

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JULY 22, 2015

SESSION OF 2015

199TH OF THE GENERAL ASSEMBLY

No. 60

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (MIKE TURZAI) PRESIDING

PRAYER

HON. THOMAS P. MURT, member of the House of Representatives, offered the following prayer:

Please bow your heads.

O God, from whom all power comes, by whose divine will all must abide, we thank You for our civil liberties and our freedom, for our opportunities and our privileges. We beg of You to bless, assist, and enlighten our Governor, our Representatives, and our Senators. May we prove worthy of the confidence placed in us by our fellow citizens. May we be just and upright in our thinking, honest in all our actions, and ever be guided by a true conscience in the legislation we propose or vote upon.

Heavenly Father, we also request that You soften our hearts. We ask that You empower us to forgive our colleagues who have hurt us, and to let go of actions that have caused us anger, resentment, or injury.

We ask You to inspire us to see and to understand the positions of our colleagues. We also ask for Your wisdom and patience as we try to find a way through the current budget impasse. Kindly empower us to understand elected officials with whom we disagree and with those who find fault with our own positions and convictions. Please allow our colleagues who disagree with us to see the true content of our hearts and discern that collectively we mean well and aspire to do what is good for our constituents and our Commonwealth.

Give us the strength, discipline, and prudence to refrain from mean-spirited and destructive rhetoric, actions, and attacks. Afford us the strength and compassion to work together as one governing body to make our Commonwealth a better place to live, work, and to raise a family.

Heavenly Father, forgive us all our mistakes and selfish tendencies, and help prepare us by our own good deeds for an eternal union with You, through Christ our Lord. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, July 21, 2015, will be postponed until printed.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 430 By Representatives MURT, J. HARRIS, BARBIN, V. BROWN, CALTAGIRONE, CARROLL, COHEN, GAINNEY, KIM, KINSEY, McCARTER, McNEILL, D. MILLER, MILNE, C. PARKER, RADER, READSHAW, ROEBUCK, ROZZI, SCHLOSSBERG, SCHREIBER, SIMS, THOMAS and LEWIS

A Resolution urging the Office of Administration to adopt a "Ban the Box" policy relating to certain State agency employment applications.

Referred to Committee on STATE GOVERNMENT, July 22, 2015.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1459 By Representatives PASHINSKI, BISHOP, V. BROWN, ENGLISH, DAVIS, McNEILL, COHEN, MURT, WATSON, McCARTER and MILNE

An Act amending the act of June 13, 2008 (P.L.182, No.27), known as the Clean Indoor Air Act, further providing for definitions, for prohibition and for enforcement.

Referred to Committee on HEALTH, July 22, 2015.

No. 1467 By Representatives ACOSTA, THOMAS, YOUNGBLOOD, ROZZI, C. PARKER, STURLA, CALTAGIRONE, SCHREIBER, KINSEY, V. BROWN, GAINNEY, ROEBUCK, BISHOP, COHEN, KIM, DEAN and SCHWEYER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in dissemination of criminal history record information, further providing for use of records for employment.

Referred to Committee on JUDICIARY, July 22, 2015.

No. 1468 By Representatives ACOSTA, V. BROWN, THOMAS, YOUNGBLOOD, CRUZ, COHEN, O'BRIEN, McCARTER, GIBBONS and BISHOP

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in school finances, further providing for distress in school districts of the first class and providing for school board in distressed school districts.

Referred to Committee on EDUCATION, July 22, 2015.

No. 1469 By Representatives HARHAI, BIZZARRO, MILLARD, TOEPEL, W. KELLER, KOTIK, READSHAW, THOMAS, MURT, KILLION, McNEILL, ROZZI, O'BRIEN, D. COSTA, MAHONEY, SCHWEYER, O'NEILL, MILNE, PETRI, COHEN, DiGIROLAMO, QUINN, SCHLOSSBERG and GILLEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in inchoate crimes, further providing for the offense of corrupt organizations.

Referred to Committee on JUDICIARY, July 22, 2015.

No. 1470 By Representatives F. KELLER, ACOSTA, D. COSTA, GROVE, A. HARRIS, PHILLIPS-HILL, MURT, O'NEILL, THOMAS, MAJOR and KAUFFMAN

An Act amending the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, in scope of bargaining, further providing for proper subjects of collective bargaining.

Referred to Committee on STATE GOVERNMENT, July 22, 2015.

No. 1471 By Representatives CALTAGIRONE, HARHAI, KOTIK, MILLARD, FREEMAN, COHEN, BISHOP, FARINA, MURT, YOUNGBLOOD, D. COSTA, DRISCOLL, DAVIS, READSHAW, GIBBONS, M. DALEY, ROZZI, McNEILL, DiGIROLAMO, THOMAS, HARKINS, WATSON, GOODMAN and GINGRICH

An Act providing for the designation of the building referred to as the Keystone Building in the City of Harrisburg as the Speaker James J. Manderino Office Building.

Referred to Committee on TRANSPORTATION, July 22, 2015.

No. 1472 By Representatives BOBACK, BAKER, V. BROWN, SCHLOSSBERG, HEFFLEY, YOUNGBLOOD, PICKETT, COHEN, MATZIE, ROZZI, HARKINS, DAVIS, FRANKEL, READSHAW, McNEILL, D. COSTA, SCHWEYER, MILLARD, RAVENSTAHL, DeLUCA, MURT, WATSON, McCARTER, GOODMAN and GILLEN

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for a special license plate for female veterans.

Referred to Committee on TRANSPORTATION, July 22, 2015.

No. 1473 By Representatives BOBACK, V. BROWN, COHEN, DAVIS, THOMAS, MILLARD, SAINATO, MURT, DAVIDSON, HELM, D. COSTA, O'BRIEN, GOODMAN, YOUNGBLOOD, CALTAGIRONE, McNEILL, BIZZARRO, A. HARRIS, WATSON, DEASY, GILLEN and SCHWEYER

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, providing for the exclusion of veterans' benefit payments from income for Commonwealth programs.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, July 22, 2015.

No. 1474 By Representatives BOBACK, BISHOP, SCHLOSSBERG, O'BRIEN, McNEILL, V. BROWN, CARROLL, COHEN, TRUITT, HARKINS, THOMAS, MARSICO, WATSON, D. COSTA, MAJOR, MURT, ROEBUCK, GINGRICH, SCHREIBER, FRANKEL and GIBBONS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in safe schools, further providing for policy relating to bullying.

Referred to Committee on EDUCATION, July 22, 2015.

No. 1475 By Representatives BOBACK, BISHOP, SCHLOSSBERG, V. BROWN, COHEN, LONGIETTI, CALTAGIRONE, ROZZI, HARKINS, READSHAW, MARSICO, McNEILL, D. COSTA, KIRKLAND, MURT, ROEBUCK, GINGRICH, McCARTER and MAHONEY

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in registration of vehicles, providing for a bullying awareness and prevention plate; and, in fees, establishing the Bullying Awareness and Prevention Fund and further providing for payments to special funds.

Referred to Committee on TRANSPORTATION, July 22, 2015.

No. 1476 By Representatives BOBACK, V. BROWN, SCHLOSSBERG, DIAMOND, COHEN, SAMUELSON, READSHAW, McNEILL, D. COSTA, ROZZI, MILLARD, DeLUCA, MURT, GILLEN, GINGRICH and MILNE

An Act providing for counterfeit airbag prevention; and imposing penalties.

Referred to Committee on TRANSPORTATION, July 22, 2015.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
July 13, 2015

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, September 21, 2015, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of July 21, 2015, it reconvene on Tuesday, August 25, 2015, unless sooner recalled by the Speaker of the House of Representatives; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses the week of August 25, 2015, it reconvene on Monday, September 21, 2015, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,
Will the House concur in the resolution of the Senate?
Resolution was concurred in.
Ordered, That the clerk inform the Senate accordingly.

LEAVES OF ABSENCE

The SPEAKER. Are there requests for leaves of absence?

The Chair recognizes the majority whip, who has indicated that Representative Donna OBERLANDER will be marked on leave. Representative Oberlander is from Clarion County. Without objection, that leave of absence will be granted.

The minority whip requests leaves of absence for Representative DONATUCCI of Philadelphia County for the day, Representative DEASY of Allegheny County for the day, Representative SCHWEYER of Lehigh County for the day, Representative DAVIS of Bucks County for the day, Representative Paul COSTA of Allegheny County for the day, Representative DeLUCA of Allegheny County for the day, Representative DeLISSIO of Philadelphia County for the day, and Representative O'BRIEN of Philadelphia County for the day. Those leaves of absence, without objection, will be granted.

MASTER ROLL CALL

The SPEAKER. Members, we are about to take the master roll call. Members will proceed to vote.

The following roll call was recorded:

PRESENT—185

Acosta	Fabrizio	Knowles	Readshaw
Adolph	Farina	Kortz	Reed
Baker	Farry	Kotik	Reese
Barbin	Fee	Krieger	Regan
Barrar	Flynn	Lawrence	Roae
Benninghoff	Frankel	Lewis	Roebuck
Bishop	Freeman	Longietti	Ross
Bizzarro	Gabler	Maher	Rozzi
Bloom	Gainey	Mahoney	Saccone

Boback	Galloway	Major	Sainato
Boyle	Gergely	Markosek	Samuelson
Bradford	Gibbons	Marshall	Sankey
Briggs	Gillen	Marsico	Santarsiero
Brown, R.	Gillespie	Masser	Santora
Brown, V.	Gingrich	Matzie	Saylor
Burns	Godshall	McCarter	Schemel
Caltagirone	Goodman	McGinnis	Schlossberg
Carroll	Greiner	McNeill	Schreiber
Causer	Grove	Mentzer	Simmons
Christiana	Hahn	Metcalfe	Sims
Cohen	Hanna	Metzgar	Snyder
Conklin	Harhai	Millard	Staats
Corbin	Harhart	Miller, B.	Stephens
Costa, D.	Harkins	Miller, D.	Sturla
Cox	Harper	Milne	Tallman
Cruz	Harris, A.	Moul	Taylor
Culver	Harris, J.	Mullery	Thomas
Cutler	Heffley	Murt	Tobash
Daley, M.	Helm	Mustio	Toepel
Daley, P.	Hennessey	Nesbit	Toohil
Davidson	Hickernell	Neuman	Topper
Dawkins	Hill	O'Neill	Truitt
Day	Irvin	Ortitay	Vereb
Dean	James	Parker, C.	Vitali
Delozier	Jozwiak	Parker, D.	Ward
Dermody	Kampf	Pashinski	Warner
Diamond	Kaufert	Payne	Watson
DiGirolamo	Kauffman	Peifer	Wentling
Driscoll	Kavulich	Petrarca	Wheatley
Dunbar	Keller, F.	Petri	Wheeland
Dush	Keller, M.K.	Pickett	White
Ellis	Keller, W.	Pyle	Youngblood
Emrick	Killion	Quigley	Zimmerman
English	Kim	Quinn	
Evankovich	Kinsey	Rader	Turzai,
Evans	Kirkland	Rapp	Speaker
Everett	Klunk	Ravenstahl	

ADDITIONS—0

NOT VOTING—0

EXCUSED—13

Costa, P.	DeLuca	Maloney	Oberlander
Davis	Donatucci	Miccarelli	Schweyer
Deasy	Mackenzie	O'Brien	Sonney
DeLissio			

LEAVES ADDED—12

Acosta	Frankel	Keller, W.	Ross
Davidson	Galloway	Petri	Simmons
Ellis	Godshall	Regan	Tobash

LEAVES CANCELED—2

Frankel	Keller, W.
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The SPEAKER. One hundred and eighty-five members having voted on the master roll, a quorum is present.

LEAVE OF ABSENCE

The SPEAKER. The majority whip has indicated that Representative GODSHALL of Montgomery County would like to be marked on leave for the day. That will be granted.

GUESTS INTRODUCED

The SPEAKER. Located to the left of the rostrum, the Chair welcomes Evan Cosgrove. Evan, if you could please stand. Evan Cosgrove. Evan is a political science major at Boston College, who is interning with Representative Staats of Bucks County for the summer. Welcome, Evan. Thanks for being with us.

And located to the left of the rostrum, the Chair welcomes Pennsylvania's State Dairy Princess, Ashley Mohn. Am I saying that correctly? Ashley is a resident of Womelsdorf in Berks County. She is a senior at Delaware Valley College, where she majors in dairy science. She and her parents, Steven and Karen, are guests of Representative Barry Jozwiak, and we are so proud to have you here today. If the parents could please stand as well. Thank you so much for being with us.

My understanding is – and Barry would correct me – but I believe that agriculture and farming are still the State's number one industry in the Commonwealth of Pennsylvania.

Located to the left of the rostrum, the Chair welcomes Representative Day's district office intern, Gracie Hochberg. Gracie, thank you so much for being with us. As you know, Representative Gary Day is in the Lehigh Valley, and I hope you are enjoying it.

Located to the left of the rostrum, Representative Todd Stephens has two summer interns with us today. Representative Stephens represents Montgomery County, and he has with us Kieran Brennan. Kieran is a senior at Villanova University. Thank you for being with us. And also Micah Portis, who is a junior at Abington High School, and they are accompanied by one of our district office staff members, Ben Hanson. Ben, thank you for being with us here today. It is a great honor to have you.

Representative Warren Kampf of Chester County has brought a number of guests, and Warren is with them in the back, and they are from the World Trade Pennsylvania Program, and we have – as I mention your name, if you could just wave – Ron Drozd, Gary Biehn, Jeffrey Kane, and Chris Massaro. Thank you so much. And as I indicated, they are guests of Representative Warren Kampf. I do see – is that Amy Drozd? – another member as well, but I do not have her name, but I will get that name and make sure I introduce her as well. Thank you so much for being with us today.

LEAVE OF ABSENCE

The SPEAKER. The minority whip has indicated that Representative Dan FRANKEL of Allegheny County would like to be placed on leave for the day, and that request will be granted.

UNCONTESTED CALENDAR**RESOLUTIONS PURSUANT TO RULE 35**

Mr. RADER called up **HR 425, PN 2052**, entitled:

A Resolution designating August 18, 2015, as "Jonas Oven Preservation and Restoration Day" in Pennsylvania.

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Mrs. CORBIN called up **HR 426, PN 2053**, entitled:

A Resolution recognizing the month of August 2015 as "National Immunization Awareness Month."

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Mr. FABRIZIO called up **HR 427, PN 2054**, entitled:

A Resolution recognizing the month of July 2015 as "National Sarcoma Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—183

Acosta	Fabrizio	Kortz	Readshaw
Adolph	Farina	Kotik	Reed
Baker	Farry	Krieger	Reese
Barbin	Fee	Lawrence	Regan
Barrar	Flynn	Lewis	Roae
Benninghoff	Freeman	Longietti	Roebuck
Bishop	Gabler	Maher	Ross
Bizzarro	Gainey	Mahoney	Rozzi
Bloom	Galloway	Major	Saccone
Boback	Gergely	Markosek	Sainato
Boyle	Gibbons	Marshall	Samuelson
Bradford	Gillen	Marsico	Sankey
Briggs	Gillespie	Masser	Santarsiero
Brown, R.	Gingrich	Matzie	Santora
Brown, V.	Goodman	McCarter	Saylor
Burns	Greiner	McGinnis	Schemel
Caltagirone	Grove	McNeill	Schlossberg
Carroll	Hahn	Mentzer	Schreiber
Causer	Hanna	Metcalfe	Simmons
Christiana	Harhai	Metzgar	Sims
Cohen	Harhart	Millard	Snyder
Conklin	Harkins	Miller, B.	Staats
Corbin	Harper	Miller, D.	Stephens
Costa, D.	Harris, A.	Milne	Sturla
Cox	Harris, J.	Moul	Tallman
Cruz	Heffley	Mullery	Taylor
Culver	Helm	Murt	Thomas
Cutler	Hennessey	Mustio	Tobash
Daley, M.	Hickernell	Nesbit	Toepel
Daley, P.	Hill	Neuman	Toohil
Davidson	Irvin	O'Neill	Topper
Dawkins	James	Ortitay	Truitt
Day	Jozwiak	Parker, C.	Vereb
Dean	Kampf	Parker, D.	Vitali
Delozier	Kaufner	Pashinski	Ward
Dermody	Kauffman	Payne	Warner
Diamond	Kavulich	Peifer	Watson
DiGirolamo	Keller, F.	Petrarca	Wentling
Driscoll	Keller, M.K.	Petri	Wheatley
Dunbar	Keller, W.	Pickett	Whealand
Dush	Killion	Pyle	White
Ellis	Kim	Quigley	Youngblood
Emrick	Kinsey	Quinn	Zimmerman
English	Kirkland	Rader	
Evankovich	Klunk	Rapp	Turzai,
Evans	Knowles	Ravenstahl	Speaker
Everett			

NAYS—0

NOT VOTING—0

EXCUSED—15

Costa, P.	DeLuca	Mackenzie	Oberlander
Davis	Donatucci	Maloney	Schweyer
Deasy	Frankel	Miccarelli	Sonney
DeLissio	Godshall	O'Brien	

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

GUESTS INTRODUCED

The SPEAKER. Located to the left of the rostrum, the Chair welcomes Alex Santacecia. Alex, can you please stand. He is a summer intern with Representative Marguerite Quinn of Bucks County, and Alex is here with his mother, Nancy. Nancy, can you please stand as well. Thank you so much for being with us today here in the chamber.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. RADER called up **HR 423, PN 2045**, entitled:

A Resolution congratulating Pocono Raceway for its commitment to our veterans by placing a Chair of Honor within the raceway to recognize our American POW/MIAs.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—183

Acosta	Fabrizio	Kortz	Readshaw
Adolph	Farina	Kotik	Reed
Baker	Farry	Krieger	Reese
Barbin	Fee	Lawrence	Regan
Barrar	Flynn	Lewis	Roae
Benninghoff	Freeman	Longietti	Roebuck
Bishop	Gabler	Maher	Ross
Bizzarro	Gainey	Mahoney	Rozzi
Bloom	Galloway	Major	Saccone
Boback	Gergely	Markosek	Sainato
Boyle	Gibbons	Marshall	Samuelson
Bradford	Gillen	Marsico	Sankey
Briggs	Gillespie	Masser	Santarsiero
Brown, R.	Gingrich	Matzie	Santora
Brown, V.	Goodman	McCarter	Saylor
Burns	Greiner	McGinnis	Schemel
Caltagirone	Grove	McNeill	Schlossberg
Carroll	Hahn	Mentzer	Schreiber
Causar	Hanna	Metcalfe	Simmons
Christiana	Harhai	Metzgar	Sims
Cohen	Harhart	Millard	Snyder
Conklin	Harkins	Miller, B.	Staats
Corbin	Harper	Miller, D.	Stephens
Costa, D.	Harris, A.	Milne	Sturla
Cox	Harris, J.	Moul	Tallman
Cruz	Heffley	Mullery	Taylor
Culver	Helm	Murt	Thomas
Cutler	Hennessey	Mustio	Tobash
Daley, M.	Hickernell	Nesbit	Toepel
Daley, P.	Hill	Neuman	Toohil
Davidson	Irvin	O'Neill	Topper

Dawkins	James	Ortitay	Truitt
Day	Jozwiak	Parker, C.	Vereb
Dean	Kampf	Parker, D.	Vitali
Delozier	Kaufner	Pashinski	Ward
Dermody	Kauffman	Payne	Warner
Diamond	Kavulich	Peifer	Watson
DiGirolamo	Keller, F.	Petrarca	Wentling
Driscoll	Keller, M.K.	Petri	Wheatley
Dunbar	Keller, W.	Pickett	Wheeland
Dush	Killion	Pyle	White
Ellis	Kim	Quigley	Youngblood
Emrick	Kinsey	Quinn	Zimmerman
English	Kirkland	Rader	
Evankovich	Klunk	Rapp	Turzai,
Evans	Knowles	Ravenstahl	Speaker
Everett			

NAYS—0

NOT VOTING—0

EXCUSED—15

Costa, P.	DeLuca	Mackenzie	Oberlander
Davis	Donatucci	Maloney	Schweyer
Deasy	Frankel	Miccarelli	Sonney
DeLissio	Godshall	O'Brien	

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

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Ms. DALEY called up **HR 429, PN 2064**, entitled:

A Resolution recognizing the week of August 1 through August 7, 2015, as "World Breastfeeding Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

LEAVE OF ABSENCE

The SPEAKER. For the record the minority whip has indicated that Representative GALLOWAY of Bucks County has requested a leave of absence for today. That will be granted.

