

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

FRIDAY, JULY 2, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 49

HOUSE OF REPRESENTATIVES

The House convened at 3 p.m., e.d.t.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

HON. MATTHEW E. BAKER, member of the House of Representatives, offered the following prayer:

Let us pray together:

Almighty God, You have given us this great land we call our Commonwealth as our heritage. We humbly pray that we may always remember Your generosity and faithfully do Your will.

Bless our land with honest industry, truthful education, and an honorable way of life. Defend our liberties and strengthen the resolve of the people who have come from throughout the world to make America and Pennsylvania their home.

Lead us to choose the harder right instead of the easier wrong. Help us to appreciate the opportunities that are ours as we struggle to bring harmony to an unsettled world. May we balance our concern for justice with a willingness to display mercy, and may our concern for security be tempered with a willingness to take risks, which will produce worthwhile change for the good of all people.

O Lord, we pray for Your guidance as we work together for the best interests of our Commonwealth, communities, our nation, our world, and the ultimate goal of peace. When times are prosperous, let our hearts be thankful, and in troubled times, may our deepest trust be in You.

Thank you, Lord, for hearing our prayers. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Thursday, July 1, 2004, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2789 By Representative McILHATTAN

An Act authorizing and directing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Doylestown, certain lands situate in the Borough of Doylestown, Bucks County.

Referred to Committee on STATE GOVERNMENT, July 2, 2004.

No. 2790 By Representatives McGEEHAN, BELFANTI, DALEY, DeLUCA, DeWEESE, GOOD, GOODMAN, JOSEPHS, KENNEY, LEACH, LEDERER, O'NEILL, TANGRETTI, THOMAS, TIGUE and WALKO

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, providing for construction quality assurance and for penalties.

Referred to Committee on STATE GOVERNMENT, July 2, 2004.

No. 2791 By Representatives McGEEHAN, CORRIGAN, CRUZ, GEORGE, GERGELY, GOODMAN, HESS, HORSEY, JAMES, JOSEPHS, KELLER, KENNEY, KIRKLAND, LEDERER, MUNDY, PALLONE, SCAVELLO, SURRA, THOMAS and YOUNGBLOOD

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for retainage.

Referred to Committee on STATE GOVERNMENT, July 2, 2004.

No. 2792 By Representatives BISHOP, DeWEESE, GOODMAN, STABACK, THOMAS, HENNESSEY, WALKO, BEBKO-JONES, DeLUCA, CURRY, YOUNGBLOOD, PISTELLA, KIRKLAND and WASHINGTON

An Act amending the act of May 16, 1891 (P.L.75, No.59), entitled "An act in relation to the laying out, opening, widening, straightening, extending or vacating streets and alleys, and the construction of bridges in the several municipalities of this Commonwealth, the grading, paving, macadamizing or otherwise improving streets and alleys, providing for ascertaining the damages to private property resulting therefrom, the assessment of the damages, costs and expenses thereof upon the property benefited, and the construction of sewers and payment of the damages, costs and

expenses thereof, including damages to private property resulting therefrom,” further providing for powers of municipal corporations.

Referred to Committee on TRANSPORTATION, July 2, 2004.

No. 2793 By Representatives GODSHALL, CRAHALLA, DALEY, DeLUCA, HORSEY, JAMES, LAUGHLIN, LEACH, McCALL, O’NEILL, READSHAW, T. STEVENSON, THOMAS, TIGUE, WALKO and YOUNGBLOOD

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, providing for the training and certification of certain code administrators.

Referred to Committee on LOCAL GOVERNMENT, July 2, 2004.

No. 2794 By Representatives GEORGE, PERZEL, DeWEESE, S. H. SMITH, VEON, McCALL, GEIST, BEBKO-JONES, ADOLPH, ARMSTRONG, BELARDI, BUNT, CAPPELLI, CAUSER, CORRIGAN, COY, CRAHALLA, DENLINGER, FABRIZIO, FAIRCHILD, GOODMAN, HALUSKA, HARPER, HARRIS, HENNESSEY, HERMAN, HERSHEY, HESS, HORSEY, HUTCHINSON, JAMES, JOSEPHS, KIRKLAND, LAUGHLIN, LEDERER, LESCOVITZ, MAJOR, MARKOSEK, McILHATTAN, ROBERTS, RUBLEY, SATHER, STERN, SURRA, THOMAS, WALKO, WILT, WOJNAROSKI and YOUNGBLOOD

An Act designating a bridge on State Route 3012 over Clearfield Creek in Beccaria Township, Clearfield County, as the Private First Class Bradley G. Kritzer Bridge.

Referred to Committee on TRANSPORTATION, July 2, 2004.

COMMUNICATION FROM GOVERNOR’S OFFICE

The SPEAKER. The Speaker acknowledges receipt of the Commonwealth of Pennsylvania’s Comprehensive Annual Financial Report for the fiscal year ended June 30, 2003.

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

LEAVES OF ABSENCE

The SPEAKER. The Chair turns to leaves of absence and recognizes the majority whip, who moves for a leave of absence for the gentleman from Lancaster, Mr. CREIGHTON, for the day and the gentleman from Delaware, Mr. GANNON, for the day. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentlelady from Philadelphia, Ms. MANDERINO. Without objection, that leave will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—200

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—3

Creighton	Gannon	Manderino
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LEAVES ADDED—2

Ruffing	Schroder
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LEAVES CANCELED—3

Creighton Gannon Schroder

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 1996, PN 4282 (Amended) By Rep. S. SMITH

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for cooperative purchasing, for legislative reports and for guaranteed energy savings and contracts.

RULES.

HB 2433, PN 4246 By Rep. S. SMITH

An Act amending the act of July 31, 2003 (P.L.73, No.17), known as the Volunteer Fire Company and Volunteer Ambulance Service Grant Act, further providing for award of grants, for expenses incurred by the Pennsylvania Emergency Management Agency; and providing for allocation of appropriated funds.

RULES.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 2452, PN 3488, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "installment sales method of reporting" for purposes of the personal income tax.

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

Mr. TANGRETTI offered the following amendment No. A3159:

Amend Title, page 1, line 11, by removing the period after "tax" and inserting

; and providing for exclusion of fire departments from requirements to pay realty transfer tax.

Amend Bill, page 3, by inserting between lines 2 and 3

Section 2. Section 1102-C.3 of the act is amended by adding a clause to read:

Section 1102-C.3. Excluded Transactions.—The tax imposed by section 1102-C shall not be imposed upon:

* * *

(23) A transfer between a municipality and a volunteer fire company as defined in the act of July 15, 1976 (P.L.1036, No.208), known as the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act."

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

Amend Sec. 3, page 3, line 5, by striking out "3" and inserting 4

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—1

Kirkland

EXCUSED—3

Creighton Gannon Manderino

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—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Creighton Gannon Manderino

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

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

* * *

The House proceeded to third consideration of **SB 1100, PN 1573**, entitled:

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

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?

BILL PASSED OVER TEMPORARILY

The SPEAKER. The Chair goes over the bill temporarily.

* * *

The House proceeded to third consideration of **HB 2724, PN 4111**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for the definition of "structure"; and further providing for prohibited acts and penalties.

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—200

Adolph	Evans, J.	Lynch	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Mann	Schroder
Bard	Flick	Markosek	Scrimenti

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

* * *

The House proceeded to third consideration of **HB 2739, PN 4127**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for cleanup of clandestine laboratories.

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-200

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

NAYS-0

NOT VOTING-0

EXCUSED—3

Creighton Gannon Manderino

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

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

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The House proceeded to third consideration of **HB 1284, PN 1690**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1284 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **HB 1470, PN 4226**, entitled:

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for definitions, for unfair acts and for exclusions.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 1470 be recommitted to the Committee on Rules.

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. J. EVANS. Mr. Speaker, I just wanted to make a brief remark concerning the previous two bills that did pass here in the House.

The SPEAKER. The gentleman may proceed.

Mr. J. EVANS. I just would like to thank the members for the affirmative votes on the two methamphetamine bills, HBs 2724 and 2739.

In the interest of time, I do have some remarks I would like to submit for the record.

The SPEAKER. The Chair thanks the gentleman.

Mr. J. EVANS. Thank you, sir.

The SPEAKER. The remarks will be submitted for the record.

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

Thank you, Mr. Speaker.

Many communities that are located near the State borders have experienced a dramatic increase in the production of one of the newest drugs to permeate through our society – methamphetamine.

In my legislative district in Erie and Crawford Counties, this drug and its production are creating problems for our residents, our businesses, and our law enforcement agencies.

Meth, as it is called, produces a high that is 30 times stronger than crack cocaine and is much easier to obtain.

In fact, obtaining meth seems to be as easy as producing it in your own home, garage, shed, or even a chicken coop.

Meth is produced by “cooking” several ingredients, including pseudoephedrine, which is found in certain cold medicines.

Added together with other household goods and chemicals, meth “cookers” can put together a batch in less than a few hours.

The production process is quite volatile, and explosions can be deadly, putting at risk the lives of innocent people, not to mention the law enforcement officials who put their lives on the line during meth lab busts.

Of the 74 meth labs seized thus far in 2004, 42 were located in northwestern Pennsylvania.

In addition to the potential danger in our communities, meth has caused an increase in petty theft from local hardware stores and pharmacies, emotional hardship on families, explosions during the cooking process, and life-threatening overdoses.

Both HB 2724 and HB 2739 will help give our law enforcement agencies the tools they need to help prosecute this growing crime. This legislation has the potential to save countless lives and to save countless individuals from sinking deeper into illegal drug use.

The first bill I am sponsoring, HB 2724, will make it a crime to “cook” meth in front of children.

The second measure, HB 2739, will require meth producers to pay for the cleanup and disposal of the toxic waste residue from meth production.

We have found that those who cook meth often dump the toxic waste residue along back roads in remote locations. This has a serious environmental impact, as many children, adults, and animals could wander upon the toxic waste, not knowing what it is.

I would respectfully ask colleagues on both sides of the aisle for their support in both of these measures.

Thank you.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2655, PN 3954**, entitled:

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

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—200

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Creighton Gannon Manderino

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

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

* * *

The House proceeded to third consideration of **SB 679, PN 1549**, entitled:

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, prohibiting possession or transporting of liquefied ammonia gas under certain circumstances; prohibiting possession of certain precursors and chemicals used in the manufacture of controlled substances; and imposing duties and responsibilities relating to clandestine drug laboratories upon the Pennsylvania State Police.

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—200

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

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move for a suspension of the rules for immediate consideration of SB 979, PN 1779.

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

The following roll call was recorded:

YEAS-199

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

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

NAYS-1

Josephs

NOT VOTING-0

EXCUSED-3

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 979, PN 1779**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for declaration of policy; defining "contemporaneous alternative method"; repealing provisions relating to videotaped depositions by a child victim or child material witness; further providing for recorded testimony, for testimony by contemporaneous alternative methods, for admissibility of certain statements, for hearsay, for use of dolls, for child victims of sexual or physical abuse and for comparative negligence.

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.

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the vote.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will be gone over temporarily.

* * *

The SPEAKER. We have a DeLuca bill. This will be a little less challenging.

The House proceeded to third consideration of **HB 1116, PN 4245**, entitled:

An Act providing for the certification of persons conducting hazardous painting; and providing for a penalty.

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?

On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Mr. Speaker, we are just looking for an explanation of this one. I do not see it in the presession report.

The SPEAKER. The gentleman, Mr. DeLuca, is standing by to give you that explanation, Mr. Vitali. The Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, this sets up the certification program for workers, painters, who are handling hazardous painting material.

The SPEAKER. Does the gentleman, Mr. Cawley, seek recognition? Next one.

Agreeable to the provisions— The gentleman from York, Mr. Miller. The Chair apologizes.

Mr. MILLER. Thank you, Mr. Speaker.

I would like to interrogate the prime sponsor of this bill, please.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order.

Mr. MILLER. On the surface I think I do not have a major problem with this bill, but I have some concerns as far as who it will apply to.

For 25 years I worked in the coatings industry, and loosely, under Federal guidelines, paintings and coatings are always considered together or almost always considered together. So an adhesive-coating operation and a painting operation must meet the same emission control standards. The Federal guidelines from the EPA (Environmental Protection Agency) require that they meet the same emission standards. Would this bill apply to coating applications for adhesives and things along these lines?

Mr. DeLUCA. Yes.

Mr. MILLER. So a company that is applying an adhesive coating to a substrate that is in a controlled environment—

Mr. DeLUCA. I cannot hear you. Mr. Speaker, I cannot hear you.

Mr. MILLER. So a company that is applying an adhesive coating to a substrate, would the people working for that company be required to have this certification and training?

Mr. DeLUCA. Yes; yes, they would have to have the training.

Mr. MILLER. Mr. Speaker, that concludes my interrogation.

MOTION TO RECOMMIT

Mr. MILLER. Mr. Speaker, I think this bill might have some possibilities, might have some good reasons to do this bill. However, because of the possible implications to Pennsylvania industry, especially the coatings industry where we are very competitive on a worldwide basis, this is an additional certification that is not really needed for those people, because they are already controlled under OSHA (Occupational Safety and Health Administration) and everything else and need training to be able to do those applications.

So I would like to move that this bill be rereferred to the Commerce Committee so that they can take a look at the effect on the economic climate in Pennsylvania.

The SPEAKER. It is moved by the gentleman, Mr. Miller, that the bill be rereferred to the Commerce Committee.

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

The SPEAKER. On that question, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I oppose the recommittal motion.

You know, we continue to talk about OSHA. OSHA does not do regular inspections. OSHA does not do mandatory training. We are talking about safety for individuals here. We are talking about— Let me give you an example. The average individual in these fields, the painters who do this kind of work, the average retirement is 13 months after they retire. No other industry when an individual retires has that type of liability working with these types of toxic chemicals. This problem is also far reaching. Every time a worker leaves the workplace, studies have revealed that their cars, homes, and families indirectly are exposed through personal contact.

What we are talking about, Mr. Speaker, with this bill is we are talking about adding another layer to, not a layer, but to protect workers by requiring this special training for them to learn how to safely handle these hazardous materials in the workplace. I do not see what is wrong with that. Workers will learn how to properly prepare through ventilation and respirators how to protect themselves. Workers will learn about how body tissues react to chemicals and the proper use of painting tools and other material that they use. They will learn about the laws and regulations that apply to their profession and how these laws give them the rights and the protection.

I know about OSHA. OSHA comes in, God forbid, when something happens, and they will investigate, but OSHA does not come into these facilities and train all the time.

Now, there is one group who says they are opposed to it. They only represent one-third of the contractors out there. I venture to say, none of you, none of you have been contacted by contractors who employ these individuals who are against

this legislation, because they know it is the right thing to do. They know it is the right thing to protect their workers in this Commonwealth. That is why this bill is so important.

Therefore, I ask my colleagues in the House, if you are considering workers' safety, if you want them to know about what is happening in there, if you want to protect their families, vote this motion to recommit down.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the minority whip, who moves for a leave of absence for the gentleman from Allegheny, Mr. RUFFING. Without objection, that leave will be granted.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the House of the gentleman from Lancaster, Mr. Creighton. His name will be added to the master roll.

CONSIDERATION OF HB 1116 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lancaster, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I just briefly rise to support the gentleman from York County on his motion to recommit this to the Commerce Committee.

We did notice that, I believe there are some problems actually with the drafting of this bill that maybe can get worked on in committee. I believe, if I understand it correctly, the act takes effect immediately, but the certification, it is going to take 180 days to promulgate regs. So we are going to have an act in place without regulations to manage the act. So if we get it back into committee, maybe it is something that can be worked on there.

So I would just like to affirm the gentleman's motion to recommit this to committee.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Butler, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise to support the gentleman's motion to recommit this bill. I think a lot of good arguments have been made already.

It was mentioned that OSHA already oversees this type of activity, and I would encourage all of my colleagues on the other side of the aisle that spoke so adamantly and fought so hard to see reforms take place in the Uniform Construction Code, that some of these same painting materials are available for purchase by the general public in all painting retail outlets. So this specifically targets just certain industries, construction and maintenance industries, and it does not go after the broader spectrum of everybody who is using these same materials.

So if you are going to stand up and fight for the rights of people to use those products in their homes and work on their home, do those repairs, I think this is in that line. If we see this

passed today, if this is not considered by the committee that it is being sent to and then kept there and held some hearings on it that could actually show what kind of damage this is going to do to our economy and the jobs it is going to hurt and job loss because of it, then you can see this being proposed in the future to expand it to all of us, even in our own home settings. So I think it is important that we are allowed to use these materials.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease for a moment.

MOTION WITHDRAWN

The SPEAKER. It is the information of the Chair the gentleman, Mr. Miller, has withdrawn his motion, and the Chair recognizes the gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, before I make a motion I would like to answer the previous gentleman who was talking about the individuals that should have the same rights. What we are talking about here, the reason we did not include individuals who do it at home is because we are talking about individuals who work in the workplace for 8 hours a day. That is their profession. How many of us usually are here 8 hours a day, day in and day out, 40 hours a week? That is totally ludicrous when we say protecting everybody at home. If you read the legislation, you would understand that this is the reason. This is a profession, and they work 40 hours a week, day in and day out, handling these chemicals. So that is one of the reasons we exempt homeowners from this type of situation.

Mr. Speaker, I understand some of my colleagues on their questioning about the drafting and some of the issues pertaining to this bill, and I certainly would appreciate and look forward to working with them over the summer, since we are in the last days and the Senate will not be in, to come back here and make this a better piece of legislation so that we can protect the workers in Pennsylvania with these hazardous working conditions that we have in this Commonwealth.

So I will withdraw this bill at this time, and I would look forward to the gentleman's help in the summertime in working on this legislation.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL PASSED OVER

The SPEAKER. HB 1116 is over for the day.

* * *

The House proceeded to third consideration of **HB 1881, PN 3597**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for definitions and for when sales may be made at Pennsylvania Liquor Stores.

