

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, MAY 13, 2003

SESSION OF 2003

187TH OF THE GENERAL ASSEMBLY

No. 35

### HOUSE OF REPRESENTATIVES

The House convened at 10 a.m., e.d.t.

#### THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

#### PRAYER

REV. MARY ELLEN BECKMAN, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Wonderful counselor, great source of all wisdom, today, Father, I stand before the House in prayer, perhaps for the last time. I give You thanks for this opportunity that I have been given to serve as a House Chaplain. I give thanks for greater insight, new friendships, and greater respect for those who have been elected to serve – to make decisions and have a great impact on all the people of Pennsylvania.

Bless all those who are present at this time and those who wait outside the House doors. Bless the work that they do. They are people with many gifts, each bringing to the House body many worthwhile, creative ideas, Father, that benefit the Commonwealth. Their leadership is important, and again I pray that they will lead us, govern us, with their utmost integrity.

Bless this body with wisdom that their voting and their actions may bring us closer to our idea of a New Pennsylvania. I pray that they will not grow complacent in their choices and in their duties. In times, in all times, especially crucial decisionmaking, may they always turn to You. Grant them wisdom, patience, compassion, and insight.

Father, continue to build in them a burning desire to provide for the needs of all people so that we may live abundantly. Help them to seek the good of all people and not just a few.

We are well aware of the many issues before us this day. Today we press forward and continue to move on and to move with the looking at the many, many issues, pledging our actions and influence will be used to return God's creation to justice, harmony, and shalom.

This I pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, May 12, 2003, will be postponed until printed. The Chair hears no objection.

#### HOUSE BILLS INTRODUCED AND REFERRED

**No. 1334** By Representatives VEON, RAYMOND, LaGROTTA, LEACH, COHEN, KOTIK, HALUSKA, THOMAS, GERGELY, BEBKO-JONES, DeWEESE, WASHINGTON, KENNEY, WANSACZ, CAWLEY, HARHAI, McGEEHAN, DeLUCA, CIVERA, STURLA, ROBERTS, LAUGHLIN, COSTA, PISTELLA, WALKO, SOLOBAY, HORSEY, SAINATO, DERMODY, RUFFING and PRESTON

An Act providing for video gaming; establishing the Gaming Commission and the Video Gaming Account; reorganizing State offices; imposing penalties; and making an appropriation.

Referred to Committee on TOURISM AND RECREATIONAL DEVELOPMENT, May 13, 2003.

**No. 1442** By Representatives TURZAI, BAKER, BEBKO-JONES, BUNT, CAPPELLI, CRAHALLA, CREIGHTON, DeWEESE, J. EVANS, GERGELY, HARHAI, HENNESSEY, LAUGHLIN, LEH, MAHER, MARSICO, METCALFE, R. MILLER, O'NEILL, PICKETT, READSHAW, REICHLEY, SAINATO, SATHER, SHANER, R. STEVENSON, T. STEVENSON, E. Z. TAYLOR, THOMAS and WATSON

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

Referred to Committee on FINANCE, May 13, 2003.

**No. 1443** By Representatives REICHLEY, CALTAGIRONE, FABRIZIO, FLEAGLE, FLICK, McILHATTAN, CAPPELLI, BELFANTI, TRAVAGLIO, SOLOBAY, MARSICO, R. STEVENSON, PETRARCA, GRUCELA, DERMODY, SHANER, RAYMOND, STERN, LEACH, THOMAS, GEIST, BUNT, YOUNGBLOOD, ROBERTS, CREIGHTON, GERGELY, ALLEN, E. Z. TAYLOR, GABIG, HARHAI, SURRA, WANSACZ, HENNESSEY, HARHART, JAMES, CRAHALLA, HUTCHINSON and ADOLPH

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further defining "superannuation age."

Referred to Committee on STATE GOVERNMENT,  
May 13, 2003.

**No. 1444** By Representatives HERMAN, MACKERETH, CURRY, R. MILLER, SHANER, O'NEILL, BARD, BUNT, CAPPELLI, CAWLEY, DALLY, DeLUCA, FAIRCHILD, FREEMAN, GORDNER, GRUCELA, JOSEPHS, LAUGHLIN, MANN, PAYNE, ROSS, RUBLEY, SAINATO, SATHER, SCHRODER, STEIL, THOMAS, TIGUE, WASHINGTON and GABIG

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for funding for charter schools.

Referred to Committee on EDUCATION, May 13, 2003.

**No. 1445** By Representatives PHILLIPS, GEIST, FAIRCHILD, CAPPELLI, CAWLEY, CREIGHTON, D. EVANS, GEORGE, GILLESPIE, HARHAI, JAMES, SATHER, E. Z. TAYLOR, THOMAS, WASHINGTON and WEBER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for person with disability plate or placard, for physical examinations and for the Medical Advisory Board.

Referred to Committee on TRANSPORTATION, May 13, 2003.

**No. 1447** By Representatives CREIGHTON, CRUZ, KIRKLAND, THOMAS, WASHINGTON and YOUNGBLOOD

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for general requirements for school buses.

Referred to Committee on TRANSPORTATION, May 13, 2003.

### HOUSE RESOLUTION INTRODUCED AND REFERRED

**No. 283** By Representatives HARHAI, DALEY, DeWEESE, CAPPELLI, CORRIGAN, GINGRICH, GRUCELA, JAMES, JOSEPHS, LAUGHLIN, LEH, ROEBUCK, SHANER, SOLOBAY, THOMAS, TIGUE, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

A Concurrent Resolution memorializing Congress to reject the proposed Secondary and Technical Education Excellence Act of 2003.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, May 13, 2003.

### SENATE BILL FOR CONCURRENCE

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

### SB 680, PN 827

Referred to Committee on EDUCATION, May 13, 2003.

### SENATE MESSAGE

#### ADJOURNMENT RESOLUTION FOR CONCURRENCE

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

In the Senate  
May 12, 2003

RESOLVED, (the House of Representatives concurring), That when the Senate adjourns this week, it reconvene on Monday, June 2, 2003, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, June 2, 2003, unless sooner recalled by the Speaker of the House of Representatives.

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

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

### BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Madam Speaker, I move that the following bill be taken off the table: HB 205.

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

### BILL TABLED

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

Mr. S. SMITH. Madam Speaker, I move that the following bill be laid on the table: HB 205.

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

### LEAVES OF ABSENCE

The SPEAKER pro tempore. There are no requests for leaves of absence today.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—200

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

#### ADDITIONS—0

#### NOT VOTING—0

#### EXCUSED—0

#### LEAVES ADDED—3

Hennessey                      Keller                      Tangretti

### LEAVES CANCELED—1

Tangretti

### RESOLUTIONS REPORTED FROM COMMITTEE

#### HR 79, PN 486

By Rep. LEH

A Concurrent Resolution urging the Congress of the United States to reexamine the Federal Unemployment Tax Act as it relates to corporate officers.

#### INTERGOVERNMENTAL AFFAIRS.

#### HR 138, PN 1804 (Amended)

By Rep. LEH

A Resolution memorializing the President and Congress of the United States to act to preserve the health care benefits of steel industry retirees and retirees in other similarly affected industries.

#### INTERGOVERNMENTAL AFFAIRS.

#### HR 172, PN 1803 (Amended)

By Rep. LEH

A Resolution memorializing the President and Congress of the United States to enact legislation to require the United States Army to retroactively award the Combat Medical Badge to all Vietnam personnel serving in the 91 military occupational specialty (MOS) who were assigned to helicopter ambulances.

#### INTERGOVERNMENTAL AFFAIRS.

#### HR 209, PN 1404

By Rep. LEH

A Resolution urging the Congress of the United States to extend the 10% rural add-on for Medicare home health providers and to refrain from implementing any further Medicare cuts or copayments and calling upon the President of the United States to support the Congress in this effort.

#### INTERGOVERNMENTAL AFFAIRS.

#### HR 219, PN 1456

By Rep. LEH

A Concurrent Resolution memorializing Congress to pass legislation to amend Title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees and provide workers employed in small businesses and self-employed workers with access to and choice of affordable health plan options similar to those now enjoyed by workers in corporate and union health plans.

#### INTERGOVERNMENTAL AFFAIRS.

#### HR 241, PN 1495

By Rep. LEH

A Concurrent Resolution memorializing the Citizens' Stamp Advisory Committee of the United States Postal Service to recommend to the United States Postal Service Board of Governors the issuance of a commemorative stamp honoring the military career and contributions to military aviation of General Carl A. Spaatz.

#### INTERGOVERNMENTAL AFFAIRS.

HR 243, PN 1497

By Rep. LEH

A Resolution memorializing the Congress of the United States to require that American-made steel be used for rebuilding efforts in Iraq which are funded by the United States Government.

INTERGOVERNMENTAL AFFAIRS.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House the members of Shiloh Bible Church, who are the guests of Representative John Gordner. They are seated in the balcony. Would they please rise.

The Chair is also pleased to welcome to the hall of the House Amanda Biebel, Kelly Hayes, and Eliam Torres. They were selected to attend the 4-H Capital Days, and they are here as the guests of Representative Tom Scrimenti, Representative Flo Fabrizio, and Representative John Evans. They are seated to the left of the Speaker. Would they please rise.

The Chair is also pleased to welcome to the hall of the House, as the guests of Representative Jerry Nailor, Representative Will Gabig, and the Chair, Jennifer Lacovara, Josh Winburn, Ashley Jordan, and Madeline Kane. Would they please rise.

The Chair is also pleased to welcome to the hall of the House, as the guest of Representative Gabig, Ben Apfelbaum, who is a Dickinson Law School intern, and he is seated in the balcony. Would the young man please rise.

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Ms. PICKETT called up HR 280, PN 1762, entitled:

A Resolution honoring Wyalusing Borough, Bradford County, on its 250th anniversary.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Goodman, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla

Table with 4 columns of names: Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Keller, Kenney, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—0

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

\* \* \*

Mr. BALDWIN called up HR 281, PN 1763, entitled:

A Resolution designating the month of May 2003 as "Bike Month" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table with 4 columns of names: Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs

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

NAYS—0

NOT VOTING—0

EXCUSED—0

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

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Pallone, Roger Garrett and A.C. Ansani. They are seated in the gallery. Would they please rise.

The Chair is also pleased to welcome to the hall of the House, as the guests of Representative Susan Laughlin, Katie Culp, Philip Gertz, and Cindie Searight from the 4-H Club from Beaver County. They are seated to the left of the Speaker. Would they please rise.

The Speaker is also pleased to welcome to the hall of the House, as the guests of Representative Bev Mackereth, Zach Kinard and Emily Opilo. They are seniors at Spring Grove Area High School, and they are serving as guest pages today. Would they please rise.

### REMARKS SUBMITTED FOR THE RECORD

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the names of Scott W. Pfaff and Ryan J. Pfaff, who have recently been awarded Scouting's highest honor – Eagle Scout.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Scott W. Pfaff and Ryan J. Pfaff.

Whereas, Scott W. Pfaff and Ryan J. Pfaff earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of these young men. They are members of Troop 147.

Now therefore, Mr. Speaker and the members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the names of Scott W. Pfaff and Ryan J. Pfaff.

### MOUNT ALOYSIUS COLLEGE WOMEN'S BASKETBALL TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Geist, for the purpose of a citation presentation.

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

Today is a very special day for me, and what makes it more special is it is almost like family. I have been a sports junky all my life, and I have been very fortunate for many, many years to watch coach Dave Adams back here, both as a coach and as a baseball umpire. He umpires professional baseball, and he is famous for his 540-degree move. When calling a foul ball, he goes – like that.

So anyhow, Mount Aloysius, national champions. How many times do you ever get to say that for local folks. Mount Aloysius is just up the mountain from Altoona in Representative Haluska's district, and it is made up of all local players. With me today, I would like to introduce the folks behind me: Jessica Armstrong; Alissa Buchanan, who is from Altoona; and Ginger Fanelli, and Ginger Fanelli is an All-American. It is not too often you get to stand up here with a college All-American, and I want to tell you a little bit about Ginger.

I started watching her play basketball in seventh grade when my goddaughter was a point guard, and they went through Roosevelt Junior High School, Altoona High, and then I had the pleasure of having Ginger work with me for a summer as an intern. This kid is absolutely, totally dedicated to being a great athlete. She would get up at 7 o'clock in the morning and run to Mansion Park from all the way across town, dribbling a basketball. She would shoot 500 to 1,000 shots, come to the office and work all day, and then play games at night, lift weights. And she is also an accomplished bicyclist, and her father rides thousands and thousands of miles every year.

Mount Aloysius had a wonderful season. Last year they almost made the championship; this year they made the championship, and we are here today to honor a national champion. I know up above in the gallery somewhere is Kathy Milward, and Kathy not only hangs around with Dave Adams; she was the driving force behind the

Rotary Basketball Tournament in Altoona for many, many years, one of the best tournaments in the whole United States.

We have other members of the team with us today, and I want to list those team members and ask them to stand up and give them a round of applause, and the team consists of Jessica Armstrong, Randi Baker, and Ginger Fanelli, the seniors; Alissa Buchanan, who is a great kid from Altoona; Michele Sauserman, who lit it up for Bishop Guilfoyle in Altoona; Missy Wertz, Lindsey Black, Kristie Burger, Lani Fisher, Lindsay Johnson, and Jill McCoy. And I might like to say that Jerry Stern with the Central team, Mount Aloysius really looks like Central High School West right now with as many kids from Central that are playing there.

But at this time I would like to have Representative Haluska say a few words, and then we are going to present House citations.

Mr. HALUSKA. Thank you, Representative Geist.

I just want to congratulate the girls from Mount Aloysius. If you have not had a chance, if you are ever in the Cresson area and you want to swing by Mount Aloysius, it is right on Old 22. They have done a remarkable job over the last decade of changing the atmosphere of Mount Aloysius, adding a lot of things to the campus. It is really a unique, nice college there now.

So I congratulate Mount Aloysius on their victory and would hope that anybody that gets a chance to go to their campus someday would stop and enjoy it. It is a really pretty college. Thank you.

SUPPLEMENTAL CALENDAR A

RESOLUTION PURSUANT TO RULE 35

Mr. SEMMEL called up HR 282, PN 1795, entitled:

A Resolution recognizing the 100th anniversary year of the founding of the Ford Motor Company and congratulating Ford Motor Company for its achievements.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Table listing names of representatives who voted 'Yeas', including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Goodman, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Manderino, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhattan, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Samuelson, Santoni, Sather, Saylor, Scavello, Schroder, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., and Sturla.

Table listing names of representatives who voted 'Nays', 'Not Voting', or 'Excused', including Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, Corrigan, Costa, Coy, Crahalla, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Keller, Kenney, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Oliver, O'Neill, Pallone, Payne, Petrarca, Petri, Petrone, Phillips, Pickett, Pistella, Preston, Raymond, Readshaw, Reed, Reichley, Rieger, Roberts, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigue, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams, Wilt, Wojnaroski, Wright, Yewwic, Youngblood, Yudichak, Zug, and Perzel, Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—0

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

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 51, PN 1692, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of authorities.

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

Mr. MCGILL offered the following amendment No. A0625:

Amend Sec. 1 (Sec. 5607), page 5, line 29, by striking out "calculating the initial" and inserting

initially calculating the

Amend Sec. 1 (Sec. 5607), page 6, line 1, by inserting brackets before and after "exclusively" and inserting immediately thereafter capable of

Amend Sec. 1 (Sec. 5607), page 6, line 9, by inserting after "debt" allocable to existing customers of such facilities

Amend Sec. 1 (Sec. 5607), page 6, line 12, by striking out “exclusively” and inserting

capable of

Amend Sec. 4, page 26, lines 14 through 19, by striking out all of said lines and inserting

(1) With respect to sewer tapping fees imposed by a joint authority having six or more municipal members.

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

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

Mr. MCGILL. Thank you, Madam Speaker.

I would request an affirmative vote on amendment A625. This allows for the exclusion of debt, and I know that sounds a little bit confusing, but the way that the bill was written, originally it was capital costs divided by the capacity of the plant would come up with your cost per gallon, and what this would do would not be allowed to—

The SPEAKER pro tempore. Will the gentleman cease just one moment. We are having trouble even hearing you here. Could we have quiet in the hall of the House, please. This is an important piece of legislation, and it would be nice to be able to hear the proposed amendments.

Mr. MCGILL. Thank you, Madam Speaker.

So on a plant that needs to be repaired or replaced, the cost that goes into that could not be subtracted out prior.

So I would ask for an affirmative vote on this amendment. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

Will the maker of the amendment stand for brief interrogation?

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

Mr. VITALI. I appreciate your explanation, but I come at this with such a low level of technical knowledge that I did not have a clue of what you were talking about. If you could just sort of bring this down to a level where I can get some sense for who it is going to affect for better or for worse. I just do not know what it is doing at all.

Mr. MCGILL. When a new or an existing plant is being built or rebuilt, the way that this is written, the way that—

Mr. VITALI. If I can just interrupt. Now, it is my understanding the bill generally deals with what a developer has to pay a municipality—

Mr. MCGILL. It is the tapping fee.

Mr. VITALI. —when he wants to tap into the sewer system.

Mr. MCGILL. Correct.

Mr. VITALI. So— Okay. Now put that in the context of the plant you are talking about now.

Mr. MCGILL. The only way that the tapping fee could be included if an expansion or a new plant was built would be if it was exclusively – exclusively – for new consumers, new development. Otherwise, anybody else that has already tapped into the plant – you and I, for instance, since we live in our homes in our developments – that would allow for the exclusion of the tapping fee or a reduction in the tapping fee because it is not exclusively for new users.

See, these sewage treatment plants and the tapping fees have been around for a long time. One of the problems is, just because you are using it, the new development is saying because we are coming on board, we do not want to have to pay for any improvements, and we are disputing how those improvements have to be made. That is unfair. If you are buying into a system and the system has to be upgraded, you should not have the cost of the tapping fee reduced because of that, and all this does is say we are all on the same playing field, the people that have been here and the people that are coming in new.

Mr. VITALI. So if this amendment passes, does that mean that a municipality would be more limited in what it could charge developers?

Mr. MCGILL. Not necessarily. What it means is it would be—

Mr. VITALI. Or less limited.

Mr. MCGILL. It would be an even playing field. The cost of— And that is all we are trying to get at. There should not be a deduction or a reduction for new people coming in.

Mr. VITALI. Oh, okay; let me ask it again. If this amendment passed, would a municipality be able to charge more developers tapping fees? I am trying to get a sense for where this is going to cut as far as the municipality, because I just want to hear it from you. I am getting—

Mr. MCGILL. They can use as part of that cost a tapping fee, which they currently do. It would not be excluded from the equation where they come up with a calculation for the dollars per gallon.

Mr. VITALI. Okay. Let me come at this another way. The township supervisors, are they for or against your amendment?

Mr. MCGILL. That is a very good question. It depends. What I have—

Mr. VITALI. That is not a very good answer.

