

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MAY 1, 1996

SECOND SPECIAL SESSION OF 1995-96

No. 15

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (MATTHEW J. RYAN)

PRESIDING

#### PRAYER

REV. DR. ROBERT E. MAYER, Chaplain of the House of Representatives and pastor of Church of the Open Door, Lebanon Christian Academy, Lebanon, Pennsylvania, offered the following prayer:

Let us pray:

Our Father, now our God, we bow before Thee again this morning rejoicing in life, health, and strength and the privilege of being together for this session.

We realize, our Father, there is great responsibility laid upon our shoulders, and we certainly seek Your guidance and direction in all things that we say and do.

We are mindful, our Father, of the psalmist as he said:

The earth is the Lord's, and the fulness thereof;

The world, and they that dwell therein.

For He hath founded it upon the seas,

And established it upon the floods.

Who shall ascend into the hill of the Lord?

Or who shall stand in His holy place?

He who hath clean hands, and a pure heart;

Who hath not lifted up his soul unto vanity nor sworn deceitfully.

He shall receive a blessing from the Lord, And righteousness from the God of his salvation.

This is the generation of them who seek Him,

Who seek Thy face, O Jacob.

And truly, our Father, as we reflect back to those words, we ourselves humbly bow before You asking for Your hand of direction and guidance in everything that is said and done.

We want to thank Thee, our Father, for our Commonwealth. We thank You for its rich heritage, and today as we who are present continue to lead and direct with those great historical facts in the past, we want to again ask for Your hand of blessing and Your hand of direction.

Minister to all of those in this Assembly, and we want to thank You in a very special way for the Speaker of the House and his staff. They are such gracious people. You have endowed them with understanding, and we pray that You will continue to bless them in their roles of leadership.

Truly we are a blessed people, and we want to thank You for all that You have done and all that You are going to continue to do. For we ask it in that matchless name of the Most Holy God, with thanksgiving. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the benefit of our guests in the gallery, the floor is empty because both the Republican and Democrat Caucuses are still meeting.

We have been requested to extend this session until 12:30 p.m. It is my intention to recess the House shortly until 12:30. At that time we will come back, start into session. There will be no further breaks.

So to the members who can hear my voice or their staffs, please come back at 12:30 prepared to spend the balance of the day, having eaten your lunch at that point.

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Tuesday, April 30, 1996, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the Democratic whip, who requests leave of absence for the gentleman, Mr. GRUITZA; the gentleman, Mr. VAN HORNE; the gentleman, Mr. TRELLO; the gentleman, Mr. LaGROTTA. Without objection, leaves are granted.

#### MASTER ROLL CALL

The SPEAKER. The master roll call taken in today's regular session will be the master roll call for the special session.

**RECESS**

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

Hearing none, this House will stand in recess until 12:30 p.m., unless sooner recalled by the Speaker.

**AFTER RECESS**

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

**GUESTS INTRODUCED**

The SPEAKER. The Chair is pleased to welcome to the hall of the House today, as the guests of Representative Ramos, Cory Thomas and Rachel Soler, seated to the left of the Speaker. Would the guests please rise. These folks are interns in Representative Ramos' district office, as I understand it. We are very pleased to have you in Harrisburg.

**ADDITIONS AND DELETIONS OF SPONSORS**

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

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

**RECESS**

The SPEAKER. For the benefit of the members of the House, it is the intention of the Chair to recess the special session and move over into the regular session at this time.

Is there any business left undone that need be done now in special session? Majority and minority leaders? Committee chairmen? Corrections to the record?

Hearing none, the special session will stand in recess to the call of the Chair.

**AFTER RECESS**

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

**CALENDAR****BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 37, PN 37**, entitled:

An Act making an appropriation to the Susquehanna River Basin Commission for flood forecast maps.

On the question,

Will the House agree to the bill on third consideration?

The SPEAKER. It is the understanding of the Chair that the gentleman, Mr. Vitali, who was scheduled to offer an amendment, has withdrawn that amendment. Is that correct, Mr. Vitali?

Mr. VITALI. Mr. Speaker, I would like to speak to that. I have discussed this with the maker of the bill, and I would like to speak to that point.

The SPEAKER. The gentleman is recognized.

Mr. VITALI. Thank you, Mr. Speaker.

What amendment 2119 to HB 37 would do would require the Department of Environmental Protection to conduct a study of wetlands loss from the issuance of General Permit 15. It would require the department to assess the increased risk of flood damage that would result from this general permit and report back to us within a year. It would also nullify General Permit 15.

In this flood session when we will be authorizing a bond issue of in excess of \$100 million, it is important to deal with this policy, General Permit 15, which is going to cause increased risk of future flood damage. What General Permit 15 does is make it easier to develop individual lot sizes for wetlands use.