On the question,

Will the House agree to the bill on third consideration?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 1881 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **HB 2744, PN 4159**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to comparative negligence; and making a repeal.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2744 be recommitted to the Committee on Rules.

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

* * *

The House proceeded to third consideration of **SB 1184, PN 1734**, entitled:

An Act authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, being conveyed by the city in return for the imposition of Project 70 restrictions on certain lands being conveyed to the 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?

On that question, the Chair recognizes the gentleman, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, we have a member, Representative Diven, who as a professional boxer in Pittsburgh they called him "Iron Mike" Diven. Sixteen fights in a row "Iron Mike" Diven was helped off the canvas, and he said, when his manager said, "What happened?" he said, "I was beaten to the punch." Mr. Speaker, today, again, I was beaten to the punch with this bill.

We sent two bills to the Senate; it came back as a Senate bill. So even though I was beaten to the punch again, Mr. Speaker, this is a Project 70 transfer bill; 4 years in the works; 83 new

homes, not in keystone opportunity zones – as soon as they get it, they start paying their taxes; 30 acres of park; turning a culm-dump area into a beautiful neighborhood.

I would like to thank Chairman Clymer, Chairman Babette Josephs, Brian Preski and Mike Manzo, Paul Costa – could I have the list of the members, Mr. Speaker? – and of course John Yudichak, Mr. Speaker, for their hard work – and I mean it, every name I named – for helping to move this bill forward in such a short time. This is going to be very good for the citizens in the city of Scranton, and I appreciate this very much from all of the members for their support.

Thank you.

The SPEAKER. The Chair sees no one else.

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

Diven	Lederer	Ross	
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of **HB 2666, PN 3972**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of registration.

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

Mr. **CASORIO** offered the following amendment No. **A3103**:

Amend Title, page 1, line 2, by removing the period after "registration" and inserting ; imposing a moratorium on the implementation or continued use of a vehicle emission inspection program until certain standards and studies of on-board vehicle emission diagnostic testing systems are completed; and establishing the Joint Senate-House Select Committee on Vehicle Emissions.

Amend Bill, page 2, by inserting between lines 2 and 3

Section 2. Title 75 is amended by adding a section to read:

§ 4706.2. Moratorium on emission inspection program.

Notwithstanding any of the provisions of this chapter or any law to the contrary, neither the department nor any other department or agency of the Commonwealth shall continue or implement any vehicle emission inspection program until the following occurs:

(1) The Environmental Protection Agency approves and issues rules and regulations for the use and implementation of on-board vehicle emission diagnostic testing systems that can provide less expensive and more convenient exhaust checks.

(2) A joint department and Department of Environmental Protection emission inspection policy review panel issues findings and recommendations for the use and implementation in this Commonwealth of on-board vehicle emission diagnostic testing systems to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives. Any vehicle emission program currently in effect shall cease immediately until legislative action can occur to implement such findings and recommendations.

(3) The Joint Senate-House Select Committee on Vehicle Emissions issues findings and recommendations for the use and implementation in this Commonwealth of on-board vehicle emission diagnostic testing systems to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives. Any vehicle emission program currently in effect shall cease immediately until legislative action can occur to implement such findings and recommendations.

Section 3. (a) There is hereby established a Joint Senate-House Select Committee on Vehicle Emissions to study and make recommendations for the use and implementation in this Commonwealth of on-board vehicle emission diagnostic testing systems.

(b) The select committee shall be comprised of one member appointed by each of the following: the Majority Leader of the Senate, the Minority Leader of the Senate, the chairman and minority chairman of the Transportation Committee of the Senate, the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, the chairman and minority chairman of the Transportation Committee of the House of Representatives, the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives. The Majority Leader of the House of Representatives shall designate one member to chair the select committee.

(c) Within 12 months of its appointment, the select committee shall issue a report of its findings and such recommendations as it deems appropriate and shall submit such report to the General Assembly.

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

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

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

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, the amendment that I am about to offer, 3103, is a redraft that has substantive changes to the amendment I attempted to offer the other day. It is an attempt to place a moratorium on the auto emissions testing plan in Pennsylvania.

Mr. Speaker, we have added substantive language, and just for a moment let me read that to you, if I could. We have added a Joint Senate-House Select Committee on Vehicle Emissions to issue findings and recommendations for the use and implementation of emissions diagnostic testing systems to the Transportation Committee of the Senate and the Transportation Committee of the House of Representatives.

Also, Mr. Speaker, in this amendment we have a select committee that should be comprised of one member appointed by each of the following: the majority leader of the Senate, minority leader of the Senate, chairman and minority chairman of the Transportation Committee of the Senate, and likewise in the House, Mr. Speaker. And also, within 12 months of their appointment, the select committee shall issue a report and its findings to the General Assembly.

Mr. Speaker, again, amendment 3103 would attempt to place a moratorium on the auto emissions testing plan in Pennsylvania, and I would ask my colleagues for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the gentleman from Carbon, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his point.

Mr. McCALL. Mr. Speaker, I would like to challenge this amendment on the basis of it violates the Pennsylvania Constitution, Article II, section 2, of the Constitution. The gentleman's amendment sets up a select committee and asks that that select committee report back to this legislature in 12 months. I would wonder what impact the fact that we sine die in 5 months would have on this amendment. I would think that it should be declared unconstitutional based on the premise of Article II, section 2, of the Constitution.

The SPEAKER. The gentleman is correct. We cannot set a date that goes beyond our sine die adjournment.

CONSTITUTIONAL POINT OF ORDER

The SPEAKER. The gentleman has raised the issue of constitutionality.

The gentleman, Mr. McCall, raises the point of order that amendment No. A3103 is unconstitutional. The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. McCall. The gentleman waives off.

PARLIAMENTARY INQUIRY

The SPEAKER. Mr. Casorio.

Mr. CASORIO. Mr. Speaker, a parliamentary inquiry, please.

The SPEAKER. The gentleman will state it.

Mr. CASORIO. I know before us we have a motion of constitutionality, but my inquiry is, is the amendment divisible? May I divide the—

The SPEAKER. It is not divisible.

Mr. CASORIO. It is not?

The SPEAKER. No, sir.

Mr. CASORIO. Thank you, Mr. Speaker.

AMENDMENT WITHDRAWN

The SPEAKER. Does the gentleman withdraw his amendment or do we go to the vote of unconstitutionality? The gentleman withdraws his amendment. 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?

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

The following roll call was recorded:

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of SB 1092, PN 1557.

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

The following roll call was recorded:

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Gannon Manderino Ruffing

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 **SB 1092, PN 1557**, entitled:

An Act designating the proposed Route 222 bypass in Lehigh County from the point immediately South of I-78 in Lower Macungie Township, Lehigh County through portions of Upper Macungie Township, Lehigh County to the south interchange of Route 100 in Lower Macungie Township, Lehigh County as the Fred Jandl Memorial Highway.

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—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	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Biancucci	George	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causar	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

RULES SUSPENDED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of SB 1095, PN 1565.

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

The following roll call was recorded:

YEAS-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	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Bianucci	George	McIlhinney	Stairs

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1095, PN 1565**, entitled:

An Act designating Exit 182 on Interstate 81 in Lackawanna County as the Chuck Mattei Interchange.

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

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The House proceeded to third consideration of **HB 2011, PN 2653**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, providing for extension of licensed premises in a city of the first class.

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?

REMARKS SUBMITTED FOR THE RECORD

Mrs. LEDERER submitted the following remarks for the Legislative Journal:

HB 2011 addresses a problem for the handicapped in the city of Philadelphia only.

Restaurants and bars are setting up seating areas on common sidewalks and are interfering with the safe passage of pedestrians, particularly those with disabilities. Presently, a handicapped person would have to file a legal complaint against an establishment for the lack of pavement space.

Under the Liquor Code, we regulate extension of licenses. If you operate on the first floor and want to use the second floor, you must apply for an extension.

What this bill does is to clarify the use of the extension of license. It is not antiliquor or antibusiness; it is just a clarification of the usage of space in accordance with the Americans With Disabilities Act.

Last year a Philadelphia newspaper ran a front-page picture of the famous rhythm and jazz musician Teddy Pendergrass, who was forced to drive his wheelchair down the center of Market Street in traffic along with buses and cars because there was not ample pavement space, and this is not a unique occurrence.

The old city district where this frequently occurs has 75 liquor establishments in a five-square-block area. I want to be sure that establishments comply with the Americans With Disabilities Act.

HB 2011 clarifies the use of space.

Please vote "yes" and give the handicapped the respect that you and I would want. Please vote "yes" on HB 2011.

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—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	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

* * *

The House proceeded to third consideration of **HB 2412, PN 3981**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period of limitation in the doctrine of adverse possession; and making related repeals.

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-191

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

NAYS-9

Harper	Pallone	Steil	Watson
Metcalfe	Petri	Vance	Weber
O'Neill			

NOT VOTING-0

EXCUSED-3

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

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1442, PN 4052**, entitled:

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.

On the question,
Shall the bill pass finally?

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 1442, PN 4052, be recommitted to the Committee on Rules.

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

STATEMENT BY MR. WHEATLEY

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

Mr. WHEATLEY. Mr. Speaker, I was going to speak on final passage of 2412, and I just really wanted to thank the community advocates, the housing advocates, as well as my chairmen, Representative Petrone and Representative Taylor, and the staffs that worked on this bill and helped to get it to pasture, and that is really what I wanted to say. I just wanted to thank all the efforts and the hard work of the people who were involved in passing this bill.

So thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. CURRY

The SPEAKER. At this time we have a special recognition from the gentleman from Montgomery, Mr. Curry.

Please. The gentleman, Mr. Curry, is entitled to be heard. He has a very important announcement to make here.

Mr. CURRY. Thank you, Mr. Speaker.

Mr. Speaker, July 2 is a very significant day in this nation's history. Two hundred and twenty-eight years ago today we became a nation, approving by voice vote Richard Henry Lee's resolution of June 7, which said in part, "...That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved."

This body, Mr. Speaker, the Pennsylvania General Assembly, made its meeting place available to the delegates

from other colonies who had come to Philadelphia to discuss policies and responses to the growing onerous and oppressive policies of Great Britain. After many months of agonizing and torturous debates and with military engagements already underway in New England and Canada, Lee introduced his resolution.

The resolution was strenuously debated for 3 days, and then the discussion was postponed until July 1. However, a committee was authorized to "prepare a declaration to the effect of the resolution."

On the morning of July 1 the Congress resolved itself into a Committee of the Whole to discuss the resolution, and on July 2, with New York abstaining, the Lee resolution passed without a dissenting vote.

A new nation was born. Immediately following the vote for independence, the Congress returned to a Committee of the Whole to consider the declaration. Vigorous debate ensued through the 3d and the 4th, and then on the evening of the 4th the debate was closed, the amended document was reported to Congress, and the vote was taken. As with the vote for independence, the declaration was adopted without a dissenting vote and with New York abstaining.

On the 2d of August, the engrossed copy of the declaration was presented to the Congress, and as the Journal records, "The Declaration of Independence being engrossed and compared at the table was signed by the members."

Mr. Speaker, Pennsylvania not only played a critical role in the birth of this nation, but this body, the Pennsylvania General Assembly, shared its meeting place with the distinguished Continental guests. So today is the anniversary of American independence, July 2.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1954, PN 2554**, entitled:

An Act amending the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act, further providing for the general grant of power and authority.

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?

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

Mr. VITALI. Just looking for a brief explanation. It does not appear in our pre-session report.

The SPEAKER. The gentleman, Mr. Cruz, indicates that he will stand for interrogation or give a brief explanation. Mr. Cruz.

Mr. CRUZ. Mr. Speaker, this bill is to give cities of the first class the ability to change their home-rule charter – it has not been changed since 1950 – for the purpose that it will raise fines. For example, this week we introduced a bill on short dumping, and it will raise the fines from \$300 to the

maximum of maybe up to \$2300. Some people are getting away thinking that they can dump and the \$300 is suitable for them, so this is why we are changing the home-rule charter.

The SPEAKER. For the information of the members, Mr. Cruz—

Mr. CRUZ. The Home Rule Act; I am sorry.

The SPEAKER. Mr. Cruz?

Mr. CRUZ. Yes, sir?

The SPEAKER. Was this question asked in your caucus?

Mr. CRUZ. Yes, it was.

The SPEAKER. By the same gentleman?

Mr. CRUZ. I am not sure.

The SPEAKER. But it was asked in caucus?

Mr. CRUZ. But we spoke about this. Yes, sir.

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

DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Sainato	Perzel, Speaker
Egolf	Levdansky		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

RESOLUTIONS

Mr. SOLOBAY called up **HR 770, PN 3986**, entitled:

A Resolution urging the United States Department of Agriculture to reconsider its recent policy change relating to Pennsylvania's Nutrition Education Program (PA NEP).

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—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	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Biancucci	George	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti
Caltagirone	Habay	Mustio	Taylor, E. Z.
Cappelli	Haluska	Myers	Taylor, J.
Casorio	Hanna	Nailor	Thomas
Causer	Harhai	Nickol	Tigue
Cawley	Harhart	O'Brien	Travaglio
Civera	Harper	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance
Coleman	Hennessey	Payne	Veon
Cornell, S. E.	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

* * *

Mr. STEIL called up **HR 771, PN 4150**, entitled:

A Resolution directing the Finance Committee of the House of Representatives to gather information on the Streamlined Sales Tax Agreement, its effects on State revenues and businesses and the possibility of Pennsylvania's adopting legislation to become a conforming state under the Streamlined Sales Tax Agreement; and providing for duties and responsibilities of the committee.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—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	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner
Bebko-Jones	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Geist	McIlhattan	Staback
Biancucci	George	McIlhinney	Stairs
Birmelin	Gergely	McNaughton	Steil
Bishop	Gillespie	Melio	Stern
Blaum	Gingrich	Metcalfe	Stetler
Boyd	Godshall	Micozzie	Stevenson, R.
Browne	Good	Millard	Stevenson, T.
Bunt	Goodman	Miller, R.	Sturla
Butkovitz	Grucela	Miller, S.	Surra
Buxton	Gruitza	Mundy	Tangretti

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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Mr. BAKER called up **HR 804, PN 4172**, entitled:

A Resolution encouraging the Department of Health to develop a plan for identifying chronic kidney disease in the early stages and evaluating and managing persons with chronic kidney disease and to circulate to physicians and other health care providers the generally accepted standards regarding clinical care for the early identification of chronic kidney disease and clinical management of persons at the highest risk for the disease.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—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	Mann	Scrimenti
Barrar	Flick	Markosek	Semmel
Bastian	Forcier	Marsico	Shaner

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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Mr. GANNON called up **HR 822, PN 4253**, entitled:

A Resolution urging the President and Congress of the United States to amend the Omnibus Crime Control and Safe Streets Act of 1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-200

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

RULES SUSPENDED

The SPEAKER. The Chair turns to page 1 of today’s House calendar; that would be Friday’s House calendar.

The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of SB 689, PN 1786.

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

The following roll call was recorded:

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

NAYS—0

NOT VOTING—0

EXCUSED—3

Gannon Manderino Ruffing

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.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the majority whip requests a leave of absence for the gentleman from Chester, Mr. SCHRODER. Without objection, he will be placed on leave.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 689, PN 1786**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development; providing for staffing levels and limitations on inmate capacity at State correctional institutions, for definitions, for collection of cash deposits by public utilities as a condition of provision or reconnection of services and for procedures for notice of termination of utility service; authorizing the Pennsylvania Public Utility Commission to mediate payment agreements and accept customer complaints; providing for landlord duties, for reporting of delinquent customers and for reporting of recipients of public assistance; and abrogating certain regulations and ordinances of first class cities relating to public utilities.

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

Ms. **MUNDY** offered the following amendment No. **A3176**:

Amend Title, page 1, line 23, by inserting after “FOR”
cities of the first class responsible utility
consumer protection, for
Amend Sec. 2 (Sec. 2801-D), page 6, line 20, by inserting after
“THE”
Cities of the First Class
Amend Sec. 2, page 26, by inserting between lines 5 and 6
Section 2819-D. Applicability of article.
Notwithstanding any other provision of this article to the
contrary, this article shall apply only in cities of the first class.

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

The SPEAKER. On that question, the Chair recognizes the gentlelady, Ms. Mundy.

Ms. **MUNDY**. Thank you, Mr. Speaker.

Honestly, I thought my amendment was out of order because of the action that we took in Appropriations yesterday, but I am glad to know that it is not.

Amendment 3176 limits the actions taken in this bill to limit consumer protections to the city of Philadelphia. I want you to know that I have no more sympathy for those who can but will not pay their utility bills than any other member in this House,

but I do have tremendous sympathy for the family who has always worked hard and conscientiously met its obligations and then falls on hard times, maybe through unexpected unemployment or illness. More and more I am seeing families like these— Mr. Speaker, could I have some order?

The SPEAKER. The gentlelady is asking for order. Would you please keep the noise level down.

Ms. MUNDY. More and more I am seeing families like these, like those I just described, who have always worked hard and always met their financial obligations, who because of extraordinary medical expenses, because of lack of health insurance, because of their temporary inability to pay their bills—

The SPEAKER. The Chair recognizes the gentlelady, Ms. Mundy. Did you want to speak? The gentlelady is in order and may proceed.

Ms. MUNDY. Mr.—

The SPEAKER. For what purpose does the gentleman rise?

Mr. PRESTON. I am wondering if we are going to get a copy of the amendment.

The SPEAKER. Pardon me? A copy of the amendment? We will send one right back to you, sir.

The gentlelady is in order.

Mr. PRESTON. It is still not on.

The SPEAKER. We are sending you back a copy of the pack.

Ms. MUNDY. Thank you for your patience. I am sorry for the confusion. When the bill was rereferred to Appropriations yesterday, apparently we thought that my amendment would be out of order, but apparently it is not, thankfully.