Mr. MCGILL. I realize that, and unfortunately, Madam Speaker, unfortunately, Madam Speaker, that is the dilemma that we have.

Mr. VITALI. Well, let me ask it another way. The homebuilders, are they for or against your amendment.

Mr. MCGILL. They are against it.

Mr. VITALI. The homebuilders are against it.

Mr. MCGILL. Correct.

Mr. VITALI. Now I am confused.

Mr. MCGILL. They are against it because they want to reduce costs. What they would like is not to have to pay for improvements to sewage treatment plants. What they would like, the way that they have this so-called agreed-to bill written, is that they should not have to pay for that upkeep, and it is my contention that they should. No matter when you get on board, no matter when you come into a township or a borough and you move in, you should be responsible for your portion of it, and they are trying to deduct out the tapping fee from this. I want it to remain in there so that improvements on a plant that are not exclusively for new development, the total cost is not borne by the people that have been there before. So it should not be a free ride for the new development coming in if it is not an exclusive plant. It should be across the board that everyone, if they have to do a major repair to a sewage treatment plant or float a new bond, everyone is on board for that.

Mr. VITALI. So this will increase the oppor—

Mr. MCGILL. So, no, the developers are not in favor—

Mr. VITALI. I will come back to my first question. Will this increase the opportunities for a municipality to charge tap-in fees or—

Mr. MCGILL. It allows for the tapping fee, it allows for the tapping fee to remain at what is established by the municipality and charged for new development, and that is why I think the homebuilders have a problem with it.

Mr. VITALI. Has any other group weighed in one way or the other on this one?

Mr. MCGILL. Yes, several of my municipal authorities said that it would impact them tremendously the way that the bill is originally written, and they would prefer for that not to be in there.

Mr. VITALI. For the better? For the better?

Mr. MCGILL. For the worse.

Mr. VITALI. Oh, your authorities will be hurt.

Mr. MCGILL. If this amendment does not go in.

Mr. VITALI. Oh, so your authorities support your amendment.

Mr. MCGILL. Correct.

Mr. VITALI. Okay.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. Steil, on the amendment.

Mr. STEIL. Thank you, Madam Speaker.

I would ask for the very careful attention of the members. This particular bill is somewhat complex, and we are going to have some very extensive debate here, so I would ask for the members' attention.

The SPEAKER pro tempore. The gentleman is correct. Would members please take their seats.

Mr. STEIL. Thank you, Madam Speaker.

Amendment A625 changes HB 51 in several measurable ways and creates some confusion in the bill itself. By changing the word "exclusively" for new customers to the word "capable" of serving new customers, we in effect change the type of plant capacity that is being designated. In other words, those who have already paid for plant capacity could be double charged, because we are no longer separating out plant capacity exclusively for new customers but, rather, plant capacity capable of serving new customers. Well, plant capacity capable of serving new customers may well already have been built into the rate base of those existing customers, and by charging new connections, they would be charged twice, because they would receive the charge for the existing rate base, and in addition, they would receive an additional charge for the expanded capacity as part of the tapping fee. So that single word changes enormously the context of the bill.

Secondly, this amendment refers, on the last line of the amendment, to "joint authority." The word "joint authority" is not defined. Typically, a joint authority means a water and sewer – that is, potable water and sanitary sewer – authority, but it might be, because it is not defined, it might mean the merger between two authorities; it might mean those who are served by several different authorities. So the context is very unclear.

Because of these and other provisions in this amendment, I would ask the members to oppose the amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Chester County, Mr. Ross.

Mr. ROSS. Thank you, Madam Speaker.

In order to understand the basic context and following up on the previous speaker from Bucks County, I want to make sure that the members understand where we are and where we got to at this point.

We have authorized municipal authorities and municipalities to collect tapping fees previously. In the intervening years, there have been a number of court cases that have been designed to further clarify what is and is not allowable to collect in those tapping fees. Those court cases have been fought case by case through the system at the expense of the municipalities and the municipal authorities, and uniformly, those cases have turned up against those municipalities. In short, they have been overcharging on their tapping fees. The result of that has been additional costs for the users as well as additional costs for the litigation fees. So the reason that this whole effort came forward and a compromise was crafted between the Municipal Authorities Association and the builders was to find a clear, fair number that would stand court scrutiny.

Many of the amendments we hear and this one in particular also will disturb that compromise and interfere with what has been generally agreed as the number that we are all going to come to through litigation. So if you pass this amendment or others, you are going to essentially be putting it back into the courts, and you are going to wind up forcing these municipalities and municipal authorities to spend additional moneys, and you are not going to be helping the ratepayers in any way at all.

So I encourage the members on this amendment and others to vote "no" and to keep the compromise in place as it was structured between the municipal authorities and the builders. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Northampton, Mr. Freeman. The gentleman waives off.

The Chair recognizes the gentleman from Northampton, Mr. Samuelson, on the amendment.

Mr. SAMUELSON. Thank you, Madam Speaker.

Just a question for the maker of the amendment.

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

Mr. SAMUELSON. Thank you.

I listened to the explanation of amendment 625, and my question goes to what authorities would this amendment apply to. My understanding is, the wording of this amendment would be specific to authorities in Bucks and Montgomery Counties. Is that a correct interpretation?

Mr. MCGILL. Any municipal sewer authority that is a jointure of six or more, yeah, and I guess you would have to say there are those in Bucks and Montgomery Counties, so that is where it would impact the most.

Mr. SAMUELSON. I assume we are talking about lines 16 and 17, "With respect to sewer tapping fees imposed by a joint authority having six or more municipal members." Are there such authorities in any of the other 65 counties besides Bucks and Montgomery Counties?

Mr. MCGILL. Well, with all due respect, if we wait a little longer today, you might see the other ones taken care of. So the answer to that, for this specific amendment, the answer is no, but there are other amendments to come along which will cover the ones that are individual and up to six. So we are trying to

cover, through the amendment process, all of the municipal authorities. I just happened to grab the six and more.

Mr. SAMUELSON. Thank you, Madam Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Dauphin County, Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Madam Speaker.

And I, too, am going to rise to oppose this amendment.

I think that Representative Steil and Representative Ross have explained the reason why we should vote against this amendment, but I would like to take it one step further and just to mention that it is a basic fairness issue. This formula that is going to be radically altered by this amendment was put in place in 1990. This is the formula that has been used for the past 13 years, using debt in the calculation. Now we are going to take that formula, which was written in 1990, and remove that outstanding debt and radically change the impact of this piece of legislation and of that formula.

In addition to that, this amendment is written to benefit two counties in the Commonwealth of Pennsylvania but has an impact – a dramatic, negative impact – on all 67 counties in the Commonwealth of Pennsylvania.

Those are the reasons why I urge you to vote against this amendment. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Beaver County, Mr. Veon.

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, I, too, rise to oppose this amendment, and I particularly want to comment on the remarks made by the immediately preceding speaker.

The gentleman from Dauphin County is exactly right, that this amendment has the potential, particularly in an area where I am from, in Beaver County, to significantly – potential – to significantly increase the rates for existing customers with the new formula that the gentleman is proposing.

I think that goes in the wrong direction. This is an amendment that ought not to be included in this bill, and I would ask for a negative vote.

Thank you, Madam Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Centre County, Mr. Herman.

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

And the previous two speakers, as well as the gentleman from Chester County and the gentleman from Bucks County, have eloquently pointed out the consequences of this amendment and its passage to current and future ratepayers and customers of water and sewer services. I encourage a negative vote.

Thank you very much, Madam Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. McGill, for the second time.

Mr. MCGILL. Thank you, Madam Speaker.

What I have heard several times now is the issue of fairness. I do not believe it is fair for my constituents or any constituents of anyone who represents the rest of Pennsylvania to have to pay for new development coming in and using sewage treatment plants that are there. It is simply unfair. I believe the member on the other side of the aisle had it exactly backwards. What my amendment is trying to do is make sure when new development comes in, they do not get a break and it is not forced back on

our local ratepayers, and that is what this amendment is trying to do.

I want the playing field to be leveled. I do not think that new development should get a benefit over my citizens that have been paying for a sewage treatment plant. I do not think that new development in fields that do not even have houses on them yet should carry more credit than the people who are paying to keep these plants in operation through their monthly fees. I think it is awful that we are going to give development a free ride here at the expense, at the expense of sewage treatment plants that our citizens are paying for.

This is a good amendment. I would ask you to please support it.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Montgomery County, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you, Madam Speaker.

I just wanted to comment on the amendment, and I feel very strongly about this, because I have been contacted by many of my local municipal authorities. This is an anticonsumer bill. If this amendment does not go through, our existing ratepayers are going to be in essence subsidizing new development. This is the long and the short of it, and let me just give you an example.

In my district what they have done years ago was float bonds with the expectation that a certain amount of money per EDU (equivalent dwelling unit) would come back to pay for said bonds. If this HB 51 goes through unamended, it is going to cost every single existing ratepayer and everyone who pays sewer rent.

Thank you.

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

Mr. STEIL. Thank you, Madam Speaker.

I am puzzled by the remarks regarding the cost of sewage facilities for existing customers. The bill is very clear on page 5 and page 6 in saying, "...except when calculating the initial tapping fee imposed for connection to facilities exclusively serving new customers." By changing that language to "...capable of serving new customers," we are in fact charging twice for the connection to the system, and that system may not necessarily be a developer. It could be any one of us who has sewer service extended to our home and we now tap into the system. If that were the case, under this amendment, we would pay twice. We would pay for the existing facility, and we would also pay for the new facility.

This amendment is unfair, but it is unfair to new connections, not to existing homeowners or residential users. It does not affect their costs.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

## LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair returns to leaves of absence.

The minority whip requests that the gentleman, Mr. KELLER, be placed on leave for the remainder of the day. Without objection, the leave is granted.

### CONSIDERATION OF HB 51 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Dauphin County, Mr. McNaughton, for the second time.

Mr. McNAUGHTON. Thank you, Madam Speaker.

And I would like to echo Representative Steil's comments again, and we need to keep this conversation and the analysis of this piece of legislation in focus, because it is a very technical issue, but frightening people into voting one way or another by insinuating or implying and making statements that it is going to increase the cost to everyone who is on a sewage system currently is just not factually correct, nor is there any basis in the bill for those types of statements.

Hopefully, and I would urge the members to please, those who are involved in the situation, those who have been involved in negotiation, Representative Steil and Representative Ross, they speak from a factual basis, and they are not going to try to scare you in one way or another. There is not an increased cost to existing users on any existing sewer system because of HB 51.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair again returns to leaves of absence.

The Democrat whip requests that the gentleman from Westmoreland County, Mr. TANGRETTI, be placed on leave for the remainder of the day. The Chair hears no objections.

### CONSIDERATION OF HB 51 CONTINUED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Bucks County, Mr. McIlhinney, on the amendment.

Mr. McILHINNEY. Thank you, Madam Speaker.

I just heard the previous speaker say that there was no additional cost to any existing ratepayer based on HB 51. There are indeed going to be some costs to the ratepayers for some of the authorities around Pennsylvania that have to lower their tapping fees by the amount of money, by the gallonages, that we are putting on a limit. That was very clear in caucus that some of you will have increases in rates, not all of you. It may be justified; it may not be justified, but it is certainly not factual to say that nobody will have a rate increase in Pennsylvania because of HB 51, because certainly, some authorities have already expressed that they intend to have to raise their rates if HB 51 goes through.

So I want all the members to recognize that, that it is not true. Some of you, not all of you, will have rate increases back home because of HB 51. Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Veon, from Beaver County.

Mr. VEON. Thank you, Madam Speaker.

Madam Speaker, I recognize that this is a significant problem in several counties in eastern Pennsylvania that some members are working very hard here today to try to rectify, but my concern with amendments like this and others that are going to

be offered to this bill here today is that in fact, in essence, they create significant impediments to development, and I understand that in some specific counties in eastern Pennsylvania, exactly what you are trying to do is to create significant impediments to new and additional development. You have too much development already. You do not need more development.

But, Madam Speaker, where I am from, in western Pennsylvania and southwestern Pennsylvania, we are hungry for development; we welcome development; we need development. And the kind of language that is being proposed in this amendment is language that, in my judgment, simply puts obstacles and impediments in front of that kind of development.

So it serves those legislators well in several counties in eastern Pennsylvania but serves many counties, particularly in southwestern Pennsylvania, not very well, and for those reasons I again strongly urge that we defeat this amendment and get this bill passed today.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the lady from Montgomery County, Mrs. Crahalla, for the second time.

Mrs. CRAHALLA. Thank you, Madam Speaker.

I just wanted to respond to Representative Veon's comment about— I can appreciate the fact that he would want new development, but let me say, as one who has had a tremendous amount of development in her district and it is continuing on, I just wanted to comment that never once have I ever heard a complaint from any developer about the tapping fee of \$4,000 per EDU. It is a cost of doing business. They have always accepted it.

Again, I do not mean to minimize the— What would I say? Well, anyhow, the point of this that I am trying to make is, this is not a problem with 90 percent of all of the developers that I know. I do not know of anybody who has had any major complaints. Apparently, there have been a few instances where lawsuits have resulted but very few, and believe me, in my area, if there was any problem with this, the existing system, we would have heard, because I was a supervisor for 5 years.

I just wanted to make one other quick comment, and that is, if HB 51 passes, it will take away the power from local municipalities, but that is for another discussion.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Dauphin County, Mr. Payne, on the amendment.

Mr. PAYNE. Thank you, Madam Speaker.

Madam Speaker, will the gentleman who sponsored the amendment stand for interrogation?

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

Mr. PAYNE. Madam Speaker, my question is a basic, simple question: If a new development, let us just say, of 800 homes goes into my district and requires pump station upgrades along the way to the main treatment plant, who is going to pay for the pump station upgrades — the new development, the existing ratepayers, or a combination?

Mr. MCGILL. The existing ratepayers.

Mr. PAYNE. The existing ratepayers will pay for the upgrades to the pump stations because of the new development.

Thank you, Madam Speaker.

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

The following roll call was recorded:

**YEAS—55**

Adolph	Freeman	Maher	Rohrer
Bard	Godshall	Manderino	Schroder
Barrar	Grucela	McGill	Smith, B.
Belardi	Habay	McIlhinney	Surra
Bunt	Harhart	Micozzie	Taylor, J.
Butkovitz	Harper	Miller, S.	Tigue
Cawley	Hennessey	Myers	Vance
Crahalla	Hershey	O'Brien	Vitali
Creighton	Josephs	O'Neill	Watson
Curry	Kenney	Payne	Weber
Dailey	Kirkland	Petri	Wheatley
Donatucci	LaGrotta	Preston	Williams
Evans, D.	Leach	Reichley	Yewic
Flick	Levdansky	Rieger	

**NAYS—141**

Allen	Eachus	Lynch	Sather
Argall	Egolf	Mackereth	Saylor
Armstrong	Evans, J.	Maitland	Scavello
Baker	Fabrizio	Major	Scrimenti
Baldwin	Fairchild	Mann	Semmel
Bastian	Feese	Markosek	Shaner
Belfanti	Fichter	Marsico	Smith, S. H.
Benninghoff	Fleagle	McCall	Solobay
Bianucci	Forcier	McGeehan	Staback
Birmelin	Frankel	McIlhattan	Stairs
Bishop	Gabig	McNaughton	Steil
Blaum	Gannon	Melio	Stern
Boyd	Geist	Metcalfe	Stetler
Browne	George	Miller, R.	Stevenson, R.
Buxton	Gergely	Mundy	Stevenson, T.
Caltagirone	Gillespie	Nailor	Sturla
Cappelli	Gingrich	Nickol	Taylor, E. Z.
Casorio	Goodman	Oliver	Thomas
Causar	Gordner	Pallone	Travaglio
Civera	Gruitza	Petrarca	True
Clymer	Haluska	Petrone	Turzai
Cohen	Hanna	Phillips	Veon
Coleman	Harhai	Pickett	Walko
Cornell	Harris	Pistella	Wansacz
Corrigan	Hasay	Raymond	Washington
Costa	Herman	Readshaw	Waters
Coy	Hess	Reed	Wilt
Cruz	Hickernell	Roberts	Wojnaroski
Daley	Horsey	Roebuck	Wright
Dally	Hutchinson	Rooney	Youngblood
DeLuca	James	Ross	Yudichak
Denlinger	Kotik	Rubley	Zug
Dermody	Laughlin	Ruffing	
DeWeese	Lederer	Sainato	
DiGirolamo	Leh	Samuelson	Perzel,
Diven	Lescovitz	Santoni	Speaker

**NOT VOTING—2**

Bebko-Jones      Lewis

**EXCUSED—2**

Keller              Tangretti

**GUESTS INTRODUCED**

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Bebko-Jones, John and Jan Agnello and Dave Wright of Erie, Pennsylvania. They are seated in the gallery. Would they please rise.

The Chair is also pleased to welcome to the hall of the House, as a guest of Representative Washington, Charles Fedorco, a colleague of Representative Washington's from the Harvard School of Government. He is seated in the rear of the House. Would he please rise.

**LANCASTER CATHOLIC HIGH SCHOOL  
BASKETBALL TEAM PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the gentlemen, Messrs. Baldwin and Sturla, for the purpose of a citation presentation.

Mr. BALDWIN. Madam Speaker, fellow Representatives, guests: It gives me great pleasure today to recognize the 2003 PIAA Class AAA boys basketball champions from Lancaster Catholic, Lancaster, Pennsylvania.

Behind me we have the coach, Bill Southward, who, with his fellow coaches, deserves great recognition for his job in completing an undefeated season, the first time since 1987 in Lancaster County to do so.

I would also like to recognize the captains behind me, and I will also hand it over to Representative Sturla to say a few words.

Mr. STURLA. Thank you.

I just want to congratulate the team and tell them that they gave us a great ride. It was fun to watch and read about you guys as you progressed through the year, and it is good to see that you made it all the way, and we are happy to have you here today.

**CHRIS ENGLER AND ISAIAH BRITTON  
PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lycoming, Mr. Cappelli, for the purpose of a citation presentation.

Mr. CAPPELLI. Thank you, Madam Speaker.

Madam Speaker, I have waited 2 years and 4 months very impatiently to have the privilege and honor of presenting Commonwealth of Pennsylvania citations to a State high school wrestling champion. As someone who began wrestling himself in the first grade and wrestled competitively all the way through high school, my dream was to win a high school State championship and to have my portrait hung proudly in the gymnasium hall of my high school. Injury was not to afford me that great honor.

But today standing behind me are two of Pennsylvania's finest high school wrestlers. Mr. Chris Engler, a senior, and junior Isaiah Britton both captured PIAA Class AA State high school wrestling championships this year in Hershey — Chris at the 145-pound weight class and Isaiah at 135 pounds.

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

Joining Chris and Isaiah here today are their very, very proud parents –Michael and Kimberly Engler and Larry and Donna Britton. They are in the left rear corner of the hall. I would like them to rise, please, and be recognized.

