?

Mr. HERMAN. Yes. I can answer that very easily in that all those references are made to previous code interpretations that have been the standard for years. This legislation technically does not change anything in regard to definitions regarding structures or residences that has not already been established with other codes previously or with the International Residential Code, which many municipal officials are already adopting.

Mr. TANGRETTI. Well, I would submit, Mr. Speaker, that the gentleman from Centre County may be right, which causes me a little consternation, and I would ask further, for example, the code as it exists now, for example, disallows the replacement of windows if you change the size, because somehow that may affect the structural integrity of that house. That has been ruled on and determined by the various people in the Department of Labor and Industry. That, to me, it seems, as it exists now and the interpretation of the department, you are suggesting then that that would continue?

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

I guess I am getting a lot of help on this, because it is very technical and the gentleman from Westmoreland knows that.

I will have to ask for just a minute.

I have been informed that if you make the window larger and you do a structural, load-bearing change – and you see, I am struggling with this, because I have never done home repair myself, okay, so I am struggling over even the simplest nomenclature – then it does not pertain to the code.

That is the answer.

Mr. TANGRETTI. Oh, I am sorry. I missed it. I apologize.

Mr. HERMAN. Basically, the answer is, as I understand it, you are exempt.

Mr. TANGRETTI. Well, Mr. Speaker, I do not know that he is—

Mr. HERMAN. I am sorry. I misspoke. If it is a major alteration, it is not exempt then.

Mr. TANGRETTI. Okay. So just so – and I understand you are struggling with this because I have the same problem. Mr. Speaker, the gentleman from Centre County has indicated – and I am repeating, Mr. Speaker, his words so that I can understand what he has said – under your amendment, if an individual wants to change a window size and somebody determines or somebody is going to have to determine that it is a structural or a nonstructural change, that would require an inspector to come out and a permit to be obtained. Is that correct?

Mr. HERMAN. I have been informed that if you are changing a load-bearing structure, the answer to that is yes.

Mr. TANGRETTI. So the same regulations that apply now relative to structural as it exists under the UCC today would apply in your amendment.

Mr. HERMAN. Any alteration that does not pertain to a load-bearing structural change, my amendment does not touch.

Mr. TANGRETTI. If I may then, another question, Mr. Speaker, to the gentleman.

If you have any repairs done or alterations done and it is performed by yourself or anyone else, if you pay for a contractor, a nonprofit comes in to do it, anyone is included in this exemption. Is that correct?

Mr. HERMAN. And that is exactly the intent of this amendment.

Mr. TANGRETTI. So all of the restrictions that are placed in the UCC now that are causing all of the concerns for many of our residents, our constituents, would still be in place to the extent that if you were to replace a hot water heater, if you were to replace a roof, if you were to replace anything, that is now exempt?

Mr. HERMAN. If this amendment is adopted by the House of Representatives with your support and others by a majority vote, it will then be exempt, all the things you just said – the roof repair, the hot water heaters, and all the minor repairs like that – yes.

Mr. TANGRETTI. Okay.

Mr. Speaker, on the amendment, if I may?

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

Mr. TANGRETTI. Mr. Speaker, we are going to have the opportunity throughout this afternoon to vote on a number of amendments, and I think the chairman of the Local Government Committee has crafted some language that is difficult in some respects and admirable in others.

There are some concerns I have, and that is the interpretation of “structural.” Who is going to make that interpretation? If I am a widow and I need to have a window replaced and somebody is going to do that for me, like my grandson, who is going to make the determination that in fact that is a structural change? He is going to have to get a permit; he is going to have to get it inspected. And I think there might be other pitfalls relative to this as well.

I think it is a good idea. I think he has the right approach to it, but I am afraid that it does not go far enough.

Although given the nature of all that we are going to have to do this afternoon, I am going to vote for this amendment, because it is the first amendment. It goes in the right direction, even though it has some problems with it. But we are going to have the opportunity later on to vote for other amendments that in fact may be a little more comprehensive than the chairman of the Local Government Committee.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STAIRS. Thank you, Mr. Speaker.

Regarding Representative Herman’s amendment, I do support this amendment, and as a matter of fact, I supported it to the fact that I am one of the members down the line on the amendment, so I am on the amendment also. So I would like to consider it to be my amendment as well as other members who have signed on to it.

I speak on behalf of rural areas in Pennsylvania, which my district has a lot of rural areas, and as I think of rural areas, I think of a lot of people who do their own home remodeling, maybe a little different than many urban areas or suburban areas. We have a lot of handy workers who, to save money and because they have the skills, do a lot of home repairs, and I think it is putting a great deal of burden on a lot of good people out there in rural Pennsylvania who are going to have to have unnecessary expense here to remodel homes and even build new homes.

So I would hope that we could support this amendment. I personally will be going to be voting for other amendments being offered today, because I agree with my colleague from Westmoreland County that this is a step in the right direction but we need a couple more steps, and I will support that.

So I would hope that we could all get together, because back in 1999, when I was here and many of you were here, we voted for this. Little did we comprehend the far-reaching scope of this legislation when it went through the regulatory process at Labor and Industry, which is the agency or the department that handles this particular legislation.

So it was for safety, and the firefighters supported it, but I think it got out of hand and went much above legislative intent, which I hope we can correct today and the Senate and the Governor will correct later on.

So it is a great start on this amendment process, and I hope we can all show support for rural Pennsylvania and the fine, handy people in our rural areas that do, to them, routine work of fixing up their homes and do it in a very safe and cost-effective manner.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, can I interrogate the Chair?

If this amendment passes—

The SPEAKER. You can ask a parliamentary inquiry.

Mr. SURRA. Parliamentary inquiry.

The SPEAKER. The gentleman is in order.

Mr. SURRA. If this amendment passes, are the other amendments still in order?

The SPEAKER. Yes.

Mr. SURRA. Thank you.

On the amendment?

The SPEAKER. We are checking with the Parliamentarian. He believes I am correct. I thought he would.

Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

I also believe you are correct, but I just wanted your determination.

Mr. Speaker, I rise to support my colleague's amendment. It goes a long way to going where we need to go. However, there are other amendments which improve the situation that we are in now.

Mr. Speaker, this General Assembly, in my opinion, was sold a bill of goods in 1999 on the Uniform Construction Code, what it did, how far it reached into people's lives and people's pocketbooks, and we are only now finding it out.

I had a little bit of an understanding because of my background of what we were doing, and I tried to tell people back then, but just to refresh your memories back in '99, we were told when that bill came to the House by the special interest groups who were supporting it, we cannot have any amendments; we have to do it this way. We were told that Pennsylvania was one of just a few States that did not have a statewide building code. Well, Mr. Speaker, let me tell you, there are not any States that go to the depths that this legislation went. You cannot tell me that in North Carolina, South Carolina, Wyoming, Ohio, that you need to get a permit to put in a hot water tank or to change your roof. So we need to fix this, Mr. Speaker.

And just to refresh your memories, it has been stated on the floor a couple times already how the administration and the regulatory process is what got us here. Well, Mr. Speaker, that is not true. The regulatory process actually has drafted regulations which are weaker than the Construction Code calls for.

What this House and Senate passed in 1999 called for the Universal Construction Code to be the law of the land in the State of Pennsylvania. It is all-encompassing. It is like 10 or 11 international codes that cover everything in construction, and the department was forced to draft the regulations.

Now, why did that pass in 1999 with a Republican Governor and Republican-controlled House and Senate and only now come out with the regulations? I just want people to know what we are doing. This was the biggest mandate ever placed on the people of Pennsylvania in the 14 years that I have been in office. This is the mother of all mandates. It will take over 6,000 inspectors, cost thousands and millions of dollars.

You talk about a tax increase on the people of this State; this was it.

Now, we have an opportunity now to fix it. None of you knew what this was. Some of us tried. Sixteen members voted "no." Some of us tried to tell you then. I think it is becoming a little clearer today about what happened, but Governor Ridge and his Department of Labor, while the Governor signed the bill, did not draft the regulations, because they knew how controversial they were. So our new Governor comes in and they have to finish the task. We passed it. It is our job to fix it.

I am going to support Representative Herman's amendment, and I will be back.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, that is a hard act to follow.

I rise briefly to support the Herman amendment.

Mr. Speaker, those of us in Westmoreland County – myself, Representative Tangretti, Representative Petrarca especially – and Representative Surra from Elk have been inundated with individuals concerned about the UCC.

We are going to support the Herman amendment today. We support the chairman of our Local Government Committee, but collectively on this side of the aisle, Mr. Speaker, we do not believe that the Herman amendment goes far enough. In sequential order after this, we will be offering amendments – myself, Representatives Surra, Tangretti, and Petrarca – from repeal to a level of cost where individuals are not burdened with the UCC. We will be offering those amendments and ask for the legislature's support, but in the meantime, Mr. Speaker, we are urging an affirmative vote on 2101, the Herman amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STEIL. Thank you, Mr. Speaker.

We are going to be discussing a number of amendments this afternoon. I rise, first of all, to support the Herman amendment. I think it addresses one of the significant concerns that a number of members have.

I want to make two points. First is that probably everyone has some issue with the Uniform Construction Code and/or the regulations that were drafted to implement it. It is going to be important that we look at the body of law as a whole and not individual categories or individual lines of those regulations or the act.