CONSIDERATION OF HR 429 CONTINUED

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

The following roll call was recorded:

YEAS—182

Acosta	Everett	Kortz	Readshaw
Adolph	Fabrizio	Kotik	Reed
Baker	Farina	Krieger	Reese
Barbin	Farry	Lawrence	Regan
Barrar	Fee	Lewis	Roae
Benninghoff	Flynn	Longietti	Roebuck
Bishop	Freeman	Maher	Ross
Bizzarro	Gabler	Mahoney	Rozzi

Bloom	Gainey	Major	Saccone
Boback	Gergely	Markosek	Sainato
Boyle	Gibbons	Marshall	Samuelson
Bradford	Gillen	Marsico	Sankey
Briggs	Gillespie	Masser	Santarsiero
Brown, R.	Gingrich	Matzie	Santora
Brown, V.	Goodman	McCarter	Saylor
Burns	Greiner	McGinnis	Schemel
Caltagirone	Grove	McNeill	Schlossberg
Carroll	Hahn	Mentzer	Schreiber
Causer	Hanna	Metcalfe	Simmons
Christiana	Harhai	Metzgar	Sims
Cohen	Harhart	Millard	Snyder
Conklin	Harkins	Miller, B.	Staats
Corbin	Harper	Miller, D.	Stephens
Costa, D.	Harris, A.	Milne	Sturla
Cox	Harris, J.	Moul	Tallman
Cruz	Heffley	Mullery	Taylor
Culver	Helm	Murt	Thomas
Cutler	Hennessey	Mustio	Tobash
Daley, M.	Hickernell	Nesbit	Toepel
Daley, P.	Hill	Neuman	Toohil
Davidson	Irvin	O'Neill	Topper
Dawkins	James	Ortitay	Truitt
Day	Jozwiak	Parker, C.	Vereb
Dean	Kampf	Parker, D.	Vitali
Delozier	Kaufner	Pashinski	Ward
Dermody	Kauffman	Payne	Warner
Diamond	Kavulich	Peifer	Watson
DiGirolamo	Keller, F.	Petrarca	Wentling
Driscoll	Keller, M.K.	Petri	Wheatley
Dunbar	Keller, W.	Pickett	Wheeland
Dush	Killion	Pyle	White
Ellis	Kim	Quigley	Youngblood
Emrick	Kinsey	Quinn	Zimmerman
English	Kirkland	Rader	
Evankovich	Klunk	Rapp	Turzai,
Evans	Knowles	Ravenstahl	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—16

Costa, P.	DeLuca	Godshall	O'Brien
Davis	Donatucci	Mackenzie	Oberlander
Deasy	Frankel	Maloney	Schweyer
DeLissio	Galloway	Miccarelli	Sonney

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

The SPEAKER. At this time we are going to recognize some members for some notices.

RULES AND APPROPRIATIONS COMMITTEE MEETINGS

The SPEAKER. The Appropriations chair, Representative Adolph, is recognized for a notice. Representative Adolph.

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

Mr. Speaker, there will be an immediate meeting of the Rules Committee in the House Appropriations conference room, and then at 11:30 there will be a House Appropriations Committee meeting in the majority conference room. Thank you.

The SPEAKER. There will be an immediate meeting of the Rules Committee in the Appropriations conference room, and then there will be an Appropriations Committee meeting in the majority conference room at 11:30.

REPUBLICAN CAUCUS

The SPEAKER. Representative Sandy Major, our majority caucus chair, for an announcement.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce Republicans will caucus today at 12:30. I would ask our Republican members to please report to our caucus room at 12:30. We would then be prepared, Mr. Speaker, to come back on the floor at 1:30. Thank you.

The SPEAKER. Thank you, Madam Chair.

DEMOCRATIC CAUCUS

The SPEAKER. The minority leader, Representative Dermody, is called upon for an announcement.

Mr. DERMODY. The Democrats will caucus at noon; that is at noon. Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

Are there any other announcements?

RECESS

The SPEAKER. The House will stand in recess until 1:30 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 1:45 p.m.; further extended until 2 p.m.

AFTER RECESS

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

LEAVES OF ABSENCE

The SPEAKER. The majority whip has indicated that Representative Justin SIMMONS of Lehigh County wishes to be marked on leave for the rest of the day, and Representative ROSS of Chester County wishes to be marked on leave for the rest of the day. Without objection, those leaves will be granted.

The minority whip has indicated that Representative Bill KELLER of Philadelphia County and Representative ACOSTA of Philadelphia County wish to be marked on leave for the rest of the day, and those leaves will be granted.

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

HB 1460, PN 2055

By Rep. ADOLPH

An Act to provide from the General Fund for the expenses of the Executive and Judicial Departments, the State Government Support

Agencies and the General Assembly of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2015, to June 30, 2016, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015; to provide appropriations from the State Lottery Fund, the Tobacco Settlement Fund, the Aviation Restricted Account, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Account Guaranteed Savings Program Fund, the Banking Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund, the Oil and Gas Lease Fund, the Home Improvement Account, the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund, the Insurance Regulation and Oversight Fund, the Pennsylvania Racehorse Development Restricted Receipt Account, the Justice Reinvestment Fund and the Multimodal Transportation Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2015, to June 30, 2016; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2015, to June 30, 2016, for the proper operation of several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund money; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2015; and to provide for the additional appropriation of Federal and State funds from the General Fund and the State Lottery Fund for the Executive Department of the Commonwealth for the fiscal year July 1, 2014, to June 30, 2015, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2015.

APPROPRIATIONS.

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

SB 748, PN 1186 (Amended) By Rep. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in general provisions relating to operation of vehicles, further providing for obedience to authorized persons directing traffic; and providing for drivers of certified escort vehicles; in other required equipment, further providing for identification of certain vehicles; and, in size, weight and load, further providing for scope and application of chapter, for conditions of permits and security for damages and for permit for movement during course of manufacture.

TRANSPORTATION.

SB 897, PN 1087 By Rep. TAYLOR

An Act authorizing the Department of Transportation, with the approval of the Governor, to grant and convey to Center Square Commons, L.P., certain lands situate in the Township of Whippain, Montgomery County.

TRANSPORTATION.

SB 925, PN 1110 By Rep. TAYLOR

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in commercial drivers, further providing for definitions, for employer responsibilities, for commercial driver's license qualification standards, for nonresident CDL, for commercial driver's license and for disqualification.

TRANSPORTATION.

BILLS REREPORTED FROM COMMITTEES

HB 271, PN 2062 By Rep. ADOLPH

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unwanted telephone solicitation calls prohibited.

APPROPRIATIONS.

HB 725, PN 843 By Rep. REED

An Act providing for school-to-work pilot programs; establishing the CareerBound Program; providing for a tax credit; and imposing powers and duties on the Department of Labor and Industry.

RULES.

HB 1092, PN 2063 By Rep. ADOLPH

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in county officers, further providing for compensation of elected officers and for incompatible offices.

APPROPRIATIONS.

HB 1210, PN 1584 By Rep. ADOLPH

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, in preliminary provisions, further providing for the definition of "exploitation."

APPROPRIATIONS.

HB 1403, PN 1986 By Rep. ADOLPH

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for unclaimed life insurance benefits.

APPROPRIATIONS.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 471, PN 516**, entitled:

An Act amending the act of July 10, 2008 (P.L.1009, No.78), known as the Biofuel Development and In-State Production Incentive Act, further providing for definitions, for cellulosic ethanol content in gasoline and for department authority and responsibility; and making editorial changes.

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

* * *

The House proceeded to second consideration of **HB 813, PN 2010**, entitled:

An Act amending the act of June 25, 1931 (P.L.1352, No.332), referred to as the Delaware River Joint Toll Bridge Compact, providing for veto power by the Governor over certain actions; further providing

for audits; and providing the Governor of each state with power to ratify or veto certain actions taken by commissioners.

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

* * *

The House proceeded to second consideration of **HB 838, PN 1006**, entitled:

An Act designating a bridge on that portion of Garrett Road over the Darby Creek, Upper Darby Township, Delaware County, as the Honorable Nicholas A. Micozzie Bridge.

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

* * *

The House proceeded to second consideration of **HB 1087, PN 1493**, entitled:

An Act amending the act of June 12, 1931 (P.L.575, No.200), entitled "An act providing for joint action by Pennsylvania and New Jersey in the development of the ports on the lower Delaware River, and the improvement of the facilities for transportation across the river; authorizing the Governor, for these purposes, to enter into an agreement with New Jersey; creating The Delaware River Joint Commission and specifying the powers and duties thereof, including the power to finance projects by the issuance of revenue bonds; transferring to the new commission all the powers of the Delaware River Bridge Joint Commission; and making an appropriation," providing for gubernatorial veto.

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

* * *

The House proceeded to second consideration of **HB 1335, PN 1817**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, in powers of department and local authorities, further providing for emergency telephones along Pennsylvania Turnpike.

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

* * *

The House proceeded to second consideration of **HB 1342, PN 2012**, entitled:

An Act designating a portion of State Route 1008 in Fayetteville, Franklin County, as the James W. Cutchall Memorial Highway.

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

* * *

The House proceeded to second consideration of **HB 1241, PN 2013**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in general provisions, further providing for the definition of public utility.

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

The SPEAKER. The good gentleman, Representative Hanna, had offered amendment 3143, but that has been ruled out of order.

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

* * *

The House proceeded to second consideration of **SB 513, PN 1139**, entitled:

An Act amending the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, in residual waste, further providing for transportation of residual waste; and abrogating a regulation.

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

Mr. **VITALI** offered the following amendment No. **A03013**:

Amend Bill, page 2, line 19, by striking out "NOT PROHIBIT OR PENALIZE" and inserting

permit

Amend Bill, page 2, line 23, by inserting after "(1)"

The department determines that the transportation of the leachate does not pose a significant threat to public health, welfare or safety. In determining whether the transportation is a significant threat to public health, welfare or safety, the department may consider environmental and quality of life factors, including, but not limited to, air quality, noise and traffic congestion.

(2)

Amend Bill, page 2, line 28, by striking out "(2)" and inserting

(3)

Amend Bill, page 3, line 10, 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 Representative Vitali.

Mr. VITALI. I am going to be withdrawing that amendment.
The SPEAKER. Representative Vitali, thank you.

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

Mr. **VITALI** offered the following amendment No. **A03034**:

Amend Bill, page 2, line 19, by striking out "NOT PROHIBIT OR PENALIZE" and inserting

permit

Amend Bill, page 2, lines 22 through 30; page 3, lines 1 through 21; by striking out the colon in line 22, all of lines 23 through 30 on page 2 and all of lines 1 through 21 on page 3 and inserting

the department determines that the transportation of the leachate does not pose a significant threat to public health, welfare or safety. In determining whether the transportation is a significant threat to public health, welfare or safety, the department may consider environmental and quality of life factors, including, but not limited to, air quality, noise and traffic congestion.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes Representative Vitali.

Mr. **VITALI**. Thank you, Mr. Speaker.

We actually have dealt with this bill and this amendment before. There was a companion House bill by Representative Killion. So I will not beat this to death, but if I can just give brief background to put the amendment I am offering in context.

In Pennsylvania it is my understanding that there are approximately 47 landfills for municipal solid waste. And with regard to each of these landfills, there is currently a requirement that the leachate, which is the liquid that flows from the bottom of the landfill when rainwater and other liquids enter it, the leachate has to be either treated on-site or piped to a treatment plant. And the reason for that requirement is to not subject the surrounding communities to a high volume of truck traffic that would occur if leachate were trucked from the site as opposed to treated on-site, but it is really meant to protect the community. That is what current law is. This bill, if allowed to go into law unamended, would prohibit the Department of Environmental Protection from prohibiting truck traffic of leachate, and in my view, that would expose the community at large to the nuisance of diesel trucks and so forth.

The gentleman from Delaware County, the maker – or both the Senator from Delaware County and the Rep from Delaware County who have introduced these bills, are to be commended for dealing with a local problem, which is the Colebrookdale; not Colebrookdale, but the Rolling Hills landfill that has a unique problem. The problem with this bill is it not only helps deal with the Rolling Hills issue but also every other of the 47 other landfills in the State, and that precisely is the problem. You are using a blunt instrument to deal with a problem that should be solved surgically.

What I intend to do with this amendment, this amendment is very simple. It simply says that the Department of Environmental Protection may allow truck transport of leachate if they determine it would not pose a significant threat to public health, welfare, or safety. It is very simple language. I will read it again. The department may permit the vehicular transport of leachate if "the department determines that the transportation of the leachate does not pose a significant..." risk "...to public health, welfare or safety." It basically allows the Department of Environmental Protection to deal with landfills individually on a case-by-case basis, and I just think that this is a better approach to dealing with the leachate problem rather than subjecting our

constituents who live near landfills to all of the nuisance and other problems associated with the high volume of truck traffic from landfills.

The bill itself has the problem of— Well, I will leave it at that. So I would ask for an affirmative vote to this amendment.

The **SPEAKER**. Thank you.

Representative Killion.

Mr. **KILLION**. Thank you, Mr. Speaker.

Quickly, as the gentleman from Delaware County said, we have done this bill previously as a House bill that went over to the Senate.

Two key points: one, leachate is not considered hazardous waste, number one.

Number two, most of the times the landfills in Delaware County and other landfills, as he mentioned, when there is a lot of rain, you have increased leachate. Most of the landfills have storage capacity. If there is so much rain that it exceeds your storage capacity, it is even a bigger environmental problem and it overflows into the streams. If they have to wait for DEP approval, they cannot move quickly enough. That is why I think we should vote this amendment down and let the bill stand as it is.

Thank you, Mr. Speaker.

The **SPEAKER**. Representative Maher. Waives off.

LEAVE OF ABSENCE

The **SPEAKER**. Prior to voting, Representative Scott **PETRI** would like to be placed on leave, according to the majority whip. So Representative Petri of Bucks County will be marked on leave for the rest of the day.

CONSIDERATION OF SB 513 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—63

Bishop	Dean	Kinsey	Readshaw
Bizzarro	Dermody	Kirkland	Roebuck
Boyle	Driscoll	Kortz	Rozzi
Bradford	Evans	Kotik	Sainato
Briggs	Fabrizio	Longietti	Samuelson
Brown, V.	Farina	Mahoney	Santarsiero
Burns	Flynn	Markosek	Schlossberg
Caltagirone	Freeman	Matzie	Schreiber
Cohen	Gainey	McCarter	Sims
Conklin	Gergely	McNeill	Snyder
Costa, D.	Gibbons	Miller, D.	Sturla
Cruz	Harhai	Neuman	Thomas
Daley, M.	Harkins	Parker, C.	Vitali
Daley, P.	Harris, J.	Pashinski	Wheatley
Davidson	Kavulich	Petrarca	Youngblood
Dawkins	Kim	Ravenstahl	

NAYS—114

Adolph	Gillen	Lewis	Reed
Baker	Gillespie	Maher	Reese
Barbin	Gingrich	Major	Regan
Barrar	Goodman	Marshall	Roae
Benninghoff	Greiner	Marsico	Sacccone
Bloom	Grove	Masser	Sankey

Boback	Hahn	McGinnis	Santora
Brown, R.	Hanna	Mentzer	Saylor
Carroll	Harhart	Metcalfe	Schemel
Causser	Harper	Metzgar	Staats
Christiana	Harris, A.	Millard	Stephens
Corbin	Heffley	Miller, B.	Tallman
Cox	Helm	Milne	Taylor
Culver	Hennessey	Moul	Tobash
Cutler	Hickernell	Mullery	Toepel
Day	Hill	Murt	Toohil
Delozier	Irvin	Mustio	Topper
Diamond	James	Nesbit	Truitt
DiGirolamo	Jozwiak	O'Neill	Vereb
Dunbar	Kampf	Ortitay	Ward
Dush	Kaufner	Parker, D.	Warner
Ellis	Kauffman	Payne	Watson
Emrick	Keller, F.	Peifer	Wentling
English	Keller, M.K.	Pickett	Wheeland
Evankovich	Killion	Pyle	White
Everett	Klunk	Quigley	Zimmerman
Farry	Knowles	Quinn	
Fee	Krieger	Rader	Turzai,
Gabler	Lawrence	Rapp	Speaker

NOT VOTING—0

EXCUSED—21

Acosta	Donatucci	Mackenzie	Petri
Costa, P.	Frankel	Maloney	Ross
Davis	Galloway	Miccarelli	Schweyer
Deasy	Godshall	O'Brien	Simmons
DeLissio	Keller, W.	Oberlander	Sonney
DeLuca			

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 second consideration?

Mr. HANNA offered the following amendment No. **A03138**:

Amend Bill, page 1, line 17, by inserting after "fund," in applications and permits, providing for public comment; providing for prohibitions;

Amend Bill, page 1, line 19, by striking out "a regulation" and inserting regulations

Amend Bill, page 3, by inserting between lines 23 and 24

Section 2. The act is amended by adding a section to read:

Section 502.1. Public comment.

(a) Notwithstanding any other provision of law, the department shall conduct at least one public hearing for the purpose of receiving information at least 180 days prior to the application of sewage sludge under a land reclamation permit for the surface land application of sewage sludge.

(b) At least 30 days prior to conducting a hearing under subsection (a), the department must publish notice of the hearing in a newspaper of general circulation in the affected area.

(c) When a public hearing is held, a person may testify within the time provided or submit written comments, or both. The department must consider testimony relevant to the requirements of this act, the environmental protection acts and 25 Pa. Code (relating to environmental protection).

(d) After a hearing under subsection (c), the department must prepare a summary of the written and oral comments submitted at the hearing, the department's responses to the comments and the reasons for the responses. The department must provide copies of the summary

to each person who submitted comments and to other persons who request a copy.

(e) For the purposes of this section, the term "environmental protection acts" shall include the following:

(1) The act of June 22, 1937 (P.L.1987, No.394), known as "The Clean Streams Law."

(2) The act of May 31, 1945 (P.L.1198, No.418), known as the "Surface Mining Conservation and Reclamation Act."

(3) The act of January 8, 1960 (1959 P.L.2119, No.787), known as the "Air Pollution Control Act."

(4) The act of November 26, 1978 (P.L.1375, No.325), known as the "Dam Safety and Encroachments Act."

(5) The act of December 19, 1984 (P.L.1093, No.219), known as the "Noncoal Surface Mining Conservation and Reclamation Act."

(6) The act of February 9, 1988 (P.L.31, No.12), known as the "Low-Level Radioactive Waste Disposal Act."

(7) The act of July 13, 1988 (P.L.525, No.93), referred to as the Infectious and Chemotherapeutic Waste Law.

(8) The act of July 28, 1988 (P.L.556, No.101), known as the "Municipal Waste Planning, Recycling and Waste Reduction Act."

(9) The act of October 18, 1988 (P.L.756, No.108), known as the "Hazardous Sites Cleanup Act."

(10) The act of May 19, 1995 (P.L.4, No.2), known as the "Land Recycling and Environmental Remediation Standards Act."

(11) Other Federal or State statutes relating to environmental protection or the protection of public health.
Section 3. The act is amended by adding an article to read:

ARTICLE V-A
PROHIBITIONS

Section 501-A. Sewage sludge.

Notwithstanding any other provision of law, the application of sewage sludge in a source water protection area under a land reclamation permit for the surface land application of sewage sludge is prohibited.

Amend Bill, page 3, lines 24 through 26, by striking out all of said lines and inserting

Section 4. The following apply:

(1) The regulations of the Department of Environmental Protection in 25 Pa. Code §§ 273.163(b) and 273.273(a), (b)(1), (2) and (3) and (e) are abrogated.

(2) All regulations and parts of regulations that are inconsistent with the addition of section 502.1 and Article V-A of the act are abrogated.

Amend Bill, page 3, line 27, by striking out "3" and inserting 5

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

The SPEAKER. On that question, the Chair recognizes Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to offer amendment A03138 to SB 513.