Also with Mr. and Mrs. Engler and the Brittons is Barbara Anderson, the athletic director from the Loyalsock Township High School.

Chris and Isaiah, joined by coach Ben Hepburn, are the second pair of Loyalsock High School wrestlers in the last 5 years to bring home State championships in the same tournament. Quite a program led by Coach Hepburn, and you are to be commended.

Madam Speaker, when I think of my fondness for the sport and the admiration and respect I have for Chris and Isaiah's accomplishment, I am reminded of a service or ceremony held in December of 1945 at the White House by former President Harry Truman, where he was presiding over a Congressional Medal of Honor ceremony for members of the United States Navy and Marine Corps, and I would like to cite just a small portion of the remarks he made that day. He said, quote, "I think I told each one of them that I would rather have that medal, the Congressional Medal of Honor, than be President of these United States."

Madam Speaker, I would rather have their medal, the PIAA high school State wrestling championship, than be a member of this House of Representatives.

Please join me in honoring Chris and Isaiah.

### TYLER REES PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman from York County, Mr. Smith, for the purpose of a citation presentation.

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

I am very proud to introduce a PIAA Class AAA wrestling champion from Northern High School. Tyler Rees is a heavyweight champion, 275-pound class, and he is the best example you will find of an individual who set his goals high. Last year he was runner-up, and he set his goal to be the State champion and attain that goal. His record this year was 41 wins and 4 losses. His career record: 133 wins and 17 losses. He participated in the Dapper Dan tournament.

With him, behind me, is his wrestling coach, Clair Rudisill. In the back of the House, we have Tyler's parents, Larry and Becky Rees; Tyler's grandparents, Ed and Arlene Palmer; the Northern football coach, because Tyler did play football also for Northern, Rick Mauck; and the Northern athletic director, Jerry Schwille.

Please give a rousing round of applause for these individuals, and would they please rise.

Thank you, Madam Speaker.

### CONSIDERATION OF HB 51 CONTINUED

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **McGILL** offered the following amendment No. **A0700**:

Amend Sec. 1 (Sec. 5607), page 17, lines 11 through 30; page 18, lines 1 through 3, by striking out all of said lines on said pages

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. McGill.

Mr. MCGILL. Thank you, Madam Speaker.

I think this one may be less confusing because of the way the bill was written and I think a little bit fairer to the municipalities.

What this amendment does is, any person may challenge the tapping fee that a municipality is charging them, and if they challenge that fee, then the municipality must go out and hire not their own engineer but an independent engineer to come back and evaluate whether or not the calculations are correct, so there is a double burden on the municipality not only to have the ordinance but to prove that it is correct, and I would like that taken out. I do not believe that a 30-day period to force a municipality to turn around and have to defend what they have is the proper way to go about it.

If we look at it another way, if this bill, if this bill is as good as the maker says it is, there really is not a reason to have this in there. This is a slap in the face to our local municipal authorities, and I do not believe that they deserve it. So if you think that the bill is good, why are you turning around and saying to the people that are enforcing the tapping fees and coming up with the tapping fees based on this that they really are going to have to prove it again, but they cannot prove it with their own engineer; they have to prove it with an engineer that they have to hire on the outside, and again, it is an additional cost to them.

It is kind of degrading that it is even in there, but it is in there, and I would ask for an affirmative vote to get it out.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Chester County, Mr. Ross, on the amendment. The gentleman waives off.

The Chair recognizes the gentleman from Bucks County, Mr. Steil, on the amendment.

Mr. STEIL. Thank you, Madam Speaker.

Into this bill we tried to build protections for municipal authorities that may reasonably believe that they have wastewater flows exceeding the numbers that are included in the bill – that is, 100 gallons per capita per day. So in the bill is included a provision for a municipal authority to conduct a study, to demonstrate that the actual wastewater flows exceed the numbers allowed by the bill itself. If that study demonstrates that the flows indeed are greater, the municipal authority has the right to use those numbers, but as with everything else in our judicial procedures, there is an ability for someone to challenge the number, and if that number is challenged, then the municipal authority is permitted to hire, at their cost, a third party to review the calculations to determine that the numbers are in fact correct. If we do not provide for that third-party review, the alternative is that those who would challenge the numbers would have to proceed directly to the county court.

We are simply trying to provide a mechanism to enable authorities to keep such challenges out of the courts, which is at great expense to them. That is the purpose of the bill as it is written.

Therefore, I am going to vote “no” on this amendment, because I think it removes an option that municipal authorities should have and should take advantage of.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Madam Speaker.

I want to interrogate someone, perhaps the maker of the bill or Mr. Steil, but I am just wondering— Maybe I can state my question and see if Mr. Herman wants to jump in or someone else.

But it seems, if I am understanding this amendment correctly, it deals with the issue of who should pay for the certification, the costs of the certification, if there is a dispute, and I have been around legal circles long enough that traditionally it is the party who is not satisfied with the status quo, the challenging party, whose burden it is to incur the costs. So therefore, I would agree with Mr. McGill, unless there is another good reason to the contrary.

So what I am trying to understand is, what is the logic behind requiring the municipality to incur costs in trying to establish something that is disputed by a developer?

The SPEAKER pro tempore. The gentleman, Mr. Steil, agrees to the interrogation. You may proceed.

Mr. STEIL. Thank you, Madam Speaker.

I think I understood the question. I think the logic in the language that is in the bill is this: If the study, wastewater calculation, or flows are challenged, the municipal authority at that point has two decisions, or two choices: one, they can simply move directly to saying to the appealing party that we will allow due process to take its course, and the appealing party will file an objection in county court, which the municipal authority will then have to defend; or the municipal authority can say, we will hire a third-party engineer who will certify the numbers. If that happens, they probably have saved themselves considerable money than accepting a court challenge and having to defend it. So that is the validity or that is the reason why we have allowed the municipality or the municipal authority to make the alternative decision to have a third-party review of the wastewater calculations.

Mr. VITALI. Well, I certainly understand the logic of having this third-party engineer come in, but my question is, why does the developer not pay for this, just because they are not satisfied with the status quo. Apparently, we are dealing with a scenario where the municipality is asserting, perhaps by reason of its own engineering advice, that the daily flow is what it is and it is the developer who is saying, no, we disagree. So why should the developer not be the one who incurs the cost of paying for the engineer? That is what I am trying to get at.

Mr. STEIL. Because it is the municipal authority that benefits from a higher tapping fee as a result of wastewater flows in excess of 100 gallons per capita per day.

Mr. VITALI. Again, I am barely grasping this, but conversely, would the developer not benefit from the lower fees? End of question.

Mr. STEIL. Well, I would suspect that the municipal authority, if the study actually demonstrates wastewater flows below 100 gallons per capita per day, the municipal authority is not going to proceed with any kind— They are simply going to accept the 100 gallons per day if the actual study shows it to be

less. There is not going to be an appeal. They will fall back to the wastewater flows included in the bill itself.

Mr. VITALI. That concludes my interrogation. If I could just speak briefly.

The SPEAKER pro tempore. You may proceed.

Mr. VITALI. I mean, my gut reaction here is, as I am getting a sense for this, is this is simply a question, if the amount of flow is in dispute, who incurs the cost – the municipality or the developer? When I think municipality, I think of my taxpayers; I think of my constituents, because they are the ones who incur these costs. I mean, municipal fees are paid by the people who vote for us. When I think of developer, I think of private profit. There is nothing wrong with that.

So I am going to err on the side of protecting my taxpayers, and I am going to support the McGill amendment, because I think that it is benefiting my taxpayers, and logically, it is the developer in this case who is disputing the status quo, so they should incur the costs of the dispute.

So I would rise in support of the McGill amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lawrence County, Mr. LaGrotta.

Mr. LaGROTTA. Thank you, Madam Speaker.

Madam Speaker, I wondered if the gentleman, Mr. Steil, would stand for further interrogation.

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

Mr. LaGROTTA. Thank you, Madam Speaker.

Madam Speaker, I want to be sure that I understand where this is going. If a municipality or a municipal authority wishes to charge beyond the 100-gallon flow, they have to get a certified professional to offer figures that justify that. Is that correct, Madam Speaker?

Mr. STEIL. Thank you, Madam Speaker.

The authority has the option of demonstrating that the actual wastewater flows exceed the allowed 100 gallons per capita per day if they choose.

Mr. LaGROTTA. And how do they demonstrate that, Madam Speaker?

Mr. STEIL. They demonstrate that by conducting a flow study over the period of 12 months, from a development of like size and type.

Mr. LaGROTTA. And who would conduct that study, Madam Speaker?

Mr. STEIL. The sewer authority.

Mr. LaGROTTA. The sewer authority. Would they have to hire registered professionals to do that, Madam Speaker?

Mr. STEIL. They would have to follow prescribed procedures to accomplish that. Typically, because most authorities have a consulting engineer, it would be their consulting engineer which would conduct the study.

Mr. LaGROTTA. Thank you.

Madam Speaker, now, if a developer wanted to challenge that 12-month study, they could do that. Is that correct?

Mr. STEIL. That is correct.

Mr. LaGROTTA. So the developer would issue a challenge to that 12-month professionally conducted study, and if the authority wished to uphold its figures, it would have to hire another professional and conduct another study at the expense of the taxpayers/existing users. Is that correct?

Mr. STEIL. That is correct, but the point is that it is the municipal authority that benefits by the higher numbers, so as a result, they are hiring a third engineer to certify the study's numbers, and if that third engineer upholds those numbers, the municipal authority can now charge the higher tapping fee, which will be to their benefit, to their great benefit.

Mr. LaGROTTA. If, Madam Speaker, no one were to challenge the higher numbers, would those higher numbers then be accepted as the flow?

Mr. STEIL. Yes, Madam Speaker.

Mr. LaGROTTA. Now, I am a developer and I challenge the higher numbers, and if I win the challenge at the expense of the taxpayers/existing ratepayers, who benefits from my victory?

Mr. STEIL. The owners of new homes.

Mr. LaGROTTA. The developers, who will build the homes and sell the homes?

Mr. STEIL. That is correct.

Mr. LaGROTTA. Correct.

Now, if I go to court in any kind of litigious proceeding and I wish to offer expert testimony contrary to what the other party is offering, who pays for the expert testimony that I would provide in that due process hearing?

Mr. STEIL. I would presume that the plaintiff would have to provide their own expert testimony.

Mr. LaGROTTA. So in other words, if I were to challenge the status quo in any other due process hearing, I would have to pay for my own expert testimony, at which point then a jury or a judge would decide the validity.

Mr. STEIL. That is my understanding.

Mr. LaGROTTA. That is my understanding. Thank you.

Madam Speaker, that concludes my interrogation. I wondered if I might offer some comments.

The SPEAKER pro tempore. You may proceed.

Mr. LaGROTTA. Madam Speaker, in many situations, in rural, subrural districts like mine, large developers are taking advantage— Madam Speaker, could I get some order?

The SPEAKER pro tempore. The gentleman does deserve to be heard. This is a very complex issue, and some members would like to hear the answers. Would members please take their seats.

Mr. LaGROTTA. Thank you, Madam Speaker.

Madam Speaker, in some areas, such as the district I represent, developers recognize the increased value of large greenfields that can be subdivided, where homes can be built, provided there is adequate infrastructure to those subdivisions.

One of the things that we are dealing with in western Pennsylvania – and I do agree with the gentleman, the minority whip, who said that we do want new development – but one of the things, Madam Speaker, we are dealing with is very, very substandard wastewater treatment. We have got sewage plants that need to be expanded. We have got large tracts of land with no water or sewer. And as the legislator from a district that is experiencing these problems, I feel compelled to make sure that the men and women, the homeowners that I represent, who have paid rates for years and years, are not in any way, subversive or otherwise, forced to pay additional fees so that some people can build big houses and make big profits.

Now, I want to make this very clear, Madam Speaker. I am not against big houses or big profits, despite the fact that I do not live in one and I do not make any. I am against big houses and big profits being built and made on the backs of old

senior citizens in Ellwood City or Shenango Township, Lawrence County, who would be forced to pay for not only the sewer lines but also for the expanded sewage treatment plants, if they are not protected.

I believe if a municipal authority has an engineer, Madam Speaker, who offers numbers that are more than 100 gallons per day per unit, if a developer or a homeowner seeks to challenge those numbers, then they should be responsible for providing evidence that says that those numbers are incorrect and should be responsible for paying to provide those numbers.

Madam Speaker, I think this amendment simply protects existing users, and a vote against this amendment is a vote against the people that we all collectively represent.

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—63

Adolph	Freeman	Manderino	Samuelson
Barrar	Godshall	McGeehan	Schroder
Belardi	Grucela	McGill	Scrimenti
Browne	Harper	McIlhinney	Surra
Bunt	Hasay	Micozzie	Taylor, J.
Butkovitz	Hennessey	Miller, S.	Vance
Cawley	Hershey	Mundy	Vitali
Clymer	James	Myers	Washington
Crahalla	Josephs	O'Brien	Watson
Creighton	Kenney	Oliver	Weber
Curry	Kirkland	O'Neill	Wheatley
Dailley	LaGrotta	Petri	Williams
DiGirolo	Leach	Preston	Wilt
Evans, D.	Leh	Rieger	Wright
Fichter	Levdansky	Rohrer	Yewcic
Flick	Maher	Rublely	

#### NAYS—135

Allen	Donatucci	Lescovitz	Santoni
Argall	Eachus	Lewis	Sather
Armstrong	Egolf	Lynch	Saylor
Baker	Evans, J.	Mackereth	Scavello
Baldwin	Fabrizio	Maitland	Semmel
Bard	Fairchild	Major	Shaner
Bastian	Feese	Mann	Smith, B.
Bebko-Jones	Fleagle	Markosek	Smith, S. H.
Belfanti	Forcier	Marsico	Solobay
Benninghoff	Frankel	McCall	Staback
Biancucci	Gabig	McIlhattan	Stairs
Birmelin	Gannon	McNaughton	Steil
Bishop	Geist	Melio	Stern
Blaum	George	Metcalfe	Stetler
Boyd	Gergely	Miller, R.	Stevenson, R.
Buxton	Gillespie	Nailor	Stevenson, T.
Caltagirone	Gingrich	Nickol	Sturla
Cappelli	Goodman	Pallone	Taylor, E. Z.
Casorio	Gordner	Payne	Thomas
Causar	Gruitza	Petrarca	Tigue
Civera	Habay	Petrone	Travaglio
Cohen	Haluska	Phillips	True
Coleman	Hanna	Pickett	Turzai
Cornell	Harhai	Pistella	Veon
Corrigan	Harhart	Raymond	Walko
Costa	Harris	Readshaw	Wansacz
Coy	Herman	Reed	Waters
Cruz	Hess	Reichley	Wojnaroski
Daley	Hickernell	Roberts	Youngblood

Dally	Horsey	Roebuck	Yudichak
DeLuca	Hutchinson	Rooney	Zug
Denlinger	Kotik	Ross	
Dermody	Laughlin	Ruffing	Perzel,
DeWeese	Lederer	Sainato	Speaker
Diven			

NOT VOTING—0

EXCUSED—2

Keller                      Tangretti

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

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House, as the guests of Representative Todd Eachus, the Hazleton Area High School quad-A State champion Cougar cheerleaders. They are seated at the rear of the House. Would they please rise.

### CONSIDERATION OF HB 51 CONTINUED

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

Mr. **CALTAGIRONE** offered the following amendment No. **A0605**:

Amend Title, page 1, line 2, by inserting after “providing”  
for prohibition on political activity and

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 2166.1 of Title 53 of the Pennsylvania Consolidated Statutes, added December 30, 2002 (P.L.2001, No.230), is amended to read:

[§ 2166.1. Prohibition on political activity.

A police officer as defined in section 2162 (relating to definitions) who is subject to civil service under the provisions of a statute, law or home rule charter and who is certified under this subchapter may not engage or participate in the conducting of any political or election campaign otherwise than to exercise the police officer’s own right of suffrage.]

Section 1.1. Section 5607(d)(17), (24), (30), (32) and (33) of Title 53 are amended to read:

Amend Sec. 5, page 26, by inserting between lines 26 and 27

(1) The amendment of 53 Pa.C.S. § 2166.1 shall take effect in 60 days.

Amend Sec. 5, page 26, line 27, by striking out “(1)” and inserting

(2)

Amend Sec. 5, page 26, line 30, 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. Caltagirone. The gentleman waives off.

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

Mr. VITALI. Thank you, Madam Speaker.

I just wanted a brief explanation. I mean, this could potentially be controversial. I just did not want it to go by without members being aware of what it was.

The SPEAKER pro tempore. Will the gentleman cease for just a moment. Mr. Caltagirone says the amendment has been withdrawn.

### AMENDMENT WITHDRAWN

Mr. **CALTAGIRONE**. Thank you.

Madam Speaker, there has been an arrangement made with Chairman O’Brien that this legislation will be considered in his committee, so I would like to withdraw the amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. **CALTAGIRONE**. Thank you.

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

The SPEAKER pro tempore. The gentleman, Mr. McCall, has also withdrawn his amendment 0607.

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

Ms. **HARPER** offered the following amendment No. **A0645**:

Amend Sec. 1 (Sec. 5607), page 15, lines 4 through 7, by striking out “FOR THE FIRST FIVE YEARS AFTER” in line 4; all of lines 5 and 6 and “THEREAFTER” in line 7

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

The SPEAKER pro tempore. On that question, the Chair recognizes the lady from Montgomery County, Ms. Harper.

Ms. **HARPER**. Thank you, Madam Speaker.

This amendment would change a provision of the bill which would drop the 100 gallons per day to 80 gallons per day after 5 years.

The reason that I am offering this amendment and would ask you to please vote “yes” is that sewer facilities are planned for 25 or 30 years and are often financed over 20 to 30 years, and if we change the assumptions under which the sewer plants were financed, we are passing an increase in sewer rates on to the people who live in our communities.

Madam Speaker, I know that the debate has been long, but this is my first time at the mike, and I think I am entitled to order.

The SPEAKER pro tempore. You are right. Could we please have some order in the hall of the House?

Ms. **HARPER**. Thank you, Madam Speaker.

I have been told that a deal was reached between two lobbyists regarding this provision. I have further been told that

that deal provided that the gallons per day would drop from 100 gallons per day to 80 gallons per day after 5 years because two lobbyists agreed that it would be so. But I was not elected by those lobbyists, and I do not believe that we leave our discretion or our common sense at the doors of the House when we walk in here.

This is not a good bill for any of the municipalities or the people who live in them that I represent. Moreover, I have not received any complaints from any builders in my area regarding the current calculation of tapping fees. That is why I am attempting to improve on this bill, although I do not believe it is adequate, by adding this amendment.

It is patently unfair to the people who are currently paying sewer bills to have to pick up the costs for the new development that they do not seek. This bill enables suburban sprawl. That is all it does. It does not do anything good for the people who sent us here.