The second point I want to make is that when this bill was adopted, there was an opt-out provision for municipalities. No municipality is required to put in play the Uniform Construction Code. The act specifically allows municipalities to opt out, and I will read from the original act: "In municipalities which have not adopted an ordinance for the administration and enforcement of this act, it shall be the duty of the municipality to notify an applicant for a construction permit that it shall be the responsibility of the permit applicant of one-family or two-family dwelling units and utility and miscellaneous use structures to obtain the services of a construction code official..." and so on. It means that the responsibility for a homeowner in their property in communities that have opted out is on the responsibility of the homeowner. There is no

enforcement. There is no inspection. The homeowner is now responsible.

So it simply means that if you are in a community that has opted out or has never had a construction code or a building permit department, a code enforcement official, this does not apply. So what we are doing is drafting an amendment and approving the Herman amendment for those municipalities which have opted in to enforcement of the Uniform Construction Code.

I am sure we will have an opportunity to talk about that more this afternoon, and I will also be back.

Thank you.

The SPEAKER. The Chair recognizes the gentleman from Cambria, Mr. Yewcic.

Mr. YEWICIC. Thank you, Mr. Speaker.

Will the gentleman, the maker of the amendment, please stand for brief interrogation?

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

Mr. YEWICIC. Thank you, Mr. Speaker.

Very briefly, under the amendment in your definition of "alteration," does that mean in the section that it amends that if I were to build a porch on my house, would I still have to be under the code?

Mr. HERMAN. Mr. Speaker, the gentleman is not that far from me, but yet I am having trouble hearing him, and I am not sure I heard the question. Mr. Speaker?

The SPEAKER. The gentleman has every right to be heard. Please keep the noise levels down.

Would the gentleman, Mr. Yewcic, restate his question.

Mr. YEWICIC. Thank you, Mr. Speaker.

Under the definition of "alteration" in your amendment, if I were to add a porch to my house or a deck, which is an alteration, would that still be covered under the code or would that be exempt?

Mr. HERMAN. If you are specifically adding an addition, you would be subject to the Uniform Construction Code. If it is an alteration, it has nothing to do with like anything major – structural beams or any of that kind of thing – then it would be exempt under this amendment.

Mr. YEWICIC. In your amendment, though, you have this list of definitions. You have "alteration" and "addition" under the same listing, under the same section of the law. I assume they apply to the same section. Therefore, would not a porch, would not a porch or a deck then be under the code?

Mr. HERMAN. As I said in my opening remarks, and I did not want to bring this part up but now I think I am going to have to, is that a lot of what is transpiring for years and years has been in what was known as the International Residential Code, this code.

If it is in the code now, this amendment does not take it out of the code. It is the same. It is the one that municipal officials and people and builders have been dealing with for years and years, and neither the language nor the definition has changed that. And I think that is really what the beauty of this amendment is, that we are not really trying to create anything new, of new language of definitions or anything. What we are trying to do is give those homeowners a greater advantage to do home repair and simple alterations as you mentioned, then exempt them from that.

Mr. YEWICIC. Okay.

One other thing. If I do mechanical or electrical repairs to my house, would those be exempt under your amendment?

Mr. HERMAN. As far as the intent of this amendment is concerned, the answer to that is yes; it would be exempt, mechanical or electrical repairs.

Mr. YEWICIC. Okay.

And then one final question. Your definition of structural change as a load-bearing wall or a load-bearing area would be under the code?

Mr. HERMAN. Yes.

Mr. YEWICIC. Therefore, a change in a window would be in the code.

Mr. HERMAN. If it is a load-bearing wall, if it is a structural thing and it has anything to do with the balancing of the house or the frame or a door, the answer to that is yes; it is still subject to the Uniform Construction Code.

Mr. YEWICIC. Okay. Thank you, Mr. Speaker.

Mr. HERMAN. An existing window, yes.

Mr. YEWICIC. Thank you, Mr. Speaker.

That concludes my interrogation, Mr. Speaker. On the amendment?

The SPEAKER. The gentleman is in order.

Mr. YEWICIC. I support the amendment, but clearly we need other amendments to take care of the many problems that are across Pennsylvania.

If you listened to the definitions and explanations, any time you change a window's size, you have to change the header or the load-bearing part of the house to put a larger window in; therefore, it is under the code.

I do not think the language is clear on mechanical and electrical work that is done in the house within this amendment, if you want to change a water heater or some other electrical work or plumbing work. Therefore, the other amendments are very important that we include in this bill to make sure that the homeowner is allowed to be the master of his own property without the government interfering on his property.

So I do support the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

As the chairman of the Labor Relations Committee, I worked with the chairman of the Local Government Committee and the Democrat chairman of the Labor Relations Committee on this legislation. We dealt with this in a lot of ways in hearings on a piecemeal basis.

This amendment is the first step in correcting the inequities in the present act. I would urge the members of the General Assembly to support this amendment, and I am a cosponsor of it, and I appreciate their support.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Elk, Mr. Surra, for the second time.

Mr. SURRA. Mr. Speaker, would the gentleman from Bucks please rise for a brief interrogation? I am sorry; he is not in the chamber.

I can comment.

The SPEAKER. The gentleman is in order.

Mr. SURRA. We were just told that if a municipality opts out, that residential homeowners do not have to comply with the statewide building code. If that were the case, this would not be that much of a problem.

I was told by the department – and I asked about this because the same situation was brought up by the gentleman in committee – I was told by the department that if a municipality opts out, we still have a statewide building code in place. It is the responsibility, it is the responsibility of the homeowner to go to a third-party inspector or the Department of Labor and get the inspections done. They still have to do the work by the code. That is what the department told me.

Now, there may not be any enforcement. However, I think it will be enforced by our banks when we get loans, our insurance companies when we get loans, and those types, and your neighbor. So, you know, we have a statewide building code in place.

I equate this to saying that, you know, if there is not a policeman alongside the road, then I do not have to obey the speed limit, because I am not going to be caught. Well, I do not think that is what we passed. It is a statewide building code, and it is my understanding from the department that opting out is a municipality’s opting out of the inspection. It does not relieve the homeowner of the need to have the permit and have the inspection.

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

Mr. STEIL. Thank you, Mr. Speaker.

I would like to make one correction to the previous comments, and that is that the language in the act is very clear. For those municipalities that have chosen to opt out of enforcement, the responsibility is on the homeowner. There is no reference to the hiring of L&I or the department for a homeowner. It is their responsibility to go to a third-party inspector. Only in the case of commercial/industrial buildings is there a requirement for the department, Labor and Industry, to be involved in the inspection of the structures.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti, for the second time.

Mr. BELFANTI. Thank you, Mr. Speaker.

Again, to reiterate what the gentleman from Elk just said, you need to understand, notwithstanding the language that is in the UCC Act that was referred to by the gentleman from Bucks, again, if this law is not changed at the residential level, if we do not do things about that and you happen to live in a municipality that opts out, if you fail to get that inspection done and your house would burn down, your insurance company could refuse to pay your insurance. If you go to sell the home and a bank inspects it for an appraisal and finds that you have done major alteration work to that property and failed to have it inspected, you will not be able to sell that home. Someone else will not be able to buy that home.

We need to deal with the residential portion of the UCC Act effectively today notwithstanding some of the caveats that were referenced by the gentleman from Bucks.

So once again I ask that members support the Herman amendment and we move on to some of the other amendments and get this residential portion of the UCC taken care of.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Tangretti, for the second time. The gentleman waives off.

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Birmelin	Semmel	Wansacz	Washington
Buxton			

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

LEAVE OF ABSENCE

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

CONSIDERATION OF HB 2668 CONTINUED

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

Mr. TANGRETTI offered the following amendment No. **A2085**:

Amend Title, page 1, line 5, by inserting after “repeals,” ” providing an exclusion from the permit and inspection requirements for certain repairs by homeowners;

Amend Title, page 1, line 6, by removing the period after “regulations” and inserting
; and abrogating regulations.

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 104(b) heading of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended and the section is amended by adding a subsection to read:

Section 104. Application.

* * *

(b) [Exclusions] General exclusions.—* * *

(b.1) Exclusion from permit and inspection requirements.—Subject to the provisions of section 303(b), the permit and inspection requirements of this act shall not apply to alteration or repair of R-2 and R-3 residential buildings by the owner of the building and persons assisting the owner who are wholly uncompensated or compensated solely by nonprofit entities. This subsection shall not apply to:

(1) new construction which increases the overall square footage of the building; or

(2) alterations or repairs determined in regulations promulgated by the department to present a significant safety hazard.

* * *

Section 2. Section 301(a) of the act is amended by adding a paragraph to read:

Amend Sec. 2, page 2, line 2, by striking out all of said line and inserting

Section 3. The following shall apply:

(1) The regulations of the Department of Labor and Industry set forth in 34 Pa. Code § 403.62 are abrogated and shall be replaced within one year of the effective date of this section with regulations promulgated in accordance with the provisions of section 104(b.1) of the act.

(2) All other regulations are abrogated to the

Amend Sec. 3, page 2, line 4, by striking out “3” and inserting

4

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, as I had interrogated the chairman of the Local Government Committee, I mentioned that I thought that his amendment was taking the proper direction but just not going far enough. My amendment does additional requirements, additional conditions that I think are needed.

One of the things that we wanted to accomplish or at least one of the things that we should be looking at is dealing with unscrupulous builders and those kinds of individuals who take advantage particularly of our seniors, and although we could deal with this in a licensing fashion and I think that is the way it is, the fact of the matter is it was included as one of the justifications for this.