The effect of the amendment, again, is to limit the provisions of 689 to the city of Philadelphia, and again, the reason I would do that is not because I have any sympathy for those who do not pay their utility bills even though they can, but because there are circumstances whereby people who have worked hard all their lives, who have met their financial obligations, fall on hard times, and they are protected currently through the provisions of the Public Utility Code, and this bill will now remove those consumer protections.

Unfortunately, because of the way this bill has been presented to us, bypassing the usual committee process, offered at the last minute in the frantic activity of these closing days before the summer recess, I am not 100 percent sure about the impact this bill will have on the hardworking and honorable people in my district. I do know that it removes important consumer protections that have been in effect for decades. And once again, members who represent districts throughout Pennsylvania are asked to solve a Philadelphia problem with a stealth bill that has ramifications for every gas, water, and electric customer in Pennsylvania.

I say if the Philadelphia folks have a problem with Philadelphia Gas Works, let them take the rights of their consumers away by introducing a last-minute bill that is limited to Philadelphia Gas Works. That would be easy to do. All they have to do is limit the effects of the bill to section 2212 of the PUC code (Public Utility Code).

Yesterday we received—

The SPEAKER. The Chair would like— Sorry to interrupt the gentlelady. It appears that the amendments are not on the computer properly.

BILL PASSED OVER TEMPORARILY

The SPEAKER. We will temporarily go over this bill.
Ms. MUNDY. Thank you, Mr. Speaker.

* * *

The House proceeded to third consideration of **SB 1102, PN 1764**, entitled:

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for water supply and wastewater infrastructure capitalization; authorizing debt; defining “investor-owned water or wastewater enterprise”; and providing for Water Supply and Wastewater Infrastructure Program.

On the question,

Will the House agree to the bill on third consideration?

Mr. **STURLA** offered the following amendment No. **A2829**:

Amend Sec. 1 (Sec. 3902), page 3, by inserting between lines 23 and 24

“Nutrient Reduction Technology.” Nutrient Reduction Technology is wastewater treatment technology that reduces nutrients (nitrogen and phosphorous) as part of a treatment or recycling system. The term includes all of the following:

(1) Biological, chemical and physical wastewater treatment.

(2) System and operational modifications.

Amend Sec. 4 (Sec. 1558), page 18, by inserting between lines 23 and 24

(vi) The project will be designed, installed and operated for purposes that benefit the environment or improve public health including the design, installation and operation of nutrient reduction technology at municipal wastewater treatment plants that contribute to the impairment of local or downstream water quality or impact living resources or public health.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	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	Geist	McGill	Staback
Biancucci	George	McIlhattan	Stairs
Birmelin	Gergely	McIlhinney	Steil
Bishop	Gillespie	McNaughton	Stern
Blaum	Gingrich	Melio	Stetler
Boyd	Godshall	Metcalfe	Stevenson, R.
Browne	Good	Micozzie	Stevenson, T.
Bunt	Goodman	Millard	Sturla
Butkovitz	Grucela	Miller, R.	Surra

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

NAYS-0

NOT VOTING-0

EXCUSED-4

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

On the question,

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

Mr. **GEORGE** offered the following amendment No. **A2880**:

Amend Sec. 4 (Sec. 1558), page 20, by inserting between lines 11 and 12

(iv) Any grant provided for economic development under this section that pays for more than \$500,000 in infrastructure improvements, water supply or wastewater facilities located on the site of a private facility that has or will be receiving additional economic development assistance or job creation tax credits from the Commonwealth shall include a clawback provision that ensures that if the facility is closed or is sold within five years after the approval of the application, the Commonwealth shall request reimbursement for the specific cost of that infrastructure and shall place a lien for that amount on the real property of that facility.

On the question,

Will the House agree to the amendment?

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

Mr. **GEORGE**. Mr. Speaker, thank you.

Mr. Speaker, very simply, and no one can be blamed, but over the last 8 or 9 years we have tried to do a lot of things to create jobs and help business. There was \$6 billion that was utilized plus the Rainy Day Fund. So if we are going to go into another \$250 million venture, I believe we ought to have a clawback. Now, that can be done by the department, and we know that, but there have been games played. So for years, many of us have said we need a commonsense provision that would require companies receiving State taxpayers' money to commit to staying in business in Pennsylvania or to be forced to repay the money. A little common sense could protect our pocketbooks and preserve and create jobs.

Again, this amendment says that if a company that receives more than \$500,000 – in grant money, mind you, grant money – closes or is sold within 5 years, the Commonwealth can request a reimbursement.

The choice is simple. We can continue the same failed policies, or as a group with a proper idea and a commonsense approach, we can adopt this amendment.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	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	Geist	McGill	Staback
Biancucci	George	McIlhattan	Stairs
Birmelin	Gergely	McIlhinney	Steil
Bishop	Gillespie	McNaughton	Stern
Blaum	Gingrich	Melio	Stetler
Boyd	Godshall	Metcalfe	Stevenson, R.
Browne	Good	Micozzie	Stevenson, T.
Bunt	Goodman	Millard	Sturla
Butkovitz	Grucela	Miller, R.	Surra
Buxton	Gruitza	Miller, S.	Tangretti
Caltagirone	Habay	Mundy	Taylor, E. Z.
Cappelli	Haluska	Mustio	Taylor, J.
Casorio	Hanna	Myers	Thomas
Causar	Harhai	Nailor	Tigue
Cawley	Harhart	Nickol	Travaglio
Civera	Harper	O'Brien	True
Clymer	Harris	Oliver	Turzai
Cohen	Hasay	O'Neill	Vance
Coleman	Hennessey	Pallone	Veon
Cornell, S. E.	Herman	Payne	Vitali
Corrigan	Hershey	Petrarca	Walko
Costa	Hess	Petri	Wansacz
Coy	Hickernell	Petrone	Washington
Crahalla	Horshey	Phillips	Waters
Creighton	Hutchinson	Pickett	Watson
Cruz	James	Pistella	Weber
Curry	Josephs	Preston	Wheatley

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A2881**:

Amend Sec. 1, page 15, by inserting between lines 1 and 2 § 3908. Objective criteria for dating financial and economic distress.

The authority shall adopt objective criteria for rating the financial and economic distress of applicants for noneconomic development projects before they begin to award grants under this chapter. If they do not, the Governor may transfer up to 50% of the funds allocated to the authority under this chapter to the Pennsylvania Investment Authority for distribution to municipalities or municipal authorities following objective criteria or for the Brownfield Funding Program as adopted at the March 24, 2004, meeting of the board of directors of the Pennsylvania Investment Authority.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. I thank you, Mr. Speaker.

Mr. Speaker, for 25 years our State, through the PENNVEST (Pennsylvania Infrastructure Investment Authority) entity, has used objective criteria to judge the financial and economic situation of communities that request aid. That means, for example, Mr. Speaker, and you know better than I that if a community or a county or a legislative district is down on its time and its economic situation is bad, then the grant can be larger. I do not know of any community – and I have been on the PENNVEST Board, fortunately – whether it is Mr. Reed's district or Bud George's district or Mr. Geist's district or Mr. Herman or Mr. McIlhattan or even the majority leader, these districts have benefited by PENNVEST.

So my amendment simply requires the authority to adopt objective criteria for rating the financial and economic distress

of applicants for noneconomic development projects before they begin to award grants. If they do not, then the Governor ought to be able to transfer 50 percent of the funds allocated to the authority under this chapter to the Pennsylvania Investment Authority for distribution to the municipalities so that the criteria will be objective.

Mr. Speaker, this will help all of Pennsylvania. This will determine what is simply economical and what is absolutely needed to bring in people and put the proper infrastructure where it belongs. We should not give out \$250 million of taxpayer-funded dollars without criteria. There should be criteria. I hope you will join me, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Ms. HARPER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation, Mr. Speaker?

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

Ms. HARPER. Thank you, Mr. Speaker.

Part of the water and sewer infrastructure funds that the voters approved could be used to rehabilitate older sewage systems in boroughs that need that work. I would like to ask if the maker of the amendment intends those projects to be viewed as noneconomic development projects.

Mr. GEORGE. If you are fixing an old sewer system that comes under the view of the DEP (Department of Environmental Protection) in that there is too much hydrology, then basically, Mr. Speaker, that is not economic.

Ms. HARPER. May I ask one more, Mr. Speaker?

The SPEAKER. The gentelady is in order.

Ms. HARPER. Then is the intention of the amendment that we are being asked to approve to limit the aid available to those communities who need to update their sewer systems? Is that the intention of this amendment?

Mr. GEORGE. Mr. Speaker, what I am trying to say is that the economics should not be the only criteria. Whether it is economic, whether it is just simply to upgrade infrastructure, as we go about spending \$250 million, Mr. Speaker, and all this work, it is going to create jobs. Whether it is to replace an old system or put in a new system, it is going to make work; it is going to bring dollars into your community and mine, and it is going to help us to create and encourage people to come in and build. I just believe that you would be the first to agree we should have a criteria set up that all of us believe will be fair to everyone. That is all.

Ms. HARPER. Mr. Speaker, on the amendment?

The SPEAKER. The gentelady is in order.

Ms. HARPER. I would like to thank the maker of the amendment, and I understand his intention to introduce criteria, but the people in my area need to fix their old sewer systems, and I am afraid that his amendment would limit the funds available for that. I have a small borough and several townships on a creek that are facing higher requirements from the State and Federal governments for total maximum daily loads and infiltration inflow. Anything that limits their ability to access this money is not helpful to the communities that I represent.

Therefore, I am voting "no" on this amendment, and I would ask that my colleagues do also.

Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. George, wish to be recognized?

Mr. GEORGE. Just one moment, if you will, Mr. Speaker.

I am not going to belabor this. I just want the kind lady to know that all of those things that she wants to do in her community, we are going to get done. There is still PENNVEST, and we do those kinds of things in PENNVEST better than anyone else.

Now, whether you want to call something, anything is economic, and if it is not economic, it does not matter. It has to be brought into our rules and our regulations from the department. So voting for the amendment does not hurt your community or anyone else, but that is your choice.

Thank you.

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the amendment stand for brief interrogation?

The SPEAKER. The gentleman, Mr. George, indicates he will stand. The gentleman, Mr. Vitali, is in order.

Mr. VITALI. I just want to clarify something, that the vote I want to cast is a vote that would direct the maximum possible money to repairing existing systems as opposed to new projects and new development, and I am trying to ascertain whether your amendment, if it passes, will have more moneys for new development. I do not want to encourage sprawl. I really want to take care of existing problems, existing pollution issues. Help me out as to your amendment and how it might address that.

Mr. GEORGE. Mr. Speaker, I believe that this amendment would help the environment a great deal. It has not been placed forward for strictly economic. My argument is, though, as you go in and you make repairs in a community, whether it is an inadequate system or an antiquated system, that is all good for economic, but there is not anything in here that lays it for economic alone.

The dear lady's argument was very fair, and I understand her concern, but this would work for her community. We are just asking for certain criteria. That is all we are asking for.

THE SPEAKER PRO TEMPORE (GEORGE T. KENNEY, JR.) PRESIDING

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

The following roll call was recorded:

YEAS-96

Bard	Donatucci	Leach	Scrimenti
Bebko-Jones	Eachus	Lederer	Semmel
Belardi	Evans, D.	Lescovitz	Shaner
Belfanti	Fabrizio	Levdansky	Solobay
Biancucci	Frankel	Mann	Staback
Birmelin	Freeman	Markosek	Stetler
Bishop	George	McCall	Sturla
Blaum	Gergely	McGeehan	Surra
Browne	Goodman	Mundy	Tangretti
Butkovitz	Grucela	Myers	Thomas
Buxton	Gruitza	Oliver	Tigue
Casorio	Haluska	Petrarca	Travaglio
Cawley	Hanna	Petrone	Veon

Cohen	Harhai	Pistella	Vitali
Corrigan	Herman	Preston	Walko
Costa	Horsely	Readshaw	Wansacz
Coy	Hutchinson	Rieger	Washington
Cruz	James	Roberts	Waters
Curry	Josephs	Roebuck	Wheatley
Daley	Keller	Rooney	Williams
DeLuca	Kirkland	Rubley	Wojnaroski
Dermody	Kotik	Sainato	Yewcic
DeWeese	LaGrotta	Samuelson	Youngblood
Diven	Laughlin	Santoni	Yudichak

NAYS-103

Adolph	Feese	Maher	Reichley
Allen	Fichter	Maitland	Rohrer
Argall	Fleagle	Major	Ross
Armstrong	Flick	Marsico	Sather
Baker	Forcier	McGill	Saylor
Baldwin	Gabig	McIlhattan	Scavello
Barrar	Geist	McIlhinney	Smith, B.
Bastian	Gillespie	McNaughton	Smith, S. H.
Benninghoff	Gingrich	Melio	Stairs
Boyd	Godshall	Metcalfe	Steil
Bunt	Good	Micozzie	Stern
Caltagirone	Habay	Millard	Stevenson, R.
Cappelli	Harhart	Miller, R.	Stevenson, T.
Causar	Harper	Miller, S.	Taylor, E. Z.
Civera	Harris	Mustio	Taylor, J.
Clymer	Hasay	Nailor	True
Coleman	Hennessey	Nickol	Turzai
Cornell, S. E.	Hershey	O'Brien	Vance
Crahalla	Hess	O'Neill	Watson
Creighton	Hickernell	Pallone	Weber
Daily	Kenney	Payne	Wilt
Dally	Killion	Petri	Wright
Denlinger	Leh	Phillips	Zug
DiGirolamo	Lewis	Pickett	
Egolf	Lynch	Raymond	Perzel,
Evans, J.	Mackereth	Reed	Speaker
Fairchild			

NOT VOTING-0

EXCUSED-4

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

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

Mr. READSHAW offered the following amendment No. A3140:

Amend Sec. 4 (Sec 1558), page 18, line 6, by striking out all of said line and inserting comply with Federal and State requirements pursuant to the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) and the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law.

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

The following roll call was recorded:

YEAS—199

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

Mr. VITALI offered the following amendment No. **A2909**:

Amend Sec. 1 (Chapter Analysis), page 2, by inserting between lines 4 and 5
3908. Bids.

Amend Sec. 1, page 15, by inserting between lines 1 and 2
§ 3908. Bids.

(a) Lowest responsible bid.—Any and all bond services performed for indebtedness authorized in this chapter which cannot be performed by employees of the Commonwealth shall be contracted with and performed by the bond service provider submitting the lowest responsible bid.

(b) Request for proposal.—For each bond service required to be performed, the issuing authority shall distribute a request for proposal requiring a written response.

(c) Written report.—After each bond service provider is selected, the issuing authority shall issue a written report of the selection of the service provider and the basis therefor. A copy of the request for proposal and the responses thereto shall be made a part of the report. This report shall be made available to the public.

(d) Definitions.—The following words and phrases when used in this act shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

“Bond service provider.” Any bond counsel, financial adviser, underwriter, loan and transfer agent, verification agent or printer who provides bond services.

“Bond services.” Legal, financial and other services by a bond service provider rendered in conjunction with any bonds issued.

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

AMENDMENT WITHDRAWN TEMPORARILY

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

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, I am wondering if we could pass this over temporarily. If the Freeman amendment 2946 goes in, I will be withdrawing this, so if I could just delay it until after that vote, I would appreciate it.

The SPEAKER. The gentleman temporarily withdraws his amendment.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence in the hall of the House of the distinguished gentleman from Delaware, Mr. Gannon. His name will be added to the master roll.

CONSIDERATION OF SB 1102 CONTINUED

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

Mr. FREEMAN offered the following amendment No. A2946:

Amend Sec. 4 (Sec. 1558), page 18, line 18, by inserting after "THAT"

redevelops, reuses or revitalizes previously developed land and

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

The following roll call was recorded:

YEAS—194

Table listing names of members who voted 'YEAS' for amendment A2946, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Cawley, Civera, Clymer, Cohen, Coleman, Cornell, S. E., Corrigan, Costa, Coy, Crahalla, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Good, Goodman, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Harper, Harris, Hasay, Hennessey, Herman, Hershey, Hess, Hickernell, Horsey, Hutchinson, James, Josephs, Keller, Kenney, Killion, Kirkland, Kotik, LaGrotta, Laughlin, Leach, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhatten, McIlhinney, McNaughton, Melio, Micozzie, Millard, Miller, R., Miller, S., Mundy, Mustio, 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, Sainato, Samuelson, Santoni, Saylor, Scavello, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Travaglio, True, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Weber, Wheatley, Williams, Wojnaroski, Wright, Yewcic, Youngblood, Yudichak, Zug, Perzel, Speaker

NAYS—6

Table listing names of members who voted 'NAYS' for amendment A2946: Major, Metcalfe, Sather, Tigues, Wilt, Stevenson, R.

NOT VOTING—0

EXCUSED—3

Table listing names of members who were excused: Manderino, Ruffing, Schroder

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

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

Mrs. RUBLEY offered the following amendment No. A2939:

Amend Sec. 4 (Sec. 1558), page 18, line 17, by striking out "SYSTEMS" and inserting

infrastructures

Amend Sec. 4 (Sec. 1558), page 18, line 17, by inserting after "HEALTH"

or environmental

Amend Sec. 4 (Sec. 1558), page 18, line 19, by striking out "SYSTEMS. SUCH SYSTEMS" and inserting

infrastructures. Such infrastructures

Amend Sec. 4 (Sec. 1558), page 19, line 25, by inserting after "Protection."

The project must be generally consistent with applicable municipal plans under the Pennsylvania Sewage Facilities Act, and county and local comprehensive plans.

Amend Sec. 4 (Sec. 1558), page 21, line 4, by inserting after "Protection."

The project must be generally consistent with applicable municipal plans under the Pennsylvania Sewage Facilities Act, and county and local comprehensive plans.