I would urge a “yes” vote on this amendment.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Bucks County, Mr. Steil.

Mr. STEIL. Thank you, Madam Speaker.

I think in debates of this complexity and this serious impact on all of us, ultimately we have to fall back on to the science, and we have to ask ourselves, what is the science that supports the use of any particular number?

The gentlelady from Montgomery County is correct that the legislation calls for wastewater flow calculations based upon 100 gallons per capita per day for the first 5 years of this legislation and then it drops to 80 gallons per day.

Now, I would point out that, first of all, this legislation does not go into effect for 18 months after its passage. Therefore, 5 years is really 6 1/2 years.

Secondly, technology improvements have been rapidly changing the amount of capacity that sewage treatment plants can handle.

Thirdly, we must ask ourselves, what is the difference between the water flows which are included in this bill, which are 65 gallons per capita per day – that simply means that for each water tap, the allowable flow numbers are 65 gallons per capita per day – so we have to ask ourselves, how in a household do we get from 65 gallons to 100 gallons per day? Well, the answer is, it comes from inflow and infiltration. Inflow and infiltration is a cost and a problem that results from sewage systems that ultimately leak as they grow older so that groundwater and other improper connections to the sewer system allow additional water in.

Clearly, that type of inflow and infiltration is a maintenance issue. A maintenance issue is an operating cost; it is not a capital cost of the system. And I would point out to the members that current law reads thusly: “The cost used in calculating tapping fees shall not include maintenance and operation expenses.” That is existing law. Therefore, by going to 100 gallons per day, which includes a significant allowance for inflow and infiltration, we are already permitting an operating cost to exist as part of the tapping fee.

Also, I would fall back on to the EPA (Environmental Protection Agency) design manual for wastewater treatment/disposal for communities. In this manual, they state that the average daily wastewater flow from a typical residential dwelling seldom exceeds 75 gallons per capita per day.

In DEP’s (Department of Environmental Protection’s) own design manual, their design manual says that new sewage systems, for municipal systems and subdivisions of over 150 homes, the design average flow shall be based on 100 gallons per capita per day; for developments of less than 150 homes per day, 75 gallons per capita per day.

Therefore, we have adequately provided for the wastewater flows that are generated by residential dwellings, based upon all of the knowing science, but recall that in addition to that, we have also permitted sewage treatment facilities, authorities, to conduct a study to demonstrate that their flows are higher and then use those higher numbers.

So we think we have adequately addressed it. I will vote “no” on this amendment because it is not necessary.

The SPEAKER pro tempore. The Chair thanks the gentleman.

#### BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Because of the upcoming dedication, we will go over this bill till later this afternoon, but we have some announcements.

#### CONSUMER AFFAIRS COMMITTEE MEETING

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

Mr. BUNT. Thank you, Madam Speaker.

Madam Speaker, the House Consumer Affairs Committee was going to be held at the call of the Chair. That has been changed so that it does not interfere with the dedication of the Irvis Building, so we will meet at 1:45 p.m. in room 60 of the East Wing.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The House Consumer Affairs Committee will meet in room 60 at 1:45.

#### COMMITTEE MEETING CANCELED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gannon, for the purpose of a committee announcement.

Mr. GANNON. Thank you, Madam Speaker.

Madam Speaker, the House Professional Licensure Committee meeting scheduled for today is canceled. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Gannon, announced that the Professional Licensure meeting scheduled for today has been canceled.

#### DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Cohen, for the purpose of a caucus announcement.

Mr. COHEN. Madam Speaker, there will be a Democratic caucus at 1:30 p.m. Before that but after the conclusion of the Irvis ceremony, there will be informal discussions in the House Democratic caucus room.

### JUDICIARY COMMITTEE MEETING

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

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

There will be a meeting of the Judiciary Committee immediately at the call of the recess in the rear of the House. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. O'Brien, calls a meeting of the Judiciary Committee at the rear of the House immediately upon recess.

The Chair recognizes the caucus chair, Mrs. Taylor.

Mrs. TAYLOR. Madam Speaker, there will be no need for a Republican caucus. It is my understanding that we will return to the hall at 2 p.m.

The SPEAKER pro tempore. The Chair thanks the lady.

### INTERGOVERNMENTAL AFFAIRS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Berks County, Mr. Leh.

Mr. LEH. Thank you, Madam Speaker.

I would just like to remind the members of the Intergovernmental Affairs Committee that our hearing scheduled for tomorrow morning at 9 o'clock in room 60E is still on. I know, I think tomorrow has been scheduled as a token day, but our hearing is still scheduled. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Leh, calls for an Intergovernmental Affairs Committee meeting at 9 a.m. tomorrow in room 60.

### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair returns to leaves of absence and notices the presence on the floor of the gentleman, Mr. Tangretti. His name will be added to the master roll call.

### RECESS

The SPEAKER pro tempore. This House now stands in recess until 2 p.m.; 2 p.m.

### AFTER RECESS

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

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

### BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

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

HB 277;  
HB 309;  
HB 317;  
HB 348;  
HB 434;  
HB 518;  
HB 538;  
HB 565;  
HB 671;  
HB 744;  
HB 794;  
HB 884;  
HB 1026;  
HB 1133;  
HB 1227; and  
HB 1406.

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

### BILLS ON SECOND CONSIDERATION

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

**HB 277, PN 1685; HB 309, PN 1568; HB 317, PN 363; HB 348, PN 1546; HB 434, PN 1569; HB 518, PN 1480; HB 538, PN 1757; HB 565, PN 667; HB 671, PN 786; HB 744, PN 1758; HB 794, PN 926; HB 884, PN 1040; HB 1026, PN 1570; HB 1133, PN 1335; HB 1227, PN 1548; and HB 1406, PN 1740.**

### BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.  
Mr. S. SMITH. Mr. Speaker, I move that the following bills be recommitted to the Appropriations Committee:

HB 277;  
HB 309;  
HB 317;  
HB 348;  
HB 434;  
HB 518;  
HB 538;  
HB 565;  
HB 671;  
HB 744;  
HB 794;  
HB 884;  
HB 1026;  
HB 1133;  
HB 1227; and  
HB 1406.

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

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

**HB 1117, PN 1319**

By Rep. O'BRIEN

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of trespassing on railroad property; and providing for penalties.

JUDICIARY.

**BILLS REPORTED AND REREFERRED  
TO COMMITTEE ON  
LOCAL GOVERNMENT**

**HB 190, PN 219**

By Rep. O'BRIEN

An Act amending the act of June 26, 1931 (P.L.1379, No.348), referred to as the Third Class County Assessment Board Law, further providing for assessment appeals.

JUDICIARY.

**HB 191, PN 220**

By Rep. O'BRIEN

An Act amending the act of May 21, 1943 (P.L.571, No.254), known as The Fourth to Eighth Class County Assessment Law, further providing for appeal hearings.

JUDICIARY.

**CALENDAR CONTINUED**

**CONSIDERATION OF HB 51 CONTINUED**

The SPEAKER. The House is on amendment A0645 on HB 51.

The Chair recognizes the gentlelady from Bucks, Mrs. Watson.

Mrs. WATSON. Thank you, Mr. Speaker.

I rise in support of Representative Harper's amendment 645, which, for those who are coming back from a break, would maintain the calculation of 100 gallons per day per person times the household size, and it would eliminate the provision that this calculation number be reduced to 80 gallons in 5 years.

And a bit of background, if I might. I represent four municipal authorities who have contacted me repeatedly concerning the language of this bill, and parenthetically I have to add that I have heard from no individual builders, though there are many in my legislative district, or the local association from the county. While all four of my authorities are members in good standing of their parent organization, they respectfully disagree with several of this bill's provisions, because for many authorities in southeast Pennsylvania, these changes will negatively impact their current ratepayers. In plain English, ratepayers will see their sewer rates increase.

My authorities are not, as part of this bill discusses, a conglomerate of six or more municipalities. In fact, two of the four operate solely in the municipality they serve, and they do strive to keep their costs down, and they do manage their maintenance, including the many times and often-mentioned

dreaded I and I (infiltration and inflow). They, as well as I, would take exception to a previous speaker's analysis that 65 gallons per day is the accurate number and therefore the other 35 gallons per day to get to the 100 gallons is just I and I. Unless the sewer authority's lines are in total disrepair – and by the way, in the break I called home just to check and make sure – that 35 gallons of I and I would be impossible.

Mr. Speaker, we have listened to well-respected colleagues tout the 80 gallons per day per person as a, quote, "reasonable compromise" for a typical residential dwelling. With all due respect to my colleagues, I would challenge that in many sewer authority districts, there are several types of typical residential dwellings: for example, the big four-bedroom McMansion with two adults and three to four children; the over-55 senior community often with only one resident per dwelling unit, possibly two; and the townhouse with either a single owner or perhaps a young couple, both who work all day and are just starting out.

That, Mr. Speaker, is a snapshot of my legislative district, which is similar to many others. These authorities have done their scientific studies, as was mentioned, and accounted for longtime ratepayers, different types of households, and in my area, massive new growth. They all come up with the reasonable calculation of 100 gallons per day per person, and if the science is accurate now for this bill, HB 51, why would it suddenly become inaccurate in 5 years and the calculations be reduced to 80 gallons?

That rationale, bolstered by the comment that advances are being made in science which will reduce the flow and the usage, is illogical. If there will be more scientific advances, and indeed we all hope so, and that we can avail ourselves of it, how do we know that they are going to be applicable in 5 years? We do not.

The 100 gallons drop to 80 gallons in 5 years was purely a compromise. It is not based on science, Mr. Speaker. It is pure and simple horse trading. The 5 years or 4 years or 6 years, it is arbitrary and it plain does not work for thousands of ratepayers in my area.

Therefore, Mr. Speaker, as a protection – and note, as a protection – for both the authority and its individual ratepayers who are our constituents, and I would submit they are us, I would urge the members to join me in supporting Representative Harper's reasonable amendment which reduces the gallonage number to 100 gallons for calculation and keeps it at 100 gallons.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

Would Ms. Harper like to be recognized for a second time?

Ms. HARPER. Thank you, Mr. Speaker. Thank you.

This is my amendment which would remove the 5-year rollback of the 100 gallons per day to 80 gallons per day.

The science in this area is by no means clear. DEP still recommends 400 gallons per day per household. At 80 gallons per day per person times 2.4, which is the census track data for the State, my municipal authorities would have to reduce their tapping fees and raise their fees to existing residents. Most of us, I believe, would be in that position. If our own Department of Environmental Protection is not on board with 80 gallons per day per person, then I would submit to you this is a mistake and making it less than 100 gallons per day is a bigger mistake after 5 years.

Please vote “yes” on the Harper amendment currently before this body.

Thank you. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

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

Mr. STEIL. Thank you, Mr. Speaker.

As we prepare to take a vote on this amendment, I want to respond to just a couple of things. It is true that DEP in their planning manual specifies 400 gallons. However, that applies to plant capacity calculations. Their own statement in the manual, as I stipulated this morning, says that for developments of 150 homes or less, 75 gallons per capita per day, and for 150 homes or more – this is new construction – 100 gallons per day. So it is not 400. It is 75 and 100 multiplied by the density. The key here is the density.

The census numbers, it does not make any difference how many people might be in an individual home. The law prescribes the census density for that municipality shall be the multiplier of the base wastewater flows, which we have identified.

Again, I ask the members to consider the science. The science is simple. If 65 gallons a day of water is permitted into a household, where do we get 100 gallons out? We have to define that number. And if it is not I and I, then where does it come from? So ultimately we must fall back on the facts and the data as has been presented.

I ask for – and I have indicated that I will oppose this amendment – but I ask all of the members to consider the science and the data that supports the 100-gallons and 80-gallons-per-day number.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

HB 51 provides for a mathematical calculation providing for fair and equitable costs in providing for water and sewer tapping fees. There are a lot of numbers that are being flayed around by various speakers here between the various numbers that are part of this legislation and various flows, inflows and the like, but the bottom line is that no matter what number is utilized, the amendment that is offered by Representative Harper is excessive.

I think I have to point out one other thing, and that is that there is no legislation in place now that puts this in statute. That is what this bill attempts to do. What is in place for the past 10 years since 1990 are DEP regulations. By DEP’s own numbers, they estimate that the average person in Pennsylvania uses 50 gallons of water a day. This legislation provides for the calculation to be at 100 gallons per day per household for 5 years reducing to 80 gallons per day per household after 5 years, and these both are excessive over what is absolutely necessary, but in the spirit of compromise, we have all that excessive ability to provide a little wiggle room for those people who have some reservations about this legislation.

This amendment is contrary to the goals of the intention of the legislation, and I urge a negative vote.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—89

Adolph	Flick	Marsico	Smith, B.
Armstrong	Freeman	McGeehan	Stetler
Baldwin	Gannon	McGill	Sturla
Bard	George	McIlhinney	Surra
Barrar	Gingrich	Melio	Taylor, E. Z.
Bebko-Jones	Godshall	Micozzie	Taylor, J.
Belardi	Gordner	Miller, S.	Thomas
Boyd	Grucela	Mundy	True
Browne	Harper	Myers	Vance
Bunt	Hasay	Nailor	Vitali
Butkovitz	Hennessey	Nickol	Washington
Cawley	Hershey	O’Brien	Watson
Clymer	Hickernell	Oliver	Weber
Corrigan	James	O’Neill	Wheatley
Crahalla	Josephs	Payne	Williams
Creighton	Kenney	Petri	Wright
Cruz	Kirkland	Pickett	Yewcic
Curry	LaGrotta	Raymond	Youngblood
Dailey	Leach	Rohrer	Zug
Denlinger	Mackereth	Rubley	
DiGirolamo	Maher	Samuelson	
Evans, D.	Maitland	Schroder	Perzel,
Fichter	Manderino	Scrimenti	Speaker

NAYS—109

Allen	Eachus	Lederer	Ruffing
Argall	Egolf	Leh	Sainato
Baker	Evans, J.	Lescovitz	Santoni
Bastian	Fabrizio	Levdansky	Sather
Belfanti	Fairchild	Lewis	Saylor
Benninghoff	Feese	Lynch	Scavello
Biancucci	Fleagle	Major	Semmel
Birmelin	Forcier	Mann	Shaner
Bishop	Frankel	Markosek	Smith, S. H.
Blaum	Gabig	McCall	Solobay
Buxton	Geist	McIlhattan	Staback
Caltagirone	Gergely	McNaughton	Stairs
Cappelli	Gillespie	Metcalfe	Steil
Casorio	Goodman	Miller, R.	Stern
Causer	Gruitza	Pallone	Stevenson, R.
Civera	Habay	Petrarca	Stevenson, T.
Cohen	Haluska	Petrone	Tangretti
Coleman	Hanna	Phillips	Tigue
Cornell	Harhai	Pistella	Travaglio
Costa	Harhart	Preston	Turzai
Coy	Harris	Readshaw	Veon
Daley	Herman	Reed	Walko
Dally	Hess	Reichley	Wansacz
DeLuca	Horsely	Rieger	Waters
Dermody	Hutchinson	Roberts	Wilt
DeWeese	Kotik	Rooney	Wojnaroski
Diven	Laughlin	Ross	Yudichak
Donatucci			

NOT VOTING—1

Roebuck

EXCUSED—1

Keller

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

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

Ms. HARPER offered the following amendment No. **A0626**:

Amend Sec. 4, page 26, lines 14 through 19, by striking out all of said lines and inserting

(1) With respect to sewer tapping fees imposed by a joint authority having six or more municipal members.

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

The SPEAKER. The Chair recognizes the gentlelady.  
Ms. HARPER. Thank you, Mr. Speaker.

Amendment 626 was an effort to help the Oaks Treatment Plant, which is in Montgomery County.

Montgomery County has suffered from suburban sprawl for the last 10 years but is particularly hard hit along the 422 corridor. At the request of people whose municipalities make up the Oaks Treatment Plant, this amendment seeks to exempt treatment systems having six or more municipal members.

I would urge a “yes” vote.

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

Mr. STEIL. Thank you, Mr. Speaker.

This amendment probably has a very good effect for the gentlelady from Montgomery’s district. The problem with the amendment is we do not know how many sewer authorities throughout the State have six or more members. So there is an unintended consequence or potential unintended consequence with the amendment.

Since we do not know the consequences of it, I would suggest a negative vote on amendment 626.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-64

Adolph	Evans, D.	Leach	Smith, B.
Bard	Fichter	Maher	Surra
Barrar	Flick	Manderino	Taylor, E. Z.
Bebko-Jones	Gannon	McGeehan	Taylor, J.
Belardi	George	McGill	Thomas
Bunt	Godshall	McIlhinney	Tigue
Butkovitz	Harhart	Melio	Vance
Cawley	Harper	Micozzie	Vitali
Clymer	Hennessey	Miller, S.	Washington
Corrigan	Hershey	Myers	Waters
Crahalla	Horsley	O’Brien	Watson
Creighton	James	O’Neill	Weber
Cruz	Josephs	Petri	Wheatley
Curry	Kenney	Rubley	Williams

Dailey	Kirkland	Schroder	Yewcic
DiGirolamo	LaGrotta	Scrimenti	Youngblood

NAYS-135

Allen	Evans, J.	Lynch	Ruffing
Argall	Fabrizio	Mackereth	Sainato
Armstrong	Fairchild	Maitland	Samuelson
Baker	Feese	Major	Santoni
Baldwin	Fleagle	Mann	Sather
Bastian	Forcier	Markosek	Saylor
Belfanti	Frankel	Marsico	Scavello
Benninghoff	Freeman	McCall	Semmel
Biancucci	Gabig	McIlhattan	Shaner
Birmelin	Geist	McNaughton	Smith, S. H.
Bishop	Gergely	Metcalfe	Solobay
Blaum	Gillespie	Miller, R.	Staback
Boyd	Gingrich	Mundy	Stairs
Browne	Goodman	Nailor	Steil
Buxton	Gordner	Nickol	Stern
Caltagirone	Grucela	Oliver	Stetler
Cappelli	Gruitza	Pallone	Stevenson, R.
Casorio	Habay	Payne	Stevenson, T.
Causer	Haluska	Petrarca	Sturla
Civera	Hanna	Petrone	Tangretti
Cohen	Harhai	Phillips	Travaglio
Coleman	Harris	Pickett	True
Cornell	Hasay	Pistella	Turzai
Costa	Herman	Preston	Veon
Coy	Hess	Raymond	Walko
Daley	Hickernell	Readshaw	Wansacz
Dally	Hutchinson	Reed	Wilt
DeLuca	Kotik	Reichley	Wojnaroski
Denlinger	Laughlin	Rieger	Wright
Dermody	Lederer	Roberts	Yudichak
DeWeese	Leh	Roebuck	Zug
Diven	Lescovitz	Rohrer	
Donatucci	Levdansky	Rooney	Perzel,
Eachus	Lewis	Ross	Speaker
Egolf			

NOT VOTING-0

EXCUSED-1

Keller

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

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

Ms. HARPER offered the following amendment No. **A0646**:

Amend Sec. 1 (Sec. 5607), page 15, line 3, by striking out “100” and inserting

125

Amend Sec. 1 (Sec. 5607), page 15, lines 4 through 7, by striking out “FOR THE FIRST FIVE YEARS AFTER” in line 4, all of lines 5 and 6 and “THEREAFTER” in line 7

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentlelady from Montgomery, Ms. Harper.