I think that when we exempt a homeowner, I think we should be talking about a homeowner who does his own repair or his own repair as opposed to hiring somebody, and I think we need to be talking about that homeowner having the ability to have someone help him like their relative or a friend at no compensation, and I think we have to make it a condition that there are a lot of seniors and other individuals who fall in certain categories that need help with those kinds of repairs and so there are nonprofit groups out there who ought not to be included within these groups.

And I would suggest to you that Habitat for Humanity, the weatherization program, various, for example, community action agencies like in Westmoreland County who do those kinds of repairs, ought to be exempt as well.

And more importantly, one of the things that we have to be very careful about, we have to be careful that what we are exempting in fact ought to be exempt. Now, we are going to have the opportunity to deal with other amendments, as I mentioned before, but in the event that other amendments are not passed, I think this is the best solution that we can deal with, and that is this: If I have heard from one, actually I have heard from 6,000 people who have signed petitions to repeal this, and we are going to have the opportunity to take that vote. And by the way, those 6,000 people are not necessarily all from my district. They are from all over western Pennsylvania, Republican districts and Democratic districts. But we are not there yet. We do not have the opportunity to deal with that particular amendment.

In the meantime, one of the things we have to be very concerned about is the safety aspects. The department has taken the position that there are a number of things that ought to be covered under the UCC if you are going to do work yourself – if you are going to install your own home water heater, if you are going to do more than 25 percent of your roof, if you are going to change the size of a window, as we talked before, and various other things.

I have asked the question of the department; I have asked the question of our State fire commissioner; I have asked the question of my own fire departments, tell me why, tell me the statistics, tell me how many hot water heaters have blown up, how many have caused a fire, how many roofs have collapsed, how many people died or were injured, how many walls have fallen in and people were injured as a result of somebody doing this work themselves, and guess what? Nobody can tell you, because there is not any information. There is no empirical data that supports that. There may be anecdotal data, there may be

somebody who heard a story or maybe somebody thinks that is a problem, but quite frankly, Mr. Speaker, there is not information out there that says that. And so in my amendment I say everything is exempt for a homeowner if they want to do it themselves until and unless the department comes back to us and says, hey, here is the information; we have found that there are a number of problems associated with hot water heaters or roofs or whatever. But do not just tell us that. Give us some statistics; give us some details. Up to this point they have not done that. I have asked that information of the department. They do not have it.

So I think under my amendment we give them the option, the department, to come back to us and suggest to us what needs to be covered for homeowners who are going to do their own work based on empirical data, and then we will consider it through the regulatory process.

I think that is a concern that we all have. I think this is a fair way of developing it. I think that gets us back to where we want to be as it relates to somebody doing the work themselves.

So as I said, I appreciate the gentleman from Centre County's amendment. I think this goes a little further. I think it is a little fairer, and I think it provides for a mechanism to provide for the ability for us to take a look at some of the data that may in fact be in place, that allows us to go back and redo some of those things that they have a concern about, but they must prove it to us, and I would ask for an affirmative vote on the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, please?

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I notice that in your amendment you exempt out alterations or repairs of R-2 and R-3 residential buildings. What is classified as an R-2 residential building?

Mr. TANGRETTI. I am reading from section 309, mercantile group, use and occupancy classification – apartment houses, boarding houses, convents, dormitories, fraternities, sororities, monasteries.

Mr. McNAUGHTON. So if I am reading that correctly based on your answer, Mr. Speaker, you are exempting out from inspections and from permits apartments, convents, dormitories, fraternities, monasteries, and vacation homes. Are they not the most public housing facilities that we have in the Commonwealth of Pennsylvania, and you are letting them be exempt from a code that requires fire protection, structural change protection, various other protections—

Mr. TANGRETTI. Let me interrupt you and suggest to you that it is a drafting error, and I apologize for that. This—

The SPEAKER. The gentleman is not in order. The gentleman, Mr. McNaughton, had the floor. If the gentleman, Mr. McNaughton, wishes to relinquish the floor.

Mr. McNAUGHTON. Mr. Speaker, I would like an answer to the question, but I believe that the maker of the amendment realizes there is a tremendous drafting error in his amendment, and hopefully, based on that, he is going to withdraw the

amendment. I will wait and see what the— I will defer, Mr. Speaker, in that case.

The SPEAKER. The gentleman, Mr. McNaughton, defers.

Mr. TANGRETTI. The gentleman is correct. It is a drafting error. I appreciate the gentleman pointing out the error. If the House would agree, I would like to go over this amendment and have the error corrected and redrafted and submitted for the consideration of the House. And whatever, Mr. Speaker, the appropriate—

The SPEAKER. The gentleman would have to withdraw the amendment and have the amendment redrawn.

AMENDMENT WITHDRAWN

Mr. TANGRETTI. I withdraw the amendment, and I am going to ask the Reference Bureau to redraft it and hopefully be in time for us to consider it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. CASORIO offered the following amendment No. **A2045**:

Amend Title, page 1, lines 1 through 6, by striking out all of said lines and inserting

Repealing the act of November 10, 1999 (P.L.491, No.45), entitled “An act establishing a uniform construction code; imposing powers and duties on municipalities and the Department of Labor and Industry; providing for enforcement; imposing penalties; and making repeals.”

Amend Bill, page 1, lines 9 through 19; page 2, lines 1 through 4, by striking out all of said lines on said pages and inserting

Section 1. The act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is repealed.

Section 2. This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I have an amendment, 2045, that would repeal the Pennsylvania Construction Code. Mr. Speaker, with work from my Westmoreland County delegation – Representatives Tangretti and Petrarca, Pallone, Shaner, Harhai – and work from our friend from Elk, Representative Surra, we have come up with the amendment 2045 to completely repeal the Uniform Construction Code in Pennsylvania.

Mr. Speaker, as the gentleman from Elk enunciated earlier, we were sold a bill of goods, Mr. Speaker. Yes, Mr. Speaker, in 1999 we voted for this. Yes, Mr. Speaker, in 1999 we sent this to the Department of Labor and Industry to promulgate rules. Yes, Mr. Speaker, that was after Governor Ridge signed Act 45. Mr. Speaker, the Department of Labor and Industry has gone too far afield and they have created a Frankenstein monster, Mr. Speaker, for many of my constituents and the constituents throughout western and all of Pennsylvania, Mr. Speaker.

Mr. Speaker, there is an upswell, a groundswell of support throughout the western part of the State to repeal the entire Construction Code, scrap the code that L&I has gone too far afield on, Mr. Speaker, and bring all the shareholders and stakeholders back to the table, redo the Uniform Construction Code, Mr. Speaker, before the July 8 deadline.

Mr. Speaker, the folks in Westmoreland County, especially Representative Tangretti's district and mine, want nothing less than the complete repeal of the Uniform Construction Code. This is big government at its worst. This is big government intrusion, Mr. Speaker, and I would hope that we would have the support from the other side of the aisle to lessen the grip of big government into individuals' lives that not only costs them time and effort but also costs them their hard-earned dollars, Mr. Speaker.

I am asking for an affirmative vote on amendment 2045 to repeal the onerous Uniform Construction Code.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Herman.

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

Regrettably, I have to really oppose this amendment very strongly, Mr. Speaker, and, you know, we had worked on developing – we, I mean we as a General Assembly collectively through the 1990s – worked on trying to pass a Uniform Construction Code for good reason: to provide for uniformity of standards among those in the building industry who deal with municipalities and counties and give them really some uniform standards they can deal with to make their jobs a lot easier in housing which benefits all consumers.

But I think one of the things that I really need to point out of why we cannot repeal the Uniform Construction Code is that FEMA, the Federal Emergency Management Agency, is starting to really look very closely to restrict Federal disaster relief funds to certain States who do not have a statewide building code, and that is why, that is one of the reasons that your Fire Services Institute and many others were so much in favor of adopting a Uniform Construction Code in this capacity. Repeal may – and I am not saying this is for certain – but it may really jeopardize a lot of Federal moneys for your fire services in the Commonwealth of Pennsylvania, and I do not think that is what we want to do. So I think the adverse effect of adopting this code really is much more far-reaching and has adverse or deleterious consequences that we as a General Assembly may come back and try to correct again.

So for that reason and many others which will be enumerated by other speakers, Mr. Speaker, I am going to have to oppose this amendment.

Thank you.

The SPEAKER. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I also, reluctantly, but would like to ask that the Casorio amendment be defeated.

The editorial boards across the Commonwealth have focused on the problems of the residential portion, existing housing portions of UCC, which many of us were not aware were going to be covered in the final regulations to the extent that they have. They have placed a tremendous financial burden and hardship on homeowners of this State. We are hearing from township officials; we are hearing from contractors; we are hearing from construction workers; we are hearing from a lot of

people but all about preexisting housing, residential components of the UCC.

We do not as a General Assembly and we should not exempt commercial buildings, new construction, major housing projects, dormitories, hotels. Those things should be covered under a UCC law, and the Casorio amendment would throw the entire law out and give us between now and July 8 to come up with a new one. It is just not something that is possible or feasible.

New Jersey has two separate laws. They have a Uniform Construction Code for commercial buildings and new construction and they have a residential code. We ought to be heading in that direction. That is what we are trying to accomplish here today. Let us get preexisting housing out from under UCC and leave intact the UCC regs that have been drafted for commercial buildings and for public projects, government buildings, et cetera.

So I rise to oppose the Casorio amendment.

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 sponsor of the amendment.

The SPEAKER. The gentleman, Mr. Casorio, indicates he will stand for interrogation. The gentleman, Mr. Steil, is in order.

Mr. STEIL. Thank you, Mr. Speaker.