Over the last few years, many constituents in my district have contacted me with major concerns for their health and safety due to the application of sewage sludge in the Pine Glen community. Despite many constituent concerns, a local farmer submitted an application to DEP to spread sewage sludge in an area where a public drinking water system is located. My constituent concerns were further exacerbated due to the fact that DEP approved the plan knowing that the water system, which serves approximately 300 residents in Burnside

Township, could be contaminated. This is a serious public safety issue. Mr. Speaker, in order to avoid future contamination, my amendment simply prohibits the application of sewage sludge in a source water protection area under a land reclamation permit.

In addition, my amendment requires DEP to hold, at minimum, one public hearing before sewage sludge is applied under a land reclamation permit so that there is an opportunity for community members to voice opposition. This would protect individuals who are not included in the decisionmaking process and those who would be directly affected if sewage sludge is permitted to be spread in an area where drinking water is located.

Mr. Speaker, in many instances, homeowners who have sewage sludge applied to their land have found their wells contaminated with E. coli and other toxins and chemicals in which they have had to spend thousands of dollars getting their drinking water tested, their well cleaned out, or potentially shut down.

Land application of large volumes of sewage sludge potentially increases the quantity of toxins that may be introduced into the environment, and may also increase the concentration of otherwise benign compounds to harmful levels. Both scenarios are of particular concern when used in a source water protection area that could impact public water supplies.

Mr. Speaker, I stand in support of the underlying bill and believe my amendment would further address a major public safety concern.

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

The SPEAKER. Thank you, Representative.

GERMANENESS QUESTIONED

The SPEAKER. Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I applaud the gentleman on his amendment; however, I have some serious questions about germaneness.

The underlying bill relates to trucking of leachate, where his amendment deals with the application of biosolids on land.

I really would like to avoid the questions relating to our single-subject rule, constitutionality, and I therefore would ask for a motion on germaneness – a vote on germaneness.

The SPEAKER. The gentleman from Delaware County, Representative Killion, has raised the question of whether amendment 3138 is germane. Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Killion – I apologize; on that question, we have heard from Representative Killion.

Representative Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, the underlying bill addresses the Solid Waste Management Act, and my amendment does the very same thing. Leachate is controlled and regulated under the Solid Waste Management Act, and so is sewage sludge. The two subjects are

certainly connected, and the amendment certainly is germane, so I would ask for a negative vote on the motion by Representative Killion.

Thank you, Mr. Speaker.

The SPEAKER. Just a point of clarification, I know Representative Hanna had indicated he wanted members to vote "no," but you are going to want members to vote "yes" – and then Representative Cutler, I will be with you in just a second.

If you believe that the amendment is germane, you will be voting "yes." If you believe the amendment is not germane, you will be voting "no."

Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker, for that clarification.

Mr. Speaker, I rise in support of the gentleman's motion and would like to provide some of the case law and the legal reasoning as to why this amendment is not germane.

Mr. Speaker, the Constitution's single-subject rule and the issue of germaneness are not always the same; however, the single-subject court cases are instructive when considering whether an amendment is in fact germane.

The seminal case defining the single-subject rule is the *City of Philadelphia* that went before the Pennsylvania State Supreme Court in 2003. In that, the court adopted a practical germaneness test where the single-subject requirement is satisfied so long as the legislation at issue possesses some single unifying subject to which all of the provisions of the act are relevant.

Mr. Speaker, I believe that the gentleman from Delaware County accurately laid out the main difference between the bill and the underlying amendment that the gentleman is proposing. This bill, SB 513, deals with the trucking of landfill leachate or leakage or water accumulation that comes from landfills. This amendment that the gentleman is offering is not germane because it deals with the application of biosolids and sewage.

Mr. Speaker, if the legal reasoning itself is not enough, I would encourage you to look at the amendment as engrossed in the bill, because it does not fit into any existing sections of the bill but in fact creates an entire new section to define what this requirement is. It creates section 502.1. I believe, therefore, it is inappropriately shoehorned into the bill, and therefore, is not germane, and I would encourage our body to vote accordingly. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. Representative Frankel, according to the minority whip, has asked to be placed back on the master roll, and that request will be granted.

CONSIDERATION OF SB 513 CONTINUED

The SPEAKER. Representative Dermody.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, the single unifying subject of the bill, the underlying bill, is very easy. It is the regulation of waste. The bill is dealing with the regulation of waste in the form of leachate, and the amendment deals with the regulation of waste in the form of sludge. The single, unifying subject is clear: it is the regulation of waste.

This amendment is certainly germane. It does not violate any single-subject rule. It does not violate any case law that is out there. We should vote that it is germane and proceed with the bill.

Thank you, Mr. Speaker.

The SPEAKER. Do any other members wish to be recognized on the issue of germaneness?

Those who believe the amendment is germane will be voting "aye"; those who believe the amendment is not germane will be voting "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS-71

Barbin	Dean	Kavulich	Quinn
Bishop	Dermody	Kim	Ravenstahl
Bizzarro	Driscoll	Kinsey	Readshaw
Boyle	Emrick	Kirkland	Roebuck
Bradford	Evans	Kortz	Rozzi
Briggs	Fabrizio	Kotik	Sainato
Brown, V.	Farina	Longiotti	Samuelson
Burns	Flynn	Mahoney	Santarsiero
Caltagirone	Frankel	Markosek	Schlossberg
Carroll	Freeman	Matzie	Schreiber
Cohen	Gainey	McCarter	Sims
Conklin	Gergely	McNeill	Snyder
Costa, D.	Gibbons	Miller, D.	Sturla
Cruz	Goodman	Mullery	Thomas
Daley, M.	Hanna	Neuman	Vitali
Daley, P.	Harhai	Parker, C.	Wheatley
Davidson	Harkins	Pashinski	Youngblood
Dawkins	Harris, J.	Petrarca	

NAYS-107

Adolph	Gingrich	Major	Regan
Baker	Greiner	Marshall	Roae
Barrar	Grove	Marsico	Saccone
Benninghoff	Hahn	Masser	Sankey
Bloom	Harhart	McGinnis	Santora
Boback	Harper	Mentzer	Saylor
Brown, R.	Harris, A.	Metcalfe	Schemel
Causar	Heffley	Metzgar	Staats
Christiana	Helm	Millard	Stephens
Corbin	Hennessey	Miller, B.	Tallman
Cox	Hickernell	Milne	Taylor
Culver	Hill	Moul	Tobash
Cutler	Irvin	Murt	Toepel
Day	James	Mustio	Toohil
Delozier	Jozwiak	Nesbit	Topper
Diamond	Kampf	O'Neill	Truitt
DiGirolo	Kaufer	Ortitay	Vereb
Dunbar	Kauffman	Parker, D.	Ward
Dush	Keller, F.	Payne	Warner
Ellis	Keller, M.K.	Peifer	Watson
English	Killion	Pickett	Wentling
Evankovich	Clunk	Pyle	Wheeland
Everett	Knowles	Quigley	White
Farry	Krieger	Rader	Zimmerman
Fee	Lawrence	Rapp	
Gabler	Lewis	Reed	Turzai,
Gillen	Maher	Reese	Speaker
Gillespie			

NOT VOTING-0

EXCUSED-20

Acosta	DeLuca	Mackenzie	Petri
Costa, P.	Donatucci	Maloney	Ross
Davis	Galloway	Miccarelli	Schweyer
Deasy	Godshall	O'Brien	Simmons
DeLissio	Keller, W.	Oberlander	Sonney

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

On the question recurring,

Will the House agree to the bill on second consideration?

Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 875, PN 1018**, entitled:

An Act providing for the use of treated mine water for oil and gas development.

On the question,

Will the House agree to the bill on second consideration?

The SPEAKER. We have quite a few amendments on this bill.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. **VITALI** offered the following amendment No. **A02871**:

Amend Bill, page 3, lines 19 through 25, by striking out all of said lines

Amend Bill, page 3, line 26, by striking out "6" and inserting 5

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Vitali.

Mr. **VITALI**. Thank you, Mr. Speaker.

I do not disagree with the general concept behind this bill, which is the use of acid mine drainage to hydrofrack. I do not disagree with that. In fact, I voted for the bill on final passage in committee. However, there is one provision in this bill, section 5, that is unnecessary, is confusing, and frankly, may even result in the bill being vetoed if we present it to the Governor with that provision left in. So what my amendment would do would be leaving the intent of the bill intact, but deleting section 5.

Now, what section 5 does, basically it says that – and it is a little technical – "Treated mine water that meets the effluent limits of the National Pollutant Discharge Elimination System permit... shall not be considered a solid waste..." for the purposes of the Solid Waste Management Act. Now, that is pretty technical. You know, I do not claim to have a 100-percent grasp on that myself, which is why I want to rely

on people who know more than this who also support deleting section 5. So let me just use their words to argue against section 5 and argue for deleting it.

The Pennsylvania Environmental Council, a very moderate environmental group, actually would support this bill if section 5 were deleted. I am just going to quote a memo from John Walliser dated June 30, and I am going to quote this verbatim. "...Section 5 could be interpreted to provide unwarranted exemptions from applicable containment, treatment or disposal standards for any treated mine water used in oil and gas operations. Once treated mine water is stored or used on an oil or gas site, it should be subject to the same protection standards as other treated, produced or flowback fluids." So that is the Pennsylvania Environmental Council's reasoning for deleting section 5.

There is another letter. I will just read the applicable portions, dated June 25, also making argument with regard to deleting section 5, or more accurately, their problems with this part of the bill. These groups include Clean Water Action, Delaware Riverkeeper Network, League of Women Voters of Pennsylvania, PennEnvironment, Pennsylvania Council of Churches, and Sierra Club, along with a host of other groups who have problems with section 5.

I am just going to read this: "The provision in the bill that the treated mine water will not be considered solid waste under the Solid Waste Management Act removes the regulatory floor from its handling, exposing the public to environmental and public health risks when there are spills or releases. This intentionally adds opportunities for pollution and harm to the public and the environment and is totally unacceptable."

So these groups also have problems with section 5.

Now, finally, I can state for the record that the DEP, for different reasons than cited by the two previous entities, also would support this bill; the DEP would support this bill if section 5 were removed.

So we all like to get every last letter of our legislation in before the Governor intact, but I would suggest to you that trying to do that in this particular case might be the reason that Governor Wolf in fact vetoes this, so in trying for a whole loaf instead of 95 percent of the loaf, you may end up with none.

So for that reason I would ask that you support my amendment, which deletes section 5 from this bill. Thank you.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am very happy today as I have good news for the gentleman from Delaware County. He has some concerns about section 5 of this bill, the Governor's Office did in fact have some concerns about section 5 of this bill, and DEP had some concerns about section 5 of this bill.

And so what DEP asked for was an amendment, which I have offered, and the Governor's Office has conveyed to me and to our caucus, and I believe they had shared this information with your caucus – apparently you had not heard about it – but that if the amendment, which will be considered, that I have offered, is adopted – the Governor supports the amendment; they encourage the amendment – and then if that amendment is adopted, they will be fully in support of the bill as amended.

So the good news is, this amendment is not necessary. The concerns that you have and attribute to the Governor have been resolved. I would urge the members to vote "no" on this

amendment, and when we get to the technically clarifying amendment that I have offered, really on behalf of the administration, I would ask you to join me in "yes" on that, and we will be able to get moving.

Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali, for the second time.

Mr. VITALI. Are there other speakers who wish to speak on this?

LEAVE OF ABSENCE

The SPEAKER. Representative DAVIDSON from Delaware County has indicated that she would like to be placed on leave. That request will be granted.

CONSIDERATION OF SB 875 CONTINUED

The SPEAKER. Representative Vitali, we did call on you to speak.

Mr. VITALI. That is correct, and my question to you was— You generally extend the courtesy of asking whether there are any other speakers who wish to speak. I was just—

The SPEAKER. Do any other members wish to speak on the Vitali amendment, amendment 2871, before Representative Vitali speaks? Any other members wish to speak on this amendment?

Representative Vitali, the floor is yours, sir.

Mr. VITALI. Thank you, Mr. Speaker.

The gentleman from Allegheny County is such an eloquent speaker, and I always respect and listen closely to his remarks, but I am very confused at the argument he is making today, because if I am reading his amendment correctly – and I have it in front of me – his amendment does the exact opposite of what mine does. I do not want you to take my word for it; I want you to just quickly read the bill.

What my amendment does is takes out language that says that treated mine water shall not be considered a solid waste as defined by the Solid Waste Management Act.

I do not see how his amendment is doing what it says it is doing. It is leaving in the offending provision. I have no reason to believe— I have not been informed by the DEP on this issue that they support his amendment. We can deal with his amendment when we come to it.

I do know that the DEP and other groups want section 5 out of this amendment; that is what my amendment does, and I would ask for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—65

Bishop	Dermody	Kim	Ravenstahl
Bizzarro	Driscoll	Kinsey	Readshaw
Boyle	Evans	Kirkland	Roebuck
Bradford	Fabrizio	Kortz	Rozzi
Briggs	Farina	Kotik	Sainato
Brown, V.	Flynn	Longietti	Samuelson
Burns	Frankel	Mahoney	Santarsiero
Caltagirone	Freeman	Markosek	Schlossberg
Carroll	Gainey	Matzie	Schreiber

Cohen	Gergely	McCarter	Sims
Conklin	Goodman	McNeill	Snyder
Costa, D.	Hanna	Miller, D.	Sturla
Cruz	Harhai	Mullery	Thomas
Daley, M.	Harkins	Parker, C.	Vitali
Daley, P.	Harris, J.	Pashinski	Wheatley
Dawkins	Kavulich	Petrarca	Youngblood
Dean			

NAYS—112

Adolph	Gillen	Major	Reese
Baker	Gillespie	Marshall	Regan
Barbin	Gingrich	Marsico	Roae
Barrar	Greiner	Masser	Saccone
Benninghoff	Grove	McGinnis	Sankey
Bloom	Hahn	Mentzer	Santora
Boback	Harhart	Metcalfe	Saylor
Brown, R.	Harper	Metzgar	Schemel
Causar	Harris, A.	Millard	Staats
Christiana	Heffley	Miller, B.	Stephens
Corbin	Helm	Milne	Tallman
Cox	Hennessey	Moul	Taylor
Culver	Hickernell	Murt	Tobash
Cutler	Hill	Mustio	Toepel
Day	Irvin	Nesbit	Toohil
Delozier	James	Neuman	Topper
Diamond	Jozwiak	O'Neill	Truitt
DiGirolo	Kampf	Ortitay	Vereb
Dunbar	Kaufner	Parker, D.	Ward
Dush	Kauffman	Payne	Warner
Ellis	Keller, F.	Peifer	Watson
Emrick	Keller, M.K.	Pickett	Wentling
English	Killion	Pyle	Wheeland
Evankovich	Klunk	Quigley	White
Everett	Knowles	Quinn	Zimmerman
Farry	Krieger	Rader	
Fee	Lawrence	Rapp	Turzai,
Gabler	Lewis	Reed	Speaker
Gibbons	Maher		

NOT VOTING—0

EXCUSED—21

Acosta	DeLuca	Mackenzie	Petri
Costa, P.	Donatucci	Maloney	Ross
Davidson	Galloway	Miccarelli	Schweyer
Davis	Godshall	O'Brien	Simmons
Deasy	Keller, W.	Oberlander	Sonney
DeLissio			

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 second consideration?

Mr. MAHER offered the following amendment
No. A03124:

Amend Bill, page 2, by inserting between lines 7 and 8
(5) Treated mine water and mine drainage are not residual waste or solid waste for the purposes of the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

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

The SPEAKER. On that question, the Chair recognizes Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

As was mentioned just a bit ago, on this particular piece of legislation, DEP took the initiative to identify a concern that they had dealing with statutory construction and asked that the bill be amended to accommodate that concern. In the interest of working towards the greater good and not being hung up in partisanship, I accepted their concern as a genuine concern, worked with LRB (Legislative Reference Bureau), and we have the language which you have before you today as technically clarifying language. I will point out it is not in the operative parts of the bill; it is in the part which is legislative finding, and is really a recitation of the way the world is now.

DEP has communicated that they not only support the amendment that they sought, which is not surprising, but they support the bill with this amendment. The Governor's Office has communicated that it supports this amendment and it supports the bill with this amendment.

So in the interest of working across the aisle, working for the environment that is enjoyed by all Pennsylvanians, and to help resolve some of the terrible challenges that we have in western and northeastern Pennsylvania of mine drainage into streams, I certainly hope you will join me in support of the Governor's suggestion for improving this legislation by voting "yes."

Thank you, Mr. Speaker.

The SPEAKER. Thank you.

Do any other members wish to be recognized on the amendment?

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

The following roll call was recorded:

YEAS—175

Adolph	Fabrizio	Knowles	Rapp
Baker	Farina	Kortz	Ravenstahl
Barbin	Farry	Kotik	Readshaw
Barrar	Fee	Krieger	Reed
Benninghoff	Flynn	Lawrence	Reese
Bishop	Frankel	Lewis	Regan
Bizzarro	Freeman	Longietti	Roae
Bloom	Gabler	Maher	Roebuck
Boback	Gainey	Mahoney	Rozzi
Boyle	Gergely	Major	Saccone
Bradford	Gibbons	Markosek	Sainato
Briggs	Gillen	Marshall	Samuelson
Brown, R.	Gillespie	Marsico	Sankey
Brown, V.	Gingrich	Masser	Santarsiero
Burns	Goodman	Matzie	Santora
Caltagirone	Greiner	McCarter	Saylor
Carroll	Grove	McGinnis	Schemel
Causar	Hahn	McNeill	Schlossberg
Christiana	Hanna	Mentzer	Schreiber
Cohen	Harhai	Metcalfe	Sims
Conklin	Harhart	Metzgar	Snyder
Corbin	Harkins	Millard	Staats
Costa, D.	Harper	Miller, B.	Stephens
Cox	Harris, A.	Miller, D.	Sturla

Cruz	Harris, J.	Milne	Tallman
Culver	Heffley	Moul	Taylor
Cutler	Helm	Mullery	Tobash
Daley, M.	Hennessey	Murt	Toepel
Daley, P.	Hickernell	Mustio	Toohil
Dawkins	Hill	Nesbit	Topper
Day	Irvin	Neuman	Truitt
Dean	James	O'Neill	Vereb
Delozier	Jozwiak	Ortitay	Ward
Dermody	Kampf	Parker, C.	Warner
Diamond	Kaufer	Parker, D.	Watson
DiGirolamo	Kauffman	Pashinski	Wentling
Driscoll	Kavulich	Payne	Wheatley
Dunbar	Keller, F.	Peifer	Wheeland
Dush	Keller, M.K.	Petrarca	White
Ellis	Killion	Pickett	Youngblood
Emrick	Kim	Pyle	Zimmerman
English	Kinsey	Quigley	
Evankovich	Kirkland	Quinn	Turzai,
Evans	Klunk	Rader	Speaker
Everett			

NAYS—2

Thomas Vitali

NOT VOTING—0

EXCUSED—21

Acosta	DeLuca	Mackenzie	Petri
Costa, P.	Donatucci	Maloney	Ross
Davidson	Galloway	Miccarelli	Schweyer
Davis	Godshall	O'Brien	Simmons
Deasy	Keller, W.	Oberlander	Sonney
DeLissio			

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 second consideration as amended?

Mr. **McCARTER** offered the following amendment No. **A03023**:

Amend Bill, page 1, line 2, by inserting after "development" , for testing of treated mine water and for publication of test results by the Department of Environmental Protection

Amend Bill, page 3, by inserting between lines 6 and 7

(4) The mine operator has tested the treated mine water for bromides and normally occurring radioactive materials.

Amend Bill, page 3, line 11, by inserting after "water"

, provided the person has treated the mine water for bromides, normally occurring radioactive materials and chemicals used in the hydraulic fracturing process

Amend Bill, page 3, by inserting between lines 18 and 19

(d) Inapplicability.—The immunity provided for under this act does not apply if the person who acquires treated mine water returns the mine water to the mine operator without treating the water for bromides, normally occurring radioactive materials and chemicals used in the hydraulic fracturing process.

Amend Bill, page 3, by inserting between lines 25 and 26 Section 6. Public information.