Ms. HARPER. Thank you very much, Mr. Speaker.

I can read the handwriting on the wall. I am withdrawing this amendment.

I did my best to give this bill some reasonableness, and I failed. So I will speak against the bill when we get to that point, but I am withdrawing this amendment now. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

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

Mr. BUNT offered the following amendment No. A0664:

Amend Sec. 1 (Sec. 5607), page 14, line 23, by inserting after "fees"

unless these costs or expenses result in an increase in system design capacity

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

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

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, I am a little bit hesitant to offer this amendment considering that quite a few good amendments were offered prior to mine and all went down to a stunning defeat.

But, Mr. Speaker, I think we can make a much more credible presentation here about reinstating language, really, that just came out of the bill last week before the Appropriations Committee. For 2 1/2 years the Pennsylvania Municipal Authorities Association and the Pennsylvania Builders had negotiated and finally came to negotiated language which was stricken last week and which appears on page 14 of the bill.

What we are trying to do, Mr. Speaker, is to provide – this amendment provides that expenses to reduce groundwater infiltration or inflow may be included in the tapping fee calculation if these expenses increase the system design capacity.

Now, Mr. Speaker, someone may get up after I make this presentation and indicate that there was an additional compromise made about an agreement to increase the rate from 80 to 100 gallons. Now, that is true, but that is language that only lasts for 5 years. The language that I wish to put back in, if it does not go in, will stay for time immemorial, if you will. We would have to change it again by statute.

So, Mr. Speaker, this is a good amendment. It is an amendment that the municipal authorities want; it is something that they very much need, and as you had heard in previous testimony by the gentleman from Beaver County, he said we have no development out in Beaver County and we want some. Well, we have quite a bit of development in Montgomery County, and we are not antigrowth, we are not antibuilding, but we would like to have an opportunity to have our builders pay their fair share, and that is all we are asking for.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I wanted to get up briefly and speak on this, because I had indicated I was generally opposed to the amendments that were attached to this bill, but this is an exception.

I think one of the things that we do want to do is recapture and correct infiltration in systems, and if in fact that is done, then that capacity could be added into the base and could be used as an element to actually be expanding a system.

So I would be in favor of this amendment and will intend to vote for it.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—138

Adolph	Flick	Maitland	Santoni
Allen	Freeman	Major	Sather
Armstrong	Gabig	Manderino	Saylor
Baldwin	Gannon	Mann	Scavello
Bard	Geist	Marsico	Schroder
Barrar	Gillespie	McGeehan	Scrimenti
Bastian	Gingrich	McGill	Semmel
Bebko-Jones	Godshall	McIlhinney	Shaner
Belardi	Gordner	Melio	Smith, B.
Benninghoff	Grucela	Micozzie	Solobay
Birmelin	Habay	Miller, R.	Stern
Boyd	Hanna	Miller, S.	Stetler
Browne	Harhai	Mundy	Stevenson, T.
Bunt	Harhart	Myers	Sturla
Butkovitz	Harper	Nailor	Surra
Caltagirone	Harris	Nickol	Taylor, E. Z.
Cappelli	Hasay	O'Brien	Taylor, J.
Causar	Hennessey	Oliver	Thomas
Cawley	Herman	O'Neill	Tigue
Clymer	Hershey	Pallone	Travaglio
Coleman	Hess	Payne	True
Corrigan	Hickernell	Petrarca	Vance
Crahalla	James	Petri	Vitali
Creighton	Josephs	Petrone	Washington
Cruz	Kenney	Pickett	Watson
Curry	Kirkland	Raymond	Weber
Dailey	LaGrotta	Reichley	Wheatley
Daley	Leach	Rieger	Williams
Denlinger	Lederer	Roberts	Wright
DiGirolamo	Leh	Roebuck	Yewwic
Donatucci	Lescovitz	Rohrer	Youngblood
Evans, D.	Levdansky	Ross	Zug
Fabrizio	Lewis	Rubley	
Feese	Mackereth	Sainato	Perzel,
Fichter	Maher	Samuelson	Speaker

NAYS—61

Argall	DeWeese	Hutchinson	Ruffing
Baker	Diven	Kotik	Smith, S. H.
Belfanti	Eachus	Laughlin	Staback
Biancucci	Egolf	Lynch	Stairs
Bishop	Evans, J.	Markosek	Steil
Blaum	Fairchild	McCall	Stevenson, R.
Buxton	Fleagle	McIlhattan	Tangretti
Casorio	Forcier	McNaughton	Turzai
Civera	Frankel	Metcalfe	Veon
Cohen	George	Phillips	Walko
Cornell	Gergely	Pistella	Wansacz
Costa	Goodman	Preston	Waters
Coy	Gruitza	Readshaw	Wilt
Dally	Haluska	Reed	Wojnaroski

DeLuca Horsey Rooney Yudichak  
Dermody

NOT VOTING—0

EXCUSED—1

Keller

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?

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

Mr. MCGILL. Thank you, Mr. Speaker. I am a little bit surprised that a bill that has been around for some 2 1/2 years never made it to the legislature. It did make it to the groups that were interested in it, but it did not make it to the legislature. It certainly did not make it to me.

In the time that we have been talking about this bill that has been around so long, let me refresh your memory that it was just Tuesday of last week that it popped up. After 2 years of hard work on it, quite frankly, it was not right. So we had to put a quick amendment into it, and that amendment pretty much changed everything that the 2 years of hard work went into. There are several of us that tried to put in amendments to correct this bill because, quite frankly, it is an awful bill.

I submit to you that if it was an education bill, on everyone's desk in front of them they would have the impact of what it does to their community. This particular legislation does not.

Earlier today we heard from several people that they are not quite sure whether it is going to negatively impact a local municipal sewer authority or positively impact a local municipal sewer authority. That is outrageous. It is outrageous for us to be voting on a piece of legislation that 95 percent of us sitting in our seats do not recognize what it is going to do to our community.

**MOTION TO RECOMMIT**

Mr. MCGILL. And for that reason, Mr. Speaker, I am going to make a motion to rerefer this bill to the Environmental Resources and Energy Committee.

The SPEAKER. The gentleman, Mr. McGill, has moved that the bill be recommitted to the Committee on Environmental Resources and Energy.

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

The SPEAKER. On the motion, the Chair recognizes the gentleman, Mr. Herman.

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

Mr. Speaker, this legislation is the work of many persons for a long period of time to try to make some sense—

Mr. Speaker, I think there is a challenge on the floor. Who is allowed to speak on this? Am I allowed to speak on the motion to recommit?

The SPEAKER. For the information of the members, each member is allowed to speak on this motion.

Mr. HERMAN. I thought that was the case, Mr. Speaker.

Mr. Speaker, again, you know, this legislation is the product of much discussion between those involved with the Pennsylvania Municipal Authorities Association, the Pennsylvania Builders Association, and many other people that are involved in the legislation including the members of the House Local Government Committee, which passed this legislation some months ago. It has been around, and many members have had time to digest it and understand its consequences. Whether they took the time to do that was up to them.

I recognize the amendment was offered in the House Appropriations Committee earlier last week and this vote was delayed another week until this week so we can come to a final conclusion.

I strongly oppose the motion to recommit, and I ask that we vote this motion down and get to final passage as soon as possible.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PETRI. Thank you, Mr. Speaker.

Mr. Speaker, I voted against HB 51 in committee. I also ask that the matter be scheduled for a hearing and delayed so that all the members could understand what this bill is about.

If you are not a sewer engineer, there is no way you can understand what you are voting on today. So I will make it plain and simple. If you vote for this bill, you are voting for a rate increase in your district, plain and simple; that is the bottom line.

I urge you not to vote for this bill. I think it should be referred for additional hearings.

Thank you, Mr. Speaker.

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I rise to ask the members not to recommit this bill to committee.

If we take the previous speaker's argument on every piece of legislation that comes before this House and because we are a new member here and we do not take the time to study the issue in depth, that we want to table the issue constantly and we want to table the issue or we want to rerefer it to a committee for additional hearings, that just delays the movement of legislation through this House.

We have had this bill before this House this session. This bill was before this House last session. This bill was in the Local Government Committee for 2 years previously and again this year. This is a good piece of legislation. It does not increase the cost of sewer capacity or sewer bills in municipalities. In my

legislative district, I have not heard from one authority that has said this is going to increase costs.

In addition, the Municipal Authorities Association is in favor of this legislation, and I urge that we do not recommit.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Chester, Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I strongly support the motion to commit HB 51 to the Environmental Resources and Energy Committee for review.

We are supposed to be a deliberative body, and it is evident from the conflicting— Mr. Speaker, may I have order, please?

The SPEAKER. The lady is entitled to be heard. Please keep the noise levels down.

Mrs. RUBLEY. Thank you, Mr. Speaker.

It is evident from the conflicting information we have heard during our discussions today that adequate deliberation by our members has not occurred.

This bill affects municipalities and municipal authorities in different ways. Residents in some areas may gain while in other areas they will be losers. Each of us has an obligation to know the impact on our constituents. I just a few minutes ago received information from one of my largest municipalities stating the negative effect this bill has on our residents. This bill has serious environmental implications, and the environmental perspective should be part of our deliberations.

So please support the motion to submit this bill to the Environmental Committee. Thank you very much.

The SPEAKER. The Chair thanks the gentelady.

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

Mr. McILHINNEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of my colleague from Bucks County, who did take the time to read the bill and did realize the impact that he is going to have upon his district and the rate increases.

This bill comes down to one thing, Mr. Speaker: greed, greed by the building industry. There are those among us who do not want to pay. They want the builders to pay less and move that money to the ratepayers in Pennsylvania. It is beyond me that anybody in this House could actually have a personal stake in this and then to attack other members on this subject. It saddens me deeply. But this is a gift to the builders. This is a gift to the builders at the expense of the ratepayers of Pennsylvania.

We should recommit this to make sure exactly everybody in Pennsylvania knows what is going to happen when it hits the floor and when those rates go up and everybody has a chance to contact their legislator and they know the impact of what is going to happen.

So, Mr. Speaker, I support the motion to recommit HB 51.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Chester, Mr. Ross.

The gentleman is entitled to be heard. Please keep the noise level down.

Mr. ROSS. Thank you, Mr. Speaker.

I urge my colleagues to reestablish a little calm on this issue. I think there have been some very strong statements made by both sides that exaggerate the circumstances.

For many members who have built-out areas, this bill will not have any substantial effect on them. For other members

there may be some individual situations where there will be some rate increases, but overall, the attempt was made by many people, not just a couple of lobbyists, but by many people, both in the legislature and also outside the legislature, those that are concerned about it, to fashion a compromise that was reasonable, that actually was fair to all parties concerned. It has moved around a little bit. There have been concessions made, and I think that we have a pretty good bill right now that I am hoping we are going to be able to vote on and pass later today and send on to the Senate.

Now, I know some of my colleagues disagree with me on this, and I certainly respect their opinions and they are obviously entitled to them, and no bill that we pass here is going to satisfy all of us, but I think this is a reasonable compromise. I hope that all of us will have a chance to calm down a little bit and take a vote here. Those that disagree with me, I respect, but I do hope that a majority of you will pass the bill out.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Beaver, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to endorse the thoughtful comments of the gentleman from Chester and oppose the motion to recommit this bill.

This is in fact a deliberative body, and I think a strong case could be made that on this particular issue, in this particular bill and all the assorted and sundry amendments, we have deliberated quite a bit compared to more expensive, more serious, more important, more long-lasting issues that we have dealt with over the last years. So this has been deliberative. We have now spent several hours deliberating and debating this issue, and I think the gentleman from Chester is correct that there were a number of members, Democrat and Republican, who put a considerable amount of time into trying to reach the point that we are looking at here today on HB 51.

As I said earlier, Mr. Speaker, it is particularly important in southwestern Pennsylvania that we not enact barriers, obstacles, to development that is needed and necessary throughout southwestern Pennsylvania. And, Mr. Speaker, for all of those reasons I would ask for a negative vote on the motion to recommit.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

(Members proceeded to vote.)

#### VOTE STRICKEN

The SPEAKER. Strike the board.

The Chair recognizes the gentleman, Mr. McGill.

Mr. MCGILL. Thank you, Mr. Speaker.

Mr. Speaker, this may very well be an excellent bill; it may very well be, but what we have not had the opportunity to do is to have other people, other than a select few, evaluate it, and that is all I am asking today.

I commit to you that if you vote “yes,” allow this to be given to the Environmental Resources and Energy Committee, I will abide by whatever the results of your local municipal authorities

are. If it is a good bill for you, it is a good bill for you and let us move forward, but in testimony today we have heard time and time again that we are not quite sure, we are not quite sure if it is good for one community and bad for another. The speaker, two speakers ago, said exactly that and he said it earlier in the day, we are not quite sure. So why should any of us go about passing this thing through because we are told that it is okay?

I am only asking that we review it. I am not asking for it to be strung out into the summer or into the fall. I am asking that just give it the opportunity to be heard. I do not know that that is— We talked about being deliberative. We talked about the deliberative process today, simply talking about trying to get control of this bill when we do not have control of this bill, and that is all I am asking. Just please give it the opportunity to go back to the Environmental Committee. There is a new chairman of the Environmental Committee. They can look at this. They can take it under their wing. It can be the first thing that they do, and we can move forward with it. I am not trying to kill it now. I am asking to look at it. Just give the opportunity to look at it, and maybe, maybe then when the vote comes up, it will go the way that we all wish, but at least give it the opportunity to be heard by the committee where it should be.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—63

Adolph	Evans, D.	Mackereth	Samuelson
Bard	Fichter	Maher	Schroder
Barrar	Freeman	Manderino	Scrimenti
Bebko-Jones	Gannon	McGill	Shaner
Belardi	Godshall	McIlhinney	Smith, B.
Browne	Grucela	Melio	Staback
Bunt	Harper	Micozzie	Surra
Butkovitz	Hasay	Miller, S.	Taylor, J.
Cawley	Hennessey	Mundy	Thomas
Clymer	Hershey	Myers	Vitali
Corrigan	James	O'Neill	Watson
Crahalla	Josephs	Petri	Weber
Creighton	Kirkland	Preston	Wheatley
Curry	LaGrotta	Roberts	Williams
Dailey	Leach	Rohrer	Yewic
DiGirolamo	Levdansky	Rubley	

NAYS—136

Allen	Evans, J.	Lynch	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feese	Mann	Semmel
Baldwin	Fleagle	Markosek	Smith, S. H.
Bastian	Flick	Marsico	Solobay
Belfanti	Forcier	McCall	Stairs
Benninghoff	Frankel	McGeehan	Steil
Bianucci	Gabig	McIlhattan	Stern
Birmelin	Geist	McNaughton	Stetler
Bishop	George	Metcalfe	Stevenson, R.
Blaum	Gergely	Miller, R.	Stevenson, T.
Boyd	Gillespie	Nailor	Sturla
Buxton	Gingrich	Nickol	Tangretti
Caltagirone	Goodman	O'Brien	Taylor, E. Z.
Cappelli	Gordner	Oliver	Tigue
Casorio	Gruitza	Pallone	Travaglio

Causer	Habay	Payne	True
Civera	Haluska	Petrarca	Turzai
Cohen	Hanna	Petrone	Vance
Coleman	Harhai	Phillips	Veon
Cornell	Harhart	Pickett	Walko
Costa	Harris	Pistella	Wansacz
Coy	Herman	Raymond	Washington
Cruz	Hess	Readshaw	Waters
Daley	Hickernell	Reed	Wilt
Dally	Horseley	Reichley	Wojnaroski
DeLuca	Hutchinson	Rieger	Wright
Denlinger	Kenney	Roebuck	Youngblood
Dermody	Kotik	Rooney	Yudichak
DeWeese	Laughlin	Ross	Zug
Diven	Lederer	Ruffing	
Donatucci	Leh	Sainato	
Eachus	Lescovitz	Santoni	Perzel,
Egolf	Lewis		Speaker

NOT VOTING—0

EXCUSED—1

Keller

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

On the question recurring,  
Shall the bill pass finally?

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Bunt.

Mr. BUNT. Mr. Speaker, permission to have some remarks on final passage.

Mr. Speaker, not too often over my 20-year career have I been on the floor to vehemently object to something so much as this particular bill. There are so many problems with this bill that we attempted to take care of them through the amendment process but, frankly, just did not have enough time.

And for the record and in anticipation, you know, every 2 years something crops up to bite us at election time. This one is going to bite us, trust me.

So for the record and for the information of my colleagues here, I would like to talk about some of those problems that we have not addressed in current amendments.

This bill shifts the burden of proof onto each municipality to prove that its fees are legal. That means your municipal authority is going to have to pay. A developer only needs an opinion of an engineer that the fees could be calculated differently. The municipality then has a mere 30 days to get a professional opinion that its rates comply with this complex statute or face a mandatory income reduction and possible rebate.

Every water and sewer authority and every municipality operating such utility systems throughout the Commonwealth must recalculate its hookup fees within 18 months – and that is up from 180 days – from the date of the enactment of this bill.

Many boards, many engineers and solicitors will not be up to the task, and— Mr. Speaker?

The SPEAKER. The gentleman is entitled to be heard. There is entirely too much noise. Please keep the noise levels down.

Mr. BUNT. Mr. Speaker, I could submit these remarks for the record, but I think they are of too much benefit to the members.

As I had indicated, many boards and engineers and solicitors will not be up to the task, and unknown potential rebate liability will accrue. A better approach would be to have new calculations apply only to hookup fees which are amended or newly imposed after the law takes effect. Municipalities could then choose to freeze rates under existing law or recalculate them under new rules.

Estimates of existing facility costs can only be used if historical cost is not ascertainable. How out of date, incomplete, or questionable must old cost data be before it is deemed not ascertainable? This language will invite litigation.

Four, if projects do not move through DEP and public comment fast enough, the developers can get a rebate. The process of identifying a need for new facilities and final operation of those facilities includes a maze of State and Federal regulations, public hearings, feasibility studies, permitting, financing, and construction. That is under this bill. Most municipalities have only 7 years to complete the entire process before hookup fees, which included such project costs, are subject to being rebated. Ask your constituents how long their last expansion project took from the feasibility phase to it being placed into service.

And finally, Mr. Speaker, the Appropriations amendments that were placed in the bill last Tuesday, they place a cap on capacity fees developers pay to reserve capacity to an arbitrary 60 percent of the sewer bill paid by users. Sixty percent might not cover the debt service and fixed costs attributable to creating the capacity. Also, a builder/developer paying such fees could not be required to pay the tapping fee until he receives a building permit. Reasonable past practices have often been for sewer capacity to be committed in advance and rendered unavailable to other customers by paying the tapping fee up front and capacity fees until construction commences that discourages the hoarding of unneeded capacity.