Mr. Speaker, can you tell us what the responsibility of the Department of Labor and Industry in their codes enforcement department would be if your amendment passes?

Mr. CASORIO. Mr. Speaker, it would go back to, with my knowledge, prior to us passing Act 45 in 1999 and the rules promulgation of 2 or 3 months ago, Mr. Speaker.

Mr. STEIL. Are you aware, Mr. Speaker, that in the act of 1999 we repealed the department's responsibility under prior legislation and put in place only the new responsibilities under Act 45? So if this is repealed, again I ask, what would they do?

Mr. CASORIO. Mr. Speaker, they would be doing, quite frankly, prior to April what they had been doing, and again, my amendment addresses the issue of, yes, we are scrapping the entire UCC, and I understand that that is a dramatic step, but we do have between now and July 8 to craft new legislation, new wording, and have the Department of Labor and Industry promulgate new rules. So we would go back, Mr. Speaker, to answer your question, prior to the enactment of the promulgation of rules several months ago.

Mr. STEIL. Thank you, Mr. Speaker.

Comment on the amendment.

The SPEAKER. The gentleman is in order.

Mr. STEIL. I would ask the members also to defeat this amendment, because if this amendment passes, the Department of Labor and Industry and their authority to inspect any structure, even those currently under construction and those in the process of being inspected, would cease. There would be no further legal authority for the department to inspect anything in this State. That means that schools, movie theaters, apartment houses, shopping malls, retail stores would no longer be inspected.

That poses serious and very significant risk to residents of this State, and for that reason alone this amendment should be defeated. I ask for a "no" vote.

Thank you.

The SPEAKER. The gentleman from Elk, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I stand to support the Casorio amendment, and frankly, I want to personally thank Representative Tangretti and Representative Casorio and Representative Petrarca for their leadership on this issue, getting us to this point where we have an opportunity to amend the statewide Uniform Construction Code Act.

And again, it was mentioned that we would lose FEMA funding. Mr. Speaker, that is not accurate, and as I speak, we are getting the opinion from the region 3 director that states that is not a fact.

However, passage of the Uniform Construction Code in 1999 and signed by Governor Ridge into law was, in my opinion and in the opinion of many of our constituents, a solution in search of a problem. Representative Tangretti said in his testimony before that the department could not give us any situations where a hot water tank exploded or a porch fell down that a neighbor put on or a roof caved in and injured somebody. Frankly, if you sit in my district office, Mr. Speaker, I get complaints on property taxes, why we cannot deal with tax reform, why we have 43 million people in America that do not have any health care. I do not get complaints that my neighbor put a roof on and he does not have his shingles straight.

So, Mr. Speaker, I think this will be a huge step in fixing the mess that we have made. And as far as the comments about what is the Department of Labor going to do, we have to reinstate, common sense would have us, where we were back in 1999.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McNaughton. The gentleman waives off.

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

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I think it is fair, it is worth repeating how significant this has affected many members of western Pennsylvania, and they are not suggesting that we just deal with the residential portion. They are saying that we have created a new TV reality show, "Bureaucrats Run Amok."

This has been an exercise that has taken 5 years, sprung on us in March of this year, taking effect on April 9. We do not even know what is in this yet. We know what is affecting the homeowners because they are the ones that are seeing it immediately, but I have talked to architects, I have talked to small developers and builders who are saying this is going to put them out of business.

The requirements for these permitting inspections are going to increase the cost of a home, according to an individual that I talked to who does this for a living, a fairly large builder in my district, \$10 to \$15,000. I do not think that is what we are all about here. Certainly when we passed this in '99, that was not our intent.

I suggest to all of us in this House and particularly to the gentleman from Bucks County, let us go back and redo what we took away 5 years ago. We can do that. We can put into place quickly, if we are motivated enough, we can put back what we have to put back and let us do this right. Let us not allow our constituents, our architects, our developers, our builders, and

everybody else to suffer as a result of some bureaucrats in the department who went crazy.

I think we can do that. We have time. If we have to spend an extra week here in July, let us do it. We will probably be here anyway dealing with the budget. Let us go back and do it right. Let us not allow this to affect us the way it has, and I would ask for an affirmative vote on repeal.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STAIRS. Thank you, Mr. Speaker.

I wholeheartedly support the amendment in front of us to abolish this program and this act.

Normally, I would support legislation or amendments, you know, to tweak something, to maybe work on to maybe make it a little better, but I am afraid that this bill has caused so much controversy.

As I look back over the years, we have dealt with a lot of really vulnerable issues that really create a lot of excitement, a lot of anxiety, and a lot of tension by people, but I do not recall anything in my area and in western Pennsylvania causing as much concern of people, not just in the construction and remodeling of houses but the lack of privacy and the home invasion of Big Brother and certainly big government at work, and so I would hope that we could disband this act, come back and redo it and do it right.

You know, it seems to amaze me that this goes back to 1999 when we passed this legislation. Normally, when we take our time to do regulations that are very deliberate and thought provoking, we can generally take care of most of the problems, but this is certainly unique. After 5 years elapsing, we have come up with a final resolution that causes more problems than we had to begin with. So that is why I would hope we could act favorably on this amendment and start over again and disband this terrible piece of legislation.

So I find myself in a unique position to do this rather than try to amend it into the correct form. So I hope we could, particularly in the rural areas, vote for the people who are do-it-yourselfers, have a very great talent in fixing things.

You know, I think of many faults with this legislation, but the one thing that really kind of bothers me is, you know, we want to be able to do some work on our house, maybe it requires pouring a new footer; we want to put an addition on, and we are going to have to wait for the inspector to come out to approve pouring concrete. You know, we have a lot of rainy weather and there are only certain days you can pour concrete because this is a very wet summer, as many summers are, and the sunny days come and we want to pour the concrete. The truck comes up to pour the concrete. We spend money for the concrete and nobody is there to give us their blessing, and we have wasted our money.

So this is just something that cannot be effectively and realistically handled. So let us defeat this proposal and defeat the act now and support the amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Petrarca.

Mr. PETRARCA. Thank you, Mr. Speaker.

I rise to support the motion to repeal the Uniform Construction Code.

When this piece of legislation was passed by this House 5 years ago and signed into law by then Governor Ridge, I looked at this legislation, the Construction Code, as a piece of safety legislation, consumer protection legislation. After it became the law and went to L&I, Labor and Industry, they drafted and promulgated regulations that obviously went too far.

This has turned into, as Representative Surra says, the mother of all mandates. It is a piece of legislation clearly, clearly overregulated. If we need to do a construction code in Pennsylvania – and maybe we do; there are a lot of reasons to have a uniform construction code across the State of Pennsylvania – that may make sense, but to do this bill just does not make sense. We can do this. We can do this right. We do not need to do this now. In my opinion, we should vote to repeal the Uniform Construction Code, and for a change let us get government off of the backs of Pennsylvanians before it starts.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Schuylkill, Mr. Allen.

Mr. ALLEN. Thank you, Mr. Speaker.

With all due respect to the sponsor of the amendment, this would eliminate any inspections on commercial buildings.

Just think about what we are doing here today; just think about this. It is very important that we continue the inspection on commercial buildings. This is an extremely broad amendment. If the gentleman would have narrowed the amendment, I would have been able to support it.

I join my colleagues, the Democrat chairman of the Labor Relations Committee and the chairman of the Local Government Committee, in asking for a “no” vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I am a class 1 journeyman wireman. I received that license back in the early seventies and did heavy construction, commercial buildings. I worked on them for a period of about 8 years, and the 4 years prior to me joining this august body in my election in 1980, I was a residential contractor, and back in those days, Mr. Speaker, building permits were required; building permits were required for commercial and residential work. Inspections were required for certain portions of residential work including the electrical work, including the foundation work, and I am sorry if an inspector takes 3 or 4 days to get out to look at your slab in your brand-new \$150,000 home, but I think it would be worse if that inspection were not required and your house settled and you had to rip up your foundation and perhaps jack your house up and move it while that was being done. Think of the expense there.

And insofar as the gentleman from Westmoreland County saying he has a contractor that said that it would cost an extra \$15,000 to inspect new houses, I do not see how that is possible. I think that guy is looking for a nice wrinkle to make some extra money, because presently new housing gets to have inspectors come in to certify certain portions of that construction, and it is for the homeowner’s own good that that be done.

So again, Mr. Speaker, I do not want to throw the baby out with the bathwater. I think we have a real problem with UCC as it pertains to existing housing and the tremendous cost that it is going to impose upon our constituents, but I do believe that we need to send a bill to the Senate that will be looked at and

perhaps adopted and sent on to the Governor in a bill that the Governor would sign.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I rise in opposition to this amendment for a very important reason, and I believe the members need to know this. When we adopted the UCC in 1999, we repealed a lot of if not most of the fire and panic acts that were on the books at the time. If we now repeal the UCC, we will not have any fire and panic protection laws to speak of on the books in the Commonwealth of Pennsylvania. That means it is no mandatory alarm, smoke alarms; no mandatory panic bars; no mandatory other fire and panic egress initiatives that we started here in the House of Representatives that are critical to saving lives, along with the size of the windows, which is an egress issue that we altered here so that firemen with oxygen tanks can get in and out of structures to save lives. If we repeal this code, there are no laws on the books mandating any of those safety provisions remaining.

I urge a “no” vote on this amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lawrence, Mr. LaGrotta.

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, I just want to add one comment to this enlightening debate. Since we passed this legislation, I have received probably – and I checked with my district office – about 500 complaints about this. I have yet to receive a contact from a constituent thanking me for this mandate on them and on their homes – on their hot water tanks and their roofs and their home improvements – and I do not even want to tell you what my townships and boroughs think of this boondoggle.