The department shall publish the results of the testing required under this act on the department's publicly accessible Internet website.

Amend Bill, page 3, line 26, by striking out "6" and inserting

7

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes Representative **McCarter**.

Mr. **McCARTER**. Thank you, Mr. Speaker.

I rise before you today to ask my colleagues to support amendment 03023 to add an additional layer of protection to SB 875.

The premise behind SB 875 is good in nature. The oil and gas industry obviously requires massive amounts of water to put their conventional and unconventional oil and gas wells in place. This is a tremendous drain on our natural water supplies.

On average, fracking requires 4.4 million gallons of water per well. To put this in perspective, that is the amount of water 11,000 American families use in a day, or it could fill 6 Olympic-size swimming pools.

As fracking increases across the country, and specifically in Pennsylvania, our water supplies will see even greater demand. SB 875 aims to alleviate part of this problem by allowing drillers to use treated mine water from coal mines.

Mine water is already supposed to be treated under a permit issued by the Pennsylvania Department of Environmental Protection. My amendment would put further safety nets in place that require the water to be treated for bromides and normally occurring radioactive materials, which often do not get treated.

Already in western Pennsylvania, some public water suppliers have been found in violation of Federal safe drinking water standards. The culprit is believed to be bromides from treated Marcellus Shale wastewater discharges.

Mr. Speaker, this is a very serious issue. When bromide is mixed with chlorine at water treatment plants, it can create cancer-causing agents called trihalomethanes. We must do more to ensure that bromides are not making their way into our rivers and streams at an even higher rate than they already are, but if that should occur, we should be able to prove who is at fault and hold them accountable.

With that in mind, I ask for your support of my amendment to help support the health of our water supplies across Pennsylvania. Thank you.

The **SPEAKER**. Representative **Mahe**.

Mr. **MAHER**. Thank you. I am certainly glad the gentleman shares my concern about untreated mine water leaching into our waterways.

The good news here is that treatment plants at mines are permitted by DEP. Those treatment plants must treat for bromides. The water that we are talking about will – if it goes through a treatment plant at an active mine, we have already addressed this issue.

To the extent that we are trying to incentivize treatment plants for abandoned mines, I so much would rather this treated water be used for fracking rather than being released into our waterways and pulling fresh water out of the waterways to use for fracking.

So I would ask you to join me in opposing this amendment.

The SPEAKER. Representative McCarter.

Mr. McCARTER. Thank you, Mr. Speaker.

And again, I share the chairman's particular hopes that this would be the case also, that the bromides would be in fact treated out at the mine where they are being treated. However, again, since we have had these problems, that it has been noted all up and down the Allegheny and through the water authority there and at other locations, we cannot assure ourselves that in fact bromides are always treated out, and as a result, what this bill does – and again, removing liability for the drillers – this becomes a questionable situation.

Using the treated mine water where we say that they are being eliminated, then mixing that with other water, then discharging that water into the streams, creates a situation where no proof of liability could ever be found, and that, consequently, they are not liable for any discharge that comes out of the wastewater treated after in fact the fracking takes place. That becomes a situation, I think, that we all should be somewhat fearful of. We need to hold people accountable for when that happens.

So this is simply a means by which to, again, make sure there is a second treatment to make sure that the bromides, specifically, are treated for in this process.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS–49

Bishop	Dermody	Kinsey	Roebuck
Boyle	Driscoll	Kirkland	Rozzi
Bradford	Evans	Kotik	Samuelson
Briggs	Fabrizio	Mahoney	Santarsiero
Brown, V.	Frankel	Markosek	Schreiber
Caltagirone	Freeman	Matzie	Sims
Cohen	Gainey	McCarter	Snyder
Conklin	Goodman	McNeill	Sturla
Cruz	Hanna	Miller, D.	Thomas
Daley, M.	Harkins	Parker, C.	Vitali
Daley, P.	Harris, J.	Ravenstahl	Wheatley
Dawkins	Kim	Readshaw	Youngblood
Dean			

NAYS–128

Adolph	Gabler	Lewis	Rapp
Baker	Gergely	Longiatti	Reed
Barbin	Gibbons	Maher	Reese
Barrar	Gillen	Major	Regan
Benninghoff	Gillespie	Marshall	Roe
Bizzarro	Gingrich	Marsico	Saccone
Bloom	Greiner	Masser	Sainato
Boback	Grove	McGinnis	Sankey
Brown, R.	Hahn	Mentzer	Santora
Burns	Harhai	Metcalfe	Saylor
Carroll	Harhart	Metzgar	Schemel
Causar	Harper	Millard	Schlossberg
Christiana	Harris, A.	Miller, B.	Staats
Corbin	Heffley	Milne	Stephens
Costa, D.	Helm	Moul	Tallman
Cox	Hennessey	Mullery	Taylor
Culver	Hickernell	Murt	Tobash
Cutler	Hill	Mustio	Toepel

Day	Irvin	Nesbit	Toohil
Delozier	James	Neuman	Topper
Diamond	Jozwiak	O'Neill	Truitt
DiGirolamo	Kampf	Ortity	Vereb
Dunbar	Kaufer	Parker, D.	Ward
Dush	Kauffman	Pashinski	Warner
Ellis	Kavulich	Payne	Watson
Emrick	Keller, F.	Peifer	Wentling
English	Keller, M.K.	Petrarca	Wheeland
Evankovich	Killion	Pickett	White
Everett	Klunk	Pyle	Zimmerman
Farina	Knowles	Quigley	
Farry	Kortz	Quinn	Turzai,
Fee	Krieger	Rader	Speaker
Flynn	Lawrence		

NOT VOTING–0

EXCUSED–21

Acosta	DeLuca	Mackenzie	Petri
Costa, P.	Donatucci	Maloney	Ross
Davidson	Galloway	Miccarelli	Schweyer
Davis	Godshall	O'Brien	Simmons
Deasy	Keller, W.	Oberlander	Sonney
DeLissio			

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 second consideration as amended?

Mr. **BRADFORD** offered the following amendment No. **A03025**:

Amend Bill, page 1, line 2, by inserting after "development" and for a related study by the Department of Environmental Protection Amend Bill, page 3, by inserting between lines 25 and 26 Section 6. Study.

(a) Study required.—The department shall conduct a study of the use of treated mine water outside the boundaries of a mining activity site for gas well development. The study shall include an analysis of the benefits and costs and environmental impacts of the practice of using treated mine water for gas well development.

(b) Report.—The department shall report its findings and recommendations to the Governor and the General Assembly within 90 days of the effective date of this section.

Amend Bill, page 3, line 26, by striking out "6" and inserting 7

Amend Bill, page 3, line 27, by striking out all of said line and inserting

This act shall take effect as follows:

(1) The following provisions shall take effect immediately.

(i) This section.

(ii) Section 6.

(2) The remainder of this act shall take effect in one year.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Bradford.

Mr. BRADFORD. Thank you, Speaker.

I rise to offer amendment 3025. This amendment would simply offer a cost-benefit analysis before the effective liability waivers would kick in. It would give a 1-year period that we could study the environmental impact as well as a cost-benefit analysis.

If, as the maker states, this bill will be so advantageous, such a report will give the opportunity necessary to show everyone that it is as worthy as suggested. It will be obvious, in which case a liability waiver may be appropriate. Until such a study has taken place, it would seem improper and premature to give such a vast liability waiver with the environmental impacts being potentially so large.

So with that I ask for your support of this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

This bill comes after years and years of DEP granting specific permits for using mine water for a variety of purposes, including drilling; years and years of case by case where they reviewed the results. And the reason I believe that DEP supports this bill is because they understand that the benefits of reducing the amount of fresh water that must be drawn from our waterways, and at the same time cleaning up mine water that might otherwise pollute the waterways, this is a win-win on an environmental measure. It has happened case by case up to this point in time, but now is the time, with all those years of study, to move forward, and consequently, I would ask this body to reject this amendment.

I would also note that the bill does not include a waiver of liability. What the bill does is assigns liability. It makes very clear which party is responsible for the water at which point. It does not eliminate liability for anything; it merely assigns liability to the responsible parties.

Thank you, Mr. Speaker.

The SPEAKER. Does any other member wish to speak on the amendment prior to the maker of the amendment?

Representative Bradford, the floor is yours.

Mr. BRADFORD. Just to repeat, I understand the position of the maker of the bill, but the quite simple reality is this process is taking place already, which has been stated by the gentleman. So if it is already taking place, the purpose of this bill is to encourage more of it. Part of encouraging that, obviously, is what he is calling an assignment of liability, but the reality is there is a liability for those who created this acid mine wastewater. If we change that or we alter the liability, there will be someone who may have to deal with the environmental impact.

What this bill simply says is, if it is already taking place and we want to encourage more of it, let us spend a year, find out what the cost is, what the benefit is, what the environmental impact is, and then let us make a thoughtful decision after a year of doing that. This seems to be the prudent thing to do, rather than potentially putting our taxpayers and our Commonwealth on the hook again for the environmental degradation of an environmental, potentially, impacting industry that has the resources to be held responsible for their environmental impact. Let us not let those folks off the hook prematurely. Let us do it in a prudent manner after we have the study, after we have done the right thing and done the appropriate cost study analysis.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—52

Barbin	Dawkins	Kim	Readshaw
Bishop	Dean	Kinsey	Roebuck
Boyle	Dermody	Kirkland	Rozzi
Bradford	Driscoll	Mahoney	Samuelson
Briggs	Evans	Markosek	Santarsiero
Brown, V.	Fabrizio	Matzie	Schlossberg
Caltagirone	Frankel	McCarter	Schreiber
Carroll	Freeman	McNeill	Sims
Cohen	Gainey	Miller, D.	Sturla
Conklin	Hanna	Mullery	Thomas
Cruz	Harkins	Parker, C.	Vitali
Daley, M.	Harris, J.	Pashinski	Wheatley
Daley, P.	Kavulich	Ravenstahl	Youngblood

NAYS—125

Adolph	Gergely	Lawrence	Reed
Baker	Gibbons	Lewis	Reese
Barrar	Gillen	Longietti	Regan
Benninghoff	Gillespie	Maher	Roae
Bizzarro	Gingrich	Major	Saccone
Bloom	Goodman	Marshall	Sainato
Boback	Greiner	Marsico	Sankey
Brown, R.	Grove	Masser	Santora
Burns	Hahn	McGinnis	Saylor
Causer	Harhai	Mentzer	Schemel
Christiana	Harhart	Metcalfe	Snyder
Corbin	Harper	Metzgar	Staats
Costa, D.	Harris, A.	Millard	Stephens
Cox	Heffley	Miller, B.	Tallman
Culver	Helm	Milne	Taylor
Cutler	Hennessey	Moul	Tobash
Day	Hickernell	Murt	Toepel
Delozier	Hill	Mustio	Toohil
Diamond	Irvin	Nesbit	Topper
DiGirolamo	James	Neuman	Truitt
Dunbar	Jozwiak	O'Neill	Vereb
Dush	Kampf	Ortitay	Ward
Ellis	Kaufner	Parker, D.	Warner
Emrick	Kauffman	Payne	Watson
English	Keller, F.	Peifer	Wentling
Evankovich	Keller, M.K.	Petrarca	Wheeland
Everett	Killion	Pickett	White
Farina	Klunk	Pyle	Zimmerman
Farry	Knowles	Quigley	
Fee	Kortz	Quinn	Turzai,
Flynn	Kotik	Rader	Speaker
Gabler	Krieger	Rapp	

NOT VOTING—0

EXCUSED—21

Acosta	DeLuca	Mackenzie	Petri
Costa, P.	Donatucci	Maloney	Ross
Davidson	Galloway	Miccarelli	Schweyer
Davis	Godshall	O'Brien	Simmons
Deasy	Keller, W.	Oberlander	Sonney
DeLissio			

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 second consideration as amended?

The SPEAKER. Representative Dean was offering amendment 3116. It has, however, been ruled out of order.

On the question recurring,

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

Mr. **SANTARSIERO** offered the following amendment No. **A03123**:

Amend Bill, page 2, lines 1 through 7, by striking out all of said lines

Amend Bill, page 2, lines 14 through 19, by striking out all of said lines

Amend Bill, page 2, lines 26 through 30; page 3, lines 1 through 18; by striking out all of said lines on said pages

Amend Bill, page 3, line 19, by striking out "5" and inserting

4 Amend Bill, page 3, line 22, by inserting after "gas" well

Amend Bill, page 3, line 26, by striking out "6" and inserting

5

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Santarsiero.

Mr. **SANTARSIERO**. Thank you, Mr. Speaker.

Mr. Speaker, had some of the previous amendments been adopted, I would have withdrawn this one, but under the circumstances, I cannot.

This amendment is very simple: it deletes section 4 of the bill, which is, make no mistake, a liability immunity section in the bill. Now, to understand, Mr. Speaker, why that could potentially be a dangerous thing, it is important to understand a little bit about the concept of strict liability.

Going back years ago to a case called *Rylands v. Fletcher*, which every law student in the country reads in their first year of law school, this doctrine of strict liability arose. Essentially, what it is about is this: If you engage in an inherently dangerous activity, if there is some accident as a consequence of that activity, you are liable regardless of whether you are at fault.

Why has that doctrine developed in the law over the years? Because the courts and the States have understood that some activities are just so dangerous that if an accident happens, someone is going to have to pay for the results of that accident.

Now, the question before this legislature today is this, and it is a very simple one: If the effluent in question is used and if it results in an injury, whether or not the parties that ultimately, under that doctrine of strict liability, would be held liable will have to pay or whether the taxpayer will have to pay. If you vote against this amendment and for the bill, you are voting ultimately for the taxpayer to have to pay for the consequences.

It is not as if this is some unique circumstance, because the history of environmental spills and contamination over the last 50 years – certainly since Love Canal in New York – has been a history replete with instances in which responsible parties have caused damage. Sometimes they have done it completely

legally, but they have caused damage, and ultimately, taxpayers have had to foot the bill. Not to mention individuals, as is in the case of Love Canal, have suffered personal injury, which in some cases has been fatal. So we are left with this situation now.

The gentleman from Montgomery County who just offered the previous amendment, which was very reasonable, would have at least attempted to get a better sense before we take this extraordinary step – and make no mistake, it is an extraordinary step to grant this waiver of liability, to have a good understanding of whether in fact this potential for harm exists.

Now, I have heard the gentleman from Allegheny County, the chairman of the committee, talk about the need for this bill, and he has described it as a win-win, and ultimately, ultimately, a system in which this mine waste is used for fracking might someday be viewed that way. But what does not add up at this juncture is the following: We are trying to use this grant of immunity as a way of incentivizing this activity, but the activity is occurring already, and no one has made the strong case as to why we need to go to this extraordinary step of granting immunity, and thereby potentially putting the taxpayer on the risk for liability when in fact this activity is already occurring.

So what exactly is this incentive going to get us at the end of the day, other than potential liability for the taxpayers of Pennsylvania and injury, injury for people throughout the Commonwealth who will then have no recourse against the parties who otherwise would be liable?

Mr. Speaker, I am all for trying to find reasonable solutions to the issues that divide us. Again, my colleague, the gentleman from Montgomery County, attempted to do that just a few moments ago, but with defeat of that proposal, we are left with this dark choice.

And for the reasons I have just stated I respectfully ask that we vote for this amendment. Thank you.

The SPEAKER. Representative Maher.

Mr. **MAHER**. Thank you, Mr. Speaker.

I appreciate that our colleagues in the southeastern corner of the State have not had the privilege across the years to drive by streams and creeks that run orange, running orange because mine water has leached into those creeks and brought with it iron that oxidizes and other chemicals. Now, this is pervasive in much of western Pennsylvania. It happens up in northeastern Pennsylvania, and I am happy it does not happen in some of your districts. But efforts to clean this up are monumental, and one of the reasons it has not been successful very much is in fact the strict liability concept.

Now, imagine if you will, just for those of you who do not know much about mining, that when somebody is finished with a mine – let us say 50 years ago, 70 years ago, 100 years ago – there is some sort of a container-shaped thing under the ground. Now, if you run water into a glass in your sink, at first it fills the glass, but then you get to the point where the glass is full and that water just flows off and off and off, and this is what we deal with in western Pennsylvania, that that water, it comes forever.

In my district, there was a site that gushed 800,000 gallons a day of water from a mine – 800,000 gallons a day. Now, in that case, we were able to work together and acquire a golf course for a passive treatment system, and that is the sort of footprint that you need if you are going to use passive treatment, which I am all for. But where most of these flows of mine water occur, you do not have that kind of a footprint. You need to put in

some sort of a treatment plant if you are going to clean up this water. Well, who is going to put in a treatment plant if by touching that mine you now take on the responsibilities for all that went wrong at that mine, whenever it was back in time?

Our environmental policies should be to encourage folks, incentivize folks, to build treatment plants to clean this water, and to make it clear that whoever acquires this water is responsible for whatever happens to that water from the time they acquire it, but are not responsible for whatever happened to that water before it was treated. I think that is a very reasonable separation of liability and responsibility, and I believe that that will incentivize folks to build treatment plants who otherwise, right now, are scared to death of having anything to do with treating abandoned mine water because they cannot take on whatever imaginary liabilities are out there associated with that property otherwise.

So appreciating the review of a good first year law course from our colleague, I would agree with him that that is the crux of the question, and in this case, there should not be a general sense that everybody is responsible, because that is exactly why for 50, 60, 70, 80, 100 years these mines have not been solved.

So let us get forward to dealing with this environmental hazard. Let us put the responsibility where it belongs. Folks that acquire this water will shoulder the responsibility for what they do with it, but they will not have the responsibility for what happened to get the water in that mine to begin with.

Thank you, Mr. Speaker.

The SPEAKER. Thank you, sir.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The minority whip has indicated that Representative William Keller wishes to be placed back on the master roll. That request will be granted.

CONSIDERATION OF SB 875 CONTINUED

The SPEAKER. Does any other member wish to speak on the amendment?

Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to applaud both of the previous speakers. The author of the amendment, I think he did a very thorough, thorough clarification of the issue of strict liability as it exists within our context of this bill, and then my colleague from the other side, I think he raised some very provocative questions that we need to take a look at. But at the end of the day, at the end of the day, the only question, whether you are sitting on that side or this side, the only question in front of us is, who will carry the responsibility of remedying mistakes, whether they be man-made or otherwise, whether the taxpayer – whether your constituents, my constituents, our constituents – whether they should be held responsible for providing the remedy to injury that might arise out of this whole process? And that is really the only question.

Mr. Speaker, so I rise to say to the people in my district and to the taxpayers of Pennsylvania, no, I am not going to put the responsibility on you. Vote "yes" for the Santarsiero amendment.

The SPEAKER. Representative Dush.

Mr. DUSH. Thank you, Mr. Speaker.

Would the maker of the amendment be willing to stand for interrogation?

The SPEAKER. Representative Santarsiero has indicated he will stand for interrogation.

Mr. DUSH. Thank you, Mr. Speaker.

Mr. Speaker, my question is that we have an awful lot of mines that are abandoned that have not been in operation for a number of years but do have an awful lot of this acid mine drainage. Should that acid mine drainage be taken and treated by either the State government through the programs that are available to take care of that, or through the former mine owner or the property owner? And that gas company now takes that water on and decides to use that for fracking; are you saying, Mr. Speaker, that now with your amendment that gas company is now going to be held liable for something that happened on that mine operation prior to, because that is what this sounds like to me?

Mr. SANTARSIERO. What I am saying is that we should not be granting blanket immunity to potentially responsible parties if that drainage ultimately causes an injury without first having some better sense – as the gentleman from Montgomery County's amendment would have given us – of the impacts of the use of that effluent. And in fact, whether granting the immunity in the first place is actually achieving the goal that we have been told today that it would achieve; namely, that it would incentivize a beneficial process that takes waste and puts it to some use and potentially keeps it out of the environment where it could harm people.

Until we have a better sense of, A, what the potential risks are, and B, whether in fact we need to go to that extraordinary step to provide the liability immunity to incentivize this process, it seems to me that we are really putting the cart well before the horse. We should stop, pause, see whether in fact what we are about to do with this bill is necessary, and since we have not done that, my amendment is tailored merely to say, "No, we are not giving this immunity at this time."