That concludes my remarks, Mr. Speaker, and I would certainly encourage the members to give a call to their municipal authority, give a call to their municipalities, and hopefully, they will vote "no" on this bill.

The SPEAKER. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER. We have some very special guests here today, guests of Representative Staback – his wife, Angela; his daughter, Sharon Danks; and granddaughter, Kayla. They are to the left of the Speaker. Would they please rise.

### CONSIDERATION OF HB 51 CONTINUED

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

Mr. LaGROTTA. Thank you, Mr. Speaker.

Mr. Speaker, the sad thing about this debate today is that it is probably for naught in that HB 51 is going to pass. The confusing thing is that members on both sides of this issue who spoke today have made good points. The truth though, Mr. Speaker, is if this bill becomes law, the losers are the people that we represent who are existing ratepayers across

Pennsylvania, especially, Mr. Speaker, in the small, rural municipalities that so many of us represent that have authorities that are struggling to make monthly debt payments.

I have listened to a lot of the speakers today from large, suburban areas with legitimate concerns. Those of us who represent rural areas have different but equally important concerns. Yes, Mr. Speaker, we need to encourage development; yes, Mr. Speaker, we need to encourage growth, but not at the expense of the people who have been picking up the tab for too many years and getting very little, if anything, in return.

A vote for this bill, Mr. Speaker, is a vote to raise the rates of the sewer users that we represent, and as the gentleman, Mr. Bunt, said, it will come back to haunt us very soon.

I urge a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentelady from Montgomery, Ms. Harper.

Ms. HARPER. Thank you, Mr. Speaker.

In my area builders sell homes using our excellent schools. They pay nothing for the infrastructure for these excellent schools that we have already got in place. This bill will allow them to pay less for the sewer infrastructure which is in place and which those homes need. It is unfair. All we are asking is a "no" vote on this bill so that the builders will continue to pay a fair amount for their sewers.

Nothing in this bill should discourage economic development. A municipal authority does not have to charge the cost of the sewers; it can charge less. But what will happen where I come from, where we are already paying for the infrastructure of the schools that attract the suburban sprawl, is that the builders get a break, and the existing ratepayers will have to pay. This bill will increase sewer fees for everybody who is currently on public sewer in suburban Philadelphia.

This bill is opposed by the Township Supervisors; this bill is opposed by the Pennsylvania Environmental Council, and this bill is just not a good idea. So I would urge a "no" vote on it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

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

Mr. STEIL. Thank you, Mr. Speaker.

Certainly this bill has engendered more controversy than we have had in any piece of legislation this year and perhaps in the last several years, but I believe the members can be comfortable in supporting this legislation for several reasons. First is that every one of our sewer authorities is represented by a professional association, the Pennsylvania Municipal Authorities Association. They were at the table in negotiating the terms and conditions of this legislation. They represent our authorities. It does not mean that every authority is 100 percent happy. I understand that. I understand that with every piece of legislation. But the authorities were represented.

I also reject the fact that we do not know the consequences for any individual authority. If the authority wishes to know the consequences in their operations and their tapping fees, the numbers in this legislation have been available for a considerable amount of time and they can use them to calculate it now. There is nothing that is uncertain about the effect on individual authorities.

Thirdly, what we are trying to address here is not to give any particular group or agency or constituent an advantage or

disadvantage. What we are trying to do is to bring some logic to the methodology of calculating tapping fees, and we are trying to determine and to say to authorities what are good management practices and what are not. The authorities and their association have determined that the placement of inflow and infiltration into tapping fees is not good management, because ultimately when the connections to a sewer system stop, the ability to impose tapping fees also stops, and we are only ultimately delaying the date on which ratepayers must accept the cost for maintaining their system.

For these and other reasons, Mr. Speaker, I urge a positive vote. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

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

In 1990 the General Assembly passed water and sewer tapping legislation, which at that time tried to provide for a fair and equitable and rational methodology for calculating a consumer's fee for tapping into a water and sewer system. Over the course of the last 13 years, the calculations used for that largely depended upon the Department of Environmental Protection through the regulation. This legislation will put it in statute through the elected body of the House of Representatives and the State Senate, hopefully.

But since that time, more importantly, there has really been no extreme clarity on how to go about this, and as a result, the Pennsylvania Municipal Authorities Association and the Pennsylvania Builders Association, organizations which ordinarily are in loggerheads in contrast on many issues, are now in concert with the belief that something needs to be done to change this to make it more fair and more equitable and a fairer system of a method of calculation for, ultimately, the consumers who have to pay these fees – either fees through excessive costs that are passed on to new homeowners and present homeowners through excessive tap-in fees at the local level, or litigation from the authority associations who have to fight these in court and ultimately are losing in court. That is why this legislation is a true compromise between these organizations, but more importantly, the consumers of Pennsylvania that we all represent.

I encourage approval of this legislation, Mr. Speaker, and an affirmative vote on HB 51. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady from Montgomery, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you very much, Mr. Speaker.

Once again I want to say to everyone, please remember, this is an anticonsumer bill, despite the last speaker.

I want to mention, too, I was just given figures just less than 5 minutes ago about a taxpayer rate increase for a township of 35 percent if this goes through, and I also question the credibility right now of the PMAA, or whatever it is, because I have several municipal authorities in my district who have been adamantly opposed to HB 51 and they are members of this group. So I do not know if they are properly representing all of their sewer authorities either.

But again, this is definitely anticonsumer. When you go home, remember, you are going to catch the grief. Our people cannot afford any more increases of rates, taxes, or any of it. So please vote against HB 51.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

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—131

Allen	Donatucci	Laughlin	Sather
Argall	Eachus	Lescovitz	Saylor
Armstrong	Egolf	Lewis	Scrimenti
Baker	Evans, D.	Lynch	Semmel
Baldwin	Evans, J.	Major	Smith, B.
Bastian	Fabrizio	Mann	Smith, S. H.
Bebko-Jones	Fairchild	Markosek	Solobay
Belfanti	Feese	Marsico	Stairs
Benninghoff	Fleagle	McCall	Steil
Biancucci	Flick	McLhattan	Stern
Birmelin	Forcier	McNaughton	Stetler
Bishop	Frankel	Metcalfe	Stevenson, R.
Blaum	Gabig	Miller, R.	Stevenson, T.
Boyd	Geist	Myers	Sturla
Butkovitz	George	Nailor	Tangretti
Buxton	Gergely	Oliver	Taylor, E. Z.
Caltagirone	Gillespie	Pallone	Thomas
Cappelli	Gingrich	Payne	Tigue
Casorio	Goodman	Petrone	True
Causer	Gordner	Phillips	Turzai
Civera	Gruitza	Pickett	Veon
Cohen	Hanna	Pistella	Walko
Coleman	Harhai	Raymond	Wansacz
Cornell	Harris	Readshaw	Washington
Costa	Herman	Reed	Waters
Coy	Hess	Reichley	Williams
Creighton	Hickernell	Rieger	Wilt
Daley	Horsey	Roebuck	Wojnaroski
Dally	Hutchinson	Rooney	Yudichak
DeLuca	James	Ross	Zug
Denlinger	Kenny	Ruffing	
Dermody	Kirkland	Sainato	Perzel,
DeWeese	Kotik	Santoni	Speaker
Diven			

#### NAYS—68

Adolph	Godshall	Maitland	Rubley
Bard	Grucela	Manderino	Samuelson
Barrar	Habay	McGeehan	Scavello
Belardi	Haluska	McGill	Schroder
Browne	Harhart	McIlhinney	Shaner
Bunt	Harper	Melio	Staback
Cawley	Hasay	Micozzie	Surra
Clymer	Hennessey	Miller, S.	Taylor, J.
Corrigan	Hershey	Mundy	Travaglio
Crahalla	Josephs	Nickol	Vance
Cruz	LaGrotta	O'Brien	Vitali
Curry	Leach	O'Neill	Watson
Dailey	Lederer	Petrarca	Weber
DiGirolamo	Leh	Petri	Wheatley
Fichter	Levdansky	Preston	Wright
Freeman	Mackereth	Roberts	Yewic
Gannon	Maher	Rohrer	Youngblood

#### NOT VOTING—0

#### EXCUSED—1

Keller

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

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

**REMARKS SUBMITTED FOR THE RECORD**

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

Thank you, Mr. Speaker.

At a time when our State budget cuts more than \$50 million in Act 339 funding from authorities across the State, this bill now limits the revenues they may charge for tapping fees.

But authorities have fixed costs, and they must be paid. If authorities cannot raise money from tapping fees, they will have to raise charges to ratepayers. HB 51, by limiting tapping fee charges, will clearly result in increases to ratepayers.

Ratepayers are taxpayers. And at a time when we have not yet delivered on promises of school tax reductions, they can ill afford to pay another increased charge, this time to their municipal authorities.

In the southeastern part of Pennsylvania, our citizens have repeatedly spoken out in favor of controlling what is now uncontrolled development. HB 51 will be seen – and properly so – as a vote to subsidize suburban sprawl. That flies in the face of what our electorates in the southeast have told us it wants.

I intend to vote against HB 51.

**BILL ON THIRD CONSIDERATION**

The House proceeded to third consideration of **HB 318, PN 364**, entitled:

An Act repealing the act of March 27, 1903 (P.L.100. No.80), entitled “An act to prevent the spread of the disease known as rabies, or hydrophobia; and to authorize the quarantine, restraint, confinement, or muzzling of dogs, during outbreaks of this disease; and to empower the State Live Stock Sanitary Board to enforce the provisions of this act.”

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

**YEAS—199**

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

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Keller

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.

**RULES SUSPENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that we suspend the rules for immediate consideration of HB 564, PN 1789.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—1

Keller

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

## BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 564, PN 1789**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for community college financial programs and reimbursements; establishing the Community College Nonmandated Capital Fund; and abrogating a regulation.

On the question,

Will the House agree to the bill on third consideration?

Mr. **LEACH** offered the following amendment No. **A0837**:

Amend Title, page 1, line 5, by inserting after "providing" for referendum or public hearing required prior to construction or lease, for mandate waiver program and

Amend Bill, page 1, lines 11 through 13, by striking out all of said lines and inserting

Section 1. Section 701.1 of the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, added June 27, 1973 (P.L.75, No.34), is amended to read:

Section 701.1. Referendum or Public Hearing Required Prior to Construction or Lease.—(a) Except as provided in subsection (b) and except where the approval of the electors is obtained to incur indebtedness to finance the construction of a school project, the board of school directors of any school district of the second, third or fourth classes, shall not construct, enter into a contract to construct or enter into a contract to lease a new school building or substantial addition to an existing school building without the consent of the electors obtained by referendum or without holding a public hearing as hereinafter provided. In the event that a new school building or a substantial addition to an existing building is to be constructed or leased, the school board shall, by a majority vote of all its members, authorize a maximum project cost and a maximum building construction cost to be financed by the district or amortized by lease rentals to be paid by the district. Building construction cost shall consist of the cost of all building construction including general construction costs, plumbing, heating, electrical, ventilating and other structural costs, equipment and fixtures and architectural and engineering fees relating thereto, but not including costs for site acquisition and development, rough grading to receive the building, sewage treatment facilities or equivalent capital contributions, and architectural and engineering fees relating thereto. In all cases, a public hearing shall be held not later than thirty (30) days before the school district submits the initial building construction cost estimates to the Department of Education for approval. Notice of the hearing shall be given not later than twenty (20) days before the date of the scheduled hearing. In the event that the maximum building construction cost authorization exceeds the aggregate building expenditure standard hereinafter specified, the aforesaid authorization of the school board shall be submitted to the electors of the school district for their approval within six (6) months prior to submission of the final building construction cost bids to the Department of Education for approval. Such referendum shall be held in the same manner as provided by law for the approval of the incurring of indebtedness by referendum. The question as submitted shall specify the maximum project cost, the maximum building construction cost and the annual sinking fund charge or lease rental to be incurred by the school district and the portion of such charge or rental expected to be reimbursed by the Commonwealth. If the final building construction cost bids to be submitted to the Department of Education for approval are less than the aggregate building expenditure standard hereafter specified but exceed by eight (8) per cent or more the initial building construction cost estimates submitted to the Department for approval, a second public

hearing shall be held before the Department shall give its final approval.

The applicable aggregate building expenditure standard shall be a total amount calculated for each building or substantial addition by multiplying the rated pupil capacity under the approved room schedule by the following: two thousand eight hundred dollars (\$2,800) for each pupil of rated elementary capacity; four thousand two hundred dollars (\$4,200) for each pupil of rated secondary capacity in grades seven, eight and nine and five thousand two hundred dollars (\$5,200) for each pupil of rated secondary capacity in grades ten, eleven and twelve and five thousand two hundred dollars (\$5,200) for each pupil of rated vocational-technical capacity in grades ten, eleven and twelve to not include the cost of equipment and fixtures in such vocational-technical schools: Provided, however, That each of the preceding per pupil amounts shall be adjusted by the Department of Education on July 1, 1974; and annually thereafter by multiplying said amounts by the ratio of the composite construction cost index compiled and published by the United States Department of Commerce for the preceding calendar year to such index for the next preceding calendar year. Rated elementary pupil capacity or rated secondary pupil capacity for any school building shall be the rated pupil capacity determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.

(b) (1) The board of school directors may adopt a resolution to apply for a waiver to the provisions of subsection (a). The application for a waiver shall be in a manner and in a form developed by the Department of Education and shall:

(i) Specify the need for the waiver.

(ii) Provide supporting data and information to explain the benefits to be obtained by the waiver.

(2) The application for a waiver shall be adopted by a resolution of the board of directors at a regularly scheduled meeting of the board and shall be subject to approval by the Department of Education.

(3) The Department of Education shall have sixty (60) days from receipt of the application to approve, disapprove or request modifications to the application. If the Department of Education fails to act within that time period, the waiver shall be deemed to be approved. When considering an application for a waiver, the Department of Education shall consider the following:

(i) The educational interests of affected students.

(ii) Taxpayer interests.

(iii) The original purpose of and underlying rationale for the provisions of subsection (a).

(4) If the Department of Education disapproves the application for waiver, the basis for the department's disapproval shall be transmitted to the board of school directors. The board of school directors may submit a revised application for a waiver.

(5) The Department of Education shall issue an annual report to the chairman and minority chairman of the Education Committee of the Senate and the chairman and minority chairman of the Education Committee of the House of Representatives listing all waiver requests and department approvals or disapprovals under this section.

(c) For purposes of this section:

(1) "Site acquisition" includes the cost of land and mineral rights, demolition and clearing, rights-of-way and related utility relocations, surveys and soils analysis, and the cost of all fees relating thereto.

(2) "Site development" includes excavation, grouting or shoring, special foundations for buildings, access roads to site, utilities on site, extension of utilities to site.

(3) "Equipment and fixtures" means property fixed or movable which is incidental and necessary to conduct the educational program, and includes, but is not limited to movable equipment such as desks, chairs, tables, portable physical education equipment, audio-visual equipment and science, homemaking, industrial art and business equipment and instructional materials and fixtures such as casework, laboratory equipment, kitchen equipment, auditorium seating and any

other special fixtures or equipment required to conduct a particular educational program.

(4) "Substantial addition" means more than twenty (20) per centum of the area and replacement value of the structure to which the improvement is to be added.

Section 2. Section 1714-B(g) of the act, added May 10, 2000 (P.L.44, No.16), is amended to read:

Section 1714-B. Mandate Waiver Program.—\* \* \*

(g) The following provisions of this act shall not be subject to waiver pursuant to this section: sections 108, 110, 111, 321, 322, 323, 324, 325, 326, 327, 431, 436, 437, 440.1, 443, 510, 513, 518, 527, [701.1.] 708, 736, 737, 738, 739, 740, 741, 752, 753, 755, 771, 776, 777, 808, 809, 810, 1303(a), 1310, 1317, 1317.1, 1317.2, 1318, 1327, 1327.1, 1330, 1332, 1361, 1366, 1501, 1502, 1513, 1517, 1518, 1521, 1523, 1546 and 1547; provisions prohibiting discrimination; Articles VI, XI, XI-A, XII, XIII-A, XIV and XVII-A and this article.

\* \* \*

Section 3. Section 1902-A of the act, added July 1, 1985 (P.L.103, No.31), is amended to read:

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

Amend Sec. 3, page 17, line 25, by striking out "3" and inserting  
5

Amend Sec. 4, page 18, line 11, by striking out "4" and inserting  
6

Amend Sec. 5, page 18, line 15, by striking out "5" and inserting  
7

On the question,

Will the House agree to the amendment?

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

Mr. LEACH. Thank you, Mr. Speaker.

My amendment amends Act 34 to provide a waiver provision. Essentially what Act 34 is, it is a law that says that—Originally it was called the Taj Mahal act, and it was based on the thought back in the early seventies when it was passed that there were certain school districts that were building elaborately big schools for the number of students they had. So they came up with a formula whereby, based on the number of students you have and based on the size of the school, you are allowed to spend so much money or else you have to go to a referendum of the voters in your school district. That is fine. My bill does not change that. The problem is that the bill is drafted in such a rigid way that often you have to spend more money – and again, the purpose of the bill originally was to save the taxpayers money – you have to spend more money to comply with the bill than you would have if you just did what you wanted to do, and let me give you an example.

In my district in Upper Merion, they wanted to build a new middle school. It was a \$52 million project. It was under Act 34. It was fine. However, they also wanted to preserve the swimming pool from the old middle school because it was a relatively new swimming pool, and the community used it, the students used it, and everyone was in favor of this. The problem is if you added the swimming pool to the size of the new construction that was going on, you were over Act 34. So what the school district was going to have to do and what they actually approved, they were going to have to destroy the swimming pool, build a new school, and then rebuild the swimming pool after the construction was done on the new school. It reminded me of the old saying in Vietnam: They had to destroy the pool in order to save it.

We were able to come up with a creative solution involving a lease-back program that avoided that, but as I talked to people from around the State, I found time and time again where the strict requirements of Act 34 would have caused people to spend more money. In my district they would have had to spend an additional \$5 million to destroy and rebuild the pool, and there would have been no pool for 3 or 4 years. A whole generation of students would have gone through school without having the pool.

So my bill just allows a school district to apply to the Department of Education for a waiver. This does not gut the original Act 34. The Secretary of Education would be required to consider the interests of the taxpayers and the purpose of the original legislation. Only if you were saving the taxpayers money could you get the waiver. This is a simple measure to save taxpayers money and to not have absurd results.

I am proud of the fact that the amendment has Democratic and Republican cosponsors, and for the sake of school districts across the State, I would urge a “yes” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WRIGHT. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment.

The SPEAKER. Mr. Leach? The gentleman indicates he will stand for interrogation.

Mr. LEACH. I do, Mr. Speaker.