Mr. Speaker, we owe it to the people we represent to get rid of this now and go back to the drawing board and make Pennsylvanians safe in a responsible way.

Mr. Speaker, I urge a “yes” vote on the Casorio amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MCGILL. Thank you, Mr. Speaker.

I rise in opposition to the Casorio amendment.

For those of us in southeastern Pennsylvania, we currently use the BOCA (Building Officials and Code Administrators International, Inc.) Code, the Uniform Code. We do not get phone calls. We do not get people complaining. We do not get ridiculously quoted prices to do repairs because they need inspections. What we get are safe houses that people in my district can move to other districts and have a safe house to live in. That is what this legislation was proposed for when we started it in 1999.

I worked on the committee that looked at some of the horror stories of things that are being built in Pennsylvania and the problems that came along with them, and we decided that it was safer for Pennsylvanians to have one code, one code that everyone could understand. Now, unfortunately, this code has just come out and maybe there are some people that do not understand how the code works, but I believe if you give it a little bit of time, it is an extremely effective code and it will

benefit all Pennsylvanians. If someone from my district wants to move to Potter County, that should be their right and they should know when they get there that the house is similar to the one that they left in the quality of the construction.

I urge a “no” vote on this amendment.
Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—66

Baker	Evans, D.	Lederer	Ruffing
Bebko-Jones	Evans, J.	Levdansky	Scrimenti
Belardi	Fabrizio	Lewis	Shaner
Bishop	Feese	McCall	Smith, S. H.
Butkovitz	Forcier	McGeehan	Staback
Caltagirone	George	McIlhattan	Stairs
Cappelli	Gergely	McIlhinney	Surra
Casorio	Haluska	Metcalfe	Tangretti
Causer	Hanna	Myers	Thomas
Coleman	Harhai	Pallone	Travaglio
Coy	Horsey	Petrarca	Veon
Creighton	Hutchinson	Preston	Walko
Cruz	James	Readshaw	Williams
Daley	Keller	Reed	Wojnaroski
Dermody	Kirkland	Roberts	Yewcic
DeWeese	Kotik	Rooney	Youngblood
Egolf	LaGrotta		

NAYS—131

Adolph	Fleagle	Maher	Sainato
Allen	Flick	Maitland	Samuelson
Argall	Frankel	Major	Santoni
Armstrong	Freeman	Manderino	Sather
Baldwin	Gabig	Mann	Saylor
Bard	Gannon	Markosek	Scavello
Barrar	Geist	Marsico	Schroder
Bastian	Gillespie	McGill	Smith, B.
Belfanti	Gingrich	McNaughton	Solobay
Benninghoff	Godshall	Melio	Steil
Biancucci	Good	Micozzie	Stern
Blaum	Goodman	Millard	Stetler
Boyd	Grucela	Miller, R.	Stevenson, R.
Browne	Gruitza	Miller, S.	Stevenson, T.
Bunt	Habay	Mundy	Sturla
Cawley	Harhart	Mustio	Taylor, E. Z.
Civera	Harper	Nailor	Taylor, J.
Clymer	Harris	Nickol	Tigue
Cohen	Hasay	O’Brien	True
Cornell, S. E.	Hennessey	Oliver	Turzai
Corrigan	Herman	O’Neill	Vance
Costa	Hershey	Payne	Vitali
Crahalla	Hess	Petri	Waters
Curry	Hickernell	Petrone	Watson
Dailey	Josephs	Phillips	Weber
Dally	Kenney	Pickett	Wheatley
DeLuca	Killion	Pistella	Wilt
Denlinger	Laughlin	Raymond	Wright
DiGirolamo	Leach	Reichley	Yudichak
Diven	Leh	Rieger	Zug
Donatucci	Lescovitz	Roebuck	
Eachus	Lynch	Rohrer	Perzel,
Fairchild	Mackereth	Rubley	Speaker
Fichter			

NOT VOTING—0

EXCUSED—6

Birmelin	Ross	Wansacz	Washington
Buxton	Semmel		

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

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

Mr. **PETRARCA** offered the following amendment
No. **A2049**:

Amend Title, page 1, line 5, by inserting after “for”
application of act and for
Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 104(b) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended to read:

Section 104. Application.

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act;

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings; [or]

(4) any agricultural building[.]; or

(5) new buildings or renovations to existing buildings in which the cost for labor and materials does not exceed \$10,000.

Section 2. Section 301(a) of the act is amended by adding a paragraph to read:

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

Amend Sec. 3, page 2, line 4, by striking out “3” and inserting
4

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Petrarca.

Mr. **PETRARCA**. Thank you, Mr. Speaker.

What this amendment does, it excludes from the Uniform Construction Code, quite simply, new buildings or renovations to existing buildings in which the cost of labor and materials does not exceed \$10,000.

The idea of this amendment is to help those folks, the homeowners in Pennsylvania, who are going to be affected most by this burdensome, onerous UCC.

I would appreciate an affirmative vote.

Thank you.

The **SPEAKER**. The Chair recognizes the gentleman from Dauphin, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.
May I interrogate the maker of the amendment, please?
The SPEAKER. Does the gentleman, Mr. Petrarca, consent to interrogation?

AMENDMENT WITHDRAWN

Mr. PETRARCA. Mr. Speaker, I would like to withdraw the amendment.

The SPEAKER. The gentleman withdraws the amendment.

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

Mr. SURRA offered the following amendment No. **A2136**:

Amend Title, page 1, line 5, by inserting after “for”
application of act and for

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 104(b) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended to read:

Section 104. Application.

* * *

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act;

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings; [or]

(4) any agricultural building[.]; or

(5) all residential structures undergoing alterations, repairs or additions done by the homeowner or any uncompensated helper or worker provided that the homeowner complies with any local building code requirement, including permitting.

* * *

Section 2. Section 301(a) of the act is amended by adding a paragraph to read:

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

Amend Sec. 3, page 2, line 4, by striking out “3” and inserting
4

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Surra.

Mr. SURRA. Mr. Speaker, if I could, with your indulgence, I would like to offer amendment 2138.

The SPEAKER. Are you withdrawing 2136 and 2137?

Mr. SURRA. I want to go over it, Mr. Speaker. If 2138 would go in, I would go over the other ones.

The SPEAKER. Okay.

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

Mr. SURRA offered the following amendment No. **A2138**:

Amend Title, page 1, line 5, by inserting after “for”
application of act and for

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 104(a) and (b) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, are amended to read:

Section 104. Application.

(a) General rule.—This act shall apply to [the construction, alteration, repair and occupancy of all buildings in this Commonwealth] all commercial, industrial and public buildings and all new construction.

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act;

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings; [or]

(4) any agricultural building[.]; or

(5) residential buildings except for new construction for which a building permit has been applied for or for which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval.

* * *

Section 2. Section 301(a) of the act is amended by adding a paragraph to read:

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

Amend Sec. 3, page 2, line 4, by striking out “3” and inserting
4

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

The SPEAKER. On that question, the Chair recognizes the gentleman.

Mr. SURRA. Thank you, Mr. Speaker, and I will try to be very brief.

We just had a pretty strong vote in favor of repeal, and obviously, many members want to change what was passed; however, they felt an outright repeal goes too far, and what most States have is similar to what my amendment does.

Briefly, this amendment would still have the Uniform Construction Code cover all public and commercial buildings, would still have to comply with the code. All new construction for residential buildings would be covered by the code. That means if you are building a new house, you would have to build it to the standards. That is easy to do. What we carve out is existing residential buildings, and to be clear, this is not apartment buildings; this is not convents; this is not fraternities. These are family dwellings. So existing family dwellings would be exempt except for new additions,

Mr. Speaker, and those new additions would have to be built for the code.

Now, I think that is a commonsense approach. I think that is more in line with what this General Assembly wanted to do, and I would ask for the members' support.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

May I interrogate the maker of the amendment, please?

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

Mr. McNAUGHTON. Mr. Speaker, I notice on line 11 you use the term "commercial, industrial and public buildings." Where exactly is that term defined currently in the code or what exactly is the definition of those three terms?

Mr. SURRA. Mr. Speaker, that is the definition that we arrived at after talking with staff on the committee.

Mr. McNAUGHTON. I can appreciate the response here, Mr. Speaker. I guess my question is, what is the definition of those terms, because those terms do not appear anywhere in the current code.

Mr. SURRA. The definition that I would give you, Mr. Speaker, would be commercial buildings such as stores, such as buildings that the public – movie theaters, apartment buildings, those types of things, Mr. Speaker.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

How about an industrial building and/or a public building?

Mr. SURRA. Industrial and/or public is mentioned, Mr. Speaker. Industrial are plants, factories, those types of venues, Mr. Speaker.

Mr. McNAUGHTON. And public buildings. What would be your definition of "public buildings"?

Mr. SURRA. Public buildings are things that the public would go in and out of – stores, ball parks, schools.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Would a public building be a fraternity house? Would a public building be a dormitory?

Mr. SURRA. I believe that is covered under the residential 2 and 3, which we found in the last amendment, which I do not exempt.

Mr. McNAUGHTON. Could a public building be an individual home?

Mr. SURRA. Not in my opinion, Mr. Speaker. People do not come into my home unless I invite them, but you are welcome to come to my home, Mr. Speaker.

Mr. McNAUGHTON. Thank you very much, Mr. Speaker. I appreciate that.