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

The following roll call was recorded:

YEAS—200

Table listing names of members who voted 'YEAS' for amendment A2939, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Biancucci, Birmelin, Bishop, Blaum, Boyd, Browne, Bunt, Butkovitz, Buxton, Caltagirone, Cappelli, Casorio, Causer, Evans, D., Evans, J., Fabrizio, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Gergely, Gillespie, Gingrich, Godshall, Goodman, Grucela, Gruitza, Habay, Haluska, Hanna, Levdansky, Lewis, Lynch, Mackereth, Maher, Maitland, Major, Mann, Markosek, Marsico, McCall, McGeehan, McGill, McIlhatten, McIlhinney, McNaughton, Melio, Metcalfe, Micozzie, Miller, R., Miller, S., Mundy, Mustio, Myers, Nailor, Sainato, Samuelson, Santoni, Sather, Saylor, Scavello, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., Thomas, Tigues

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

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

Mr. LEVDANSKY offered the following amendment No. **A2983**:

Amend Sec. 4 (Sec. 1558), page 21, by inserting between lines 16 and 17

(e) Report to General Assembly—

(1) The authority shall submit an annual report to the General Assembly no later than September 1 following the first fiscal year, or any portion thereof, in which the program is in effect, and no later than September 1 for all succeeding fiscal years in which the program is in effect. The report shall include a list of all of the recipients of grants and loans awarded by the authority in the previous fiscal year, the amount of the grants or loans awarded, a description of the project and the public purposes that it advances and the documentation submitted by the applicant demonstrating that the project met at least one of the criteria of subsection (b)(7).

(2) The authority shall post a copy of the report to the General Assembly on the World Wide Web site of the Department of Community and Economic Development and the World Wide Web site of the Department of Environmental Protection. The reports shall remain on the sites until the reports for the next year are posted.

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

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require an annual report to the General Assembly for the distribution of these funds. Given that it is the Commonwealth Financing Authority that is going to be essentially distributing these funds and every year the General Assembly is going to be required under the bill itself, upon being notified by the Governor, we are going to have to appropriate enough money to fund this program, I think it is appropriate that every member of the General Assembly receive a report once a year to know exactly how these funds have been distributed, so 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—193

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

NAYS-7

Benninghoff	Egolf	Metcalf	Stevenson, R.
Causer	Hutchinson	Reed	

NOT VOTING-0

EXCUSED-3

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

On the question recurring,

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

The SPEAKER. Does the gentleman have further amendments?

Mr. LEVDANSKY. Mr. Speaker, I would like to withdraw the remaining two.

The SPEAKER. The Chair thanks the gentleman.

The only amendment that we passed over that is left is the gentleman, Mr. Vitali. Does the gentleman, Mr. Vitali, wish to— The gentleman, Mr. Vitali, withdraws.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-200

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	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	Metcalf	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.

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

NAYS-0

NOT VOTING-0

EXCUSED-3

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

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

CONSIDERATION OF SB 689 CONTINUED

The SPEAKER. The Chair returns back to page 1 of today's House calendar to SB 689, PN 1786. The last time we were there, the gentelady, Ms. Mundy, had the floor. The Chair recognizes the gentelady.

Ms. MUNDY. Thank you, Mr. Speaker.

Sorry about that Keystone Cops act I was starring in earlier.

I think we have got it right now. I think you will see my amendment 3176 on your screen, and you will see that it restricts the provisions of SB 689 to the city of Philadelphia.

Again, this is a Philadelphia problem in which a statewide solution is being imposed by way of 689, and I would join Governor Rendell, who sent us a letter inviting discussion on a compromise with regard to this issue. He says in his letter, "It is beyond dispute that PGW is saddled with an abnormally high rate of delinquent accounts, and this level of delinquency is among the causes of the company's difficult financial condition. That said, we should all take care to assure that any change in policy affecting those least able to pay their winter heating bills is carefully drawn and does not place low income families in jeopardy of losing the heat during the coldest months of the year. We believe this bill could have significant unintended

consequences for some of the Commonwealth's poorer citizens."

Mr. Speaker, I acknowledge that Philadelphia Gas Works has a problem. My utilities do not, and yet every electric, gas, and water company statewide will have a Philadelphia solution imposed on us if we do not act on amendment 3176.

I would ask for your support in limiting the solution to Philadelphia Gas Works' problem to the city of Philadelphia.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. Evans.

Mr. D. EVANS. Mr. Speaker, I rise to say to you that my colleague, who I, one, think the world of, raises an awful lot of good points. However, where I differ with her is, the question that she raises is a very legitimate question about how can the issue that is occurring with the Philadelphia Gas Works have an effect upon all of our consumers throughout the Commonwealth of Pennsylvania, and I would like to just describe to the members what has occurred so they can be aware that this, too, can happen to your consumers.

I know that members really think that this is just about the Philadelphia Gas Works, but it is not. True, it started out about the issue about the Philadelphia Gas Works, but this is not just a problem that is festering regarding Philadelphia. It is a problem festering with all utilities.

For example, what has been proposed, Mr. Speaker, is something called a surcharge. This surcharge, Mr. Speaker, would allow this particular utility an automatic surcharge, to have the ability to pass it on to the individuals who are already paying their bills. Mr. Speaker, the current base rate already assumes a percentage of customers will not be able to pay. However, the surcharge would be assessed on top of the base rate and would be automatically adjusted.

Now, Mr. Speaker, this is currently before the Public Utility Commission, and this surcharge would circumvent the base-rate-making process. The utility would be able to get money automatically from the ratepayer without defending it before the Public Utility Commission. The utility, for example, could have realized greater savings in other areas, but the fact of the matter is, Mr. Speaker, by allowing this surcharge to go through, it will penalize the working families who do everything right and pay their bills on time, adding financial burden.

These surcharges come at the expense not just of the residential customer but small businesses and others who pay their bills. The surcharge will allow the continuation of current practices, those who gain the system. These surcharges lack market incentives for utilities to do a better job. The surcharges are a disincentive to improve collection operations. If utilities are guaranteed the money no matter how lousy a job they do at collections, why should they work to improve? Let me tell you how this would open up the door.

If the PUC should decide that they will allow this particular utility to have an automatic mechanism – surcharge-paying customers – for uncollectibles, then all utilities will want this. These surcharges have never happened before in Pennsylvania, but once, but once this is passed for one utility, every utility will have the ability for this to take place.

Already, Mr. Speaker, the Office of Trial Staff at the PUC have recommended a surcharge mechanism. The PUC will rule on July 8. Let me repeat that. Already the Office of Trial Staff at the PUC have recommended a surcharge mechanism. What I have said to my colleague when she has raised this particular

point, which I have tried to explain, is what happens at one particular utility can happen at all the utilities. You do not think just because the PUC has said this particular utility has the ability to have a surcharge mechanism, that all utilities do not have the ability to take advantage of that mechanism.

The legislature has the right to prohibit surcharges. The PUC is an independent organization that implements State laws concerning the regulatory utilities. The PUC works for us. The fact of the matter is, SB 689 expresses the will of the legislature that we will not accept automatic surcharges. Utilities have a right to ask for a base rate hearing, but it should not, it should not, have the right to have an automatic surcharge.

So what I have tried to explain, Mr. Speaker, is, what is taking place here can happen to every single utility across the Commonwealth of Pennsylvania, and I understand my colleague has said, well, why can we not just isolate this to Philadelphia? The reality of it is, if you do not believe that one utility that has gone between the PUC is not watching what takes place with this utility, and they will make the same case about this surcharge.

There is no way, Mr. Speaker, you are going to be able to separate this particular issue. The fact that this proposal is now before the PUC, this General Assembly needs to send a message that we are not going to accept automatic surcharges. If they want to get a rate increase, they have to present the entire case to the PUC, not the narrow issue around the surcharge.

So, Mr. Speaker, although I understand my colleague who is trying to limit it to a particular area by saying, well, this is just a Philadelphia problem, I am telling you, it may be Philadelphia today; it may be Lackawanna tomorrow; it may be Allegheny County after that. I am just expressing to you, and I understand people thinking, well, this is just a Philadelphia problem. If you check the uncollectibles for a lot of these utilities, the fact of the matter is, they are watching what is taking place here today. We cannot let the people who pay their bills every single day turn around and pay for those who do not pay their bills.

In addition, Mr. Speaker, I understand that this bill – and this is maybe somewhat off the subject – the reality of it is, this bill by itself is not going to solve it. There are some other things we need to do as a General Assembly. I believe, Mr. Speaker, this is a beginning, and I do not believe this amendment will help the bill in any way. I would ask for a negative vote on this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I join my colleague, Representative Evans from Philadelphia, in opposing this amendment. As he said and I think the maker of the amendment said, this issue started out as a Philadelphia Gas Works issue and an issue that impacts consumers in Philadelphia. After a hearing, a public hearing, chaired by the Consumer Affairs Committee in the House, we heard this problem goes way beyond Philadelphia.

There are about \$460 million of uncollected, delinquent payments owed to utilities throughout Pennsylvania – \$460 million – not just Philadelphia but throughout this Commonwealth, and what we are trying to do is stop a surcharge, because what the Philadelphia Gas Works decided is, let us not go after the deadbeats; let us surcharge the hardworking senior citizen, the hardworking middle-class

family out there every day paying their gas bill; let us add another \$81 to the good guys to pay for the bad guys.

That is wrong. You should protect your consumers not only in Philadelphia but throughout Pennsylvania. Defeat this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MAHER. Thank you, Mr. Speaker.

The proconsumer vote is a vote against this amendment. It is very simple. When utility bills are not paid by those who have the ability to pay them, that cost gets passed on to their neighbors. The system which is in place now is decades old, and the scamsters have figured out long ago how to scam the system, and then they tell their friends, and they tell their friends, and so on and so on. So that what happens is, your constituents who work hard have higher utility bills than if the scamsters were put out of business.

I am sorry there is a problem in Philadelphia, but I am happy for it in this respect: The problem in Philadelphia has caught the attention of the need for a solution, and when I learned that there was a solution being sought that addressed Philadelphia, I frankly encouraged that this solution be embraced across the State.

Our constituents across the State, nearly a half billion dollars every year is being paid by our constituents for those who choose not to pay their utility bills but have the means to do so. Hardship protection is preserved.

Please vote against this amendment. Vote for the consumers who pay, and vote against those who would steal from their own neighbors.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PRESTON. Thank you, Mr. Speaker.

I rise to ask colleagues to vote against the Mundy amendment.

We need a standard, and I think we also need an issue about responsibility. How long does one go and how long do the consumers have to be able to pay for that?

Now, I know also, working very hard on the Council of State Governments for the Eastern Region for the 10 States of the Middle Atlantic States, we have been lobbying very hard to be able to deal with LIHEAP (Low-Income Home Energy Assistance Program) issues so we can be able to support those people who have unfortunate problems, to be able to cover the cost or a part of the cost in dealing with bringing their bills up to date.

But you also reach a certain line where you can only go but so far. The Mundy amendment will defeat that purpose, and I would encourage our colleagues to do the responsible thing and vote against the Mundy amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. HORSEY. Thank you, Mr. Speaker.

Mr. Speaker, let me present an analogy, but before I do that, let me say I am opposed to the Mundy amendment, but in the process let me give you a quick analogy and make it short.

The analogy would be is if any one of these gentlemen in here are running for public office and the election is over and you have to pay for the gentleman who ran against you's campaign expenses. He was opposition against you. Now, because the Philadelphia Gas Works or whoever it might be or Ms. Mundy, they are trying to narrow it down to Philadelphia, it would be as if the gentleman who is running against the Speaker, he loses the election, and then the proposal here, the analogy, is that the person who lost to the Speaker, the Speaker would have to pay his campaign bills. There is no logic, Mr. Speaker. There is no logic to this thinking of this entire process.

To try to restrict it just to Philadelphia is not the way we want to go on this. Philadelphia, believe it or not, as much as we do not want to admit it sometimes, is a part of Pennsylvania. People in Philadelphia are Pennsylvanians. The solution is to deal with this as an issue that is creeping, as my colleague from Philadelphia stated, that is creeping across the entire State, to deal with it on a statewide level, make the adjustments necessary for these utilities to go out and collect these fees in a proper manner that is not, you know, in violation of any due rights, and you know, so they can get their money and get on solid ground.

But to try to narrow it, as the Mundy amendment does, just to Philadelphia, does nothing with the overall problem. The problem still resides in the western part of the State, in the northern portion of the State, in the southern portion of the State, and to just try to contain it in Philadelphia will not work.

So I am opposed to the Mundy amendment, and thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Philadelphia, Mr. Thomas. The gentleman, Mr. Thomas, waives off.

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

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Mundy amendment.

It is obvious that the Philadelphia Gas Works has a serious problem, and I frankly do not want to place the burdens that it will place on the consumers of Philadelphia on all of our constituents.

If I could have the indulgence of the members, I would like to read portions of a letter from AARP's Pennsylvania State director and how they feel about the changes that have been made to SB 689.

"AARP strongly opposes the changes that Senate Bill 689, as amended in the Committee on Appropriations, would make regarding the provision of energy service to the most vulnerable in our population.

"When a household's utility service is terminated, deaths from home fires, carbon monoxide poisoning and hypothermia increase. In fact, disconnected utilities are the second leading cause of homelessness, and are directly correlated with the incidence of abandoned housing in urban areas. Children and the elderly are disproportionately at risk of death and injury from home fires, and more likely to live in poverty or on fixed incomes than other age groups.

"These facts demonstrate the need to move cautiously when making any changes to the disconnection rules. While there may be problems with collections for Philadelphia Gas Works,

AARP sees no justification for promulgating changes which will hurt customers throughout the Commonwealth.

“AARP is particularly distressed by the terrible situation that this bill will create for low-income consumers. The minimal protections only extend to those at or below 150 percent of the federal poverty guidelines. However, there are many seniors throughout Pennsylvania who are above this threshold and yet have a difficult time meeting their obligations while still paying for medical expenses like prescription drugs. This bill will disproportionately hurt those folks on fixed incomes whose medical expenses are such that it is extremely hard to make ends meet. We do not want to place seniors in a position of choosing whether to heat their homes or take their medications.

“This bill is not justified and will place the health and welfare of Pennsylvania’s most vulnerable residents to suffer. We strongly urge you to not schedule this bill for a vote....”

The Mundy amendment takes those onerous provisions in this legislation and puts them where the problem lies, at the Philadelphia Gas Works. Mr. Speaker, do we really, do we really want to shut off people in the wintertime? Do we really want to do that without the 48-hour notice? Is that what we want to do here in the Pennsylvania General Assembly, because of a problem that is in Philadelphia?

Now, the PUC is considering a surcharge on July 8. That is a surcharge for the Philadelphia Gas Works. It is not for the gas companies in Elk and Clearfield Counties, and I am sure it is not for problems in the gas companies in your counties.

Not only that, people that want to file a complaint to their gas company before the PUC will now be charged \$40 to file that complaint.

I really think we need to take a look at what we are doing, Mr. Speaker. If Philadelphia Gas Works has a problem, let them do this to their consumers. We do not have to do it to ours. Please vote for the Mundy amendment.

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 very strongly support the Mundy amendment.

Mr. Speaker, I know that it is late in this season and certainly late in this segment of the legislature and that often wild and crazy things happen as we get close to adjournment for the summer recess, and bills fly around here and there, and items that you never thought would be considered are considered, and items that should be considered are never considered. But, Mr. Speaker, this particular bill makes me think about Alice in Wonderland and that I am tumbling down the rabbit hole, ending up behind a looking glass, where black is white and white is black.

Mr. Speaker, there is no question that the gentleman from Philadelphia, my good friend, Mr. Evans, made a strong and compelling case about the problems at the Philadelphia Gas Works, and he made a strong and compelling case about the surcharge at the Philadelphia Gas Works and how that would impact the consumers in the city of Philadelphia. And there is no question that his answer for that problem is a good answer, but, Mr. Speaker, the problem with this legislation in front of us is it takes the answer for Philadelphia’s problem and applies it to every utility consumer all across the State.

The Mundy amendment would give us an opportunity, for those of us that do not live in Philadelphia, for those of us that

do not have the problem that they have at the Philadelphia Gas Works, to in fact allow them to solve their problem by excluding all the rest of the State from the provisions that I am going to talk about in a moment that are in this, I think, very bad bill.

And I feel like I am behind a looking glass, because some of my colleagues, whom I respect tremendously, have tried to paint this as a proconsumer bill. That is Alice in Wonderland behind a looking glass. There could not be a more anticonsumer bill regarding public utilities than what is in this language.

I want my friend, Dwight Evans, to solve the problem at the Philadelphia Gas Works. He should be able to do that, but the standards in this amendment are going to apply to my constituents in Beaver Falls, because of that problem at the Philadelphia Gas Works. And, Mr. Speaker, I do not think any of us are not aware of the fact that over the last 3 or 4 or 5 days, the last 3 or 4 or 5 days, there has been a feeding frenzy in this legislature by the utility companies on this issue, a feeding frenzy, so that every utility company all around the State wants to take the opportunity presented by the challenge in Philadelphia in a feeding frenzy to dive into this issue and say, no, this standard is going to apply to every utility customer in Pennsylvania.

And by the way, Mr. Speaker, every utility company in the State of Pennsylvania has been trying for years, for years, to get these very provisions in this bill applied by the Public Utility Commission. The Public Utility Commission is an independent body, appointed by the Governor of this State, to make reasoned and rational decisions about complicated and complex public utility issues, and the public utility companies in Pennsylvania have come to them with a problem that they talk about, that some of my colleagues said here is a huge problem in the State. And an independent body, appointed by the Governor, and everybody who knows that Public Utility Commission understands the kind of quality people that we have on there, have decided in every instance not to grant the relief that this legislation, SB 689, intends to grant to public utilities in Pennsylvania. They have asked for it many, many times. That commission will not give it to them, so they come to the legislature and say, we need proconsumer legislation. The Public Utility Commission will not give it to us; maybe we can convince the legislature that this is proconsumer and they will give us what we want.

Phyllis Mundy is right: Philadelphia has a challenge. They should be allowed to solve their challenge. But that standard should not apply to the rest of the State. And, Mr. Speaker, in many ways I hesitate to articulate some of these following points, because it is going to take me another 5 to 10 minutes, but I feel so strongly about the fact that I hoped all the members understand the provisions in this amendment, members from outside of Philadelphia.