I would be happy to revisit this issue if the gentleman's amendment or something akin to that were ultimately adopted as part of this legislation. But in the absence of that, I think it is a mistake from a policy perspective for this General Assembly in trying to ensure the health and safety, and ultimately, fiscal well-being of this State, to adopt this bill as written.

Mr. DUSH. So just so I am understanding this correctly, you are saying that it is better to let that water just flow out into our streams and creeks and affect the local drinking water—

The SPEAKER. Representative Dush, if you will please suspend.

You can ask questions about the bill with respect to what it means or what the consequences are thereof, but in terms of perspective – Representative Santarsiero can make his perspective known and you can speak on the amendment yourself with respect to that, but the inquires for interrogation really are limited to not understanding something about the bill and asking – or amendment – and getting clarification thereon.

Mr. DUSH. All right. Mr. Speaker, on the amendment, please?

The SPEAKER. Yes, sir. You may proceed.

Mr. DUSH. My perception of this amendment is something that is simply designed to help the trial lawyers have two sets of

pockets to go after: one, the gas operators, and two, the coal mine operators. Whether the two actions are separated, once the mine water is treated – and it is treated to an acceptable standard under both the EPA (Environmental Protection Agency) and the DEP standards – before it is transferred over, the ownership of that water is transferred over to the gas companies, and it is a higher quality, fit to go back into the streams. Now you want to make something that has been cleaned up and transferred for use to another purpose, you want to make somebody else responsible – meaning the end user – for something that they had no responsibility for before.

I would vote "no" on this amendment. Thank you.

The SPEAKER. Do any other members wish to be recognized?

Representative Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Mr. Speaker, there are incentives, and there are incentives. We have been told that this legislation is necessary to incentivize a process that could potentially be good for the environment in taking a waste stream and using it for something that ultimately keeps it from getting back into the environment, potentially. There are myriad questions about whether any of that is true, but the fundamental point here is this: We are being asked to provide a broad protection from liability not knowing fully what the consequences of the activity are and not knowing whether in fact that grant of immunity is necessary in order to perpetuate this process, because again, this process is already occurring by the supporters of this bill's own admission.

Now, it may be true that we do not have these mines in southeastern Pennsylvania, but we do have contaminated sites in southeastern Pennsylvania, and those contaminated sites often leach chemicals and other hazardous substances into our streams, and so we are familiar with the impact of environmental degradation and pollution and the release of hazardous substances. So yes, we do know something about this, as do all Pennsylvanians, and it is precisely because of that reason that we should be very careful before we take this extraordinary step and grant this blanket immunity from liability.

So, Mr. Speaker, I would urge caution on the part of our General Assembly. Let us do this right. Let us not rush headlong into this. Let us find out whether it is necessary, and if it is, really, what are the potential harms that we are talking about?

For these reasons I ask that the House support this amendment, and I thank you, Mr. Speaker, for the time.

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

The following roll call was recorded:

YEAS–50

Barbin	Dean	Kirkland	Roebuck
Bishop	Dermody	Mahoney	Rozzi
Boyle	Driscoll	Markosek	Samuelson
Bradford	Evans	Matzie	Santarsiero
Briggs	Frankel	McCarter	Schlossberg
Brown, V.	Freeman	McNeill	Schreiber
Caltagirone	Gainey	Miller, D.	Sims
Carroll	Goodman	Mullery	Sturla
Cohen	Harris, J.	Parker, C.	Thomas

Cruz	Kavulich	Pashinski	Vitali
Daley, M.	Keller, W.	Ravenstahl	Wheatley
Daley, P.	Kim	Readshaw	Youngblood
Dawkins	Kinsey		

NAYS–128

Adolph	Gabler	Krieger	Rapp
Baker	Gergely	Lawrence	Reed
Barrar	Gibbons	Lewis	Reese
Benninghoff	Gillen	Longietti	Regan
Bizzarro	Gillespie	Maher	Roae
Bloom	Gingrich	Major	Saccone
Boback	Greiner	Marshall	Sainato
Brown, R.	Grove	Marsico	Sankey
Burns	Hahn	Masser	Santora
Causser	Hanna	McGinnis	Saylor
Christiana	Harhai	Mentzer	Schemel
Conklin	Harhart	Metcalfe	Snyder
Corbin	Harkins	Metzgar	Staats
Costa, D.	Harper	Millard	Stephens
Cox	Harris, A.	Miller, B.	Tallman
Culver	Heffley	Milne	Taylor
Cutler	Helm	Moul	Tobash
Day	Hennessey	Murt	Toepel
Delozier	Hickernell	Mustio	Toohil
Diamond	Hill	Nesbit	Topper
DiGirolamo	Irvin	Neuman	Truitt
Dunbar	James	O'Neill	Vereb
Dush	Jozwiak	Ortitay	Ward
Ellis	Kampf	Parker, D.	Warner
Emrick	Kaufner	Payne	Watson
English	Kauffman	Peifer	Wentling
Evankovich	Keller, F.	Petrarca	Whealand
Everett	Keller, M.K.	Pickett	White
Fabrizio	Killion	Pyle	Zimmerman
Farina	Klunk	Quigley	
Farry	Knowles	Quinn	Turzai, Speaker
Fee	Kortz	Rader	
Flynn	Kotik		

NOT VOTING–0

EXCUSED–20

Acosta	DeLissio	Mackenzie	Petri
Costa, P.	DeLuca	Maloney	Ross
Davidson	Donatucci	Miccarelli	Schweyer
Davis	Galloway	O'Brien	Simmons
Deasy	Godshall	Oberlander	Sonney

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 second consideration as amended?
Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 133, PN 1753**, entitled:

An Act establishing a bill of rights for individuals with intellectual disabilities or autism; and conferring powers and duties on the Department of Human Services.

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

Mr. **MURT** offered the following amendment No. **A02983**:

Amend Bill, page 1, line 2, by striking out "and developmental"
Amend Bill, page 1, line 2, by inserting after "disabilities"
or autism
Amend Bill, page 8, line 8, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 8, line 8, by inserting after "DISABILITIES"
or Autism
Amend Bill, page 8, line 14, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 8, line 14, by inserting after "DISABILITIES"
or autism
Amend Bill, page 8, line 23, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 8, line 24, by inserting after "DISABILITIES"
or autism
Amend Bill, page 8, line 28, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 8, line 28, by inserting after "DISABILITIES"
or autism
Amend Bill, page 8, line 30; page 9, line 1; by striking out "AND
DEVELOPMENTAL DISABILITIES AND THEIR" in line 30 on
page 8 and "FAMILIES OR LEGAL GUARDIANS" in line 1 on page
9 and inserting
disabilities or autism
Amend Bill, page 9, line 2, by striking out "SUPPORT" and
inserting
supports
Amend Bill, page 9, line 7, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 9, line 7, by inserting after "DISABILITIES"
or autism
Amend Bill, page 9, line 10, by inserting after "COMMUNITY-
INTEGRATED "
supports and
Amend Bill, page 9, line 11, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 9, line 11, by inserting after "DISABILITIES"
or autism
Amend Bill, page 9, line 15, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 9, line 16, by inserting after "DISABILITIES"
or autism
Amend Bill, page 9, lines 18 through 22, by striking out "THE
CHOICE OF SERVICE OPTIONS SHALL BE" in line 18, all of lines
19 through 21 and "THEY STAY" in line 22 and inserting
The General Assembly encourages individuals with
intellectual disabilities or autism to remain
Amend Bill, page 9, lines 27 through 30; page 10, line 1; by
striking out "MARCH 31, 2015, THERE ARE APPROXIMATELY
13,971" in line 27, all of lines 28 through 30 on page 9 and "PEOPLE
WITH EMERGENCY AND CRITICAL NEEDS." in line 1 on page 10
and inserting
April 30, 2015, there are approximately 10,234 people
with intellectual disabilities or autism with emergency and
critical needs waiting for home-based and community-based
services.
Amend Bill, page 10, line 1, by striking out "JANUARY 31" and
inserting
June 3
Amend Bill, page 10, line 2, by striking out "MORE THAN
1,400" and inserting
approximately 1,675
Amend Bill, page 10, line 4, by striking out "LIST" where it

occurs the second time and inserting
lists
Amend Bill, page 10, line 4, by striking out "IS" and inserting
are
Amend Bill, page 10, line 9, by inserting after "LIST"
, or interest list,
Amend Bill, page 10, line 11, by striking out "UNNECESSARY"
Amend Bill, page 10, line 13, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 10, line 13, by inserting after
"DISABILITIES"
or autism
Amend Bill, page 10, line 15, by striking out "THEIR" and
inserting
individuals'
Amend Bill, page 10, line 15, by striking out "COMMUNITY-
INTEGRATED" and inserting
supports and
Amend Bill, page 10, line 16, by striking out
"COMMONWEALTH" and inserting
General Assembly
Amend Bill, page 10, lines 17 through 19, by striking out "AND"
in line 17, all of line 18 and "GUARDIANS" in line 19 and inserting
disabilities or autism
Amend Bill, page 10, lines 29 and 30; page 11, lines 1 through 6;
by striking out "COMMONWEALTH" in line 29, all of line 30 on
page 10 and all of lines 1 through 6 on page 11 and inserting
integration mandates of the Americans with Disabilities
Act and the Rehabilitation Act.
Amend Bill, page 11, line 7, by striking out
"COMMONWEALTH" and inserting
General Assembly
Amend Bill, page 11, line 11, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 11, line 12, by inserting after "DISABILITIES"
"
or autism
Amend Bill, page 11, line 17, by striking out "AND
DEVELOPMENTAL"
"
Amend Bill, page 11, line 18, by inserting after "DISABILITIES"
"
or autism
Amend Bill, page 11, lines 24 and 25, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 11, line 25, by inserting after "DISABILITIES"
"
or autism
Amend Bill, page 11, lines 26 and 27, by striking out "THE
PRIMARY" and inserting
instrumental
Amend Bill, page 11, line 28, by striking out "AND THEIR
FAMILIES"
Amend Bill, page 11, line 29, by striking out "PLAY
SIGNIFICANT DECISION-MAKING ROLES IN" and inserting
inform
Amend Bill, page 12, lines 2 through 8, by striking out all of
lines 2 through 7 and "(V)" in line 8 and inserting
(iv)
Amend Bill, page 12, line 13, by striking out "AND
DEVELOPMENTAL"
Amend Bill, page 12, line 13, by inserting after
"DISABILITIES"
or autism
Amend Bill, page 12, by inserting between lines 17 and 18
"Autism" or "autism spectrum disorder." Any of the pervasive
developmental disorders defined by the most recent edition of the
Diagnostic and Statistical Manual of Mental Disorders (DSM), or its
successor, including autistic disorder, Asperger's disorder and

pervasive developmental disorder not otherwise specified.

Amend Bill, page 12, lines 29 and 30; page 13, lines 1 through 23; by striking out all of said lines on said pages

Amend Bill, page 14, line 13, by inserting after "SHALL"
, based on available funding,

Amend Bill, page 14, line 15, by inserting after "WITH"
an

Amend Bill, page 14, lines 15 and 16, by striking out "AND
DEVELOPMENTAL DISABILITIES" and inserting
disability or autism

Amend Bill, page 14, line 17, by striking out "OR
DEVELOPMENTAL"

Amend Bill, page 14, line 18, by inserting after "DISABILITY"
or autism

Amend Bill, page 14, line 21, by inserting after "AN"
approved

Amend Bill, page 15, line 29, by striking out "LIST" and
inserting
lists

Amend Bill, page 15, line 29, by inserting after "DISABILITY"
or autism

Amend Bill, page 15, line 30, by inserting after "(A) "

General rule.—The department shall, within four months of the effective date of this act, reorganize its waiting list, or interest list, for individuals with autism into a waiting list that prioritizes individuals according to the categories of emergency needs, critical needs and planning needs. This data shall be collected using a tool that measures the level of care needed and that does not limit such assessment data collection based on the geographic area where autism services are provided in this Commonwealth. Additionally, the prioritization of need shall not include consideration of services the individual with autism currently receives.

(b)

Amend Bill, page 16, line 6, by striking out "ALLOWABLE"

Amend Bill, page 16, line 18, by striking out "(B)" and inserting

(c)

Amend Bill, page 17, line 5, by striking out "(C)" and inserting

(d)

Amend Bill, page 17, lines 8 and 9, by striking out "AND
DEVELOPMENTAL"

Amend Bill, page 17, line 9, by inserting after "DISABILITIES"
or autism

Amend Bill, page 17, line 11, by striking out "AND
DEVELOPMENTAL DISABILITY" and inserting
disabilities and autism

Amend Bill, page 17, line 12, by striking out "(D)" and inserting
(e)

Amend Bill, page 17, line 23, by striking out "AND
DEVELOPMENTAL"

Amend Bill, page 17, line 23, by inserting after
"DISABILITIES"

or autism

Amend Bill, page 17, by inserting between lines 23 and 24
Section 7. Report.

(a) General rule.—The department shall submit a written report
by September 30, 2015, and every four months thereafter, to the
following:

(1) The Governor.

(2) The chairman and minority chairman of the Public
Health and Welfare Committee of the Senate.

(3) The chairman and minority chairman of the
Appropriations Committee of the Senate.

(4) The chairman and minority chairman of the Health
Committee of the House of Representatives.

(5) The chairman and minority chairman of the Human
Services Committee of the House of Representatives.

(6) The chairman and minority chairman of the
Appropriations Committee of the House of Representatives.

(7) The department's Medical Assistance Advisory
Committee.

(b) Posting of report.—The report shall be posted on the
department's Internet website in an accessible format.

(c) Contents of report.—The report shall include the following:

(1) The total number and age ranges, including under 18
years of age, ages 18 to 21 and over 21 years of age, of
individuals currently on the department's waiting list for home-
based and community-based services for individuals with
intellectual disabilities.

(2) The number and age ranges, including under 18
years of age, ages 18 to 21 and over 21 years of age, of
individuals currently on the department's waiting list for home-
based and community-based services for individuals with
intellectual disabilities:

(i) with emergency needs;

(ii) with critical needs; and

(iii) the combined number of those with
emergency needs and critical needs.

(3) The number of individuals added to the department's
waiting list for home-based and community-based services for
individuals with intellectual disabilities in the last four months
and the reasons they were added to the waiting list.

(4) The number of individuals removed from the
department's waiting list for home-based and community-based
services for individuals with intellectual disabilities in the last
four months and the reasons they were removed from the waiting
list.

(5) The number of months or years that individuals with
emergency needs currently on the department's waiting list for
home-based and community-based services for individuals with
intellectual disabilities have been on the waiting list.

(6) The number of months or years that individuals with
critical needs currently on the department's waiting list for home-
based and community-based services for individuals with
intellectual disabilities have been on the waiting list.

(7) The number and age ranges, including under 18
years of age, ages 18 to 21 and over 21 years of age, of
individuals currently on the department's waiting list for home-
based and community-based services for individuals with
intellectual disabilities who are in:

(i) a State center;

(ii) a private intermediate care facility for
individuals with intellectual disabilities (ICF/IID) or
persons with other related conditions (ICF/ORC);

(iii) a State hospital;

(iv) a private psychiatric hospital;

(v) a residential treatment facility; or

(vi) any other public or private facility or other
institutional setting.

(8) The total number and age ranges, including under 18
years of age, ages 18 to 21 and over 21 years of age, of
individuals currently on the department's waiting list, or interest
list, for the adult community autism program and the adult
autism waiver.

(9) The total number and age ranges, including under 18
years of age, ages 18 to 21 and over 21 years of age, of
individuals currently on the department's waiting list, or interest
list, for the adult community autism program and the adult
autism waiver:

(i) with emergency needs;

(ii) with critical needs; and

(iii) the combined number of those with
emergency needs and critical needs.

(10) The number of individuals added to the
department's waiting list, or interest list, for the adult community
autism program and the adult autism waiver in the last four
months and the reasons they were added to the waiting list.

(11) The number of individuals removed from the department's waiting list, or interest list, for the adult community autism program and the adult autism waiver in the last four months and the reasons they were removed from the waiting list.

(12) The number of months or years that individuals with emergency needs currently on the department's waiting list, or interest list, for the adult community autism program and the adult autism waiver have been on the waiting list.

(13) The number of months or years that individuals with critical needs currently on the department's waiting list, or interest list, for the adult community autism program and the adult autism waiver have been on the waiting list.

(14) The total number and age ranges, including under 18 years of age, ages 18 to 21 and over 21 years of age, of individuals currently on the department's waiting list, or interest list, for the adult community autism program and the adult autism waiver who are in:

- (i) a State center;
- (ii) a private intermediate care facility for individuals with intellectual disabilities (ICF/IID) or persons with other related conditions (ICF/ORC);
- (iii) a State hospital;
- (iv) a private psychiatric hospital;
- (v) a residential treatment facility; or
- (vi) any other public or private facility or other institutional setting.

(15) The estimated per-person cost to serve an eligible individual on the waiting list under paragraph (1).

(16) The estimated per-person cost to serve an eligible individual on the waiting list, or interest list, under paragraph (8).

(17) The total estimated cost to serve all eligible individuals on the waiting list under paragraph (1) and the estimated cost to serve all eligible individuals in each category listed under paragraph (2).

(18) The total estimated cost to serve all eligible individuals on the waiting list, or interest list, under paragraph (8) and the estimated cost to serve all eligible individuals in each category listed under paragraph (9).

Amend Bill, page 17, line 24, by striking out "7" and inserting

8
Amend Bill, page 17, line 25, by striking out "IN 60 DAYS" and inserting immediately

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

The SPEAKER. On that question, the Chair recognizes Representative Murt.

Mr. MURT. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2983 incorporates language supported by the Disability Rights Network. The language reflects the belief that planning for the future of individuals with disabilities be comprehensive and focus on the elimination of waiting lists for individuals with intellectual disabilities or autism.

Mr. Speaker, the amendment also defines "autism," and also addresses the waiting lists for intellectual disabilities and autism services by providing that our Department of Human Services reorganize and prioritize the waiting lists that are currently in existence according to emergency needs, critical needs, and planning needs.

And finally, the amendment provides for additional reporting requirements on the intellectual disabilities and autism waiting lists, and changes the effective date to immediately.

Thank you, Mr. Speaker.

The SPEAKER. Any other members wish to be recognized?

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

The following roll call was recorded:

YEAS—178

Adolph	Fabrizio	Knowles	Ravenstahl
Baker	Farina	Kortz	Readshaw
Barbin	Farry	Kotik	Reed
Barrar	Fee	Krieger	Reese
Benninghoff	Flynn	Lawrence	Regan
Bishop	Frankel	Lewis	Roae
Bizzarro	Freeman	Longietti	Roebuck
Bloom	Gabler	Maher	Rozzi
Boback	Gainey	Mahoney	Saccone
Boyle	Gergely	Major	Sainato
Bradford	Gibbons	Markosek	Samuelson
Briggs	Gillen	Marshall	Sankey
Brown, R.	Gillespie	Marsico	Santarsiero
Brown, V.	Gingrich	Masser	Santora
Burns	Goodman	Matzie	Saylor
Caltagirone	Greiner	McCarter	Schemel
Carroll	Grove	McGinnis	Schlossberg
Causar	Hahn	McNeill	Schreiber
Christiana	Hanna	Mentzer	Sims
Cohen	Harhai	Metcalfe	Snyder
Conklin	Harhart	Metzgar	Staats
Corbin	Harkins	Millard	Stephens
Costa, D.	Harper	Miller, B.	Sturla
Cox	Harris, A.	Miller, D.	Tallman
Cruz	Harris, J.	Milne	Taylor
Culver	Heffley	Moul	Thomas
Cutler	Helm	Mullery	Tobash
Daley, M.	Hennessey	Murt	Toepel
Daley, P.	Hickernell	Mustio	Toohil
Dawkins	Hill	Nesbit	Topper
Day	Irvin	Neuman	Truitt
Dean	James	O'Neill	Vereb
Delozier	Jozwiak	Ortity	Vitali
Dermody	Kampf	Parker, C.	Ward
Diamond	Kaufner	Parker, D.	Warner
DiGirolamo	Kauffman	Pashinski	Watson
Driscoll	Kavulich	Payne	Wentling
Dunbar	Keller, F.	Peifer	Wheatley
Dush	Keller, M.K.	Petrarca	Wheeland
Ellis	Keller, W.	Pickett	White
Emrick	Killion	Pyle	Youngblood
English	Kim	Quigley	Zimmerman
Evankovich	Kinsey	Quinn	
Evans	Kirkland	Rader	Turzai,
Everett	Klunk	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—20

Acosta	DeLissio	Mackenzie	Petri
Costa, P.	DeLuca	Maloney	Ross
Davidson	Donatucci	Miccarelli	Schwayer
Davis	Galloway	O'Brien	Simmons
Deasy	Godshall	Oberlander	Sonney

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 second consideration as amended?