But I guess the point is, I am— On the amendment, Mr. Speaker.

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

Mr. McNAUGHTON. Mr. Speaker, I can appreciate the gentleman's intentions here, and what I am trying to display is if the gentleman wants to exempt out commercial, industrial, and public buildings, the broad definitions of those could be interpreted all over the gamut of structures. And frankly, Mr. Speaker, I am very fearful of expanding definitions exponentially based on the terms "industrial," "commercial," and "public buildings." If the gentleman wishes to exempt out certain types of structures, I think the gentleman should be more

definitive in his list of exemptions that he wishes to grant. If not, Mr. Speaker, I believe this opens up a Pandora's box of troubling, troubling litigation, and I would ask that we vote against this amendment.

Thank you.

Mr. SURRA. Mr. Speaker? I want to speak again right before final passage, and I will address it then.

The SPEAKER. Mr. Surra, we do try to allow the prime sponsor of the amendment to go last, but every once in a while— No problem.

The gentleman from Northumberland, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I am not sure that the immediately previous speaker fully understood what Representative Surra's amendment does. It does not exempt out commercial, industrial, and public buildings. It leaves those things under UCC. It simply exempts preexisting housing. It does what I believe the gentleman, Mr. Casorio, wanted to do, except that it leaves the commercial, industrial, and public buildings covered under the existing code as was adopted in 1999 and the regulations have been promulgated for.

I believe that Mr. Surra's amendment is a good amendment. I believe, as some of the other speakers with amendments previously said, it goes a step further than Representative Herman's amendment, and it is where we ought to be. We ought to be headed toward what New Jersey did and come back in this hall and get the advice, as Representative Tangretti would like to get, from the department, get their advice on what portions of residential housing ought to be covered under a new and different residential construction code.

Right now, every municipality in this State that has ordinances, that issues permits and requires certain inspections, especially for electrical work or propane gas or natural gas coming into one's property, they would all still be covered. So those kinds of things are what we want to separate out from UCC, and I believe that the Surra amendment is a good amendment, and I support it.

The SPEAKER. The gentleman from Westmoreland, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

I just rise to support Representative Surra in his attempt. As we have talked at the beginning of this debate, there are a number of amendments, a number of ways of dealing with this. This is another step, a further step than the Herman amendment. I think it is the right thing to do. If we cannot do anything in addition to this, then this is satisfactory, as far as I am concerned. If we cannot repeal it, we cannot win that vote, then we have got to come back and exempt these homeowners from the onerous restrictions, and I think Representative Surra's amendment goes further than Representative Herman's, and I support it.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Surra amendment. I want to congratulate the maker of the amendment for his hard work in listening to the concerns of not only the folks of his legislative district but throughout western Pennsylvania and throughout the Commonwealth.

Mr. Speaker, earlier we passed the Herman amendment, as well we should, and we did unanimously. The Surra amendment goes just a little bit farther, Mr. Speaker, in addressing the concerns of the people of our hometowns. It talks about commercial and industrial and residential dwellings and I believe, Mr. Speaker, would address the issues that have been raised by the people in our legislative district.

Mr. Speaker, as we know all too well, we may send a bill to the Senate with various amendments, and they pick and choose some, all, or none. I think it is incumbent upon this body to send as many options to the Senate as possible in hopes that they will see the concerns that we have been seeing and hearing, Mr. Speaker, and hopefully choose the Surra amendment. So I stand in support of the Surra amendment and ask for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

Likewise, I have to regrettably oppose this amendment, because I think it really defeats the whole idea or the philosophy of a statewide building code, the Uniform Construction Code, in the importance of safety. I think, as I read the amendment, you know, you can make all kinds of structural changes in your residential home, which I do not think that really is what we want to do. You know, mind, there is a big difference between minor alterations and minor repairs when you get into some serious, heavy reconstruction. And I know the gentleman from Elk, you know, I heard his comments earlier about how he feels about the Uniform Construction Code in general, and I know the gentleman is sincere about that and I appreciate his sincerity, but I think that we have to strike this amendment down and stick with the amendment that was previously adopted, unanimously adopted, by this chamber, because I think realistically, realistically, if we are going to get any language passed here and over to the Senate with their approval and on to the Governor, I think that is the language that all the different groups have agreed to, and I certainly would appreciate your consideration of that and your defeat of this amendment.

Thank you, Mr. Speaker.

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

Does Mr. Belfanti want to go for a second time?

Right now, Mr. Surra, you are the last one. The Chair recognizes the gentleman.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, briefly, and with all due respect to my good friend from Centre County, I supported his amendment, and his amendment is a giant step in fixing this problem. This amendment goes a little bit farther.

During the discussion on Representative Herman's amendment, it was brought up, but what if someone changes the framing around a window? If any of you have ever remodeled an old home, many of the windows are different sizes, and frankly, the windows you have to purchase today do not exactly fit the shape of the window you are going to put in. So you may have to make minor changes to the frame of that window. That is not major structural changes, but that is not covered under Representative Herman's amendment.

My amendment is a good, commonsense approach. It exempts existing buildings, residential buildings, and as one of the previous speakers spoke – I have to fix what he said – it does not exempt commercial, industrial, or public buildings. They are and should be covered under some kind of a code. It does not exempt new structures, new homes being built, and it does not exempt new additions or new parts of an existing home. That is easy to build those to code. This just exempts existing residential buildings, family dwellings.

Mr. Speaker, it does not do anything to change existing codes that municipalities have. There are 2700 municipalities in the State of Pennsylvania, but there are 1700 of them that do not have any codes, okay? That is where this bill is a problem; that is where this law really creates the problems. Your municipalities that have existing building codes, those will still apply to existing residential buildings. This takes the Uniform Construction Code we still have, and we protect the public and we give a little latitude to homeowners. This is a commonsense approach, and I would ask for the members' support.

Thank you.

The SPEAKER. The Chair apologizes to Mr. Surra. The gentleman from Clearfield, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I will not be long, and I apologize, and I am going to say something here, Mr. Speaker – provide me a little levity, because I think we should all be a little bit joyous today – because again we are in a moment where we have been working for a couple of hours, and we do not know where we are going. And I am not going to ever, and I say “ever” say that I am going to be partisan to the degree that I would blame something on one side or the other.

Now, there were 16 individuals who did not vote for that code. I happen to be one of them. Does that mean that I know more? No; no, it does not. It just means that I have been here long enough that I know what the bureaucracy does. We do in good intention pass laws; we do in good intention want to protect people, but then we let government itself develop the policy and the language.

Now, a while ago somebody wanted to interfere in some way with the Fire and Panic Act. That is not the way to go.

Now, I have got good friends on this aisle, on the other side of the aisle also, and the gentleman over there that I believe was a contractor, I built my home in 1954 with my own hands. I know if he would have built it, it would have been better, but it would have cost me a heck of a lot more money, and I would still be making payments. So we ought to have an opportunity to at least make repairs, to basically be able, if we have the ability, to make a change in the bathroom for something new.

For example, right now, because I have an injured member in my family, I had to make extensive changes for the debilitation of an individual to go into the bathroom. I just got an e-mail from a man who told me— Mr. Speaker? Even the Speaker does not want to listen to me.

The SPEAKER. I am listening.

Mr. GEORGE. I am glad to know you are supportive of most things I do, Mr. Speaker. That is why I voted for you.

But the truth of the matter is, it is those 100-and-some that voted for it. They did not vote for it to make it problematic. Republicans, Democrats did not do that. They thought they were doing the best thing. I see my good friend,

Mr. McNaughton, is walking toward me with a bottle. I hope it is to offer me a drink and nothing else. But the truth of the matter is that when we see a problem, and that problem usually develops after the legislation is signed into law, and in this case several years after it was signed into law, we ought to be at our best to be able to do something. Year after year we remove legislation that is antiquated without argument. What is wrong with doing legislation that will remediate a situation that turned bad?

As I said, I got a call from my constituent, Mr. Speaker, who told me he built a shed 25 miles from his home, and he was threatened to be arrested because it had too many windows, and because it had windows, they said he would need a sewage permit, because surely he was going to put a johnny in it. The truth of the matter is, you want to protect the people and you want to help business and you want to provide jobs for your local people, but when it comes to the necessary things where somebody has the ability— Lord, I look around here; I am sure there are pipe fitters that are legislators. I was a pipe fitter. There are operating engineers, and I am an operating engineer— Mr. Speaker, tell Mr. Coy I do not think that is funny. Mr. Coy did not do anything before he came down here, Mr. Speaker. I wish you would keep him quiet, Mr. Speaker.

The SPEAKER. Would the gentleman, Mr. Coy, please refrain from speaking.

Mr. GEORGE. So what I am saying is that we are a group of people; some of us were working people, some of us with more education than others, but it does not make any difference how tall you are, how big you are, how well educated you are. What makes the big difference is what you have in your heart and your mind and the logic that comes out of it. That is what matters. I do not want to kill the code, but I do not want to continue to let people all over Pennsylvania be harassed by this.

And you know something else? You may not have the courage to say it, but your township supervisors are blaming it on you – on you – and that is not fair, because what you did, you did thinking you would help people from being burnt up, people from using inferior material in their structures, and I recognize that. But I am saying to you, you will not be causing an upset in this Commonwealth if you support the Surra amendment; you will be going in the right direction, and I would urge that you do that.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. STEIL. Thank you, Mr. Speaker.

Just one point that I would like to make with regard to the comments.