Specifically, if you have an individual wetlands lot of up to a half acre and it was subdivided before November of 1991, you can circumvent the permitting process. In short, you do not need a wetlands delineation, and the project is not viewed individually on a case-by-case basis. The net result of this will be the filling in and development of thousands of acres of wetlands in Pennsylvania, and this will result in increased flooding in the future.

Dr. James Schmid, who maps wetlands for the Federal Government, indicates it is his estimate that in Pike and Monroe Counties alone, 650,000 acres of wetlands loss will occur because of General Permit 15.

General Permit 15 has been opposed by many groups. You are starting to get letters from these groups. Today you have a letter from the sportsmen, the Pennsylvania Federation of Sportsmen, who oppose General Permit 15. Let me read that letter in part: "The public is strongly opposed to this permit and after the flooding of this past winter, Pennsylvania needs to retain all the stormwater and flood protection afforded by wetland areas that can be retained." The Pennsylvania Federation of Sportsmen opposes General Permit 15.

The Sierra Club has also written you a letter, today's date, and I will read that in part: "During the public comment period on GP 15, over 85% opposed DEP's proposal. DEP ignored overwhelming public opposition and approved GP 15. After the Flood of '96, scientists, environmentalists, sportsmen, and many major newspapers condemned the DEP decision for its impact on future flooding."

A professor at Connecticut College and a wetlands expert, William Niering, calls this permit, quote, "a recipe for disaster."

A biologist from Wilkes University, Ken Klemow – and I will quote – says, "When you turn a wetland into a driveway or a road, that water has to run off somewhere. This is going to mean flooding. Maybe not where that wetland was, but downstream."

From the U.S. Fish and Wildlife Service, who also oppose General Permit 15, Jared Brandwein, supervisor of the eastern Pennsylvania field office, says that this initiative – referring to General Permit 15 – signals a retreat by Pennsylvania from its traditionally strong stand on environmental issues.

In addition to the increased flood damage that is expected from wetlands loss, I think we also have to consider another class of victims, and they are the unsuspecting victims or the victims who buy home lots on lots that are now wetlands but will be developed as a result of this permit. What you are going to get is people who are going to have homes and their life savings invested, and basements are going to flood, foundations are going to crack—

The SPEAKER. The gentleman will yield.  
 Mr. Vitali, are you debating final passage?  
 Mr. VITALI. Mr. Speaker, I am speaking to this amendment with the intention of, at the conclusion, explaining my reasons for withdrawing the amendment.

Thank you, Mr. Speaker.  
 Mr. Speaker, I am withdrawing this amendment today at the request of Representative Fairchild, the maker of the bill, a good environmental legislator, who has requested I do so.

Additionally, I think because of the gravity of this issue and because in my opinion more thought needs to be given, a higher level of education on the part of the members as to this issue needs to be raised, I will withdraw it today with the intention of amending another special session bill so that prior to the conclusion of this special session, we can deal with this issue.

It is my hope that serious consideration be given to this very significant bill so that at the same time we are not spending Commonwealth money for flood damage; we are not at the same time causing us to spend more in the future.

Thank you, Mr. Speaker.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Adolph	Durham	Lucyk	Santoni
Allen	Egolf	Lynch	Sather
Argall	Evans	Maitland	Saylor
Armstrong	Fairchild	Major	Schroder
Baker	Fajt	Manderino	Schuler
Bard	Fargo	Markosek	Scrimenti
Barley	Feese	Marsico	Semmel
Battisto	Fichter	Masland	Serafini
Bebko-Jones	Fleagle	Mayernik	Shaner
Belardi	Flick	McCall	Sheehan
Belfanti	Gamble	McGeehan	Smith, B.
Birmelin	Gannon	McGill	Smith, S. H.
Bishop	Geist	Melio	Snyder, D. W.
Blaum	George	Merry	Staback
Boscola	Gigliotti	Michlovic	Stairs
Boyes	Gladeck	Micozzie	Steelman
Brown	Godshall	Mihalich	Steil
Browne	Gordner	Miller	Stern
Bunt	Gruppo	Mundy	Stetler
Butkovitz	Habay	Myers	Stish
Buxton	Haluska	Nailor	Strittmatter
Caltagirone	Hanna	Nickol	Sturla
Cappabianca	Harhart	Nyce	Surra
Carn	Hasay	O'Brien	Tangretti
Carone	Haste	Olasz	Taylor, E. Z.
Cawley	Hennessey	Oliver	Taylor, J.
Chadwick	Herman	Perzel	Thomas
Civera	Hershey	Pesci	Tigue
Clark	Hess	Petrarca	Travaglio
Clymer	Horsey	Petrone	Trich
Cohen, L. I.	Hutchinson	Pettit	True
Cohen, M.	Itkin	Phillips	Tulli
Colafella	Jadlowiec	Pistella	Vance
Colaizzo	James	Pitts	Veon