Mr. WRIGHT. I was intrigued by the point that you were making that your school district was forced to tear down a swimming pool and rebuild it or redesign it different, et cetera. Why were they forced to? I do not understand that.

Mr. LEACH. Okay. Because, and I am making up these numbers; I do not know the exact actual numbers. But let us say we are allowed to build a school based on the number of students we have of 100,000 square feet. Otherwise, the school, if it was over 100,000 square feet, our formula would change, and the school would be too expensive; we would be under Act 34. The footprint of the new school was under 100,000 square feet. However, the footprint of the new school was adjacent to the old middle school, which is being torn down – it is 40 years old, and it is dilapidated and it needs to be improved – but they wanted to keep the swimming pool, and what the Department of Education said to us was, if you keep the swimming pool, you have to add the 15,000 or whatever it is square feet of the swimming pool to the new project. So instead of being under 100,000 square feet, it would be about 115,000 square feet, and we can no longer do it. So as a result, we were going to have to destroy the swimming pool, and then, ironically, once the new project was done and it was closed, we could then under Act 34 build a swimming pool, an exact replica of the swimming pool adjacent to it, and that is the sort of absurd result I am trying to get at.

Also, in my district there was a situation where one of our school buildings burned down, and they wanted to repair the burned down, not burned down, but there was a fire. They wanted to repair the building, but under Act 34 they actually had to tear down the whole building and rebuild it.

There are absurd results in a statute that has no flexibility, and all I am asking for is some flexibility that still keeps the integrity of Act 34, requires specifically in the language for the

Secretary of Education to consider the purpose of the original legislation and to consider the interests of the taxpayers. And essentially, I am assuming the only time this waiver will be granted is if I can go to the Secretary of Education and I can say, look, if we do exactly what Act 34 requires, you know, in 3, 4, 5 years it is going to wind up costing us money. If we can convince a Secretary of Education of that, then we would get a waiver. I imagine it would be rare, but in certain circumstances it would make all the difference to school districts. Act 34, if it was not for some creative thinking in my district, would have required millions of extra taxpayer dollars being spent, and I do not think anyone on either side of the aisle would support that sort of result.

Mr. WRIGHT. Yes. Mr. Speaker, I have an additional question or two.

It was my understanding that Act 34’s intent, the legislative intent for Act 34 originally, was if a school district got to be too expensive, it would require the voters of that community to make a final decision whether they would agree with the school board to indebt themselves to that extent. So when you are talking about the State forcing the school district to not build a pool and all that kind of stuff, that is not the case. The school district, I believe, was trying to get around having the voters to make that decision for the approval. Is that true?

Mr. LEACH. Well, I thank the gentleman for your question. In fact, I spent a lot of time reading the legislative history of Act 34 when this came up, and you are right. The purpose is to stop school districts from spending elaborately without consulting the voters. The thing is, what happened in Upper Merion was not going to cost the taxpayers an additional penny to keep the school where it was. On the contrary, it was going to cost them more money to tear it down so they are within the technical requirements of the size that the formula dictates. So the purpose of the act, which is to save taxpayers money and to keep the costs of school construction within a reasonable boundary, would have been undermined, affirmatively undermined, by the technical requirements.

I do not view my legislation as changing the purpose of Act 34 at all, and it is very diffi— But if I can show that I am actually going to save the taxpayers money, then it seems to me I should at least have the opportunity to make that case to somebody, because we do not want absurd results that are dictated by 30-year-old language without the opportunity for some group of human beings to say, well, let us take a look at this.

Keep in mind, you have to have the school board apply for it – that is number one; that is political accountability number one – and then you have to have the Secretary of Education approve it – that is political accountability number two – and if the Secretary of Education approves it, despite the fact it would raise costs above the formula and not take into consideration the purpose of the original act, then you could always go to court to overturn the action of the Secretary of Education. But this gives me at least a chance to say, look, I am trying to save you money; I am trying to save the taxpayers money.

I hope that answered the gentleman’s question.

Mr. WRIGHT. I am confused. Originally, I believe, you said that under Act 34, the original idea of what they wanted to do would force the State to invoke Act 34 to have a voter referendum, because the cost of the new building and the renovations were going to exceed the Act 34 limits.

So therefore, Act 34 would say, what they wanted to do originally was too expensive and, therefore, would require a voter referendum. And what you would like to do is you would like to change Act 34 in such a way that in some cases where it is too expensive, they do not have to go to voter referendum but they can go directly to the Department of Ed and try to negotiate something and bypass the voter referendum. Is that what you are trying to do?

Mr. LEACH. No. In fact, the one – and I appreciate the question – the one flaw in your question was the assumption that my school district wanted to go and do something that was too expensive. The project was a \$52 million project. That was fine. To keep the pool – and it does not have to be a pool; it could be a variety of circumstances – but to comply strictly with Act 34 it would have cost \$57 million. No referendum; it would have just cost \$57 million, because we would have had to pay \$5 million to, a small amount of that, to tear down the existing pool, and then as soon as the project was closed, we were allowed under Act 34 to spend the money to build the new pool. That is fine, and that is an absurd result. It is one of those things that, you know, we are sort of made fun of as legislators for dictating these sorts of silly results.

This is just an attempt to have a Secretary— I do not want one cent spent more than was otherwise going to be spent. I just do not want people spending money in the out-years to avoid the technical, absurd requirements. In 99 percent of cases, Act 34 would apply after my legislation exactly as it applies before it, and I hope— My answers tend to confuse people more than they were before. I hope that is not the case here.

Mr. WRIGHT. Thank you, Mr. Speaker.

I do have some thoughts on the issue.

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

Mr. WRIGHT. Act 34 is intended, when a school district plans on building a school that due to various cost factors becomes extremely expensive, it becomes a voter referendum. Essentially, when a school board wants to build a building that exceeds average costs, a Taj Mahal – that was the term that was used – a Taj Mahal of a school district, of a school building, whether a renovation or a building, if it is so expensive, the legislature has invoked Act 34 and it said, you must go get voter approval. You must take this expensive school to the voters, which you are going to indebt them to an extreme amount for the future.

I am very much concerned and I really do not understand the example that he gave, but it is quite clear to me that what we are going to be doing today with this amendment is altering Act 34 to in many cases bypass the voter referendum. Unfortunately, we are in a state of time here where many of our constituents are actually complaining more and more about decisions school boards are making. One tool that we have in place is that voter referendum requirement on a Taj Mahal school. Even though this does not take it totally away, it is going to bypass in many examples from having the voters to have a say in what is going to go on with building or renovating buildings.

I am going to be opposed to this. I am not in favor of bypassing the voters. I am in favor of giving the voters a better opportunity to speak their mind and have a say on how the school boards spend their money.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for interrogation?

The SPEAKER. The gentleman indicates that he will.

Mr. VITALI. I just wanted you to thresh out a little more the criteria for the waiver, just to sort of increase my comfort level a bit.

Mr. LEACH. Sure. Absolutely.

The criteria of the waiver are set forth. I have to apply for a waiver, as the school board as a whole has to apply for the waiver. There are specific criteria in the legislation that set forth when the Secretary of Education can grant the waiver and under what criteria, and the criteria include the purpose of the original act – I mean, it is actually twice that the taxpayers are considered – the purpose of the original act and the interests of the taxpayers. Let me just give one example, if I could, because the gentleman who interrogated me previously indicated he did not understand my example, so let me try to give one.

I think that the gentleman is confused between money and size. Let us say I have a \$50 million project which is fine under Act 34, but I feel I need more space for a cafeteria, which will not cost any additional money. The fact that the cafeteria – because the only thing you get credit for is classrooms under Act 34. If I feel the cafeteria needs to be a little bigger, I get the contractor to agree to do it at not one additional penny, I cannot do that under Act 34 as it is currently constituted, and what that means is one of two things. We are going to spend more money and get less, or we are going to have a referendum— I mean, I do not want to take things away from the voters at all. The problem, of course, is that, for example, in my district they were going to lose the benefit of certain interest rates and so forth. Referendums take months to accomplish. So we are trying to come up with a system that is workable. If I do not want to spend any additional money, and in fact let us say I come up with a new configuration that actually costs less money – it will save \$3 million but it has more square feet – under Act 34, without a waiver provision, I am required to build a smaller school for more money. That is absurd. There must be some mechanism by which we can avoid that sort of result, and I hope that answered the gentleman's question.

Mr. VITALI. Let me just be clear. Act 34 is the restriction on cost or size?

Mr. LEACH. Act 34 is a restriction on, theoretically, it is a restriction on costs based on a formula. The formula is based on the number of students you have and the number of classrooms you have versus the size of the school in toto. I guess they did not want people building great cathedral ceilings and fountains and cherubs and whatever else you can build on a school to make it elaborate.

Mr. VITALI. Is it dollar amounts or square footage?

Mr. LEACH. Based on the square footage and the number of students you have, you get to spend a certain amount without triggering Act 34.

Mr. VITALI. Has the School Boards Association weighed in on this one?

Mr. LEACH. All I can tell you, no, I do not know if they have or not. This is an amendment, so I do not know if they have done that. But I will tell you that my school district – my school board is 7-to-2 Republican – unanimously supports this. Every person on the school board I have talked to who is doing

construction, you know, understands that we have got to have some restraint, and I am not trying to gut Act 34, but we have also got to have enough rationality in the system that we can actually, you know, save taxpayers money when the opportunity presents itself.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. LEACH. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MCGILL. Thank you, Mr. Speaker.

I also rise in support of the Leach amendment.

We had a situation in my school district where with the growth that we had over a number of years, we actually did a physical count of the people that were there, and we justified the numbers to the Department of Education, which refused to accept those numbers, so that when a new high school was built, the high school was built with the mechanical space at one end of the building, and within 3 years of the completion of the building, we had to go out for bids again. We had to ask the Department of Education to approve the new school building, which just about doubled the size of the existing building, and we spent an inordinate amount of money because of that. So I think if you can go back to the Department of Education and prove to them that you really do require the exception, it is a good thing and will save us all money, not to mention the fact that this school building was torn up an additional 2 years for construction.

So again, I support the Leach amendment and hope others will.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, often in law and regulation there are perverse incentives and that laws or regulations that are designed to save money actually wind up costing money. What Mr. Leach is saying is that these cost-saving devices in current law force his district to spend more money, and Mr. Leach is offering a very rational, commonsense way whereby when devices that most of the time save money wind up costing money, there can be waivers of them. If this amendment is approved, what will happen is that his district and probably all districts in Pennsylvania from time to time will be able to show that strict compliance with a regulation costs them money and does not save them money, and therefore, local governments will be able to save money complying with State regulations and spend more money directly on education.

This is really an excellent amendment. The device of a waiver makes a lot of sense. We have, during the Ridge and Schweiker administrations, we tried to suspend various mandates that increase costs. This is another step in that direction, and what Mr. Leach is doing is just allowing a limited suspension when it is in the taxpayers' interest to suspend it.

I think this is a very, very well thought out amendment, and I strongly urge support of every member of the House.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Leach, desire recognition?

Mr. LEACH. No. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Mr. Roebuck.

Mr. ROEBUCK. Thank you, Mr. Speaker.

I, too, rise in support of the Leach amendment. I think what we are trying to do here is provide a degree of common sense in resolving problems such as the gentleman from Montgomery raised in terms of school construction. It makes little sense that we apply rules in a rigid way that ultimately end up costing us more money. I think what the gentleman has proposed offers an approach that will allow school boards and constituents across the Commonwealth to bring to bear the greatest amount of resources and ultimately will help to improve the quality of education across the Commonwealth. It gives us the ability to go about building new structures in a commonsense way, and where, as in the example given, you have a portion of an old structure that can be maintained, it makes no sense to have to tear that old structure down and rebuild it merely to abide by a rigid prescription of an existing legislative act.

I would urge all my colleagues to support the Leach amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. WRIGHT. Thank you, Mr. Speaker.

A lot is being said here, but I think one thing that is being missed, and it is being implied, is that the State is forcing school districts to do various things. That is not true. It is not true at all. What it is doing is it says, if you are going to do it differently and it is expensive, you can still do it, there is nobody stopping you from doing it, but you have got to go ask your voters first. There are no requirements that you have to do it this structural way. If you do not want to do it that structural way, that is fine. Go take it to your voters and have it approved. All this boils down to, this whole example, is, that school board did not want to take it to the voters. You missed that point earlier. The whole thing boiled down to that they were afraid to take it to the voters, because for some reason – I am making the assumption – they thought they were going to lose. The vote would be killed. So this whole exercise is when the school board, who is allowed to do it, is afraid to take it to their voters, and what we are doing is we are agreeing with that and taking away that voter referendum requirement for extreme cases.

So I am voting “no,” because I am in favor of having my voters participate more, not taking their right away and making decisions of the school board and the school board decisions that they have today.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Northampton, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I would like to interrogate the maker of the amendment, please.

The SPEAKER. Mr. Leach? The gentleman indicates that he will stand for interrogation.

Mr. DALLY. Mr. Speaker, has this waiver been considered by the House Education Committee?

Mr. LEACH. No, it has not. It has been attached as an amendment.

Mr. DALLY. Okay. Has any information, Mr. Speaker, been provided by the Pennsylvania School Boards Association?

Mr. LEACH. Not to my knowledge, the School Boards Association. I can only tell you anecdotally that, I mean, I say

two things. Anecdotally, every school, and I have spoken to school board members from across the State, and they support the idea. And beyond my anecdotal statement, the fact is that, I mean, just intuitively, I mean, obviously, and, you know, going to that and going to what was said previously, this was not about Upper Merion School District not wanting to go to the voters because of some antidemocratic impulse. There is a timeliness issue. This school needs to open by September of 2006.

I can tell you what school board members from across the State have told me, that referendums are so complicated and expensive, costing the taxpayers money, that they do what Act 34 wants them to do. Act 34 does not want, really – and if you look at the legislative history of it, you will see – Act 34 does not want a series of referendum popping up around the State. What they really want is the referendum to be a hammer to stop spending ab initio, not to have referenda on spending, and that is why referendums under Act 34 almost never occur, because there is, you know, it is so expensive and cumbersome, and Act 34 is serving its purpose, which is to keep the costs down. But in certain cases it is defeating its purpose by forcing costs to rise, and that is what we are trying to get at.

Mr. DALLY. Okay.

Mr. Speaker, on the amendment.

The SPEAKER. The gentleman is in order.

Mr. DALLY. I have been sitting here listening to this debate, and there are a lot of questions on this amendment. Some questions have been answered satisfactorily, but many other questions have not been answered. And oftentimes we talk about avoiding the committee structure in this House, and I think this is a prime example of something that should go through the committee, because there are a lot of issues involved with this waiver. What the maker of the amendment is trying to do is disenfranchise the voters in our school districts, simply put. That is what this amendment will do, and if it is something that is good for a waiver, that should come out in hearings before our Education Committee and not be added as an amendment to a bill when there are so many questions that have gone unanswered here this afternoon.

So I urge all members to vote “no” on this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman from Montgomery, Mr. Bunt, desire recognition?

Mr. BUNT. Mr. Speaker, thank you.

Mr. Speaker, the gentleman, Mr. Leach, did not run this amendment, nor is he required to, to me to attach to this bill, and in just listening to the debate on the floor, Mr. Speaker, there was an issue many years ago that passed the General Assembly here that we enacted. It was called the Taj Mahal bill, and it kind of precluded local boards from erecting these monstrosities so that they could have their names on them, and actually, the public and the media criticized those projects. Does your amendment intrude upon that original Taj Mahal provision?

Mr. LEACH. Thank you.

No, not at all, Mr. Speaker, not at all. I suppose I could have introduced legislation to eliminate Act 34 or to change the formula or raise it or a number of other things that other people actually have suggested to me. I did none of this, and I believe my bill keeps Act 34 intact. No one is going to be able to build something that looks like, you know, the Trump Taj Mahal in

Atlantic City and get a waiver on that. That is going to be laughed out of, based on the wording of the statute, that is going to be laughed out of the Secretary of Education’s office, and if it ever winds up in court, it is going to be laughed out of the court. This deals with situations and situations only where I am, speaking using the royal “we” and speaking collectively as a school board, I am trying to save money.

And I understand this did not go through the Education Committee. All I would say is that, you know, we have considered bills far less innocuous than this in amendment form. I mean, to me, this is a fairly innocuous bill that will apply in limited circumstances where the taxpayers are going to be saved money. I mean, I do not know how to put it any more clearly than that. I am not sure what unanswered questions another member mentioned there are. I am happy to answer any questions about it.

Mr. BUNT. Mr. Speaker, legislation that Mr. Leach has introduced, and I do this most respectfully, because I may even be a cosponsor of the measure that he circulated a memo around to the members. The problem here is that when you introduce legislation, certainly it gets referred to a committee, and there is a committee process where we have hearings, we have panel discussions, and I think today’s amendment introduction by Representative Leach has served to raise too many questions, and frankly, some of the answers that we have been given have not been as self-explanatory as I think perhaps maybe the gentleman intended them to be.

So, you know, I would respectfully request the gentleman to withdraw his amendment at this point so that we could perhaps have more time to consider the impact of your legislation and what it does. I think we have just been introduced to a large measure too quickly here for deliberating purposes.

Mr. LEACH. Mr. Speaker?

The SPEAKER. The Chair thanks the gentleman.

I was waiting for Mr. Leach to be last, because this was your amendment. The gentleman from Greene, Mr. DeWeese, would like to seek recognition. Do you want me to hold you till last, or would you like—

Mr. LEACH. Mr. Speaker, I am sorry; I cannot really hear.

The SPEAKER. We wanted to hold you till last because this would be the second time you spoke. Okay.

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

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

My remarks are very brief and they are general in nature, but the honorable colleague who just spoke at the microphone, the former chairman of the Agricultural Committee, lamented that this measure had not gone through an elongated process, that the committee system was potentially being thwarted, et cetera, et cetera. And I even noticed a little while ago during the debate on HB 51, many of the suburban Republicans expressed angst and confusion and perplexity. They expressed discomfiture at the speed of things and wanted more time, more time. And I would only advocate that theoretically they are correct, and it is somewhat interesting in retrospection to think that when the Philadelphia Parking Authority was being ravaged, these same suburban Republicans were anxious to jump on the runaway train and in about an hour and a half take down a system that had endured for 100 years. When the Philadelphia School District was being debated, like that, all you folks that want to take your time now were in a hurry. There was a rush to

judgment. And, of course, when Edward G. Rendell entreated with all of us to slow down the budget process, it certainly did not have the same impact. The honorable gentleman just wants to have this bill go through committee and have hearings, et cetera, et cetera.

I am only here in a monitory way, hoping that you feel the same way as time goes on. You are in the majority, your committee system should be vibrant, and your argumentation would make a lot more cogent sense if that had been your recent history, sir.

The SPEAKER. The Chair thanks the gentleman.

#### AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Montgomery, Mr. Leach, for the second time.

Mr. LEACH. Mr. Speaker, I am surprised at the level of debate that has occurred, surprised and flattered by the level of debate that has occurred on my amendment.

At the request of the Democratic chair of the Education Committee, I will withdraw the amendment and submit it to the Education Committee. I hope that will satisfy the questions of some of the members who have raised concerns about the bill, and I am also surprised and flattered at the level of disappointment at that announcement. But as a freshman I yield to the voice of experience, and I will submit it to committee, and I appreciate it, Mr. Speaker, and thank you for your patience.

The SPEAKER. The Chair thanks the gentleman.

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?

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

Mr. VITALI. I am just looking for a brief explanation of the bill.

The SPEAKER. The gentleman, Mr. Bunt, agrees to interrogation.

Mr. VITALI. If you are waiting for a question, the opening question is, could you just explain the bill? Whoever—

Mr. BUNT. Thank you, Mr. Speaker.

The House bill amends the Community College Act to close the loopholes that are causing havoc for our community colleges.

Mr. Speaker, the speaker indicates he is having a difficult time hearing me.

The SPEAKER. The gentleman deserves to be heard. Please keep the noise level down.

Mr. BUNT. Community colleges are the only institutions of higher education that are subject to audit procedures and auditing under the Department of Education. Under my bill, the current auditing system will not be eliminated. However, it will become a fairer process based on generally accepted auditing standards and statutory intent.

Additionally, this legislation seeks to assist community colleges in their ability to respond to local employer needs by allowing State reimbursement for certain noncredit community college courses, including those involving public safety, literacy, or State-mandated certification training.

Also, this legislation redefines the value of public safety lab time so that it is equivalent to classroom time when determining credit hours eligible for reimbursement and adds language to ensure that workforce development courses are reimbursed at 90 percent, as provided for by Act 224 of 2002.

Finally, my bill establishes a community college nonmandated capital fund to assist colleges in maintaining facilities and equipment. The fund would consist of reimbursements paid to the Commonwealth as a result of audits, appropriations, and earnings on money that is currently in the fund.

Mr. VITALI. Okay. With regard to auditing, I am sensing that the auditing procedures would be loosened a bit. Would it be the Auditor General who would do the auditing, and if so, have they weighed in on this?

Mr. BUNT. It is the Department of Education that does the audits.

Mr. VITALI. The Department of Education does the auditing.

Mr. BUNT. Yes.

Mr. VITALI. Okay. Have they weighed in on this at all with regard to the auditing requirement changes you are proposing?

Mr. BUNT. They have not had any negative comments opposed to this. There is companion legislation that has also been introduced in the Senate, and—

Mr. VITALI. Any positive comments? I mean, have they commented at all? I am just—

Mr. BUNT. Not to my knowledge, Mr. Speaker.

Mr. VITALI. Okay. With regard to the reimbursement issue, I am assuming the reimbursement is being increased, and I am sure there is a fiscal note here. But what is this going to cost?

Mr. BUNT. Well, the reimbursement is mandated by an act that we created in 2002. So this is only putting us in compliance with Act 224 of 2002 as far as reimbursement is concerned.

Mr. VITALI. Okay. But I am sensing the language in this bill is going to give greater reimbursement to community colleges, which I am assuming is going to mean either more money from the State or more money from the school districts. How much money are we talking about, is the question.

Mr. BUNT. I have no idea.

Mr. VITALI. I am sorry?

Mr. BUNT. I have no idea.

Mr. VITALI. Okay. Do you have a fiscal note here?

Mr. BUNT. There was a fiscal note attached to the legislation, yes. I believe the Appropriations Committee has it.

Mr. VITALI. Okay. That concludes my questions.

Mr. BUNT. Mr. Speaker, I can respond.

The provisions contained within the bill, as it relates to community college audits, within 1 year will require the hiring of at least three new auditors at a cost of approximately \$150,000 annually.

Mr. VITALI. Okay. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Horsey.

Mr. HORSEY. Mr. Speaker, I just would like to interrogate the maker of the bill. Just one question I want to ask him.

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

Mr. HORSEY. Mr. Speaker, presently, presently, does not the Auditor General audit community colleges?

Mr. BUNT. They do not. They do not. The Department of Ed—

Mr. HORSEY. Is there anyone in the State who presently audits community colleges?

Mr. BUNT. Yes, the Department of Education. That does not change who does the audits.

Mr. HORSEY. That does not change in your bill?

Mr. BUNT. That is correct.

Mr. HORSEY. The same persons are auditing?

Mr. BUNT. That is correct.

Mr. HORSEY. So why did we put a cost in there this time?

Mr. BUNT. Because it will require the additional hiring of three auditors to cover the reimbursements, is my understanding of Act 224.

Mr. HORSEY. Thank you, Mr. Speaker.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—199

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

Cruz	Hutchinson	Raymond	Weber
Curry	James	Readshaw	Wheatley
Dailey	Josephs	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Kirkland	Rieger	Wojnarowski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker
Egolf			

NAYS—0

NOT VOTING—0

EXCUSED—1

Keller

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

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

#### LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the majority whip, who asks for a leave of absence for the gentleman, Mr. HENNESSEY. Without objection, the leave will be granted.

#### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 895, PN 1059**, entitled:

An Act designating the Fish Dam Wild Area in Clinton County as the Russell P. Letterman Wild Area.

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?

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I would be remiss if I did not ask you to allow me to say a few words about the individual that I intend to praise. Russ Letterman was a fine legislator, and he served this body for 22 years, and unfortunately, as our previous Speaker and now Mr. Boyes, he left this hall not at his own will but he gave way to his debilitation. Russ Letterman was the chairman of the Fish and Game Committee, a very honorable man, a very direct and forward but yet honest man, and you would make,

I am sure, him very happy to name this wild area after Russell Letterman.

I thank you for your consideration.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

#### YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Keller

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.

### HOUSE BILL INTRODUCED AND REFERRED

**No. 1455** By Representative TURZAI

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to the General Assembly.

Referred to Committee on RULES, May 13, 2003.

### RULES COMMITTEE MEETING

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

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

**HB 1446, PN 1793**

By Rep. S. SMITH

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to General Assembly relating to medical professional liability actions.

RULES.

**HB 1455, PN 1805**

By Rep. S. SMITH

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to the General Assembly.

RULES.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 222, PN 1435**

By Rep. S. SMITH

A Resolution directing the Joint State Government Commission to study the feasibility of transferring the law enforcement functions of both the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission to a new Bureau of Law Enforcement within the Department of Conservation and Natural Resources.

RULES.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 68, PN 83**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, requiring the Department of Health to make inspections of long-term nursing facilities on an

unannounced basis and not near the time of the facilities' annual license renewal.

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?

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

Mr. VITALI. I am sorry. This just came up too fast. What does this do? May I just ask the maker of the bill what this thing does?

The SPEAKER. The Chair recognizes the gentlelady, Mrs. Taylor.

Mrs. TAYLOR. I certainly will. It appears to me to be strange when we see on our calendar that you have already caucused on this, so—

Mr. VITALI. Well, let me explain. The problem really is not being in caucus, because I do go to caucus. The problem really is relating that number to the concept that was addressed in caucus, okay?

Mrs. TAYLOR. I am certainly happy, Mr. Speaker, to say that this is quality assurance legislation that ensures that our long-term-care facilities are inspected at least once a year with an unannounced inspection. This bill passed the House last year, in the last session, unanimously. This bill will take on the issue of making sure that those that are in our long-term-care facilities are under compliance of the law by having this be a law and these unannounced inspections take place.

Thank you. Thank you for that opportunity.

Mr. VITALI. Now, how does this change existing law, Mr. Speaker? Madam Speaker? Whatever. Mr. Speaker; I apologize.

The SPEAKER. The Chair recognizes the gentlelady, Mrs. Taylor.

Mrs. TAYLOR. I did not hear your question.

Mr. VITALI. How does this change existing law?

Mrs. TAYLOR. I do not think it is in existing law. It is a regulation from the Department of Health.

Mr. VITALI. Okay. This changes regulation? This enacts into statute regulation?

Mrs. TAYLOR. It puts it in law.

Mr. VITALI. So there is no real change from the law you are proposing and the regulations that are currently in effect? I am just trying to find out what is going to be different if this passes.

Mrs. TAYLOR. Well, hopefully it will be different, because they will be unannounced inspections. They will not occur around the annual inspections but they will be truly unannounced inspections, and it will be a law and not a regulation.

Mr. VITALI. Okay. Thank you.

And just to be clear, if I was disrespectful, I apologize. I simply did not mean that.

Mrs. TAYLOR. Oh, that is all right.

Mr. VITALI. Thank you.

Mrs. TAYLOR. You are welcome.

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—198

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

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

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

\* \* \*

The House proceeded to third consideration of **HB 851, PN 989**, entitled:

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

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?

#### DECISION OF CHAIR RESCINDED

The SPEAKER. The Chair rescinds its announcement that the bill has been agreed to for the third time.

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

Mr. **GEORGE** offered the following amendment No. **A0462**:

Amend Sec. 1, page 1, line 6, by inserting after "(1)" and (d)(1)

Amend Sec. 1, page 1, line 7, by striking out "is" and inserting are

Amend Sec. 1 (Sec. 6501), page 2, by inserting between lines 5 and 6

(d) Forfeiture.—

(1) Property subject to forfeiture under this section may be seized by the law enforcement authority upon process issued by any court of common pleas having jurisdiction over the property. When a waste transportation vehicle or a waste trailer regulated under 27 Pa.C.S. § 6204 (relating to Waste Transportation Safety Program) is forfeited in accordance with this section, the Department of Environmental Protection shall be notified and it shall conduct a compliance history review of the waste transporter.

\* \* \*

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. I congratulate those who have agreed to this. This is a matter where in the news so many times we have been inundated with the bad things that these people do who haul poison across the State lines and dump it in Somerset County or wherever, and it has got to be stopped. And what this bill does is that when they are illegal and they are wrong and they defied what we intended, that they will have their trucks confiscated and their permits renewed, and I would ask that we would all agree with this bill.

The SPEAKER. The Chair recognizes the gentlelady from Montgomery, Mrs. Crahalla.

Mrs. CRAHALLA. Thank you, Mr. Speaker.

I just wanted to make the comment, amendment A0462 is agreed to, and I hope the House will vote in favor of it.

Thank you.

The SPEAKER. The Chair thanks the gentlelady.

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

The following roll call was recorded:

#### YEAS—198

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

NAYS—0

NOT VOTING—0

## EXCUSED—2

Hennessey Keller

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

## YEAS—198

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

Donatucci  
Eachus

Lescovitz  
Levdansky

Ruffing  
Sainato

Perzel,  
Speaker

## NAYS—0

## NOT VOTING—0

## EXCUSED—2

Hennessey

Keller

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.

## RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move to suspend the rules so that HB 674, PN 1547, can be brought up immediately.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

## YEAS—198

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

Dailey	Josephs	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Keller

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

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 674, PN 1547**, entitled:

An Act regulating child labor; conferring powers and duties on the Department of Labor and Industry and the Department of Education; imposing penalties; and making a repeal.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Keller

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

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

\* \* \*

The House proceeded to third consideration of **HB 197, PN 226**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the appointment of a single collector of taxes; and making a repeal.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

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

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

\* \* \*

BILL PASSED OVER

The SPEAKER. HB 500 is over for today.

\* \* \*

The House proceeded to third consideration of **HB 651, PN 757**, entitled:

An Act amending the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law, adding Colebrook Road, East Donegal Township, Lancaster County to the State highway system.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

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

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

\* \* \*

The House proceeded to third consideration of **HB 349, PN 1573**, entitled:

An Act amending the act of May 24, 1945 (P.L.991, No.385), known as the Urban Redevelopment Law, further defining "city."

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

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.

## RESOLUTIONS

Mr. LYNCH called up **HR 211, PN 1406**, entitled:

A Resolution directing the Pennsylvania Game Commission to investigate use of services provided by licensed wildlife rehabilitators when situations involving injured and orphaned wild animals are presented.

On the question,  
Will the House adopt the resolution?

Mr. LYNCH offered the following amendment No. **A0550**:

Amend Third Resolve Clause, page 2, line 25, by striking out "June 30," and inserting

December 31,

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

The following roll call was recorded:

## YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Keller

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 adopt the resolution as amended?

The following roll call was recorded:

## YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Keller

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

\* \* \*

Mr. LYNCH called up **HR 256, PN 1510**, entitled:

A Concurrent Resolution establishing a task force to study issues concerning the renewal and management of this Commonwealth's forests; providing for an advisory committee; and directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to provide administrative support to the task force.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

SUPPLEMENTAL CALENDAR B

RESOLUTION

Mr. FAIRCHILD called up **HR 172, PN 1803**, entitled:

A Resolution memorializing the President and Congress of the United States to enact legislation to require the United States Army to retroactively award the Combat Medical Badge to all Vietnam personnel serving in the 91 military occupational specialty (MOS) who were assigned to helicopter ambulances.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

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

**SUPPLEMENTAL CALENDAR C**

**RESOLUTIONS PURSUANT TO RULE 35**

Mr. HORSEY called up **HR 288, PN 1806**, entitled:

A Resolution designating May 21, 2003, as “Outstanding Contributions to Pennsylvania Athletics Day” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

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

\* \* \*

Mrs. TAYLOR called up **HR 289, PN 1807**, entitled:

A Resolution recognizing the month of May 2003 as “Skin Cancer Awareness Month” in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

Casorio	Habay	Nickol	Thomas
Causer	Haluska	O'Brien	Tigue
Cawley	Hanna	Oliver	Travaglio
Civera	Harhai	O'Neill	True
Clymer	Harhart	Pallone	Turzai
Cohen	Harper	Payne	Vance
Coleman	Harris	Petrarca	Veon
Cornell	Hasay	Petri	Vitali
Corrigan	Herman	Petrone	Walko
Costa	Hershey	Phillips	Wansacz
Coy	Hess	Pickett	Washington
Crahalla	Hickernell	Pistella	Waters
Creighton	Horsey	Preston	Watson
Cruz	Hutchinson	Raymond	Weber
Curry	James	Readshaw	Wheatley
Dailey	Josephs	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Keller

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

**CALENDAR CONTINUED****HB 674 RECONSIDERED**

The SPEAKER. The gentleman, Mr. Steil, moves that the vote by which HB 674, PN 1547, was passed on the 13th day of May be reconsidered.

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey Keller

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

On the question recurring,  
Shall the bill pass finally?

**DECISION OF CHAIR RESCINDED**

The SPEAKER. Without objection, the Chair rescinds its announcement that the bill was agreed to on third consideration.

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

Mr. STEIL offered the following amendment No. **A0754**:

Amend Sec. 4, page 5, line 15, by striking out all of said line and inserting

(b) Consecutive days.—

(1) Except as otherwise provided for in paragraph (2), a minor may not be employed for more

Amend Sec. 4, page 5, by inserting between lines 16 and 17

(2) A minor who is engaged in newspaper delivery may be employed for seven consecutive days in a single week.

Amend Sec. 5, page 6, lines 18 through 25, by striking out “, periodicals or other” in line 18 and all of lines 19 through 25 and inserting

as set forth under section 6(c)(2).

Amend Sec. 6, page 8, lines 1 through 4, by striking out all of lines 1 through 3 and “publications” in line 4 and inserting

(2) Newspaper/periodical delivery.—

(i) Minors who are at least 11 years of age may be employed in the delivery and street sale of newspapers

Amend Sec. 6, page 8, by inserting between lines 5 and 6

(ii) This paragraph does not apply to the hauling of newspapers to drop centers or distribution centers or other related activities.

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

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

Mr. STEIL. Thank you, Mr. Speaker.

This amendment simply allows newspaper carriers to work for 7 consecutive days rather than 6. Thank you.

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

The following roll call was recorded:

YEAS—198

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

Dally	Kirkland	Rieger	Wojnaroski
DeLuca	Kotik	Roberts	Wright
Denlinger	LaGrotta	Roebuck	Yewcic
Dermody	Laughlin	Rohrer	Youngblood
DeWeese	Leach	Rooney	Yudichak
DiGirolamo	Lederer	Ross	Zug
Diven	Leh	Rubley	
Donatucci	Lescovitz	Ruffing	Perzel,
Eachus	Levdansky	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey                      Keller

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Hennessey      Keller

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.

### COMMERCE COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative George Hasay for a committee meeting announcement on the adjournment.

Mr. HASAY. Thank you, Mr. Speaker.

Because of the hour, the House Commerce Committee will meet in the rear of the House chamber immediately after session ends; the House Commerce Committee in the rear of the House chamber.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Commerce Committee will be meeting in the rear of the House upon adjournment.

### ANNOUNCEMENT BY MS. JOSEPHS

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Ms. Manderino. The Chair apologizes. Representative Josephs.

Ms. JOSEPHS. Thank you.

No; we told you Representative Manderino. You were not incorrect.

For the Democratic members of the State Government Committee, we are meeting upstairs in my office, room 300, an office which is impossible to find, so follow me; I will be in the back. Thank you.

The SPEAKER. The Chair thanks the gentlelady.

### VOTE CORRECTION

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

Mr. KENNEY. Mr. Speaker, I would like to correct the record on final passage of HB 471. I would like to be recorded in the negative.

Thank you, Mr. Speaker.

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

### TOURISM AND RECREATIONAL DEVELOPMENT COMMITTEE MEETING

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

Mr. GODSHALL. Thank you, Mr. Speaker.

I would like to advise the members of the Tourism Committee that we will have a meeting tomorrow morning as scheduled, at 9 a.m. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Tourism Committee will be meeting tomorrow at 9 a.m.

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

**HB 276, PN 1812** (Amended)

By Rep. BUNT

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

CONSUMER AFFAIRS.

**HB 864, PN 1813** (Amended)

By Rep. BUNT

An Act providing for the regulation of home improvement contracts and for registration of certain home improvement contractors; prohibiting certain acts; prescribing requirements for home improvement contracts; establishing the Home Improvement Guaranty Fund; and providing for claims against the fund and for the offense of home improvement fraud.

CONSUMER AFFAIRS.

### BILLS REPORTED AND REREFERRED TO COMMITTEE ON URBAN AFFAIRS

**HB 1329, PN 1636**

By Rep. BUNT

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, amending provisions relating to planned communities.

CONSUMER AFFAIRS.

**HB 1330, PN 1637**

By Rep. BUNT

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for real estate cooperatives.

CONSUMER AFFAIRS.

**HB 1331, PN 1638**

By Rep. BUNT

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for condominiums.

**CONSUMER AFFAIRS.**

The SPEAKER. For the information of the members, tomorrow will be a nonvoting session; tomorrow will be a nonvoting session.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER. The Chair recognizes Mr. Reichley from Lehigh County.

Mr. REICHLEY. Mr. Speaker, I move that this House do now adjourn until Wednesday, May 14, 2003, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 4:15 p.m., e.d.t., the House adjourned.