This amendment permits current property owners to make structural changes to their homes. Those structural changes may or may not be visible to a future buyer. The reason home inspections are done, the reason why we have a building code, is to protect future owners of a property, and for that reason this amendment should be defeated.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and a leave of absence is requested for the gentleman,

Mr. STETLER, for the remainder of the day. Without objection, that leave will be granted.

CONSIDERATION OF HB 2668 CONTINUED

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

The following roll call was recorded:

YEAS—114

Baker	Evans, D.	Levdansky	Rohrer
Bebko-Jones	Evans, J.	Lewis	Rooney
Belardi	Fabrizio	Maher	Ruffing
Belfanti	Feese	Major	Santoni
Benninghoff	Forcier	Manderino	Scavello
Biancucci	Frankel	McCall	Scrimenti
Bishop	George	McGeehan	Shaner
Blaum	Gergely	McIlhattan	Smith, S. H.
Bunt	Goodman	McIlhinney	Solobay
Butkovitz	Grucela	Melio	Staback
Caltagirone	Gruitza	Metcalfe	Stairs
Cappelli	Habay	Miller, S.	Stevenson, R.
Casorio	Haluska	Mundy	Surra
Causler	Hanna	Myers	Tangretti
Cawley	Harhai	O'Brien	Taylor, J.
Coleman	Hasay	Oliver	Thomas
Corrigan	Horsey	Pallone	Tigue
Costa	Hutchinson	Petrarca	Travaglio
Coy	James	Petrone	Veon
Creighton	Keller	Pickett	Walko
Cruz	Kenney	Pistella	Waters
Curry	Kirkland	Preston	Wheatley
Daley	Kotik	Readshaw	Williams
DeLuca	LaGrotta	Reed	Wilt
Dermody	Laughlin	Reichley	Wojnaroski
DeWeese	Leach	Rieger	Yewcic
Diven	Lederer	Roberts	Youngblood
Eachus	Leh	Roebuck	Yudichak
Egolf	Lescovitz		

NAYS—82

Adolph	Fichter	Lynch	Samuelson
Allen	Fleagle	Mackereth	Sather
Argall	Flick	Maitland	Saylor
Armstrong	Freeman	Mann	Schroder
Baldwin	Gabig	Markosek	Smith, B.
Bard	Gannon	Marsico	Steil
Barrar	Geist	McGill	Stern
Bastian	Gillespie	McNaughton	Stevenson, T.
Boyd	Gingrich	Micozzie	Sturla
Browne	Godshall	Millard	Taylor, E. Z.
Civera	Good	Miller, R.	True
Clymer	Harhart	Mustio	Turzai
Cohen	Harper	Nailor	Vance
Cornell, S. E.	Harris	Nickol	Vitali
Crahalla	Hennessey	O'Neill	Watson
Dailey	Herman	Payne	Weber
Dally	Hershey	Petri	Wright
Denlinger	Hess	Phillips	Zug
DiGirolamo	Hickernell	Raymond	
Donatucci	Josephs	Rubley	Perzel,
Fairchild	Killion	Sainato	Speaker

NOT VOTING—0

EXCUSED—7

Birmelin	Ross	Stetler	Washington
Buxton	Semmel	Wansacz	

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

On the question recurring,

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

The SPEAKER. Does the gentleman, Mr. Surra, wish to offer the other two amendments? The gentleman indicates those two amendments are withdrawn.

On the question recurring,

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

Mr. READSHAW offered the following amendment No. A2192:

Amend Title, page 1, line 5, by inserting after "for" application of the act, and for

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 104(b) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended to read:

Section 104. Application.

* * *

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act;

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings, except in cities of the first and second class; or

(4) any agricultural building.

* * *

Section 2. Section 301(a) of the act is amended by adding a paragraph to read:

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

Amend Sec. 3, page 2, line 4, by striking out "3" and inserting 4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

I would ask that anyone who represents cities of the first and second class should pay attention to this, and everyone else who it does not affect, you may also listen. I would just appreciate a "yes" vote at the end of my dissertation.

This amendment was a request from the City of Pittsburgh Bureau of Building Inspection, and their concern is here for safety and the fire spreading from one property to the other. Now, right at the moment, under the guise and definition of "miscellaneous buildings," miscellaneous buildings can be built

with the concerns of the height, width, and so on and so forth under local zoning codes, but it does not dictate what kind of material should be used. So in fact, whether it be cardboard, canvas, or whatever materials could be used are allowed to be used, and this is their concern, and obviously it surrounds safety and the prevention of fire.

So with that, as I said before, it only takes place and has effect in cities of the first and second class, and I would ask for an affirmative vote.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—179

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

NAYS—17

Dally	Lynch	Miller, R.	Petri
DiGirolamo	Maitland	Nickol	Saylor
Fichter	McGill	O'Neill	Steil
Gabig	McNaughton	Payne	Wright
Godshall			

NOT VOTING—0

EXCUSED—7

Birmelin Ross Stetler Washington
Buxton Semmel Wansacz

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

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

Mr. BELFANTI offered the following amendment No. A2202:

Amend Title, page 1, line 5, by inserting after “for” application of act and for

Amend Bill, page 1, lines 9 through 11, by striking out all of said lines and inserting

Section 1. Section 104(b) of the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, is amended to read:

Section 104. Application.

* * *

(b) Exclusions.—This act shall not apply to:

(1) new buildings or renovations to existing buildings for which an application for a building permit has been made to the municipality prior to the effective date of the regulations promulgated under this act;

(2) new buildings or renovations to existing buildings on which a contract for design or construction has been signed prior to the effective date of the regulations promulgated under this act on projects requiring department approval;

(3) utility and miscellaneous use structures that are accessory to detached one-family dwellings; [or]

(4) any agricultural building[.]; or

(5) repairs, additions or renovations to existing residential buildings where the cost for labor and materials does not exceed \$10,000.

* * *

Section 2. Section 301(a) of the act is amended by adding a paragraph to read:

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

Amend Sec. 3, page 2, line 4, by striking out “3” and inserting 4

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, with the adoption of the Herman and Surra amendments, I find that my amendment is no longer desirable. I would like to withdraw it.

The SPEAKER. The Chair thanks the gentleman.

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

Miss MAJOR offered the following amendment No. A2205:

Amend Title, page 1, line 6, by inserting after “regulations” and for reference standards

Amend Bill, page 2, lines 2 and 3, by striking out all of said lines and inserting

Section 2. Section 302 of the act is amended to read:
Section 302. Referenced standards.

(a) General rule.—The standards referenced in Chapters 30 and 35 relating to elevators and conveying systems and referenced standards, respectively, or the applicable chapter, of the 1999 BOCA National Building Code, Fourteenth Edition, and the American National Standards for Passenger Tramways, Aerial Tramways, Aerial Lifts, Surface Lifts and Tows, ASME/ANSI B77.1, and its successors, shall be considered part of the requirements of the Uniform Construction Code to the prescribed extent of each such reference except that BNP/96 BOCA National Property Maintenance Code and ASME/ANSI A17.3 (safety code for existing elevators and escalators) shall be excluded.

(b) No preemption.—Nothing contained in this act shall be construed to preempt the ability of a municipality to adopt or enforce the codes referred to in this section to the extent not referenced, in whole or in part, in Chapter 35 relating to referenced standards or applicable chapter of the 1999 BOCA National Building Code, Fourteenth Edition.

Section 3. The following shall apply:

(1) The provisions of 34 Pa.Code § 405.2(a)(4) (relating to standards) are abrogated absolutely.

(2) The provisions of 34 Pa.Code § 405.11(e) (relating to accident report) are abrogated insofar as they relate to ski lifts.

(3) All other regulations are abrogated to the extent of any inconsistency with this act.

Amend Sec. 3, page 2, line 4, by striking out “3” and inserting 4

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

The SPEAKER. On that question, the Chair recognizes the gentlelady, Miss Major.

Miss MAJOR. Thank you, Mr. Speaker.

My amendment, amendment 2205, would amend this legislation to add to a provision in Act 45 that would require the use of the latest national standards for ski lifts.

I would ask for support from my colleagues on this amendment.

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Levdansky	Rubley
Allen	Fabrizio	Lewis	Ruffing
Argall	Fairchild	Lynch	Sainato
Armstrong	Feese	Mackereth	Samuelson
Baker	Fichter	Maher	Santoni
Baldwin	Fleagle	Maitland	Sather
Bard	Flick	Major	Saylor
Barrar	Forcier	Manderino	Scavello
Bastian	Frankel	Mann	Schroder

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Birmelin	Ross	Stetler	Washington
Buxton	Semmel	Wansacz	

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

On the question recurring,

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

The SPEAKER. Does the gentleman, Mr. Pallone, wish to suspend the rules for the purpose of his amendment? Mr. Pallone? The gentleman indicates that he does not.

Does the gentleman, Mr. Belfanti, wish to suspend the rules for the purpose of offering his amendment?

Mr. BELFANTI. Once again, Mr. Speaker, with the adoption of the Herman and Surra amendments, I find this amendment not necessary.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I want to also withdraw this amendment. Before I do, though, I want to thank the Reference Bureau, who in record time redrafted it and brought it down. But with the adoption of Representative Surra's amendment, even though mine is a little bit different, I think we have accomplished what we want to accomplish, and I am going to withdraw my amendment at this time.

Thank you very much.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I would like to thank the members of both the Labor and Local Government Committees and their staffs for working so hard on bringing this issue to the floor today. I know that there were some discussions about the Senate kicking a bill out this morning and sending it over to us for consideration. I do not believe that the House necessarily needs to do everything the Senate would like us to do.