And the fact is, Mr. Speaker, if you look in the bill, I will give you several examples. For the first time ever, this bill allows for a \$40 charge for a complaint to the Public Utility Commission by a citizen in Pennsylvania – not only allows, requires a \$40 payment by a citizen if you want to make a complaint to the Public Utility Commission.

Many of us have been familiar with complaints to the PUC. Constituents call our office, and they say, I want to complain to the Public Utility Commission. We send them a complaint form. Well, under this language, that complaint form will now have to

be attached to a \$40 check for that complaint to be considered a valid complaint by the Public Utility Commission.

And, Mr. Speaker, another provision in here that bothers me tremendously is that this language requires security deposits to be paid in full if you are a new customer in a utility service territory. So, Mr. Speaker, for example, if I move from Harrisburg to Beaver Falls and I am a new customer in the Beaver Falls service territory and I need electric and I need gas and I need water, this amendment allows each of those public utilities to require from me a 2-month deposit for each individual utility before they will turn on any of those utilities, and the deposit amount is determined by the utility, based on what they project your usage will be once you move into your apartment or house.

And so, Mr. Speaker, I will take that person who moves from Harrisburg to Beaver Falls and he is now required to have one \$200 security deposit for his electric bill – \$200. That is what they project. He has got to pay 2 months' worth. He has to pay \$400 security deposit just for his electric bill. Now he wants to turn on his water, and they say he is going to use \$40 a month for water. He has to pay \$80 security deposit to have his water turned on. Now, Mr. Speaker, he has to get his gas turned on. In Beaver Falls he has an average monthly bill of \$300. He is now required to pay \$600 before his gas can be turned on as a new resident in the city of Beaver Falls. Six hundred dollars for electric, \$600 for gas, \$80 for water, before any of those utilities can be turned on.

That is a provision that is in here that would be applied to every customer in every one of our legislative districts around the State. It is an onerous provision. They could not get it at the Public Utility Commission for a good reason. The Public Utility Commission has consistently rejected this kind of anticonsumer language.

Mr. Speaker, another provision is that for the first time ever, the mandatory 48-hour termination notice is eliminated by this bill, and I think that is a reasonable notice, that we have under law a mandated 48-hour notice that they are going to turn off the utility. This language, Mr. Speaker, eliminates the requirement of that 48-hour notice for every public utility in the State of Pennsylvania.

And, Mr. Speaker, another item that I find also very onerous: Language in this amendment makes a change in how your income eligibility is determined, and, Mr. Speaker, for the first time, all the members of the family, all of their income has to be considered when determining income eligibility, and so, Mr. Speaker, for example, you have an individual who contracts with the utility company to turn on their electric. Mr. Smith signs the contract with the utility company to turn on the electric at his house. For the first time ever, it is not just his income that is used to determine the qualifying income in that household; it is also the income of every other household member, and you have to give the name of every member of the household to the utility company and show proof of that individual.

And, Mr. Speaker, as part of this collection of who is in the household, even though Mr. Smith signed that contract for that utility, under this language Mrs. Smith is also responsible for that bill. And if it just so happens that their mother lives with them and Mr. Smith is laid off, the mother is responsible for that bill in that household.

Mr. Speaker, I just want to say, all in all, the Mundy amendment gives us a real opportunity to take this State,

the rest of the State, take the rest of the State out of the provisions of this bill and allows our friends from Philadelphia to solve what is a very significant challenge in the city of Philadelphia.

If at some time in the future the rest of the State and this legislature wants in a very reasoned way to make changes as to how we do the rest of the State, we ought to do that, but at this time the Mundy amendment gives us an opportunity to remove the rest of the State from these, I think, onerous provisions, and I would urge an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

AMENDMENT TABLED

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Ms. Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I would like a motion to table amendment 3176. We never caucused on this amendment. We went over the bill, but we never caucused – and I was in caucus – on amendment 3176, so I would like a motion to table it.

The SPEAKER. It is moved by the gentlelady from Philadelphia that amendment A3176 be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER. On that question, it is debatable by the floor leaders.

The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I would oppose the gentlewoman's motion to recommit this amendment. Obviously, if this amendment is recommitted, then all the provisions that I talked about already and more that I have not even had the opportunity to mention yet that are in this bill would be applied to the entire State.

The opportunity ought to be in front of the members who represent other parts of the State to cast a vote as to whether they think these provisions should apply in their legislative district, and a motion to table this amendment obviously would not give us the opportunity to cast that vote, so I would oppose the gentlewoman's motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

Mr. VEON. I am sorry; to table.

The SPEAKER. To table. The motion is to table.

The gentlelady, Ms. Youngblood, has moved to table amendment A3176.

On that motion, the Chair recognizes the majority leader, the gentleman, Mr. Smith.

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

Mr. Speaker, I would support the motion to table this amendment.

Thank you.

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—148

Adolph	Feese	Maher	Rohrer
Allen	Fichter	Maitland	Rooney
Argall	Fleagle	Major	Ross
Armstrong	Flick	Mann	Rubley
Baker	Forcier	Markosek	Sainato
Baldwin	Frankel	Marsico	Santoni
Bard	Gabig	McGeehan	Sather
Barrar	Gannon	McGill	Saylor
Bastian	Geist	McIlhattan	Scavello
Belardi	Gergely	McIlhinney	Semmel
Benninghoff	Gillespie	McNaughton	Shaner
Birmelin	Gingrich	Metcalfe	Smith, B.
Bishop	Godshall	Micozzie	Smith, S. H.
Boyd	Good	Millard	Solobay
Browne	Gruitza	Miller, R.	Stairs
Bunt	Habay	Miller, S.	Steil
Butkovitz	Haluska	Mustio	Stern
Buxton	Harhart	Myers	Stevenson, R.
Causer	Harper	Nailor	Stevenson, T.
Civera	Harris	Nickol	Taylor, E. Z.
Clymer	Hennessey	O'Brien	Taylor, J.
Coleman	Herman	Oliver	Thomas
Cornell, S. E.	Hershey	O'Neill	True
Corrigan	Hess	Payne	Turzai
Crahalla	Hickernell	Petrarca	Vance
Creighton	Horsey	Petri	Wansacz
Cruz	Hutchinson	Petrone	Washington
Dailey	James	Phillips	Waters
Daley	Josephs	Pickett	Watson
Dally	Keller	Pistella	Weber
Denlinger	Kenney	Preston	Wilt
Dermody	Killion	Raymond	Wright
DiGirolamo	Kirkland	Reed	Youngblood
Donatucci	Lederer	Reichley	Zug
Egolf	Leh	Rieger	
Evans, J.	Lescovitz	Roberts	
Fabrizio	Lewis	Roebuck	Perzel,
Fairchild	Mackereth		Speaker

NAYS—51

Belfanti	Diven	Leach	Surra
Biancucci	Eachus	Levdansky	Tangretti
Blaum	Evans, D.	Lynch	Tigue
Caltagirone	Freeman	McCall	Travaglio
Cappelli	George	Melio	Veon
Casorio	Goodman	Mundy	Vitali
Cawley	Grucela	Pallone	Walko
Cohen	Hanna	Readshaw	Wheatley
Costa	Harhai	Samuelson	Williams
Coy	Hasay	Scrimenti	Wojnarowski
Curry	Kotik	Staback	Yewcic
DeLuca	LaGrotta	Stetler	Yudichak
DeWeese	Laughlin	Sturla	

NOT VOTING—1

Bebko-Jones

EXCUSED—3

Manderino Ruffing Schroder

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

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

MOTION TO TABLE SB 689

The SPEAKER. For what purpose does the gentledady, Ms. Mundy, rise?

Ms. MUNDY. To make a motion, Mr. Speaker.

The SPEAKER. The gentledady is in order.

Ms. MUNDY. Mr. Speaker, I move to table SB 689 until we have had an opportunity to caucus on the amendment that was just tabled.

The SPEAKER. It is moved by the gentledady that SB 689, along with amendments, be tabled.

On the question,

Will the House agree to the motion?

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would oppose the motion to table.

Thank you.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—33

Belardi	Eachus	Melio	Sturla
Belfanti	Fabrizio	Mundy	Surra
Blaum	Freeman	Pallone	Tangretti
Caltagirone	George	Petrone	Tigue
Casorio	Goodman	Rooney	Travaglio
Cawley	Grucela	Samuelson	Veon
Cohen	Leach	Staback	Vitali
Curry	Levdansky	Stetler	Yudichak
DeWeese			

NAYS—167

Adolph	Fairchild	Lescovitz	Rohrer
Allen	Feese	Lewis	Ross
Argall	Fichter	Lynch	Rubley
Armstrong	Fleagle	Mackereth	Sainato
Baker	Flick	Maher	Santoni
Baldwin	Forcier	Maitland	Sather
Bard	Frankel	Major	Saylor
Barrar	Gabig	Mann	Scavello
Bastian	Gannon	Markosek	Scrimenti
Bebko-Jones	Geist	Marsico	Semmel
Benninghoff	Gergely	McCall	Shaner
Biancucci	Gillespie	McGeehan	Smith, B.
Birmelin	Gingrich	McGill	Smith, S. H.
Bishop	Godshall	McIlhattan	Solobay
Boyd	Good	McIlhinney	Stairs
Browne	Gruitza	McNaughton	Steil
Bunt	Habay	Metcalfe	Stern
Butkovitz	Haluska	Micozzie	Stevenson, R.
Buxton	Hanna	Millard	Stevenson, T.
Cappelli	Harhai	Miller, R.	Taylor, E. Z.
Causer	Harhart	Miller, S.	Taylor, J.
Civera	Harper	Mustio	Thomas
Clymer	Harris	Myers	True
Coleman	Hasay	Nailor	Turzai
Cornell, S. E.	Hennessey	Nickol	Vance
Corrigan	Herman	O'Brien	Walko
Costa	Hershey	Oliver	Wansacz
Coy	Hess	O'Neill	Washington
Crahalla	Hickernell	Payne	Waters
Creighton	Horsey	Petrarca	Watson
Cruz	Hutchinson	Petri	Weber

Dailey	James	Phillips	Wheatley
Daley	Josephs	Pickett	Williams
Dally	Keller	Pistella	Wilt
DeLuca	Kenney	Preston	Wojnaroski
Denlinger	Killion	Raymond	Wright
Dermody	Kirkland	Readshaw	Yewcic
DiGirolo	Kotik	Reed	Youngblood
Diven	LaGrotta	Reichley	Zug
Donatucci	Laughlin	Rieger	
Egolf	Lederer	Roberts	Perzel,
Evans, D.	Leh	Roebuck	Speaker
Evans, J.			

NOT VOTING—0

EXCUSED—3

Manderino	Ruffing	Schroder
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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,
Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A3219**:

Amend Sec. 2 (Sec. 2806-D), page 16, line 21, by inserting after "LEVEL"

and no sooner than 30 days after an event of nonpayment under subsection (a)(1)

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

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

Mr. **GEORGE**. Mr. Speaker, if I may, I was not going to offer this amendment had the Mundy amendment been agreed to, but I am somewhat confused that I see so many of my Philadelphia colleagues that were against that amendment. But, Mr. Speaker, I do not understand why we in the western part and the center part of this great State are being included in some of these changes. For example—

The SPEAKER. Mr. George, you are recognized for amendment A3219. Please refer to the amendment and stay on the amendment.

Mr. **GEORGE**. Mr. Speaker, I am staying on the amendment, I think.

The SPEAKER. You have been referring to your other colleagues. You have been talking about everything except the amendment, Mr. George. Please stay to the amendment.

Mr. **GEORGE**. Mr. Speaker, this bill, a utility can begin disconnecting procedures in the middle of the winter, the day after the due date of a current month's bill. You, Mr. Speaker, as well as I and many, we had voted a long time ago not to allow a disconnect in certain months of the year so that we would not find our seniors and our poorest constituents froze, and now I look around and we are going to disconnect these people the day after the bill is due, and that disconnect can actually occur 10 days later under the terms of this legislation. So if an electric bill is due on December 14, a family could be

disconnected 10 days later, on Christmas Eve, in the same month as their bill.

Mr. Speaker, my amendment says that if a utility company wants to disconnect a person in the middle of a winter, the quickest timeframe should not be just 10 days after the due date on the current bill; it should be 30 days from the due date of the current month's bill. If a utility wants to run the 10-day notification – that requirement – at the same time as the 30-day rule, that would be okay; they can, but in the middle of the winter, they could not disconnect until the bill is 30 days late.

And, Mr. Speaker, I do not even think you will stop me when I make this statement. You were along with me and many others, many of the legislators that went out front for LIHEAP, and as you know, Pennsylvania is one of the States that does not contribute money to LIHEAP as New York, New Jersey, Maryland, Delaware, the list goes on. So as these people start to get disconnected and they are filing for—

The SPEAKER. Mr. George, on amendment A3219.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, I believe that this should be an agreed-to amendment, and I am very grateful that the men and women on both sides of this aisle recognize the need to be just a little consumer friendly.

Thank you, Mr. Speaker.

Mr. Speaker?

The SPEAKER. Mr. George.

Mr. **GEORGE**. I apologize to you. I thought this was agreed to. I simply state that those of you here that have been elected to come down to Harrisburg and be helpful to your people, you vote to turn them off. I am not dropping the amendment. I ask that we accept this amendment.

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

The Chair recognizes the gentleman, Mr. Evans. Mr. Evans, on the George amendment, does the gentleman wish to be recognized?

Mr. **D. EVANS**. I thought, Mr. Speaker, I was leaning to Representative George Kenney.

The SPEAKER. Representative Kenney. The Chair recognizes the gentleman from Philadelphia, Mr. Kenney.

Mr. **KENNEY**. Thank you, Mr. Speaker.

This amendment is not agreed to. The language in the bill will call for a 30-day notice of termination. As most people, at least my consumers in Philadelphia, it takes a little longer than 30 days to even get a bill for what service you consume. Then you have an additional time to pay after you get the bill. So we are in maybe month 2. Then you must, if you are not going to pay the bill, then you must get a notice that LIHEAP kicks in, meaning, if you are in crisis, you need help. The LIHEAP process kicks in so we then come to you and offer assistance, and then we will give you, if you do not address that issue, then you get 10 days to be notified of termination. So I think we are way beyond 30 days, Mr. Speaker. I think in the interest of all consumers, we defeat the George amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Evans, seek recognition? The gentleman is in order.

Mr. **D. EVANS**. Mr. Speaker, I rise to support what Representative Kenney said. Although this is my good friend from one of my favorite counties, I agree with Representative Kenney that we should be "no" on the amendment.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MAHER. Thank you, Mr. Speaker.

This bill provides that the mere notice of a delinquency is deemed to be sufficient proof of a crisis for a customer who meets the income eligibility guidelines to receive a crisis grant from LIHEAP – a crisis grant, automatically qualified upon getting a delinquency notice. That is not a termination notice; it is a delinquency notice. So for folks who are really facing a hardship, all they need to do when they get this delinquency notice is request the grant and all is well. The folks who have some concerns that all will not be well are only those who do not have a hardship, and for that reason, Mr. Speaker, I would ask that we reject this amendment, which only adds 30 days for the deadbeats and does nothing to help those in genuine need.

And if I might interrogate the maker of the amendment for just a moment, Mr. Speaker?

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

Mr. MAHER. Mr. Speaker, very simply, do you think your amendment would increase or decrease the number of individuals who would be seeking LIHEAP crisis grants?

Mr. GEORGE. I definitely believe it will increase the number, but my concern is that money will not be there because of the extra number of people that will be utilizing that crisis grant. Now, unless we are willing to put more money in, Mr. Speaker, then I would not be concerned. I have a bill coming up that will take 2 percent from your utilities from their taxing method for LIHEAP. If you would vote for that, then I would not have any concern.

Mr. MAHER. Thank you, Mr. Speaker.

I share your view that this would impact the number of individuals who might actually be going through the paperwork for the LIHEAP grant program administered by our Department of Public Welfare. Accordingly, this certainly is going to have an impact on the operation of the State, a fiscal impact, and I would ask, sir, do you have a fiscal note for this amendment?

Mr. GEORGE. Yes, we do, Mr. Speaker.

Mr. MAHER. You do, sir? It is not on the system.

Mr. GEORGE. I am told – I apologize, Mr. Speaker – since it deals with the utilities, a fiscal impact note is not needed.

Mr. MAHER. I am speaking about the impact that your amendment has, which you have expressed in your own opinion, will have on a program administered by the Department of Public Welfare.

Consequently, I would ask the Chair for a ruling.

The SPEAKER. Yes. The gentleman, Mr. George, in his statement indicated that it would cause an increase in the number of people applying for LIHEAP. Therefore, it is the opinion of the Chair that it does have a fiscal impact.

Mr. GEORGE. Mr. Speaker?

Mr. MAHER. Thank you, Mr. Speaker.

I would ask that the—

Mr. GEORGE. Mr. Speaker?

Mr. MAHER. —amendment be ruled out of order for the absence of a fiscal note.

The SPEAKER. Without a fiscal note, therefore, the amendment is out of order.

Mr. GEORGE. Mr. Speaker?

The SPEAKER. For what purpose does the gentleman rise?

Mr. GEORGE. I asked in a very proper time for a fiscal note. I have no argument with the majority Appropriations. They are very good, but if they look and they would sanction and be able to tell you, we filed it even though we thought we would not need it. We asked for a note.

The SPEAKER. It appears to the Speaker the Appropriations chairman is going through his book as we speak. It is not yet completed.

Mr. GEORGE. Mr. Speaker, my apology.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. We will go over your amendment temporarily. We are waiting for a fiscal note. We will get to the other amendments.

What amendment would the gentleman like to offer next?

Mr. GEORGE. 3220, Mr. Speaker.

On the question recurring,

Will the House agree to the bill on third consideration?