Mr. **MURT** offered the following amendment No. **A03144**:

Amend Bill, page 17, line 23, by inserting after "DISABILITIES."

Nothing under this act shall constitute an entitlement derived from the Commonwealth or a claim on any funds of the Commonwealth.

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

The **SPEAKER**. On that question, the Chair recognizes Representative Murt.

Mr. **MURT**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment, 03144, adds language to the funding section stating that nothing in the act shall constitute an entitlement derived from the Commonwealth or a claim on any funds of the Commonwealth at this time. This amendment, Mr. Speaker, addresses a concern that was expressed relative to the funding of, addressing the waiting list.

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

The following roll call was recorded:

YEAS—178

Adolph	Fabrizio	Knowles	Ravenstahl
Baker	Farina	Kortz	Readshaw
Barbin	Farry	Kotik	Reed
Barrar	Fee	Krieger	Reese
Benninghoff	Flynn	Lawrence	Regan
Bishop	Frankel	Lewis	Roe
Bizzarro	Freeman	Longietti	Roebuck
Bloom	Gabler	Maher	Rozzi
Boback	Gainey	Mahoney	Saccone
Boyle	Gergely	Major	Sainato
Bradford	Gibbons	Markosek	Samuelson
Briggs	Gillen	Marshall	Sankey
Brown, R.	Gillespie	Marsico	Santarsiero
Brown, V.	Gingrich	Masser	Santora
Burns	Goodman	Matzie	Saylor
Caltagirone	Greiner	McCarter	Schemel
Carroll	Grove	McGinnis	Schlossberg
Causar	Hahn	McNeill	Schreiber
Christiana	Hanna	Mentzer	Sims
Cohen	Harhai	Metcalfe	Snyder
Conklin	Harhart	Metzgar	Staats
Corbin	Harkins	Millard	Stephens
Costa, D.	Harper	Miller, B.	Sturla
Cox	Harris, A.	Miller, D.	Tallman
Cruz	Harris, J.	Milne	Taylor
Culver	Heffley	Moul	Thomas
Cutler	Helm	Mullery	Tobash
Daley, M.	Hennessey	Murt	Toepel
Daley, P.	Hickernell	Mustio	Toohil
Dawkins	Hill	Nesbit	Topper
Day	Irvin	Neuman	Truitt
Dean	James	O'Neill	Vereb
Delozier	Jozwiak	Ortitay	Vitali
Dermody	Kampf	Parker, C.	Ward
Diamond	Kaufer	Parker, D.	Warner
DiGirolamo	Kauffman	Pashinski	Watson
Driscoll	Kavulich	Payne	Wentling
Dunbar	Keller, F.	Peifer	Wheatley

Dush	Keller, M.K.	Petrarca	Wheeland
Ellis	Keller, W.	Pickett	White
Emrick	Killion	Pyle	Youngblood
English	Kim	Quigley	Zimmerman
Evankovich	Kinsey	Quinn	
Evans	Kirkland	Rader	Turzai,
Everett	Klunk	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—20

Acosta	DeLissio	Mackenzie	Petri
Costa, P.	DeLuca	Maloney	Ross
Davidson	Donatucci	Miccarelli	Schweyer
Davis	Galloway	O'Brien	Simmons
Deasy	Godshall	Oberlander	Sonney

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 second consideration as amended?

The **SPEAKER**. Representative Evankovich, you have an amendment?

MOTION TO SUSPEND RULES

The **SPEAKER**. Representative Evankovich offers amendment 3148; however, it is late filed, and I recognize the gentleman for a motion.

Mr. **EVANKOVICH**. Thank you, Mr. Speaker.

Mr. Speaker, I would like to make a motion to suspend the rules for consideration of amendment A03148.

The **SPEAKER**. The gentleman has made a motion to suspend the rules to be able to offer amendment 3148.

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

The **SPEAKER**. Does anybody wish to speak on that motion?

Representative Murt.

Mr. **MURT**. Thank you, Mr. Speaker.

Mr. Speaker, it is my respectful request that we vote in the affirmative and that we suspend the rules to allow this amendment to come up for a vote.

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

The following roll call was recorded:

YEAS—107

Adolph	Gillespie	Maher	Reese
Baker	Gingrich	Major	Regan
Barbin	Greiner	Marshall	Rozzi
Barrar	Grove	Marsico	Saccone
Benninghoff	Hahn	Masser	Sankey

Bloom	Harhart	McGinnis	Santora
Boback	Harper	Mentzer	Saylor
Brown, R.	Harris, A.	Metcalfe	Schemel
Causar	Heffley	Millard	Staats
Christiana	Helm	Miller, B.	Stephens
Corbin	Hennessey	Milne	Taylor
Cox	Hickernell	Moul	Tobash
Cruz	Hill	Murt	Toepel
Culver	Irvin	Mustio	Toohil
Cutler	James	Nesbit	Topper
Day	Jozwiak	O'Neill	Truitt
DeLozier	Kampf	Ortitay	Verab
Diamond	Kaufer	Parker, D.	Ward
DiGirolamo	Kauffman	Payne	Warner
Dunbar	Keller, F.	Peifer	Watson
Dush	Keller, M.K.	Pickett	Wentling
Ellis	Killion	Pyle	Wheeland
Emrick	Klunk	Quigley	White
Evankovich	Knowles	Quinn	Zimmerman
Everett	Krieger	Rader	
Farry	Lawrence	Rapp	Turzai,
Fee	Lewis	Reed	Speaker
Gabler			

NAYS—71

Bishop	English	Kim	Ravenstahl
Bizzarro	Evans	Kinsey	Readshaw
Boyle	Fabrizio	Kirkland	Roae
Bradford	Farina	Kortz	Roebuck
Briggs	Flynn	Kotik	Sainato
Brown, V.	Frankel	Longietti	Samuelson
Burns	Freeman	Mahoney	Santarsiero
Caltagirone	Gainey	Markosek	Schlossberg
Carroll	Gergely	Matzie	Schreiber
Cohen	Gibbons	McCarter	Sims
Conklin	Gillen	McNeill	Snyder
Costa, D.	Goodman	Metzgar	Sturla
Daley, M.	Hanna	Miller, D.	Tallman
Daley, P.	Harhai	Mullery	Thomas
Dawkins	Harkins	Neuman	Vitali
Dean	Harris, J.	Parker, C.	Wheatley
Dermody	Kavulich	Pashinski	Youngblood
Driscoll	Keller, W.	Petrarca	

NOT VOTING—0

EXCUSED—20

Acosta	DeLissio	Mackenzie	Petri
Costa, P.	DeLuca	Maloney	Ross
Davidson	Donatucci	Miccarelli	Schweyer
Davis	Galloway	O'Brien	Simmons
Deasy	Godshall	Oberlander	Sonney

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

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

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 1296, PN 1889**, entitled:

An Act amending the act of July 25, 1973 (P.L.217, No.53), entitled "An act authorizing cities of the first class and second class to invest all funds received and deposited with the city treasurer in certain commercial paper under certain terms and conditions," providing for investment of public corporation or authority funds.

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

Ms. **HARPER** offered the following amendment
No. **A03109**:

Amend Bill, page 3, line 18, by inserting after "Deposits"
Savings or
Amend Bill, page 3, line 25, by inserting after "in" where it occurs the first time
savings or demand

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

The SPEAKER. On that question, the Chair recognizes the gentlelady, Representative Harper, for a brief description of the amendment.

Ms. HARPER. Thank you, Mr. Speaker.
This is a brief technical amendment. It just changes the language to make it more clear regarding investments.
The SPEAKER. Thank you.

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

The following roll call was recorded:

YEAS—178

Adolph	Fabrizio	Knowles	Ravenstahl
Baker	Farina	Kortz	Readshaw
Barbin	Farry	Kotik	Reed
Barrar	Fee	Krieger	Reese
Benninghoff	Flynn	Lawrence	Regan
Bishop	Frankel	Lewis	Roae
Bizzarro	Freeman	Longietti	Roebuck
Bloom	Gabler	Maher	Rozzi
Boback	Gainey	Mahoney	Saccone
Boyle	Gergely	Major	Sainato
Bradford	Gibbons	Markosek	Samuelson
Briggs	Gillen	Marshall	Sankey
Brown, R.	Gillespie	Marsico	Santarsiero
Brown, V.	Gingrich	Masser	Santora
Burns	Goodman	Matzie	Saylor
Caltagirone	Greiner	McCarter	Schemel
Carroll	Grove	McGinnis	Schlossberg
Causar	Hahn	McNeill	Schreiber
Christiana	Hanna	Mentzer	Sims
Cohen	Harhai	Metcalfe	Snyder
Conklin	Harhart	Metzgar	Staats
Corbin	Harkins	Millard	Stephens
Costa, D.	Harper	Miller, B.	Sturla
Cox	Harris, A.	Miller, D.	Tallman
Cruz	Harris, J.	Milne	Taylor
Culver	Heffley	Moul	Thomas
Cutler	Helm	Mullery	Tobash

Daley, M.	Hennessey	Murt	Toepel
Daley, P.	Hickernell	Mustio	Toohil
Dawkins	Hill	Nesbit	Topper
Day	Irvin	Neuman	Truitt
Dean	James	O'Neill	Vereb
Delozier	Jozwiak	Ortitay	Vitali
Dermody	Kampf	Parker, C.	Ward
Diamond	Kaufer	Parker, D.	Warner
DiGirolamo	Kauffman	Pashinski	Watson
Driscoll	Kavulich	Payne	Wentling
Dunbar	Keller, F.	Peifer	Wheatley
Dush	Keller, M.K.	Petrarca	Wheeland
Ellis	Keller, W.	Pickett	White
Emrick	Killion	Pyle	Youngblood
English	Kim	Quigley	Zimmerman
Evankovich	Kinsey	Quinn	
Evans	Kirkland	Rader	Turzai,
Everett	Klunk	Rapp	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—20

Acosta	DeLissio	Mackenzie	Petri
Costa, P.	DeLuca	Maloney	Ross
Davidson	Donatucci	Miccarelli	Schweyer
Davis	Galloway	O'Brien	Simmons
Deasy	Godshall	Oberlander	Sonney

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 second consideration as amended?

The SPEAKER. Representative Freeman is recognized.

Representative Freeman, you do have six amendments. Are there any of those amendments that you wish to withdraw, and if so, will you please state those numbers?

Mr. FREEMAN. Thank you, Mr. Speaker.

Not at this time, though I may very well withdraw them based upon some of the votes that will occur.

The SPEAKER. Okay. And, sir, which amendment do you wish us to call first?

Mr. FREEMAN. If we could bring up amendment A03136.

The SPEAKER. 3136.

On the question recurring,

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

Mr. FREEMAN offered the following amendment No. A03136:

Amend Bill, page 1, line 13, by striking out "a section" and inserting

sections

Amend Bill, page 1, line 15, by inserting after "a"

local government investment trust or local government investment pool may, on behalf of a

Amend Bill, page 1, line 16, by striking out "may" and inserting a comma

Amend Bill, page 5, by inserting between lines 16 and 17

Section 1.2. (a) In addition to products otherwise authorized by law, a public corporation or municipal authority may invest and reinvest money of the public corporation or municipal authority in any of the following financial products:

(1) Negotiable certificates of deposit or other evidences of deposit, with a remaining maturity of three years or less, issued by a nationally or State-chartered bank, a Federal or State savings and loan association or a State-licensed branch of a foreign bank. For obligations with a maturity of one year or less, the debt obligations of the issuing institution or its parent must be rated in the top short-term rating category by at least two nationally recognized statistical ratings organizations. For obligations with a maturity in excess of one year, the senior debt obligations of the issuing institution or its parent must be rated at least "A" or its equivalent by at least two nationally recognized statistical ratings organizations.

(2) Demand deposits placed in accordance with the following conditions:

(i) The money is initially deposited and invested through a federally insured institution having a place of business in the Commonwealth, which is selected by the public corporation or municipal authority.

(ii) The selected institution arranges for the redeposit of the money in deposits in one or more financial institutions insured by the Federal Deposit Insurance Corporation, for the account of the public corporation or municipal authority.

(iii) The full amount of principal and any accrued interest of each such deposit is insured by the Federal Deposit Insurance Corporation.

(iv) On the same date that the money is redeposited pursuant to paragraph (ii), the selected institution receives an amount of deposits from customers of other financial institutions equal to or greater than the amount of money initially invested through the selected institution by the public corporation or municipal authority.

(3) Obligations, participations or other instruments of any Federal agency, instrumentality or United States government-sponsored enterprise, including those issued or fully guaranteed as the principal and interest by Federal agencies, instrumentalities or United States government-sponsored enterprises, if the debt obligations are rated at least "A" or its equivalent by at least two nationally recognized statistical ratings organizations.

(4) Repurchase agreements with respect to United States Treasury bills or obligations, participations or other instruments of or guaranteed by the United States or any Federal agency, instrumentality or United States government-sponsored enterprise.

(b) Nothing in subsection (a) shall be construed to supersede or preempt other investment powers of public corporations or municipal authorities as authorized by law.

(c) As used in this section, the term "public corporation" shall have the same meaning as given to it in section 1 of the act of May 16, 1929 (P.L.1773, No.581), entitled, "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-five), entitled 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale."

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes Representative Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I am in general agreement with the overall intent of this bill. Expanding the use of certain types of

commercial paper for short-term investments by local governments can be a positive step and can have some advantage to those local governments; however, not all forms of commercial paper are equal. Not all carry the same levels of risk or security. Not all guarantee at the same high standard that they should.

Under this legislation, local governments would be allowed to invest in seven types of commercial paper. They may or may not choose to use the services of a local government investment trust or pool, but it is purely optional under this legislation. As this legislation stands now, they can simply make these decisions as to which type of the seven commercial forms of paper they choose to use.

The use of a local investment pool or trust is very important. It brings to the table experienced financial advisers, people who can limit the exposure of a municipality to risk. We are fortunate enough to have such investment pools here in Pennsylvania. PLGIT (Pennsylvania Local Government Investment Trust) is the most noteworthy, but also there is an investment pool that is operated by the State Treasurer's Department, the investment program that the State Treasurer's Office provides for local governments – two good examples of trusted investment pools that local governments can turn to.

With my amendment, local governments would still be allowed to invest in the seven types of commercial paper that are provided for in this bill. The difference is that four of those they could invest with on their own, not have to draw in the services of an investment pool. Those investments deal with the kind of short-term commercial paper that is guaranteed, guaranteed by the full faith and credit of the United States government, the Commonwealth of Pennsylvania, or have the coverage of FDIC, Federal Deposit Insurance Corporation. These are such things as CDs (certificates of deposit), Treasury bills, of that nature. And I have no problem whatsoever with municipalities making the decision on their own to utilize those forms of commercial paper; however, there are other items in the seven listed which bring to mind certain questions as to how well they are guaranteed.

Now, I commend the prime sponsor on requiring that those forms have a good rating from the various rating agencies that exist to give an account of those forms of commercial paper, but in all honesty, any rating system is a snapshot in time, and we do not know for certain how good that rating stands for how long a period. If we look at companies in the past like Enron or Lehman Brothers, I am sure at various times they had good investment ratings as well, but we all know they fell into certain financial problems.

Therefore, what I require in this amendment is that three of the items that I perceive to be possibly a greater risk, you would have to utilize the services of a local government investment pool. Again, keep in mind, with my amendment there is nothing stopping local governments from using these seven types of commercial paper, but within three categories, they would have to go through the process of an investment pool to limit risk and to ensure sound financial judgment.

Guarantee of assets is critical to the soundness of commercial paper. Good ratings, again, help, but they are simply a snapshot in time; they are not a clear indication of whether it is a good decision. And as I mentioned, there have been other companies that could have offered commercial paper that have gotten into trouble, such as Lehman Brothers and Enron. And we must be mindful of the fact that at one point we

allowed local units of government to use the swap agreements. That turned out to be a disaster, although initially it was offered as an opportunity for local governments to deal with certain financial decisions at the local level.

We have many units of local government here in Pennsylvania. Many of them are very small, and as a result, they have a limited amount of expertise to draw on for financial decisions. I have no doubt that every unit of local government in Pennsylvania can make a sound decision when it comes to certificates of deposit, Treasury bills, and other things that are guaranteed by the government, but I think it is incumbent on us to err on the side of caution in such matters as commercial paper investments and to safeguard the taxpayer and ensure the stability of local government units.

Again, under my amendment, in essence, if a commercial paper is guaranteed by the full faith and credit of the U.S. government, the Commonwealth of Pennsylvania, or is covered by FDIC insurance, then local governments would be allowed to make those decisions on their own without having to go to an investment pool. However, if they fall into the category of either bills of exchange and time drafts drawn on a commercial bank, commercial paper issued by a corporation, or shares of an investment company, my amendment would require them to go through an investment pool in order to access those types of commercial paper.

I see this as a very important safeguard. I applaud the efforts of the prime sponsor of the bill, my good friend from Montgomery County, but I would like to see this put in place as an extra guarantee, erring on the side of caution to ensure that local governments do not make a misstep on how they utilize commercial paper.

I urge a "yes" vote. Let us adhere to a prudent investment standard; that kind of standard can be guaranteed with this amendment today. Thank you.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Chairwoman Harper, on the amendment.

Ms. HARPER. Thank you, Mr. Speaker.

I rise to oppose the amendment to ask my colleagues to vote against it. The chief intent of the bill is to allow local governments a little bit more leeway in where they can invest taxpayer dollars. They are strictly limited now, and the bill keeps them strictly limited. Unfortunately, what the gentleman's amendment does is actually takes away some investment powers that local governments already have. They already have the power to invest in the things that are in this amendment, and the gentleman's amendment would force them to put that into the Pennsylvania Local Government Investment Trust – which is a fine investment vehicle; I have got no problem with that. Many communities would like to invest through local community banks. Many communities would like to see a little bit more return on their money than they can get on the currently allowed investments.

We have, in the bill in chief, written limitations into all these investment vehicles so that only the very safest are available for local governments, but if a local government chooses to invest in them, they should be allowed to. If they are safe enough for

the Pennsylvania Local Government Investment Trust, they are safe enough for other taxpayer entities.

So I would ask the members to please vote "no" on the Freeman amendment because it takes away investment opportunities that your local governments already have.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the maker of the amendment, Mr. Freeman, for the second time on his amendment.

Mr. FREEMAN. Thank you, Mr. Speaker.

Just to clarify, the current law, when it comes to the kind of investments of shares of an investment corporation or company as the lady referenced, the current law is more limited. It really provides that shares of investment trusts must be restricted by Federal-backed securities. What is being offered in this amendment is to expand upon that. So there really is a difference from current law and what we are trying to achieve in this law, going beyond the restrictions on Federal securities. I think it is important to ensure that share investments, shares of interest investments are more restrictive, as the current law provides. This expands upon that, and that is why I am saying that when it comes to investing in the shares of an investment corporation or a company, it is more prudent for us to have that decision made through an investment pool, through a local investment pool or trust.

Keep in mind, the local government can still do that. They can still utilize these tools, these implements. They can still utilize these forms of commercial paper. The only thing is, by having them go through an investment pool, we are adding a layer of protection. We are ensuring sound financial decisions, a more prudent standard. And we are making sure that local governments do not make a misstep in areas that are not as secure.

For that reason I urge that we adopt this amendment. We are giving local governments the ability to utilize commercial paper – four outright with no problems, and three through the use of a sound investment pool that provides protection. So I urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Harper, for the second time.

Ms. HARPER. Thank you, Mr. Speaker.