Earlier this year, Mr. Speaker, we sent the Senate three different bills – HB 2149, HB 1654, HB 2373 – that all dealt with the Uniform Construction Code. We gave them the opportunity and the ability to amend the UCC, to take residential out from under the UCC regs, and to lift the onerous financial burdens that would be placed upon our preexisting residential homeowners.

So, Mr. Speaker, I believe the House should be commended for taking these steps today. I would like to thank the leadership of both sides of the aisle for bringing this to a vote, as was committed a week ago, and I hope that the Senate will quickly adopt this and get this to the Governor.

Thank you.

The SPEAKER. The gentleman, Mr. Herman.

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

I concur with the Democrat chair of the Labor Relations Committee's comments. This would only be a first step in the legislative process to do something constructive for our homeowners in Pennsylvania, by removing these minor repairs, alterations, from the requirements of the Uniform Construction Code, and I would certainly appreciate everyone's support for HB 2668 on final passage.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

And very briefly, I want to thank Chairman Belfanti, Chairman Allen, all the members of the House. You know, it is refreshing. We have been getting so many letters saying, you know, what are you guys doing? You are not down there for the people of Pennsylvania; you are down there for the special interests. I think this bill as it stands right now is a good

compromise, and it is good, commonsense legislation. But we do have a building code across the State of Pennsylvania, but we are not in the pockets of every homeowner.

So I want to thank all the members. I want to thank Representatives Tangretti, Casorio, Shaner, Petrarca, for their assistance in helping us with these, and Representative Scavello, too. I appreciate all your assistance, and let us get this thing on to the Senate.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, I just want to offer thanks to the 6,000 people and growing who have signed petitions in western Pennsylvania to repeal the UCC.

As a point of information for the members, I believe, as many members will remember, this will be centralized emissions inspection territory. This will grow across the Commonwealth. Now, we have taken a giant step today to deal with this, but I do not think it is going to be put to rest. It will come back. Those members in this House who have not felt the heat from the constituents who are feeling the heat as a result of this UCC, you will. There are people in this Commonwealth who think we have gone and the bureaucrats have gone way too far. We will see how they react to what we have done today. My suspicion is that it is not enough. I think we will be back here again talking about repeal.

Having said that, however, I want to thank everybody involved with the process. I want to thank the majority leader for allowing us the opportunity to have our amendments offered and debated, and I want to thank the ladies and gentlemen of this House for their patience and their indulgence.

Thank you, Mr. Speaker.

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—192

Adolph	Evans, D.	Lescovitz	Rooney
Allen	Evans, J.	Levdansky	Rubley
Argall	Fabrizio	Lewis	Ruffing
Armstrong	Fairchild	Lynch	Sainato
Baker	Feese	Mackereth	Samuelson
Baldwin	Fichter	Maher	Santoni
Bard	Fleagle	Maitland	Sather
Barrar	Flick	Major	Saylor
Bastian	Forcier	Manderino	Scavello
Bebko-Jones	Frankel	Mann	Schroder
Belardi	Freeman	Markosek	Scrimenti
Belfanti	Gabig	Marsico	Shaner
Benninghoff	Gannon	McCall	Smith, B.
Bianucci	Geist	McGeehan	Smith, S. H.
Bishop	George	McGill	Solobay
Blaum	Gergely	McIlhattan	Staback
Boyd	Gillespie	McIlhinney	Stairs
Browne	Gingrich	McNaughton	Stern
Bunt	Godshall	Melio	Stevenson, R.
Butkovitz	Good	Metcalfe	Stevenson, T.
Caltagirone	Goodman	Micozzie	Sturla
Cappelli	Grucela	Millard	Surra

Casorio	Gruitza	Miller, R.	Tangretti
Causer	Habay	Miller, S.	Taylor, E. Z.
Cawley	Haluska	Mundy	Taylor, J.
Civera	Hanna	Mustio	Thomas
Clymer	Harhai	Myers	Tigue
Cohen	Harhart	Nailor	Travaglio
Coleman	Harper	Nickol	True
Cornell, S. E.	Harris	O'Brien	Turzai
Corrigan	Hasay	Oliver	Vance
Costa	Hennessey	Pallone	Veon
Coy	Herman	Payne	Vitali
Crahalla	Hershey	Petrarca	Walko
Creighton	Hess	Petri	Waters
Cruz	Hickernell	Petrone	Watson
Curry	Horsey	Phillips	Weber
Dailey	Hutchinson	Pickett	Wheatley
Daley	James	Pistella	Williams
Dally	Keller	Preston	Wilt
DeLuca	Kenney	Raymond	Wojnaroski
Denlinger	Killion	Readshaw	Yewcic
Dermody	Kirkland	Reed	Youngblood
DeWeese	Kotik	Reichley	Yudichak
DiGirolo	LaGrotta	Rieger	Zug
Diven	Laughlin	Roberts	
Donatucci	Leach	Roebuck	
Eachus	Lederer	Rohrer	Perzel, Speaker
Egolf	Leh		

NAYS—4

Josephs	O'Neill	Steil	Wright
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NOT VOTING—0

EXCUSED—7

Birmelin	Ross	Stetler	Washington
Buxton	Semmel	Wansacz	

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

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

* * *

The House proceeded to third consideration of **HB 2408, PN 3937**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further defining "agricultural building"; and further providing for exemptions.

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—196

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

NAYS—0

NOT VOTING—0

EXCUSED—7

Birmelin	Ross	Stetler	Washington
Buxton	Semmel	Wansacz	

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.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

The majority whip requests a leave of absence for the gentleman from Chester, Mr. HERSHEY. Without objection, that leave will be granted.

VOTE CORRECTION

The SPEAKER. Representative O'Brien would like to be recorded "yea" on the Pistella amendment A2252 to HB 1859. The gentleman's remarks will be spread upon the record.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 938, PN 1235

By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for accidents involving death or personal injury while not properly licensed.

TRANSPORTATION.

RESOLUTION REPORTED FROM COMMITTEE

HR 735, PN 3875

By Rep. HASAY

A Concurrent Resolution establishing a bipartisan and intergovernmental commission consisting of representatives of public and private sectors to make recommendations that will provide guidance for administrative and legislative changes to improve the economic competitiveness of this Commonwealth's cities, boroughs and rural communities.

COMMERCE.

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

HB 2035, PN 4098 (Amended)

By Rep. ADOLPH

An Act providing for minimum energy efficiency standards for certain appliances and equipment; and providing for the powers and duties of the Pennsylvania Public Utility Commission and of the Attorney General.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2289, PN 3179

By Rep. ADOLPH

An Act amending the act of December 19, 1996 (P.L.1478, No.190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," further providing for the definition of "waste tire"; defining

“waste tire recycling facility”; and further providing for the disposal of whole waste tires, for waste tire registry and for remediation liens.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2370, PN 4099 (Amended) By Rep. ADOLPH

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

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 2690, PN 4100 (Amended) By Rep. ADOLPH

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for water supply and wastewater infrastructure capitalization; defining “investor-owned water or wastewater enterprise”; and providing for Water Supply and Wastewater Infrastructure Program.

ENVIRONMENTAL RESOURCES AND ENERGY.

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2722 By Representatives PAYNE, CLYMER, ADOLPH, BALDWIN, BARRAR, BIRMELIN, BOYD, S. E. CORNELL, CRAHALLA, DALLY, DENLINGER, FAIRCHILD, FICHTER, FLICK, GILLESPIE, HARRIS, HERSHEY, HICKERNELL, HUTCHINSON, KILLION, LEH, LEWIS, MAHER, MCGILL, McILHATTAN, METCALFE, MUSTIO, O’NEILL, PETRI, REED, REICHLEY, ROSS, SATHER, SAYLOR, SCAVELLO, SCHRODER, T. STEVENSON, E. Z. TAYLOR, TRUE, TURZAI, WATSON, WEBER, WRIGHT, RUBLEY, EGOLF, GODSHALL, NICKOL, CREIGHTON, GINGRICH and GABIG

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, providing for medical professional liability actions.

Referred to Committee on STATE GOVERNMENT, June 16, 2004.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1809, PN 4083**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

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 2128, PN 3290

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 regulation of expelled students; establishing the Emergency Basic Education Subsidy Fund; and providing for basic education subsidy continuation funding.

SB 989, PN 1428

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Redevelopment Authority of Allegheny County certain lands situate in North Versailles Township, Allegheny County; and authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the Lock Haven University Foundation, a nonprofit corporation, a certain tract of land situate in the City of Lock Haven, Clinton County, in exchange for a certain tract of land situate in the City of Lock Haven, Clinton County.

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

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

**BILL ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 1634, PN 4105 (Amended) By Rep. S. SMITH

An Act providing for the capital budget for the fiscal year 2003-2004, itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Pennsylvania Fish and Boat Commission projects, The State Stores Fund current revenue projects, public highway projects, Motor License Fund projects, Manufacturer’s Fund projects and State forestry bridge projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, Pennsylvania Game Commission and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection, the Department of Transportation, the Pennsylvania Fish and Boat Commission or the Pennsylvania Game Commission; stating the estimated useful life of the projects; making appropriations; and making related repeals.

RULES.

The SPEAKER. For the information of the membership, tomorrow is a nonvoting session.

Are there 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 Chair recognizes the gentleman from Schuylkill, Mr. Goodman.

Mr. GOODMAN. Mr. Speaker, I move that this House do now adjourn until Thursday, June 17, 2004, at 10:30 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 3:53 p.m., e.d.t., the House adjourned.