Mr. **GEORGE** offered the following amendment No. **A3220**:

Amend Sec. 2 (Sec. 2811-D), page 21, line 16, by striking out “(A) CERTIFICATION REQUIRED.—”

Amend Sec. 2 (Sec. 2811-D), page 21, lines 22 through 27, by striking out all of said lines and inserting Section 2811.1-D. Filing fee.

The commission may not impose a filing fee for the filing of a formal complaint with the commission, unless the commission unanimously approves of the imposition of the fee within 60 days of the effective date of this section.

On the question,

Will the House agree to the amendment?

The SPEAKER. Is that correct, Mr. George?

Mr. GEORGE. I think it is; yes, sir.

The SPEAKER. Will the House agree to the amendment?

On that question, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, sir.

Mr. Speaker, as I alluded a little earlier, I know what the problem seems to be in Philadelphia and I empathize, but I do not know why they want to put all of the extra so-called taxes on us in the other areas.

Now, they want \$40, according to the bill, to file a complaint with the PUC, Mr. Speaker. I am not going to use any names or tell you who we talked to, but I do not think the PUC is in favor of this or, you know, how they are or in disfavor, but I am leaving it up to them in this amendment if they want to put a fee on for someone making a complaint.

Now, Mr. Speaker, you know as well as I that \$40 fee does not come out of the pocket of the utility.

Maybe this is a bad day. I apologize. I thought we had some important things that we should take care of and maybe I was not geared. I thought that the budget and the slots and everything would take emphasis, but I apologize. I did not think that these amendments would bring such a voluminous outcry when all we are trying to do, Mr. Speaker, the gentleman before me is worried about his neighbor. I think today there are a lot of

us not very concerned about our neighbors, because everyone that has a complaint should have a right to submit it. And to charge somebody— You know, we do not ask the Department of Labor to charge us \$40 when we do not get our compensation. We do not ask OSHA (Occupational Safety and Health Administration) to pay a \$40 fee when there is an unsafety that has been observed, and I do not think we ought to charge people, not the legislature. If the PUC wants to do that, fine, but I do not think that the legislature should do that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I think this is a very meritorious amendment. Anybody who has any grievance with a utility ought to be able to file it in a timely manner without the burden of paying a fee. Under the First Amendment to the Constitution, everybody has the right to petition government for the redress of grievances. I really doubt the constitutionality of this provision in the law. I think Representative George’s amendment remedies the problem and increases the likelihood that we will have the PUC responsive to the public interests and responsive to individual citizens.

I urge a “yes” vote for the George amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Veon, seek recognition?

Mr. Kenney? The Chair recognizes the gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I ask for defeat of this amendment.

In the legislation we ask consumers that are having problems with their bill to first go to their local utility company to work out that disagreement. They have the right to call the PUC and complain at any time. It is when they take the next step of a formal complaint, similar to a civil procedure in court, that they are asking for a hearing in front of the PUC where you must now set up a stenographer and trial judge, which is a little more complex, a little more costly, and we are just asking when you get to that third step, that you put up the \$40, and, Mr. Speaker, if you win your case, the \$40 is reimbursed.

So I think we have addressed the issue in the legislation. I think we have protected consumers, and I ask for the defeat of this amendment.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Evans, wish to be recognized on this issue?

Mr. Evans, I apologize. The gentleman, Mr. Preston, was first.

Mr. Preston.

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

I did want to clear the air and deal with some things with the language that I have heard some previous speaker mention about the issue of a fee. The fee that is applicable here is a formal complaint, and in the legislation on page 8, line 26, it defines a complaint, a formal complaint, “A COMPLAINT FILED BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION REQUESTING A LEGAL PROCEEDING BEFORE A PENNSYLVANIA PUBLIC UTILITY COMMISSION ADMINISTRATIVE LAW JUDGE OR A MEDIATION UNDER THE MANAGEMENT OF A PENNSYLVANIA PUBLIC UTILITY COMMISSION ADMINISTRATIVE LAW JUDGE.”

The fee is not applicable to an informal complaint. Here on page 9, on line 5, the definition of an informal complaint is “A COMPLAINT FILED WITH THE PENNSYLVANIA PUBLIC UTILITY COMMISSION BY A CUSTOMER THAT DOES NOT INVOLVE A LEGAL PROCEEDING BEFORE A PENNSYLVANIA PUBLIC UTILITY COMMISSION ADMINISTRATIVE LAW JUDGE OR A MEDIATION UNDER THE MANAGEMENT OF A PENNSYLVANIA PUBLIC UTILITY COMMISSION ADMINISTRATIVE LAW JUDGE.”

So clearly there is a difference, and I wanted to possibly clear up the misnomer, because as many of us know, that we have magistrates. When people even file just a basic complaint, there is a fee associated with that complaint in the district justice’s office. And most of the constituents that I have had do not involve an administrative law judge. They involve a complaint against a utility that does not involve a public hearing but somehow we try to be able to work it out with the Public Utility Commission whereas the utility will eventually try to come to some form of level of understanding with the respective customer.

So it is just not a flat \$40 fee. It is a fee on a formal complaint, and within the legislation there is clearly a difference between that and an informal complaint. I just wanted to bring that out. There are other misnomers that we have heard, but I am not going to get into those right now, because sometimes, as we all know, with different legislation there are a lot of different forms of interpretation, but if you read the definitions that are in the bill itself, it is particularly clear, and in that case I will be voting against the George amendment.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Evans? Mr. Veon? No.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—42

Belardi	Freeman	Melio	Sturla
Belfanti	George	Mundy	Surra
Biancucci	Goodman	Pallone	Tangretti
Blaum	Grucela	Petrone	Tigue
Casorio	Habay	Rieger	Travaglio
Cawley	Hanna	Roebuck	Veon
Cohen	Hasay	Rooney	Vitali
Curry	Josephs	Samuelson	Walko
DeWeese	Leach	Staback	Yewwic
Donatucci	Levdansky	Stetler	Yudichak
Eachus	McGeehan		

NAYS—158

Adolph	Evans, D.	Leh	Rohrer
Allen	Evans, J.	Lescovitz	Ross
Argall	Fabrizio	Lewis	Rubley
Armstrong	Fairchild	Lynch	Sainato
Baker	Feese	Mackereth	Santoni
Baldwin	Fichter	Maher	Sather
Bard	Fleagle	Maitland	Saylor
Barrar	Flick	Major	Scavello
Bastian	Forcier	Mann	Scrimenti
Bebko-Jones	Frankel	Markosek	Semmel
Benninghoff	Gabig	Marsico	Shaner
Birmelin	Gannon	McCall	Smith, B.

Bishop	Geist	McGill	Smith, S. H.
Boyd	Gergely	McIlhattan	Solobay
Browne	Gillespie	McIlhinney	Stairs
Bunt	Gingrich	McNaughton	Steil
Butkovitz	Godshall	Metcalfe	Stern
Buxton	Good	Micozzie	Stevenson, R.
Caltagirone	Gruitza	Millard	Stevenson, T.
Cappelli	Haluska	Miller, R.	Taylor, E. Z.
Causar	Harhai	Miller, S.	Taylor, J.
Civera	Harhart	Mustio	Thomas
Clymer	Harper	Myers	True
Coleman	Harris	Nailor	Turzai
Cornell, S. E.	Hennessey	Nickol	Vance
Corrigan	Herman	O'Brien	Wansacz
Costa	Hershey	Oliver	Washington
Coy	Hess	O'Neill	Waters
Crahalla	Hickernell	Payne	Watson
Creighton	Horsey	Petrarca	Weber
Cruz	Hutchinson	Petri	Wheatley
Dailey	James	Phillips	Williams
Daley	Keller	Pickett	Wilt
Dally	Kenney	Pistella	Wojnaroski
DeLuca	Killion	Preston	Wright
Denlinger	Kirkland	Raymond	Youngblood
Dermody	Kotik	Readshaw	Zug
DiGirolamo	LaGrotta	Reed	
Diven	Laughlin	Reichley	Perzel,
Egolf	Lederer	Roberts	Speaker

NOT VOTING—0

EXCUSED—3

Manderino Ruffing Schroder

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

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that it is giving permission to Carolyn Kaster of the AP to take still photographs of the budget proceedings, which is still about 8 hours away.

CONSIDERATION OF SB 689 CONTINUED

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

Mr. **GEORGE** offered the following amendment No. **A3221**:

Amend Sec. 2 (Sec. 2806-D), page 16, line 21, by inserting after "LEVEL"

and who are not senior citizens, recipients of social security benefits or the parents or caretakers of a child under seven years of age

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

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

Mr. **GEORGE**. Thank you, Mr. Speaker.

This amendment attempts to put the compassion back in our English language here. The AARP strongly criticizes the language that was in the bill. The amendment deals with exempting seniors and people receiving Social Security benefits like Social Security disability and families with children below the age of 7 from being terminated during the winter. Now, all of the people during the winter under the law right now are free to go through the winter, but the law changes that, and I am saying, hey, look, we have got a lot of older people out there, we have got a lot of people out of jobs, we have got a lot of people that are ill, and they just do not have the money, and we give the utilities just about every break they need. It is about time that we think a little bit with our hearts rather than our pocketbooks.

Thank you, Mr. Speaker.

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

AMENDMENT TABLED

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

Mr. **KENNEY**. Thank you, Mr. Speaker.

Mr. Speaker, I move that we table the George amendment.

The SPEAKER. It is moved by the gentleman, Mr. Kenney, that the George amendment, amendment A3221, be tabled.

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

The SPEAKER. That motion is debatable by the floor leaders.

Does the gentleman, Mr. DeWeese, wish to defer to the gentleman, Mr. George?

The gentleman defers to the gentleman, Mr. George.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, please, you know, we get up in the morning and some day the bear chews on us; sometimes we chew on the bear.

Now, Mr. Speaker, let us put the vote up and let the senior citizens know you are not hiding behind a maneuver. If you do not want them to get the break we are trying to give them, that is fine. You are a legislator and you have got every right; all of you do. I love you. I think you are the best, but tonight I think maybe we forgot where we came from, and I am urging a defeat of the motion.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Smith.

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

I would support the gentleman's motion to table.

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—136

Adolph	Fairchild	Mackereth	Ross
Allen	Feese	Maher	Rubley
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Sather
Baker	Flick	Mann	Saylor
Baldwin	Forcier	Marsico	Scavello
Bard	Gabig	McGill	Scrimenti
Barrar	Gannon	McIlhattan	Semmel
Bastian	Geist	McIlhinney	Smith, B.
Belfanti	Gillespie	McNaughton	Smith, S. H.
Benninghoff	Gingrich	Metcalfe	Solobay
Birmelin	Godshall	Micozzie	Stairs
Bishop	Good	Millard	Steil
Boyd	Gruitza	Miller, R.	Stern
Browne	Habay	Miller, S.	Stevenson, R.
Bunt	Harhart	Mustio	Stevenson, T.
Butkovitz	Harper	Myers	Taylor, E. Z.
Buxton	Harris	Nailor	Taylor, J.
Cappelli	Hasay	Nickol	Thomas
Causser	Hennessey	O'Brien	True
Civera	Herman	Oliver	Turzai
Clymer	Hershey	O'Neill	Vance
Coleman	Hess	Payne	Washington
Cornell, S. E.	Hickernell	Petrarca	Waters
Crahalla	Horsey	Petri	Watson
Creighton	Hutchinson	Phillips	Weber
Cruz	James	Pickett	Williams
Dailey	Keller	Raymond	Wilt
Dally	Kenney	Reed	Wright
Denlinger	Killion	Reichley	Youngblood
DiGirolamo	Kirkland	Rieger	Zug
Donatucci	Lederer	Roberts	
Egolf	Leh	Rohrer	
Evans, D.	Lewis	Rooney	Perzel,
Evans, J.	Lynch		Speaker

NAYS—64

Bebko-Jones	Diven	Leach	Shaner
Belardi	Eachus	Lescovitz	Staback
Bianucci	Fabrizio	Levdansky	Stetler
Blaum	Frankel	Markosek	Sturla
Caltagirone	Freeman	McCall	Surra
Casorio	George	McGeehan	Tangretti
Cawley	Gergely	Melio	Tigue
Cohen	Goodman	Mundy	Travaglio
Corrigan	Grucela	Pallone	Veon
Costa	Haluska	Petrone	Vitali
Coy	Hanna	Pistella	Walko
Curry	Harhai	Preston	Wansacz
Daley	Josephs	Readshaw	Wheatley
DeLuca	Kotik	Roebuck	Wojnarowski
Dermody	LaGrotta	Samuelson	Yewcic
DeWeese	Laughlin	Santoni	Yudichak

NOT VOTING—0

EXCUSED—3

Manderino	Ruffing	Schroder
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The majority having voted in the affirmative, the question was determined in the affirmative and the motion was agreed to.

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

Mr. **GEORGE** offered the following amendment No. **A3222**:

Amend Title, page 1, line 23, by removing the comma after "INSTITUTIONS" and inserting

; authorizing the Department of Public Welfare to issue Low-Income Home Energy Assistance Grants; establishing the Emergency Energy Fund; providing

Amend Sec. 2, page 6, line 16, by striking out "AN ARTICLE" and inserting

articles

Amend Sec. 2, page 6, by inserting between lines 16 and 17

ARTICLE XXIII-A

LOW-INCOME HOME ENERGY ASSISTANCE

Section 2301-A. Scope.

This article provides for low-income home energy assistance grants.

Section 2302-A. Definitions.

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

"Department." The Department of Public Welfare of the Commonwealth.

"Household." An individual or group of individuals, including related roomers, who live together as one economic unit that customarily pays for its home heating energy either directly to a vendor or indirectly as an undesignated part of rent.

"LIHEAP." The Low-Income Home Energy Assistance Program authorized by the Low-Income Home Energy Assistance Act of 1981 (Public Law 97-35, 42 U.S.C. § 8621 et seq.) and administered by the Department of Public Welfare.

Section 2303-A. Low-Income Home Energy Assistance.

(a) Authorization.—The department shall apply for and expend Federal funds for LIHEAP and shall establish the Pennsylvania Low-Income Home Energy Assistance Cash, Crisis and Weatherization Program.

(b) Income eligibility requirements.—

(1) Except as otherwise provided for in paragraph (2), a household may apply for benefits under the programs established in subsection (a) and shall receive benefits if the household meets the following income eligibility requirements: the household has a dwelling unit occupied by one or more persons with an income at or below 150% of the Federal poverty guideline amount.

(2) The Governor may, by regulation, raise the income eligibility requirements set forth in paragraph (1) above 150% of the Federal poverty guideline amount for the following reasons:

- (i) weather conditions;
- (ii) energy costs; or
- (iii) manmade or natural disasters.

(c) Prebuying.—The department shall develop strategies for prebuying and making bulk purchases of fuel in order to reduce the adverse effects of market fluctuations and minimize the overall cost to the Commonwealth.

(d) Amount of grants.—

(1) Except as provided for in paragraph (2):

(i) The department shall make crisis and cash awards from the Emergency Energy Fund on a sliding scale based on household income with grants for each program ranging from a minimum of \$50 for each type of grant to a maximum of \$400.

(ii) The department shall establish guidelines to prioritize available funds for potential eligible households of a weatherization component.

(iii) If any LIHEAP recipient is not eligible under Federal eligibility guidelines for a LIHEAP cash or crisis grant or if there are not enough Federal funds to

assist all eligible households under Federal rules and regulations, then the department shall issue State grants up to the maximum level under subparagraph (i).

(2) The Governor may, by regulation, increase the grant amounts set forth in paragraph (1) for the following reasons:

(i) weather conditions;

(ii) energy costs; or

(iii) manmade or natural disasters.

Section 2304-A. Emergency Energy Fund.

(a) Established.—A fund is hereby established in the State Treasury to be known as the Emergency Energy Fund. The moneys of the fund are hereby appropriated on a continuing basis to carry out the provisions of this article.

(b) Emergency Energy Fund.—An amount equal to 2 mills of the utilities gross receipts tax collected during each fiscal year under Article XI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be transferred to the Emergency Energy Fund for the purpose of carrying out the provisions of this article.

(c) Utilization of emergency Federal funds.—

(1) Federal funds available for and resulting from emergency, supplemental or additional allocations of Federal grants for low-income home energy assistance may be added to the moneys transferred under subsection (b) or to funds appropriated or that may be used for the purposes prescribed by the Federal Government.

(2) In addition to any moneys appropriated under the general appropriation acts, all moneys received from the Federal Government for the purpose of low-income home energy assistance shall be paid into the Emergency Energy Fund and are hereby appropriated out of the Emergency Energy Fund to the departments, boards, commissions or agencies designated by the Governor.

Section 3205-A. Regulations.

The department shall promulgate rules and regulations necessary to implement this article.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. GEORGE. Mr. Speaker, I was going to present an amendment to help out these citizens that will have problems this winter in their heating oils, but it just seems like tonight is not the night for it, so I will withdraw this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the bill on third consideration?

The SPEAKER. The gentleman, Mr. Veon. Is the gentleman going to offer amendment 3249?

Mr. VEON. No, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. Vitali, amendment 3304? Mr. Vitali, 3308?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair returns to amendment A3219. The gentleman, Mr. George, offers that amendment.

Mr. GEORGE. Mr. Speaker, we will withdraw that amendment. We will have another day.

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 Adams, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I have an amendment to this bill. It is A3253. I have amendment A3253.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair rescinds 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. MAITLAND offered the following amendment No. A3253:

Amend Title, page 1, line 21, by inserting after "Development" and for resource allocation for the Department of Aging

Amend Bill, page 6, by inserting between lines 15 and 16

Section 1.2. Section 2210-A of the act, amended December 15, 1988 (P.L.1244, No.153), is amended to read:

Section 2210-A. Allocation of Resources.—(a) The area agency shall receive a basic allocation of resources, consisting of State and Federal funds weighted by the proportion of older poor persons who reside in the planning and service area in relation to the total number of older poor persons who reside in the Commonwealth of Pennsylvania utilizing poverty threshold income standards as determined by the United States Office of Management and Budget [except that each area agency shall be held harmless to the amount of State funds received in the preceding program year].