Once more I ask the members to vote "no" on the Freeman amendment. The language which he objects to in the bill in chief is almost identical to language in existing law. It has only been updated to reflect new SEC (Securities and Exchange Commission) regulations, and for that reason it is perfectly safe to let our local governments invest in these government-backed securities, money market mutual funds that are highly rated for short terms. It is perfectly safe, and they should be allowed to do that.

So I would ask everyone to please vote "no" on the Freeman amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—71

Bishop	Driscoll	Kim	Petrarca
Bizzarro	English	Kinsey	Ravenstahl
Boyle	Evans	Kirkland	Readshaw
Bradford	Fabrizio	Kortz	Roebuck
Briggs	Farina	Kotik	Rozzi
Brown, V.	Flynn	Krieger	Sainato
Burns	Frankel	Longietti	Samuelson
Caltagirone	Freeman	Mahoney	Santarsiero
Carroll	Gainey	Markosek	Schlossberg
Cohen	Gergely	Matzie	Schreiber
Conklin	Gibbons	McCarter	Sims
Costa, D.	Goodman	McNeill	Snyder
Cruz	Hanna	Metzgar	Sturla
Daley, M.	Harhai	Miller, D.	Thomas
Daley, P.	Harkins	Mullery	Vitali
Dawkins	Harris, J.	Neuman	Wheatley
Dean	Kavulich	Parker, C.	Youngblood
Dermody	Keller, W.	Pashinski	

NAYS—107

Adolph	Gillespie	Major	Regan
Baker	Gingrich	Marshall	Roae
Barbin	Greiner	Marsico	Saccone
Barrar	Grove	Masser	Sankey
Benninghoff	Hahn	McGinnis	Santora
Bloom	Harhart	Mentzer	Saylor
Boback	Harper	Metcalfe	Schemel
Brown, R.	Harris, A.	Millard	Staats
Causer	Heffley	Miller, B.	Stephens
Christiana	Helm	Milne	Tallman
Corbin	Hennessey	Moul	Taylor
Cox	Hickernell	Murt	Tobash
Culver	Hill	Mustio	Toepel
Cutler	Irvin	Nesbit	Toohil
Day	James	O'Neill	Topper
DeLozier	Jozwiak	Ortitay	Truitt
Diamond	Kampf	Parker, D.	Vereb
DiGirolamo	Kaufner	Payne	Ward
Dunbar	Kauffman	Peifer	Warner
Dush	Keller, F.	Pickett	Watson
Ellis	Keller, M.K.	Pyle	Wentling
Emrick	Killion	Quigley	Wheeland
Evankovich	Klunk	Quinn	White
Everett	Knowles	Rader	Zimmerman
Farry	Lawrence	Rapp	
Fee	Lewis	Reed	Turzai,
Gabler	Maher	Reese	Speaker
Gillen			

NOT VOTING—0

EXCUSED—20

Acosta	DeLissio	Mackenzie	Petri
Costa, P.	DeLuca	Maloney	Ross
Davidson	Donatucci	Miccarelli	Schweyer
Davis	Galloway	O'Brien	Simmons
Deasy	Godshall	Oberlander	Sonney

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 second consideration as amended?

The SPEAKER pro tempore. Mr. Freeman, do you have another amendment you would like to offer?

Mr. FREEMAN. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. And which one might that be?

Mr. FREEMAN. That would be amendment A03134.

The SPEAKER pro tempore. Yes, sir; amendment A03134.

On the question recurring,

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

Mr. FREEMAN offered the following amendment No. **A03134**:

Amend Bill, page 1, line 13, by striking out "a section" and inserting

sections

Amend Bill, page 1, line 15, by inserting after "a"

local government investment trust or local government investment pool may, on behalf of a

Amend Bill, page 1, line 16, by striking out "may" and inserting a comma

Amend Bill, page 5, by inserting between lines 16 and 17

Section 1.2. (a) In addition to products otherwise authorized by law, a public corporation or municipal authority may invest and reinvest money of the public corporation or municipal authority in any of the following financial products:

(1) Negotiable certificates of deposit or other evidences of deposit, with a remaining maturity of three years or less, issued by a nationally or State-chartered bank, a Federal or State savings and loan association or a State-licensed branch of a foreign bank. For obligations with a maturity of one year or less, the debt obligations of the issuing institution or its parent must be rated in the top short-term rating category by at least two nationally recognized statistical ratings organizations. For obligations with a maturity in excess of one year, the senior debt obligations of the issuing institution or its parent must be rated at least "A" or its equivalent by at least two nationally recognized statistical ratings organizations.

(2) Shares of an investment company registered under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 et seq.) whose shares are registered under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a et seq.), if all of the following conditions are met:

(i) The investments of the company are the authorized investments under this subsection.

(ii) The investment company is managed in accordance with 17 CFR 270.2a-7 (relating to money market funds).

(iii) The investment company is rated in the highest category by a nationally recognized rating agency.

(3) Demand deposits placed in accordance with the following conditions:

(i) The money is initially deposited and invested through a federally insured institution having a place of business in the Commonwealth, which is selected by the public corporation or municipal authority.

(ii) The selected institution arranges for the redeposit of the money in deposits in one or more financial institutions insured by the Federal Deposit Insurance Corporation, for the account of the public corporation or municipal authority.

(iii) The full amount of principal and any accrued interest of each such deposit is insured by the Federal Deposit Insurance Corporation.

(iv) On the same date that the money is redeposited pursuant to paragraph (ii), the selected institution receives an amount of deposits from customers of other financial institutions equal to or greater than the amount of money initially invested through the selected institution by the public corporation or municipal authority.

(4) Obligations, participations or other instruments of any Federal agency, instrumentality or United States government-sponsored enterprise, including those issued or fully guaranteed as the principal and interest by Federal agencies, instrumentalities or United States government-sponsored enterprises, if the debt obligations are rated at least "A" or its equivalent by at least two nationally recognized statistical ratings organizations.

(5) Repurchase agreements with respect to United States Treasury bills or obligations, participations or other instruments of or guaranteed by the United States or any Federal agency, instrumentality or United States government-sponsored enterprise.

(b) Nothing in subsection (a) shall be construed to supersede or preempt other investment powers of public corporations or municipal authorities as authorized by law.

(c) As used in this section, the term "public corporation" shall have the same meaning as given to it in section 1 of the act of May 16, 1929 (P.L.1773, No.581), entitled, "An act to supplement an act approved the twentieth day of April, one thousand eight hundred and seventy-four (Pamphlet Laws, sixty-five), entitled 'An act to regulate the manner of increasing the indebtedness of municipalities; to provide for the redemption of the same; and to impose penalties for illegal increase thereof,' by authorizing the sale of property purchased by a public corporation out of funds provided by increase of indebtedness of such corporation; and providing for the disposition of the funds realized from such sale."

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Freeman, is recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is similar to the last amendment. The only difference is that we dropped the one form of commercial paper from having to go through the investment trusts. That was the one dealing with shares of investment companies. That was the one that my good friend and colleague said are safe and are protected and therefore should not have to go through an investment trust. So all we are requiring to go through an investment trust of the seven categories of commercial paper would be the ones dealing with bills of exchange and time drafts drawn on a commercial bank and a commercial paper issued by a corporation.

For all the reasons I cited before, I think it is prudent for us to take this cautionary step. Keep in mind once again, we are not prohibiting local governments from using these seven items of commercial paper. They will be allowed to use them. It is just that those that are covered by the full faith and credit of the U.S. government, the Commonwealth of Pennsylvania, or FDIC insurance are the ones that would be allowed to be used on their own without going through an investment trust or pool. However, the two, which again raise some concerns as far as the proper standard of security, the proper standard of risk aversion, would require them to go through an investment pool in order to use those forms of commercial paper.

So again, they have the opportunity to use all seven. We are just adding an extra layer of security and protection in two categories. I would urge the House to follow a prudent standard on this matter and to support the amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Ms. Harper, on the amendment.

Ms. HARPER. Thank you, Mr. Speaker.

Once more I rise to oppose an amendment. The bill in chief contains limiting factors in the bill to exactly what banker's acceptances and exactly what commercial paper are considered safe enough for municipal investments. So that is already in the bill. There is nothing wild or crazy here. And if it is safe enough for the Pennsylvania Local Government Investment Trust to invest the same funds, why is it not safe enough for the local governments to do so themselves? I oppose the amendment. I think our local governments should have the ability to just expand into some other investment vehicles on their own without having to go through a third-party middleman.

The SPEAKER pro tempore. The Chair thanks the lady.

Is the gentleman, Mr. Freeman, seeking recognition for the second time on the amendment? He is so recognized.

Mr. FREEMAN. Thank you, Mr. Speaker.

Just to reiterate again, keep in mind we have many, many units of local government. Many are very small. Many do not have the in-house expertise to make financial decisions. They will have to seek the advice of a financial adviser.

Going through an investment pool, particularly the one offered by the State Treasurer's Office, the INVEST Program, is a sound way in which to approach these kinds of issues. In terms of the two that would have to be required, the two types of commercial paper that would have to be required to be purchased through an investment pool, there is a greater level of risk when you are dealing with a bill of exchange for a commercial bank or for the commercial paper of a corporation.

Again, keep in mind, I am sure Lehman Brothers, I am sure Enron, I am sure GM (General Motors), before it went through its rough patch financially, were all rated very highly at one point. But let us err on the side of caution. Let us make sure we do not open a Pandora's box when it comes to how certain types of commercial paper are utilized by local governments. Let us add that extra level of caution and security by, in these two instances, these two instances alone, asking them to go through a sound commercial investment or a sound local investment pool in order to make those sound decisions.

I urge a "yes" vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request for a leave of absence from the majority leader, who requests a leave of absence for the gentleman, Mr. REGAN. Without objection, the leave is so granted.

CONSIDERATION OF HB 1296 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Ms. Harper, for the second time on the amendment.

Ms. HARPER. Thank you, Mr. Speaker.

Once more I ask the members to please vote "no." Part of the impetus for this bill was the Government Finance Officers Association. The Government Finance Officers Association wanted the ability to invest in banker's acceptances and commercial paper, pointing out in their report that as long as

there are adequate safeguards, the risks are minimal. There are adequate safeguards in the bill in chief, which limits the investments.

I am a fan of the Pennsylvania Local Government Investment Trust, and I agree with my colleague across the aisle that smaller municipalities may benefit by investing through the Pennsylvania Local Government Investment Trust. They offer a lot to a small municipality that lacks expertise. But we have many municipalities that have their own finance officers who want just a little bit more leeway in where they can invest government dollars on a short-term basis. The bill in chief allows this. I do not think that we should ruin the intent of the bill in chief by adding an amendment that requires all local governments to go through the Pennsylvania Local Government Investment Trust or other investment pool.

So I would ask the members to please vote "no" on the Freeman amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair is in receipt of a request from the majority whip for a request for a leave of absence for the gentleman, Mr. TOBASH. Without objection, the leave will be so granted.

CONSIDERATION OF HB 1296 CONTINUED

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

The following roll call was recorded:

YEAS—71

Bishop	Driscoll	Kim	Petrarca
Bizzarro	English	Kinsey	Ravenstahl
Boyle	Evans	Kirkland	Readshaw
Bradford	Fabrizio	Kortz	Roebuck
Briggs	Farina	Kotik	Rozzi
Brown, V.	Flynn	Krieger	Sainato
Burns	Frankel	Longietti	Samuelson
Caltagirone	Freeman	Mahoney	Santarsiero
Carroll	Gainey	Markosek	Schlossberg
Cohen	Gergely	Matzie	Schreiber
Conklin	Gibbons	McCarter	Sims
Costa, D.	Goodman	McNeill	Snyder
Cruz	Hanna	Metzgar	Sturla
Daley, M.	Harhai	Miller, D.	Thomas
Daley, P.	Harkins	Mullery	Vitali
Dawkins	Harris, J.	Neuman	Wheatley
Dean	Kavulich	Parker, C.	Youngblood
Dermody	Keller, W.	Pashinski	

NAYS—105

Adolph	Gillen	Maher	Reese
Baker	Gillespie	Major	Roae
Barbin	Gingrich	Marshall	Saccone
Barrar	Greiner	Marsico	Sankey
Benninghoff	Grove	Masser	Santora
Bloom	Hahn	McGinnis	Saylor
Boback	Harhart	Mentzer	Schemel
Brown, R.	Harper	Metcalfe	Staats
Causar	Harris, A.	Millard	Stephens
Christiana	Heffley	Miller, B.	Tallman

Corbin	Helm	Milne	Taylor
Cox	Hennessey	Moul	Toepel
Culver	Hickernell	Murt	Toohil
Cutler	Hill	Mustio	Topper
Day	Irvin	Nesbit	Truitt
Delozier	James	O'Neill	Vereb
Diamond	Jozwiak	Ortitay	Ward
DiGirolamo	Kampf	Parker, D.	Warner
Dunbar	Kaufer	Payne	Watson
Dush	Kauffman	Peifer	Wentling
Ellis	Keller, F.	Pickett	Wheeland
Emrick	Keller, M.K.	Pyle	White
Evankovich	Killion	Quigley	Zimmerman
Everett	Klunk	Quinn	
Farry	Knowles	Rader	Turzai,
Fee	Lawrence	Rapp	Speaker
Gabler	Lewis	Reed	

NOT VOTING—0

EXCUSED—22

Acosta	DeLuca	Miccarelli	Ross
Costa, P.	Donatucci	O'Brien	Schweyer
Davidson	Galloway	Oberlander	Simmons
Davis	Godshall	Petri	Sonney
Deasy	Mackenzie	Regan	Tobash
DeLissio	Maloney		

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 second consideration as amended?

The SPEAKER pro tempore. Mr. Freeman, do you have any remaining amendments you would like to offer?
Mr. FREEMAN. Thank you, Mr. Speaker.
I will withdraw my other amendments.
The SPEAKER pro tempore. Thank you very much, sir.

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

The SPEAKER pro tempore. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 62, PN 1564**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in grants to fire companies and volunteer services, further providing for award of grants.

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

Mr. **STURLA** offered the following amendment
No. **A03118**:

Amend Bill, page 1, line 3, by inserting after "for " definitions and for
Amend Bill, page 1, lines 8 and 9, by striking out all of said lines and inserting

Section 1. Section 7802 of Title 35 of the Pennsylvania Consolidated Statutes is amended by adding a definition to read:
§ 7802. Definitions.

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

* * *

"Firehouse." A building or station under the control of a fire company that contains firefighting apparatus and equipment and is used by firefighters to provide fire protection or rescue services.

* * *

Section 2. Sections 7813(b) and 7823(b) of Title 35 are amended to read:

Amend Bill, page 1, line 13, by inserting a bracket before "paragraph"

Amend Bill, page 1, line 13, by inserting after "(3)"

] paragraphs (3) and (4)

Amend Bill, page 2, by inserting between lines 13 and 14

(4) If a fire company has more than one firehouse, grants shall be not less than \$2,500 and not more than \$15,000 per firehouse.

Amend Bill, page 3, line 2, 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. Sturla, on his amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, back in June of 2012 we reauthorized this grant program and we increased the amount of the grant program from \$25 million to \$30 million, and at that time part of the argument was that we were going to add municipal paid fire departments to the list of volunteer fire departments that would qualify. And part of the argument, at least that I was involved with at the time, was that the municipal fire departments in this State that are paid represent about 20 percent of the State's population. And so without taking any money away from the volunteer fire departments, if you added an additional 20 percent, you could include all the paid fire departments also, which was done.

Unfortunately, the way the program is established, it is not based on population and it is not based on how many people those fire departments served. It is based on whether or not a fire department exists or not, and as a result, the 50-some paid fire departments each qualified for the same kind of grant that any other existing fire department had in the program prior to that.

So what you got was a small fire department that had one house that might serve a town of 1,000 people qualifying for a grant that today is worth about \$12,000, and that fire department is on par with a fire department like the city of Philadelphia, which has 63 firehouses and serves a million people, or the city of Pittsburgh, which has 29 firehouses. And so what this amendment would seek to do is change the language in the bill to have it apply to firehouses, not just fire departments.

Now, this has an impact for both paid and volunteer fire departments. For example, the city of Allentown has six firehouses; Bloomsburg has four; DuBois, which has a volunteer department, has five; the city of Lancaster has three; Lebanon has four; Mansfield has three; New Kensington, another volunteer, has five. I pointed out Philadelphia with 63, Pittsburgh with 29, Shamokin with 5, and State College with 3, and so I felt that this was an appropriate way to have dollars go to help these fire departments.

Now, I understand part of the impetus in this program is also to try and encourage volunteer fire companies to merge, and as a result, this legislation, or the legislation that passed 5 years ago, we said that if you merged you could keep your grants as if you were still separate fire departments. So for example, if you merged three companies and they were each eligible for \$12,000, you are now eligible for \$36,000, and the underlying bill seeks to extend that to 10 years – and I do not have a problem with that. I just think that if you actually have three firehouses, you ought to be able to get \$36,000 also.

Now, I have been approached by the chair on the other side of the aisle of the Veterans Affairs and Emergency Preparedness Committee to say, well, what we are going to end up with is, if you add companies or add firehouses, then because this program is oversubscribed, you will actually decrease the dollars to fire companies. And I will grant you that under this amendment as it is written, if you had one firehouse and you were one fire company, there would be the possibility that your grant levels would be decreased. If you were one of the volunteer or one of the municipal departments that has more than one fire company, your grants would be increased.

Now, I also understand that this program expires in June of 2016, and so in order to ensure that no fire department, regardless of the number of houses that they have, is eligible to receive the same amount of money that they have currently, I am going to withdraw this amendment at this time with the understanding that I will be back to fight another day. When we go to do reauthorization of this program in 2016, I will then have a complete list, because right now I only have the list of the paid fire departments and how many firehouses they have. Given the fact that there are 2475 companies and ambulance associations that apply for these grants each year, my guess is that there are a couple hundred volunteer fire departments that have multiple houses also.

At that time in 2016 I will be arguing to have the appropriate dollars added to this program so that no one gets a cut in the dollars that they got the previous year, but that everyone understands that this is not just about one fire company, one grant, and that all fire companies are equal. This is about trying to equip fire companies and firehouses, and you can certainly equip one firehouse with a grant of \$12,000 better than you can equip one fire department with 63 firehouses with a \$12,000 grant. This is about equity. It is about fairness. It is about helping preserve firefighting abilities throughout the State of Pennsylvania.

AMENDMENT WITHDRAWN

Mr. STURLA. So along with some members on my side of the aisle that approached me on this and members on the other side of the aisle, I would hope we could come to some sort of

resolution on this in the future, and I will formally withdraw this amendment at this point in time.

Thank you, Mr. Speaker.

THE SPEAKER (MIKE TURZAI) PRESIDING

The SPEAKER. The amendment is withdrawn.

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

STATEMENT BY MR. KNOWLES

The SPEAKER. On unanimous consent, Representative Knowles.

Mr. KNOWLES. Thank you, Mr. Speaker.

I would just like to take the opportunity to express appreciation to the gentleman from Lancaster County for withdrawing the amendment. This program sunsets on June 30 of 2016, and it passed the House unanimously last session, and we need to get this passed and get it over to the Senate.

Thank you very much, Mr. Speaker.

The SPEAKER. Thank you, Representative Knowles.

SUPPLEMENTAL CALENDAR B

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 725, PN 843**, entitled:

An Act providing for school-to-work pilot programs; establishing the CareerBound Program; providing for a tax credit; and imposing powers and duties on the Department of Labor and Industry.

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

SUPPLEMENTAL CALENDAR C

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 271, PN 2062**, entitled:

An Act amending the act of December 4, 1996 (P.L.911, No.147), known as the Telemarketer Registration Act, further providing for unwanted telephone solicitation calls prohibited.

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

(Bill analysis was read.)