Conti	Jarolin	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corpora	Kaiser	Ramos	Washington
Corrigan	Keller	Raymond	Waugh
Cowell	Kenney	Readshaw	Williams
Coy	King	Reber	Wogan
Curry	Kirkland	Reinard	Wozniak
Daley	Krebs	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	Wright, M. N.
Dempsey	Laughlin	Robinson	Yewcic
Dent	Lawless	Roebuck	Youngblood
Dermody	Lederer	Rohrer	Zimmerman
DeWeese	Leh	Rooney	Zug
DiGirolamo	Lescovitz	Rublely	
Donatucci	Levdansky	Rudy	Ryan,
Druce	Lloyd	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Farmer	LaGrotta	Trello	Van Horne
Gruitza			

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.

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The House proceeded to third consideration of **SB 2, PN 29**, entitled:

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, increasing the amount of unexpended Commonwealth appropriations available for transfer for disaster assistance; and further providing for special powers of local agencies.

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

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

The question is, shall the bill pass finally?

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

YEAS—198

Adolph	Durham	Lucyk	Santoni
Allen	Egolf	Lynch	Sather
Argall	Evans	Maitland	Saylor
Armstrong	Fairchild	Major	Schroder
Baker	Fajt	Manderino	Schuler
Bard	Fargo	Markosek	Scrimenti
Barley	Feese	Marsico	Semmel
Battisto	Fichter	Masland	Serafini
Bebko-Jones	Fleagle	Mayernik	Shaner
Belardi	Flick	McCall	Sheehan
Belfanti	Gamble	McGeehan	Smith, B.
Birmelin	Gannon	McGill	Smith, S. H.

Bishop	Geist	Melio	Snyder, D. W.
Blaum	George	Merry	Staback
Boscola	Gigliotti	Michlovic	Stairs
Boyes	Gladeck	Micozzie	Steelman
Brown	Godshall	Mihalich	Steil
Browne	Gordner	Miller	Stern
Bunt	Gruppo	Mundy	Stetler
Butkovitz	Habay	Myers	Stish
Buxton	Haluska	Nailor	Strittmatter
Caltagirone	Hanna	Nickol	Sturla
Cappabianca	Harhart	Nyce	Surra
Carn	Hasay	O'Brien	Tangretti
Carone	Haste	Olasz	Taylor, E. Z.
Cawley	Hennessey	Oliver	Taylor, J.
Chadwick	Herman	Perzel	Thomas
Civera	Hershey	Pesci	Tigue
Clark	Hess	Petrarca	Travaglio
Clymer	Horsey	Petrone	Trich
Cohen, L. I.	Hutchinson	Pettit	True
Cohen, M.	Itkin	Phillips	Tulli
Colaella	Jadlowiec	Pistella	Vance
Colaizzo	James	Pitts	Veon
Conti	Jarolin	Platts	Vitali
Cornell	Josephs	Preston	Walko
Corpora	Kaiser	Ramos	Washington
Corrigan	Keller	Raymond	Waugh
Cowell	Kenney	Readshaw	Williams
Coy	King	Reber	Wogan
Curry	Kirkland	Reinard	Wozniak
Daley	Krebs	Rieger	Wright, D. R.
DeLuca	Kukovich	Roberts	Wright, M. N.
Dempsey	Laughlin	Robinson	Yewcic
Dent	Lawless	Roebuck	Youngblood
Dermody	Lederer	Rohrer	Zimmerman
DeWeese	Leh	Rooney	Zug
DiGirolamo	Lescovitz	Rubley	
Donatucci	Levdansky	Rudy	Ryan,
Druce	Lloyd	Sainato	Speaker

The Chair recognizes the gentleman from Allegheny, Mr. Habay.

Mr. HABAY. Mr. Speaker, I move that this House do now adjourn its special session until Monday, May 6, 1996, at 1 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:25 p.m., e.d.t., the House adjourned.

NAYS-0

NOT VOTING-0

EXCUSED-5

Farmer	LaGrotta	Trello	Van Horne
Gruitza			

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

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

### BILL PASSED OVER

The SPEAKER. Without objection, the remaining bill on today's calendar will be passed over. The Chair hears no objection.

### ADJOURNMENT

The SPEAKER. Does the gentleman, Mr. Perzel, have any further business? Mr. Itkin, any further business?

Do the committee chairmen have any announcements? Any corrections of the record?