(b) The department may allocate additional resources to area agencies based upon the total number of older persons who reside within the planning and service area, the availability of transportation services, the rural-urban distribution of older persons, and attendant rural program cost differentials, the need for social and medical services, the amount of funds devoted by county commissioners for older persons and other special circumstances as determined by the secretary.

(c) Funds appropriated to carry out the purposes of this act shall be distributed to the local authorities or nonprofit agencies as grants or cost reimbursement for services to the aging, if there is an acceptable plan in accordance with section 2209-A.

(d) (1) The department shall use the most current United States decennial census data in making allocations under this section and shall, when submitting payment requisitions to the State Treasurer for allocations under this section, provide the State Treasurer with a copy of the census data used for the payment requisition and a certification stating that the allocation is based on the most current United States decennial census data.

(2) If the State Treasurer determines that the census data or certification provided by the department contains any material misrepresentation, the State Treasurer shall be prohibited from issuing a warrant on any payment requisition submitted for

funding under this section and for any funding appropriated to the department for general government operations until the department complies with the requirements of paragraph (1).

Amend Sec. 3, page 26, by inserting between lines 6 and 7

(1) The amendment of section 2210-A of the act shall apply to program years which begin after June 30, 2004.

Amend Sec. 3, page 26, line 7, by striking out “(1)” and inserting (2)

Amend Sec. 3, page 27, line 6, by striking out “(2)” and inserting (3)

Amend Sec. 3, page 27, line 8, by striking out “(3)” and inserting (4)

Amend Sec. 5, page 27, line 17, by striking out all of said line and inserting

Section 5. This act shall take effect as follows:

(1) The addition of section 2210-A(d) of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman is withdrawing.

On the question recurring,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER. The clerk will strike the board.

The gentelady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

On final passage?

The SPEAKER. On final passage.

Ms. MUNDY. Mr. Speaker, any attempt to label this bill as proconsumer is arguably one of the most outrageous statements I have ever heard on this House floor.

Currently there are consumer protections in place in chapter 56 of the PUC Code. We are removing those consumer protections with this bill. A vote for this bill is against those consumers in your district who may fall on hard times and temporarily have an inability to pay their utility bills. If you trust your utilities to have any sympathy or empathy for those people, then you have more faith in them than I do.

This bill is anticonsumer, and I would ask us to defeat it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

The gentleman, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I agree with the lady who just spoke. This bill is anticonsumer. This bill turns traditional consumer protection

on its head. This bill argues that the way we are going to lower utility rates is to shut people’s electricity off.

My family income is somewhere around \$100,000 a year and there are months in which I find it difficult to pay all the bills that my family runs up, and my income is substantially higher than the income of the average Pennsylvanian and it is substantially higher than the vast majority of people who are not living in poverty. And to limit, to limit fundamental protections to those who are in poverty or slightly above the poverty level is to ignore the fact of life that people have bills that they cannot pay, that there are tragedies that happen to people – people are laid off, people have medical bills, people have family bills that they have to pay; children, dependent spouses, dependent parents, other dependents make legitimate demands on people and make it difficult for everybody to pay their bills all the time.

Twenty-five years ago the legislature passed a series of consumer protections for all the people of Pennsylvania, not just those who are poor or near poor but everybody, and to say that only people who are on the verge of poverty or in need of help is simply wrong. There are many, many struggling middle-class people throughout this Commonwealth, and this bill sends a clear message to struggling middle-class people. The message is we do not care about you.

Now, there is nothing stopping utilities from charging interest on people who do not pay their bills. There is nothing stopping utilities from charging penalties on people who do not pay their bills. But to make it easy for utilities to turn off people’s electricity or gas when it is really cold outside, to make it easy for them to cause human suffering, is something that we really ought not to be a part of. Yes, in the city of Philadelphia, the Philadelphia Gas Works totally failed to manage the bill collection process, and they were wrong in that. Yes, they charged a surcharge on people who pay their bills regularly, and they were wrong on that. But this bill goes far beyond the problems of the Philadelphia Gas Works. It goes far beyond the problems of other utilities. What it does is it systematically undermines consumer protections that the legislature in the 1970s under Governor Milton Shapp worked very hard to put into place.

It is wrong to undermine these protections. It seriously hurts people in the struggling middle class. It is something that we will regret deeply when people come to our office and relate horror stories as to how their utilities are being turned off. We or our staff will call the utilities and they will say, well, what we did was totally legal, and it should not be legal, Mr. Speaker.

It is reasonable to have penalties in terms of interest; it is reasonable to impose other financial penalties on people who do not pay their bills. It is not reasonable to shut off the heat people need when it is cold outside.

I join Ms. Mundy in urging a “no” vote on this legislation.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose SB 689, and if anybody in the Governor’s Office is listening, if this piece of legislation would ever make it to your desk in its current form, I would ask that he veto it.

Mr. Speaker, I cannot believe what we are doing to the people of Pennsylvania. I do not know what church you go to or if you go to church, but the church I go to, we do not think about shutting people’s power off in the middle of February.

We do not think about shutting their heat off in the middle of January.

You know, we talk about the impact it is going to have on LIHEAP. If you listen to the letter that I read from AARP, who this will really have an impact on are the people that are just over those income guidelines, Mr. Speaker.

You know, just yesterday I was on the phone with a 61-year-old man from my district. He is laid off, out of unemployment, former Vietnam veteran; he has a lot of medical bills. He got a job working at Wal-Mart, and he tried working that job for a week, and he said he is just too old. He could not take unloading a truck every day. Now, here is a man who paid taxes his whole life, Vietnam veteran, good citizen of Pennsylvania, and guess what? If he cannot pay his power bill this winter, we are going to shut him off.

If this is such a good bill, then how come amendments that we have to improve it to protect people, this General Assembly does not have the guts to vote on the merits of those amendments? We tabled one just to put this great bill on the people of Philadelphia so we did not have to vote on it. The other one was ruled out of order so we could not do an immediate shutoff on people without any prior notification.

I understand the Philadelphia Gas Works has a serious problem, but I just cannot believe that we have so little compassion for the people of Pennsylvania, not just deadbeats; certainly there are deadbeats. There are a lot of hardworking middle-, lower-income people that this is going to affect. There are a lot of people on fixed incomes that this is going to affect, and when they come to your district office, Mr. Speaker, I hope you can stand there and tell them you supported this, and when they want to file a complaint to the PUC, I hope you can tell them, yeah, I thought that \$40 surcharge was a good thing. And when they have to put up 2 months', 2 months' pay for their electric or gas bill or their water bill, I hope you can tell them that was a great idea for the people of Pennsylvania.

I do not know whatever happened to the heart of this General Assembly, Mr. Speaker, but we are not doing the people's business today. I urge you to vote "no."

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

Just a short comment.

I served on the Consumer Affairs Committee many, many years, and I observed a lot of these problems with the utilities and the public, and I observed one thing: Well-intentioned people that could not pay their water bill, could not pay their electric bill, always paid their cable bill.

I urge support for SB 689.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have taken—

The SPEAKER. Just one second, Mr. Thomas.

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

Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I have taken a lot of time to think and digest this proposal, and, Mr. Speaker, I happen to represent a district which is the home of the Philadelphia Gas Works. I know the

fiscal challenges facing that utility company, and, Mr. Speaker, I know that at the end of the day, at the end of the day, there has got to be a solution to the problems facing the Philadelphia Gas Works and facing many other utilities throughout the Commonwealth of Pennsylvania. But, Mr. Speaker, my patience has run thin on the whole question of how we resolve fiscal problems facing entities within the Commonwealth of Pennsylvania. Historically, the practice is always, is always to put the burden on those either in the twilight of their life or those who are just coming into life.

Mr. Speaker, the Commonwealth of Pennsylvania is second only to the State of Florida in the elderly population, second only to the State of Florida, and in Philadelphia County the rapid growth of elderly people might be equal to many parts of the State of Florida. And so, Mr. Speaker, it is easy for us to think that it is deadbeats that have caused the problem at Philadelphia Gas Works, and yes, there are some deadbeats that need to [remark stricken] get off the pot. If you owe it, if you owe it, you need to pay it, and if you cannot pay it, then you need not benefit from it. I strongly support that, Mr. Speaker, but, Mr. Speaker, I am not prepared, I am not prepared to put the entire burden on our elderly and on people who struggle every day to try to meet their obligations.

And we have in Philadelphia County a utility company that has been marred by mismanagement, has been marred by bad business decisions, and that has largely caused the problem that is facing the Philadelphia Gas Works. I am not prepared to put the burden of fiscal catastrophe all on the people of Philadelphia or all on the people of the Commonwealth of Pennsylvania, because they did not totally in and of themselves cause this problem that we face. And, Mr. Speaker, I am unwilling to say to working, hardworking people that you must bear the burden, you must bail out the Philadelphia Gas Works through voodoo economics that has been entitled a surcharge. I am not prepared to do that.

But, Mr. Speaker, as Thomas Jefferson so aptly noted, that one of the main objectives of government is the care of human life, not its destruction. One of the main objectives, government really has no purpose, as Thomas Jefferson saw it, if it could not engage in the preservation of life rather than the destruction of life.

There are provisions in this bill that will specifically lead to the destruction of life. You cannot ask disabled children or children of the head of the household who are not working, unable to work, that they have to now bear the responsibility. Mr. Speaker, you cannot tell people— And I know we went through the semantic dialogue about formal versus informal complaints, but the reality of it is that on July 2, 2004, there is no \$40 requirement to file any kind of complaint with the Pennsylvania Public Utility Commission, and in this bill that provision would change.

Secondly, Mr. Speaker, there is the security deposit that must be put down in order to establish utility service with the Gas Works. Some people are victims of domestic violence and are on the run, on the run, and are not able to put a security deposit down up front in order to get utility service, and some arrangements should be made.

Mr. Speaker, we are probably engaged in the greatest amount of outsourcing of jobs and opportunities in America than we have ever witnessed, and there are a lot of people who were working and making good money last week whose job is now in China or whose job is now somewhere across the world.

They have been dislocated, relocated, and outcated through no fault of their own because their business decided to get up and go someplace else. Now, they do not have the money that this bill is asking that they put on the table in order to establish service someplace else.

Now, Mr. Speaker, if we were talking about one or two changes in Title 56 and if we were talking about definitively going after the deadbeats who want heat but do not want to pay anything, I would say yes, yes, yes, but, Mr. Speaker, when you consider the totality of what is contained in SB 689, it is wrong, wrong, wrong, and we need not be going down this direction to so-call get at deadbeats who are unwilling to pay for the service that they use. In fact, they tell me that within Title 56 today, within Title 56 today, there are sufficient mechanisms that will allow a utility company to go after people who refuse to pay their bills, and I have checked and there are provisions within Title 56 that allow for that.

So, Mr. Speaker, I close with reminding each and every one of us why we are here. We are here as representatives of 12.5 million people. We are here to engage in conduct and develop public policy that leads to the preservation of life, not the destruction of life. And if we adopt this bill in its current form, then we will, we will be engaging in public policy that is going to lead to the destruction of human life, and I ask that we not do that. I ask that we be diligent, that when we vote this down, that we become diligent in our efforts that before this term sine dies, that we come up with a solution that helps all utility companies in Pennsylvania to get at deadbeats, that we strictly enforce provisions within Title 56, and that if we need to expand some of those provisions, that we do that, but this road leads to destruction, not to preservation.

Vote “no” on SB 689.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Butler, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I was not planning on speaking on this bill today, although some of my colleagues and some of the comments that they made earlier I felt that I had to stand up and at least make some brief comments.

We hear about the destruction of life. Well, government is instituted among men to ensure that justice occurs in society, justice occurring in the way of one’s life, liberty, and property being protected. Now, I do not know what churches some of you all go to, but if you are going to a Christian church, a church that teaches Christian values and teaches the Scripture and what is taught in the Scripture, then you will learn about personal responsibility; you will learn about paying your debts.

I heard compassion evoked earlier, that you all do not have compassion because you are going to vote on this. Well, many of you on the side of the aisle that has been crying the most tonight are about to vote for legislation to expand gambling that you will hear those same arguments from our side tomorrow, that you will not be voting and having compassion on the people so much so that the legislation we will vote on will have in it a program to try and remedy people’s problems that you will create with that policy change. If you all had compassion, you would not have voted for a tax increase last December. So let us talk about compassion.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. BUNT. Thank you, Mr. Speaker.

Mr. Speaker, according to the PUC, as of March 31 they were close to 1 1/2 million electric and natural gas customers in arrears with debt totaling over \$562 million. Mr. Speaker, that is about one-fortieth of the State budget that we have. This is money that is owed to our gas and electric utilities. This has forced our utility companies to petition the PUC to raise its rates to really honest people, hardworking Commonwealth consumers, because the utilities cannot collect on their delinquent accounts or are prohibited by current PUC regulations from terminating these severely delinquent accounts.

SB 689 strengthens the utility service termination procedures for undisputed accounts, not disputed accounts but undisputed accounts, for failure to post a deposit or for failure to permit access to meters, for unauthorized use of the utility service, fraud, material misrepresentation of a customer’s identity, tampering with utility meters, or violating tariff provisions. Now, all of those measures were taught to me at an early age and virtually everybody in this room. I know they were taught to me in my church.

Mr. Speaker, SB 689 as amended is a responsible approach to remedy this crisis. The legislation preserves low-income households’ right to reliable and affordable utility service, and it ensures that honest, bill-paying utility customers are not burdened with increased electric, natural gas, or water rates resulting from collected debt.

Mr. Speaker, I did request from the PUC Bureau of Consumer Services a list, and I do not care if it is Allegheny Power or Duquesne or Met-Ed. I even called PECO, which is my service provider in Montgomery County. Mr. Speaker, last year they had to write off \$52 million of unpaid debt, and last year over \$400 million statewide. Well, somebody has to pick up that cost. These utility companies have to buy their product from others, and somebody is going to have to pay it, and unfortunately, if we do not do something, we are going to continue to overburden our responsible, taxpaying citizens.

Mr. Speaker, I urge support for SB 689.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Montgomery consent to interrogation?

The SPEAKER. The gentleman indicates he will stand for interrogation.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, did I hear you right? Did you say there are 1.5 million families in Pennsylvania that are behind in their utility bills?

Mr. BUNT. I will give you the exact figure – 1,406,212. I mistakenly called it 1 1/2 million. I am 94,000 off.

Mr. COHEN. Okay. 1,426,000?

Mr. BUNT. 1,406,000 as of, as of, March 31, 2004.

Mr. COHEN. And these are separate households, are they not, Mr. Speaker?

Mr. BUNT. Allegheny Power, 118,000 people. I have a list of each and every utility. I will give them if you request them.

Mr. COHEN. When you say people, Mr. Speaker, I assume you mean households.

Mr. BUNT. That is correct.

Mr. COHEN. Yes; okay. So a little over 1.4 million households in Pennsylvania.

Thank you, Mr. Speaker. I have no further questions, but I would like to make a statement.

The SPEAKER. The gentleman is in order.

Mr. COHEN. Thank you.

Mr. Speaker, Mr. Bunt has given us a very helpful statistic here. We are not talking about a handful of deadbeats here. We are talking about 1.4 million families in the Commonwealth of Pennsylvania. There are only about 6 million families in the whole State. There are 12 million people, you know, roughly an average of 2 people per family. I think that is a pretty conservative statistic. So that means roughly one in every four families in Pennsylvania, and it is not just a Philadelphia problem. It is a Montgomery County problem. I forget the figure Mr. Bunt gave, but it is a significant percentage of families in his area also.

Now, we are making it easy to turn off vital public utilities, electricity and gas, in the homes of roughly one-quarter of all the families in Pennsylvania, one-quarter of all the families in Pennsylvania. In some legislative districts it is more than one-quarter, in some legislative districts it is less than one-quarter, but we are talking about something that is a major, major policy change.

I really think in the long run it is going to be a lot more significant than whether we pass gambling tonight or tomorrow. It is going to be a lot more significant than the details in the budget. This is a very, very important piece of legislation, and we are undermining what have traditionally been considered consumer protections. Now, are there some people who have taken advantage of this? Yes. Are there some people who should be paying and are not? Yes. But are there 1.4 million deadbeats in the Commonwealth of Pennsylvania? I really doubt that. I think there are people who have legitimate problems paying their bills, and we are acting with great cruelty towards those people if we pass this legislation.

I would urge this legislation be defeated and that we look at other remedies to solve the problems.

The SPEAKER. The Chair thanks the gentleman.

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

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

Mr. BUNT. Thank you, Mr. Speaker.

In response to the gentleman from Philadelphia, Mr. Cohen, when you said 1.4 million, they are customers, whether they be one individual who has the bill in his name or the family that lives in that home – 1.4 million. They are the most egregious delinquent accounts. This does not take into account those that are currently in arrears who are on a payment plan. These are people who do not want to pay, and I can go down the list, whether it be Allegheny Power, Duquesne, Met-Ed, Penelec, Penn Power, PPL, Columbia Gas, Equitable Gas, Dominion Peoples. I have this list, and I did not draw the list up, Mr. Speaker; it was given to me by the PUC and the Bureau of Consumer Services, and so I guess it is the most reliable data that perhaps is made available to members of the General Assembly.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman, Mr. Kenney—

Mr. KENNEY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is recognized.

Mr. KENNEY. Just very briefly, Mr. Speaker, let us put the issue in perspective, Mr. Speaker. This issue is about standing up for those Pennsylvania consumers that go to work every day, pay by the rules, those seniors that want to enjoy the twilight. They should not be surcharged on their utility bills to pay for deadbeats. That is the issue. They should not be surcharged to pay for those that do not want to pay.

I ask for support of this bill.

Thank you, Mr. Speaker.