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—176

Adolph	Fabrizio	Knowles	Rapp
Baker	Farina	Kortz	Ravenstahl
Barbin	Farry	Kotik	Readshaw
Barrar	Fee	Krieger	Reed
Benninghoff	Flynn	Lawrence	Reese
Bishop	Frankel	Lewis	Roae
Bizzarro	Freeman	Longiatti	Roebuck
Bloom	Gabler	Maher	Rozzi
Boback	Gainey	Mahoney	Saccone
Boyle	Gergely	Major	Sainato
Bradford	Gibbons	Markosek	Samuelson
Briggs	Gillen	Marshall	Sankey
Brown, R.	Gillespie	Marsico	Santarsiero
Brown, V.	Gingrich	Masser	Santora
Burns	Goodman	Matzie	Saylor
Caltagirone	Greiner	McCarter	Schemel
Carroll	Grove	McGinnis	Schlossberg
Causser	Hahn	McNeill	Schreiber
Christiana	Hanna	Mentzer	Sims
Cohen	Harhai	Metcalfe	Snyder
Conklin	Harhart	Metzgar	Staats
Corbin	Harkins	Millard	Stephens
Costa, D.	Harper	Miller, B.	Sturla
Cox	Harris, A.	Miller, D.	Tallman
Cruz	Harris, J.	Milne	Taylor
Culver	Heffley	Moul	Thomas
Cutler	Helm	Mullery	Toepel
Daley, M.	Hennessey	Murt	Toohil
Daley, P.	Hickernell	Mustio	Topper
Dawkins	Hill	Nesbit	Truitt
Day	Irvin	Neuman	Vereb
Dean	James	O'Neill	Vitali
Delozier	Jozwiak	Ortitay	Ward
Dermody	Kampf	Parker, C.	Warner
Diamond	Kaufer	Parker, D.	Watson
DiGirolamo	Kauffman	Pashinski	Wentling
Driscoll	Kavulich	Payne	Wheatley
Dunbar	Keller, F.	Peifer	Wheeland
Dush	Keller, M.K.	Petrarca	White
Ellis	Keller, W.	Pickett	Youngblood
Emrick	Killion	Pyle	Zimmerman
English	Kim	Quigley	
Evankovich	Kinsey	Quinn	Turzai,
Evans	Kirkland	Rader	Speaker
Everett	Klunk		

NAYS—0

NOT VOTING—0

EXCUSED—22

Acosta	DeLuca	Miccarelli	Ross
Costa, P.	Donatucci	O'Brien	Schweyer
Davidson	Galloway	Oberlander	Simmons
Davis	Godshall	Petri	Sonney
Deasy	Mackenzie	Regan	Tobash
DeLissio	Maloney		

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

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Hennessey will be recognized on unanimous consent.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I would just like to congratulate Representative Jesse Topper for the passage of HB 271. I have additional remarks I would like to submit for the record. Thank you.

The SPEAKER. Yes, sir. Thank you.

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

I would like to extend my floor comments regarding the passage by the House of HB 271. Congratulations again to Representative Jesse Topper for seeing the need for the State Attorney General's Office to more frequently update our PA Department of Aging on the prevalence of organized scams which target our elderly citizens as likely victims of financial abuse. Early warning to our elderly, so they can reject these scams out of hand, is sound public policy.

Thanks also to Sharon Schwartz, executive director of the House Aging and Older Adult Services Committee, for ironing out the concerns voiced by the agencies involved and crafting language to address their concerns to smooth the way for the passage of this bill.

Hopefully the Senate will act quickly to pass this legislation and we can then get the Governor's signature to turn this good idea into law.

LEAVE OF ABSENCE

The SPEAKER. Representative Brian ELLIS has indicated that he would like to be marked on leave for the rest of the afternoon. That request from the majority whip will be granted.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1210, PN 1584**, entitled:

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, in preliminary provisions, further providing for the definition of "exploitation."

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

(Bill analysis was read.)

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—175

Adolph	Farina	Knowles	Rapp
Baker	Farry	Kortz	Ravenstahl
Barbin	Fee	Kotik	Readshaw
Barrar	Flynn	Krieger	Reed
Benninghoff	Frankel	Lawrence	Reese
Bishop	Freeman	Lewis	Roae
Bizzarro	Gabler	Longiatti	Roebuck

Bloom	Gainey	Maher	Rozzi
Boback	Gergely	Mahoney	Saccone
Boyle	Gibbons	Major	Sainato
Bradford	Gillen	Markosek	Samuelson
Briggs	Gillespie	Marshall	Sankey
Brown, R.	Gingrich	Marsico	Santarsiero
Brown, V.	Goodman	Masser	Santora
Burns	Greiner	Matzie	Saylor
Caltagirone	Grove	McCarter	Schemel
Carroll	Hahn	McGinnis	Schlossberg
Causar	Hanna	McNeill	Schreiber
Christiana	Harhai	Mentzer	Sims
Cohen	Harhart	Metcalfe	Snyder
Conklin	Harkins	Metzgar	Staats
Corbin	Harper	Millard	Stephens
Costa, D.	Harris, A.	Miller, B.	Sturla
Cox	Harris, J.	Miller, D.	Tallman
Cruz	Heffley	Milne	Taylor
Culver	Helm	Moul	Thomas
Cutler	Hennessey	Mullery	Toepel
Daley, M.	Hickernell	Murt	Toohil
Daley, P.	Hill	Mustio	Topper
Dawkins	Irvin	Nesbit	Truitt
Day	James	Neuman	Vereb
Dean	Jozwiak	O'Neill	Vitali
Delozier	Kampf	Ortitay	Ward
Dermody	Kaufer	Parker, C.	Warner
Diamond	Kauffman	Parker, D.	Watson
DiGirolamo	Kavulich	Pashinski	Wentling
Driscoll	Keller, F.	Payne	Wheatley
Dunbar	Keller, M.K.	Peifer	Wheeland
Dush	Keller, W.	Petrarca	White
Emrick	Killion	Pickett	Youngblood
English	Kim	Pyle	Zimmerman
Evankovich	Kinsey	Quigley	
Evans	Kirkland	Quinn	Turzai,
Everett	Klunk	Rader	Speaker
Fabrizio			

NAYS-0

NOT VOTING-0

EXCUSED-23

Acosta	DeLuca	Maloney	Ross
Costa, P.	Donatucci	Miccarelli	Schweyer
Davidson	Ellis	O'Brien	Simmons
Davis	Galloway	Oberlander	Sonney
Deasy	Godshall	Petri	Tobash
DeLissio	Mackenzie	Regan	

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

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

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Representative Hennessey is recognized upon unanimous consent.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Once again I rise to congratulate, in this case, Representative Dan Deasy from Allegheny County for the passage of HB 1210. As chairman of the House Aging and Older Adult Services Committee, I think this bill helps to protect our senior citizens. We need to do that. Hopefully the Senate will take it up in an expeditious fashion.

I have additional remarks I would like to submit for the record. Thank you.

The SPEAKER. Yes, sir. Thank you very much.

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

I would like to extend my floor comments regarding passage of HB 1210. Congratulations to Representative Dan Deasy from Allegheny County for sponsoring this initiative in this legislative session.

The bill would simply authorize the PA Department of Aging and our Area Agencies on Aging to investigate substantial reports of financial abuse against elderly citizens and not have those reviews thwarted by a claim that the suspected person was acting under the authority of a power of attorney.

The designee under a POA (the attorney, in fact) is required under PA law – as elsewhere – to act in the best interests of the person who granted the power. If the interests of the grantor have not been protected, the POA should not shield the perpetrator. It should not be a defense when a POA is misused, and it should not be available to an alleged perpetrator to stymie an investigation into the facts which may or may not substantiate the suspected financial abuse.

I hope that the Senate will see the need for this protection for our elderly citizens and act quickly to pass HB 1210.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1403, PN 1986**, entitled:

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, providing for unclaimed life insurance benefits.

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

(Bill analysis was read.)

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-175

Adolph	Farina	Knowles	Rapp
Baker	Farry	Kortz	Ravenstahl
Barbin	Fee	Kotik	Readshaw
Barrar	Flynn	Krieger	Reed
Benninghoff	Frankel	Lawrence	Reese
Bishop	Freeman	Lewis	Roae
Bizzarro	Gabler	Longietti	Roebuck
Bloom	Gainey	Maher	Rozzi
Boback	Gergely	Mahoney	Saccone
Boyle	Gibbons	Major	Sainato
Bradford	Gillen	Markosek	Samuelson
Briggs	Gillespie	Marshall	Sankey
Brown, R.	Gingrich	Marsico	Santarsiero
Brown, V.	Goodman	Masser	Santora
Burns	Greiner	Matzie	Saylor
Caltagirone	Grove	McCarter	Schemel
Carroll	Hahn	McGinnis	Schlossberg

Causser	Hanna	McNeill	Schreiber
Christiana	Harhai	Mentzer	Sims
Cohen	Harhart	Metcalfe	Snyder
Conklin	Harkins	Metzgar	Staats
Corbin	Harper	Millard	Stephens
Costa, D.	Harris, A.	Miller, B.	Sturla
Cox	Harris, J.	Miller, D.	Tallman
Cruz	Heffley	Milne	Taylor
Culver	Helm	Moul	Thomas
Cutler	Hennessey	Mullery	Toepel
Daley, M.	Hickernell	Murt	Toohil
Daley, P.	Hill	Mustio	Topper
Dawkins	Irvin	Nesbit	Truitt
Day	James	Neuman	Vereb
Dean	Jozwiak	O'Neill	Vitali
DeLozier	Kampf	Ortitay	Ward
Dermody	Kaufer	Parker, C.	Warner
Diamond	Kauffman	Parker, D.	Watson
DiGirolamo	Kavulich	Pashinski	Wentling
Driscoll	Keller, F.	Payne	Wheatley
Dunbar	Keller, M.K.	Peifer	Wheeland
Dush	Keller, W.	Petrarca	White
Emrick	Killion	Pickett	Youngblood
English	Kim	Pyle	Zimmerman
Evankovich	Kinsey	Quigley	
Evans	Kirkland	Quinn	Turzai,
Everett	Klunk	Rader	Speaker
Fabrizio			

NAYS-0

NOT VOTING-0

EXCUSED-23

Acosta	DeLuca	Maloney	Ross
Costa, P.	Donatucci	Miccarelli	Schweyer
Davidson	Ellis	O'Brien	Simmons
Davis	Galloway	Oberlander	Sonney
Deasy	Godshall	Petri	Tobash
DeLissio	Mackenzie	Regan	

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 MS. QUINN

The SPEAKER. Representative Quinn, on unanimous consent.

Ms. QUINN. Thanks, Mr. Speaker.

When someone pays into life insurance, names a beneficiary, and they pay year after year, month after month for that policy, the person who should benefit from it needs to be paid. What this bill will do is protect our constituents and make sure that those companies who issue life insurance policies in the Commonwealth are now going to have to, once this passes the Senate, use the Social Security Death Master File to scrub up against their databases to make sure that we are then not getting calls from unclaimed life and the property that we issue all those notices.

So thank you for your affirmative vote. I look forward to the support from the Senate. Thanks.

The SPEAKER. Thank you very much, Representative Quinn.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1092, PN 2063**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, in county officers, further providing for compensation of elected officers and for incompatible offices.

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

(Bill analysis was read.)

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?

Representative Diamond is recognized on HB 1092.

Mr. DIAMOND. Thank you, Mr. Speaker.

Mr. Speaker, I rise today in opposition to HB 1092. I ask my colleagues for a "no" vote for a number of reasons. I question the wisdom of any particular legislation that carves out only 3 of the Commonwealth's 67 counties. If allowing countywide officers to simultaneously hold a municipal office is something we need to do for class 2-A counties, then why are we not also doing it for counties of the third class, fourth class, fifth class, sixth class, seventh class, and eighth class?

In fact, Mr. Speaker, I would argue if such an allowance is needed anywhere in Pennsylvania, a class 2-A county with a population of 500,000 to nearly 800,000 residents living in close proximity would not be the first place such a need would crop up. A county of the seventh or eighth class with far fewer residents scattered across a much wider geographic area would seem to be a better choice for making such allowances. But even if we were talking about making such an allowance for seventh- or eighth-class counties, Mr. Speaker, I would still rise in opposition.

With all due respect to my friend, the maker of the bill, I believe the unintended consequences of this legislation will outweigh any benefit it may provide. For all practical purposes, the end result of allowing a countywide officer to fill a municipal post is that it will only encourage the concentration of power in fewer hands.

Mr. Speaker, I believe we in this body ought to instead be seeking ways to provide opportunities and encouragement for more citizens to get involved in the process of governing. If finding enough people to fill municipal offices is a problem, then perhaps a different solution is in order.

In my district in Lebanon County, Mr. Speaker, we had this exact problem a number of years ago. No resident of Cold Spring Township was willing to step up to the plate to run for municipal office. As a result, after a number of years that township government was dissolved. The township still exists, but its residents happily go about their lives without any township government in place.

I realize this may not be a practical solution in more densely populated counties such as those in class 2-A, but perhaps consideration of municipal mergers and/or consolidation of

services would be better paths to pursue than putting more power in the hands of the few. We can and should do better for the people of this Commonwealth.

Mr. Speaker, I ask my colleagues for a "no" vote on HB 1092 because it is a specially tailored carveout for a very small percentage of Pennsylvania citizens, because it proposes a solution for a problem that is least likely to crop up in the counties the bill addresses and because concentrating more power in the hands of fewer people does not serve the ideal of good governance.

Thank you, Mr. Speaker.

The SPEAKER. Does anybody else wish to be recognized on HB 1092?

Representative Neuman.

Mr. NEUMAN. Thank you, Mr. Speaker.

I share similar concerns with the prior speaker. And in addition to what was mentioned, these people will be taking two oaths. These people will be elected to two positions, trying to represent two different sets of constituencies. This is a problem. This is not good government. This is not something we should stand for. This is something that should not be done in Pennsylvania. I do not care what size the county. I do not care what class the county. We in government should take an oath to represent the constituents that elect us to one office, not try to hold two offices at one time.

I think that this flies in the face of good government. It flies in the face of people being able to do their job and the oaths that they take for the offices and what the constituents elect them to do. You do not want to put elected officials and constituents in a position where they are conflicted out and not able to do what their constituents elected them to do.

Mr. Speaker, I ask that this body reject this bill, vote it down, and stand up for good government in the State of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali.

Members, Representative Vitali has the floor.

I do just want to indicate this is our last vote for the day.

Mr. VITALI. You do not seem enthusiastic about the deliberative process; come on.

Could the maker of the amendment stand for brief interrogation – or the bill, rather?

The SPEAKER. He indicates— What does he indicate?

Representative Stephens?

Mr. VITALI. I am trying to get at possible dual offices, because I have not studied this too carefully. Would this allow a county commissioner to serve as a township supervisor or commissioner? Would this bill allow that if it passed?

Mr. STEPHENS. No.

Mr. VITALI. Okay. Would it allow a school board director to serve as a township commissioner or supervisor?

Mr. STEPHENS. No.

Mr. VITALI. Okay. Could you give me some examples? What problem are you looking to solve here? Are there specific situations where it is prohibited but you think it should not be prohibited? Were there specific offices you were looking to remedy with this bill?

Mr. STEPHENS. Yes; look, they are laid out right in the bill.

Mr. VITALI. Okay.

Mr. STEPHENS. So if you read the bill, they are laid right out there.

And they are bills which, frankly, nobody has been able to identify any real incompatibility with, and that is what started this whole thing was, why are they incompatible? Why has the legislature deemed them incompatible? And through, you know, working with the various stakeholders, nobody was able to provide any type of policy reason for why those offices would be incompatible.

I mean, if you are the clerk of courts and you are simply responsible for accepting criminal case filings and some of the other roles the clerk of courts serves, why should you not be able to serve in your local community and help out where you live and raise your family and your children and grandchildren? So that is the impetus.

Mr. VITALI. So a county clerk of courts could not serve under current law in what position you think he might, should serve?

Mr. STEPHENS. In a locally elected – like borough council, township supervisor, things like that – locally elected position, not generally career positions. You follow what I am saying? Like, you know, what is generally viewed as volunteering for maybe a small stipend but that has been addressed with this bill, you know, those types of localized government interactions in your home community.

The SPEAKER. Representative Vitali, do you wish to speak on the bill?

Mr. VITALI. Okay. Okay.

I have not given this too much thought. I just, in Delaware County perhaps it is not occurring right now, but I do know that in the past, over the past quarter century I have been involved, we had local commissioners who were getting, you know, virtually nothing being a local commissioner, but they did have a well-paid county position. And sometimes there is that concern that when they are sitting on the board of commissioners for the township they had to sort of be concerned about their own political party and the political party who appointed them to this statewide office where they are getting a full-time salary. So there is that concern. I just kind of want to throw that out there.

Thank you, Mr. Speaker.

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—32

Benninghoff	Gabler	Peifer	Toepel
Briggs	Harper	Quigley	Topper
Costa, D.	Harris, J.	Reed	Vereb
Cruz	Kampf	Roae	Wheatley
Cutler	Keller, W.	Sims	White
Daley, M.	Marshall	Stephens	
Dawkins	Moul	Taylor	Turzai,
Dean	Murt	Thomas	Speaker
Evankovich	Parker, D.		

NAYS—143

Adolph	Farina	Kinsey	Petrarca
Baker	Farry	Kirkland	Pickett
Barbin	Fee	Klunk	Pyle
Barrar	Flynn	Knowles	Quinn
Bishop	Frankel	Kortz	Rader
Bizzarro	Freeman	Kotik	Rapp
Bloom	Gainey	Krieger	Ravenstahl
Boback	Gergely	Lawrence	Readshaw
Boyle	Gibbons	Lewis	Reese
Bradford	Gillen	Longietti	Roebuck
Brown, R.	Gillespie	Maher	Rozzi
Brown, V.	Gingrich	Mahoney	Saccone
Burns	Goodman	Major	Sainato
Caltagirone	Greiner	Markosek	Samuelson
Carroll	Grove	Marsico	Sankey
Causar	Hahn	Masser	Santarsiero
Christiana	Hanna	Matzie	Santora
Cohen	Harhai	McCarter	Saylor
Conklin	Harhart	McGinnis	Schemel
Corbin	Harkins	McNeill	Schlossberg
Cox	Harris, A.	Mentzer	Schreiber
Culver	Heffley	Metcalfe	Snyder
Daley, P.	Helm	Metzgar	Staats
Day	Hennessey	Millard	Sturla
Delozier	Hickernell	Miller, B.	Tallman
Dermody	Hill	Miller, D.	Toohil
Diamond	Irvin	Milne	Truitt
DiGirolamo	James	Mullery	Vitali
Driscoll	Jozwiak	Mustio	Ward
Dunbar	Kaufner	Nesbit	Warner
Dush	Kauffman	Neuman	Watson
Emrick	Kavulich	O'Neill	Wentling
English	Keller, F.	Ortitay	Wheeland
Evans	Keller, M.K.	Parker, C.	Youngblood
Everett	Killion	Pashinski	Zimmerman
Fabrizio	Kim	Payne	

NOT VOTING—0

EXCUSED—23

Acosta	DeLuca	Maloney	Ross
Costa, P.	Donatucci	Miccarelli	Schweyer
Davidson	Ellis	O'Brien	Simmons
Davis	Galloway	Oberlander	Sonney
Deasy	Godshall	Petri	Tobash
DeLissio	Mackenzie	Regan	

Less than the majority required by the Constitution having voted in the affirmative, the question was determined in the negative and the bill fell.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Members, work will be done over the next week with respect to the desks in the chamber, so we would ask that if you do have any personal belongings to please take any of those with you while the work is being done on the chamber desks.

Thank you very much.

BILLS RECOMMITTED

The SPEAKER. In terms of housekeeping, the Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 62;
 HB 133;
 HB 471;
 HB 725;
 HB 813;
 HB 838;
 HB 1087;
 HB 1241;
 HB 1296;
 HB 1335;
 HB 1342;
 SB 513; and
 SB 875.

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

MOTION TO CONVENE EARLY

The SPEAKER. The Speaker recognizes the majority leader, who moves that, pursuant to rule 15, when we convene on August 25 that we will convene at 11 a.m.

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

RECONSIDERATION MOTION FILED

The SPEAKER. Representatives Reed and Cutler move that the vote by which HB 1092 was defeated on this 22d day of July be reconsidered. We will not be taking that vote at this time, but that motion has been filed.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Representative Driscoll of Philadelphia County moves that the House be adjourned until Tuesday, August 25, 2015, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
 Will the House agree to the motion?
 Motion was agreed to, and at 4:16 p.m., e.d.t., the House adjourned.