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 think that a number of speakers, on my side of the issue at least, this evening have already made the compelling cases that there are people who legitimately struggle with paying their utility bills, and they will be caught up in this overreach by the utility industry in the legislation that is before us, and I think we could all come up with individual compelling cases. The gentleman from Elk County had one very good example. And I would suggest to my friend, the gentleman from Montgomery County, that there in fact will be some of those 1.4 million people who have very similar profiles – some of them – very similar profiles of the one the gentleman from Elk County brought to us here tonight. And certainly everybody in this chamber well understands that there are deadbeats who do not want to pay their bills, and I recognize that it is difficult – difficult – to have a system that separates the deadbeats from those who are legitimately struggling because they lost a job, had a death in the family, a medical emergency. There are so many other things that happen to real people that we represent.

And, Mr. Speaker, I want to say again that I think for that reason, the legislature in our wisdom years ago gave the Public Utility Commission – the Public Utility Commission – the authority to determine the very issues that we are talking about here today so that they could dispassionately, outside of the arena of politics, outside of the arena of the public pressure, make some informed decisions about the best system that separates the deadbeats from those that need help. We gave that authority to the Public Utility Commission.

Mr. Speaker, I will say again that I think it is unfortunate that we are here tonight with this language that is in this bill, because I think there is a case to be made that we can improve upon the system that is in place. But I feel very strongly about this particular legislation being a tremendous, tremendous overreach, a feeding frenzy by the utility companies who saw an opportunity to jump on a bill that they figured was greased, to jump on a bill that they figured was going through the Assembly and let us pile on now; let us take our chance; forget about dispassionate conversation about trying to come up with legislation that does deal with the deadbeats appropriately but also takes care of those people in this Commonwealth who live in our districts, real people, innocent people, who are going to be hurt by this legislation.

Mr. Speaker, I strongly believe that the Governor ought to veto this bill, and because we are talking about this bill, I do want to read into the record a letter that every single member got here from the Secretary of Legislative Affairs yesterday dated July 1, addressed to the gentleman, Mr. Perzel, and the

gentleman, Mr. DeWeese. I do want to read this into the record, Mr. Speaker.

Dear Sirs:

I am writing to express the Administration's opposition to Senate Bill 689 as amended yesterday in the Committee on Appropriations. We invite discussion on a compromise.

In addition to its original subject, the bill would now make major changes to the process followed by the Public Utility Commission...in regulating all of the state's electric, gas and water utilities with regard to a variety of issues. In addition, it would establish other new standards and procedures that apply only to the Philadelphia Gas Works....

It is beyond dispute that PGW is saddled with an abnormally high rate of delinquent accounts, and this level of delinquency is among the causes of the company's difficult financial condition. That said, we should all take care to assure that any change in policy affecting those least able to pay their winter heating bills is carefully drawn and does not place low income families in jeopardy of losing the heat during the coldest months of the year. We believe this bill could have significant unintended consequences for some of the Commonwealth's poorer citizens.

The proposal now before the House would have effects far beyond PGW and far beyond Philadelphia. It would alter the steps our utilities may take with regard to delinquent accounts, customer deposits, filing fees for lodging complaints against utilities at the PUC, and other matters. We are very concerned that the policy changes being proposed may have significant negative effects on utility customers.

Thank you for your kind consideration of this matter.

Sincerely
Steven Crawford

So, Mr. Speaker, the administration has very clearly expressed opposition to this bill.

LETTER SUBMITTED FOR THE RECORD

Mr. VEON. I would like to submit this letter to the clerk for the record also, Mr. Speaker.

The SPEAKER. The gentleman can do that, but you already read the letter, so it will be in there twice.

Submit the letter for the record.

Mr. VEON. Thank you, Mr. Speaker.

Mr. VEON submitted a letter for the Legislative Journal.

(For letter, see Appendix.)

Mr. VEON. Mr. Speaker, I do not have any doubt that the consumer organizations in the State of Pennsylvania, if this bill

were to become law, would descend upon the Governor's Office asking for a veto of this legislation. I am hopeful that the letter that I submitted to the record indicates that at the very least, the administration has some very serious doubts about this, and, Mr. Speaker, I hope that in the event it is in fact a bill that is greased and reaches his desk, that he will listen to the consumer organizations in Pennsylvania, in fact veto this bill. I know that I will join those consumer groups to ask for that veto if and when the bill does reach his desk.

I appreciate the opportunity, Mr. Speaker. Thank you, and I would ask for a negative vote on SB 689.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe, Mr. Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I have been listening to the comments made by everyone against this Senate bill, and I have also heard 1.4 million people that are behind on their utility bills, and I am just hoping that everyone that spoke up against this bill will remember when they vote for gambling, because that 1.4 million people might be 2.8 million people, and if we truly care about the people that cannot afford to pay their bills, let us think about them when we put that vote down.

I am interested in hearing the comments from those individuals that spoke against this bill tomorrow.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Cruz.

Mr. CRUZ. Mr. Speaker, I have a parliamentary question to ask the leader, the minority whip.

The SPEAKER. The gentleman, Mr. Cruz, wishes to interrogate the minority whip, the gentleman, Mr. Veon. The gentleman is in order and may proceed.

Mr. CRUZ. Mr. Speaker, at caucus today I spoke with Mr. Cohen about this issue, this letter that we were receiving from Steve Crawford's office, and we got some response back by some lobbyists, some other people, that that was an unauthorized letter from the Governor's Office, and we were not clear, and at this point I am hearing that he did send this letter out and it is a "no" and whatnot. So we are not clear, I am not clear, in where we stand, because I discussed this at caucus and I never got a definitive answer on it.

Mr. VEON. Mr. Speaker, I just would say to my friend, the gentleman from Philadelphia, that all I know, in my judgment, the letter speaks for itself, and I know that there had been various interpretations from lobbyists throughout the day about what the letter says, what the letter means. I am just taking the letter for what it is. I assume, my assumption to my friend from Philadelphia is that the letter is what it is and it says what it says, and it was sent for the purpose of indicating the administration's opposition.

Mr. CRUZ. Well, when I read this letter today, it usually has the Governor's signature. This letter did not have the Governor's signature. That is why I am asking this question.

Mr. VEON. I think the gentleman was closing with a statement, not a question.

Mr. CRUZ. No; that was a question, because I am not sure. If this letter went out on the Governor's stationery and not his signature, where do we go from here? You know, I really do not want to take a position to [remark stricken] the Governor, so where do we stand? Excuse me. I do not want to get the Governor angry at me for another session.

Mr. VEON. Mr. Speaker, I appreciate the gentleman's sentiment, and I am sure that it is shared by others in the hall of the House tonight, and I cannot speak to anything further than what is in this letter and what is on this piece of paper. And I just wanted to make sure that I had the opportunity to submit this letter to the record, and I cannot really expand on anything but what is in this letter and, obviously, who it is from, the Secretary of Legislative Affairs.

Mr. CRUZ. Oh, he wants to interrogate me next?

The SPEAKER. The gentleman's remark will be stricken from the record, and please try to refrain from doing that again.

Is the gentleman, Mr. Cruz, finished?

Mr. CRUZ. I was signed that the minority leader wants to say something to me.

The SPEAKER. Mr. Veon? Mr. DeWeese?

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

I would like to respond to the gentleman from Philadelphia to some limited degree.

I did have conversation with the Governor yesterday about this measure, and although I cannot give a more cogent response than my colleague from Beaver, Mr. Veon, I would say that if the problems delineated this afternoon are not satisfied in the Governor's perspective, obviously there is a potential for a veto, but he indicated a desire to reengage and come back with additional legislation immediately. So that is only a partial commentary relative to your question, but it was last night, and I am certainly not going to prognosticate a gubernatorial response. But he is anxious to engage in this issue; he realizes it is multifaceted; and many of the things that were discussed today, if there is a veto, will be advanced by his administration immediately upon the summer recess.

Mr. CRUZ. May I respond to that, sir?

The SPEAKER. The gentleman is in order.

Mr. CRUZ. Mr. Speaker, for future references, do you think it will be possible that when the Governor sends us something, that we can speak to him actually face to face so we can all be in agreement?

Mr. VEON. Mr. Speaker, to the gentleman, my friend from Philadelphia, I think the practical reality is that there is so much legislation, especially at the end of session like this, that it is in fact the job of the Secretary of Legislative Affairs to, you know, talk to the members of the legislature, and I see that as his responsibility. And I think that when they feel an obligation, they send a letter out — sometimes it is from the Governor; sometimes it is from the Budget Secretary; sometimes it is from the Secretary of Legislative Affairs — and I think that is an appropriate way to operate, if the gentleman is asking me that question, and I think it is impractical, Mr. Speaker, that the Governor would have an opportunity to meet with folks often, especially in this highly charged end-of-the-session rush to try to get our business finished.

The SPEAKER. It has come to the attention of the Speaker that the gentleman, Mr. Thomas, also used that word, and that will also be stricken from the record.

The gentleman from Dauphin, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, one of the things that at least I did not hear brought out in this debate, and yet I hear my colleagues on the other side of the aisle talking about those that are working and trying to get by, and we are making it sound like somebody who just lost their job in the last 30 days or 60 days is going to have their power or their gas shut off. That is not the case here.

This bill clearly, clearly indicates that you have to be 150 percent of the poverty guidelines. Now, that is \$21,000 plus something is around \$30,000 or \$31,000 a year you are earning; you are not affected below that. So we are talking about people who are not paying their bills and are making in excess of \$30,000 a year that we are trying to do something about.

Now, I have to believe that the majority of us in this House who have blue-collar workers, whether that is a plumber, a carpenter, a factory worker, or somebody who we know, a retiree on fixed income who is trying to do their best to pay their bills, are carrying the burden for these deadbeats. I am telling you, we must pass this legislation, because it is not fair to those taxpayers who are working hard and trying to support themselves and their family to also be supporting people who make over \$30,000 a year and decide they are not going to pay their utilities. This is not about somebody who just lost their job and is having a hard time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, let me say again that I believe that there is a problem that we need to address, but I think that in this rush over these last hours of session, days of session, we are doing a disservice to in fact innocent people, and I would suggest, for example, that the gentleman who just made the comments, I would respectfully suggest that he is absolutely incorrect about this fact. This legislation changes the law so that 150 percent of poverty as it applies to this particular bill, it is \$28,000; it is for a family of four in this legislation. So the wife could be making \$14,000, the husband could be making \$14,000, for \$28,000 total household income.

I have constituents who work at USAir. They make \$50,000 a year. The wife has a second job; the wife works as a second income earner in the family. She makes \$25,000 a year. Most of those people who work at USAir that made \$50,000 lost their job. They are living on the wife's income and maybe a side job that the USAir employee has today. That is the kind of family we are talking about affecting with this legislation. I do not think that is the kind of family that we want to affect with legislation.

We could do this the right way; this can be done a better way. If it is greased and reaches the Governor's desk, I hope he vetoes it so we can come back here and work together to draft a bill that takes care of the deadbeats, takes care of the deadbeats the way we all want to, but allows that USAir worker now laid off and his wife, allows them the opportunity to get by.

And, Mr. Speaker, I say again, I would strongly ask for— Mr. Speaker, as we were standing here speaking, and I know that the gentleman, Mr. Cruz, had been asking a question about whether or not the Secretary of Legislative Affairs' letter that I read into the record reflected the thoughts and wishes and philosophy and position on this bill from the Governor, and I think that the gentleman's question was a good question in the sense that there was some confusion, especially as lobbyists were circulating around the State Capitol today suggesting that that letter in fact did not reflect the Governor's position or reflected it from sometime before. So as we were standing here, I have been handed a note from the Governor himself, addressed, it says, "Dear Rep. Veon, Please know that I stand by Secretary Crawford's letter of June 30th regarding SB 689," signed by Ed Rendell.

So, Mr. Speaker, I think that there are very legitimate concerns here. We can do this the right way. We are going to have to come back someday and do it the right way. I would ask for a “no” vote on SB 689.

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—164

Adolph	Evans, J.	Lewis	Ross
Allen	Fairchild	Lynch	Rubley
Argall	Feese	Mackereth	Sainato
Armstrong	Fichter	Maher	Samuelson
Baker	Fleagle	Maitland	Santoni
Baldwin	Flick	Major	Sather
Bard	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Gabig	Marsico	Scrimenti
Bebko-Jones	Gannon	McCall	Semmel
Benninghoff	Geist	McGeehan	Shaner
Birmelin	Gergely	McGill	Smith, B.
Boyd	Gillespie	McIlhattan	Smith, S. H.
Browne	Gingrich	McIlhinney	Solobay
Bunt	Godshall	McNaughton	Stairs
Butkovitz	Good	Metcalfe	Steil
Buxton	Gruitza	Micozzie	Stern
Caltagirone	Habay	Millard	Stevenson, R.
Cappelli	Haluska	Miller, R.	Stevenson, T.
Casorio	Harhai	Miller, S.	Taylor, E. Z.
Causer	Harhart	Mustio	Taylor, J.
Civera	Harper	Myers	True
Clymer	Harris	Nailor	Turzai
Coleman	Hasay	Nickol	Vance
Cornell, S. E.	Hennessey	O’Brien	Walko
Corrigan	Herman	O’Neill	Wansacz
Costa	Hershey	Pallone	Washington
Coy	Hess	Payne	Waters
Crahalla	Hickernell	Petrarca	Watson
Creighton	Horsey	Petri	Weber
Cruz	Hutchinson	Petrone	Wheatley
Dailey	James	Phillips	Williams
Dally	Keller	Pickett	Wilt
DeLuca	Kenney	Pistella	Wojnaroski
Denlinger	Killion	Preston	Wright
Dermody	Kirkland	Raymond	Yewcic
DeWeese	Kotik	Readshaw	Youngblood
DiGirolamo	LaGrotta	Reed	Zug
Diven	Laughlin	Reichley	
Donatucci	Lederer	Roberts	
Egolf	Leh	Rohrer	Perzel,
Evans, D.	Lescovitz		Speaker

NAYS—36

Belardi	Eachus	Levdansky	Sturla
Belfanti	Fabrizio	Melio	Surra
Biancucci	Freeman	Mundy	Tangretti
Bishop	George	Oliver	Thomas
Blaum	Goodman	Rieger	Tigue
Cawley	Grucela	Roebuck	Travaglio
Cohen	Hanna	Rooney	Veon
Curry	Josephs	Staback	Vitali
Daley	Leach	Stetler	Yudichak

NOT VOTING—0

EXCUSED—3

Manderino Ruffing Schroder

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2593, PN 3796**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for revenue estimates.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 2593, PN 3796, be recommitted to the Committee on Rules.

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

RESOLUTION

Mr. S. SMITH called up **HR 95, PN 573**, entitled:

A Concurrent Resolution addressing the health care crisis and establishing the Health Insurance Affordability Commission to undertake a comprehensive review of the causes of various social, health-related and financial impacts resulting from recent changes and long-term trends in the health care insurance market and to make recommendations.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 95, PN 573, be recommitted to the Committee on Rules.

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

RESOLUTION PURSUANT TO RULE 35

Mr. BUNT called up **HR 821, PN 4252**, entitled:

A Resolution memorializing the Congress of the United States to support the Farm-To-Cafeteria Projects Act of 2003.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	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	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Raymond	Williams
Daley	Keller	Readshaw	Wilt
Dally	Kenney	Reed	Wojnaroski
DeLuca	Killion	Reichley	Wright
Denlinger	Kirkland	Rieger	Yewcic
Dermody	Kotik	Roberts	Youngblood
DeWeese	LaGrotta	Roebuck	Yudichak
DiGirolo	Laughlin	Rohrer	Zug
Diven	Leach	Rooney	
Donatucci	Lederer	Ross	
Eachus	Leh	Rubley	
Egolf	Lescovitz		Perzel, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—3

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

REPUBLICAN CAUCUS

The SPEAKER. Are there any caucus announcements?

The Chair recognizes the gentlelady from Chester, Mrs. Taylor.

Mrs. TAYLOR. Mr. Speaker, at the call of the recess there will be a Republican majority caucus meet in our caucus room immediately following an informal caucus, immediately following the recess. There will be a formal caucus from 8 until 10 – 8 to 10. There will be a formal caucus in the caucus room from 8 until 10; informal at the recess.

The SPEAKER. The Chair thanks the gentlelady.

DEMOCRATIC CAUCUS

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

Mr. DeWeese.

Mr. DeWEESE. Thank you very much. Mr. Cohen has acceded to me momentarily.

I would concur with the gentlelady from Chester. The House Democrats will commence an informal caucus from 6:30 until 8. From 8 until 10 we will caucus aggressively on the slots proposal – from 8 until 10. The 6:30 to 8 o'clock is an informal caucus.

Thank you very much, Mr. Speaker.

LOCAL GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Centre, Mr. Herman, for the purpose of a committee announcement.

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

There will be an immediate meeting of the House Local Government Committee in the rear of the House at the call of recess.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Local Government will meet in the rear of the hall of the House at the recess.

There will be further votes this evening.

APPROPRIATIONS COMMITTEE MEETING

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

Mr. ARGALL. Thank you, Mr. Speaker.

At the declaration of the recess the Appropriations Committee will meet in room 245.

The SPEAKER. Appropriations will meet at the recess in room 245.

COMMERCE COMMITTEE MEETING

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

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, the House Commerce Committee will meet in the rear of the House at the break, as soon as we break, for a very brief meeting. The House Commerce Committee at the rear of the House chamber.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Commerce Committee will meet at the rear of the hall of the House at the break.

For the information of the members, there will be further votes cast this evening.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

BILL REREPORTED FROM COMMITTEE

HB 2762, PN 4178

By Rep. S. SMITH

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Conservation and Natural Resources, to convey to Anthony R. Domiano, Sr., and Anthony R. Domiano, Jr., a certain tract of land situate in the Borough of Archbald, Lackawanna County, in exchange for certain tracts of land.

RULES.

BILL ON SECOND CONSIDERATION

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

HB 2762, PN 4178.

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

Mr. COHEN. Mr. Speaker, some members have asked me to ask you if you could clarify your statement about what is going to happen after 10 p.m. tonight.

The SPEAKER. We will be back in voting session.

Mr. COHEN. We will or will not?

The SPEAKER. We will.

Mr. COHEN. We will.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House is in recess until 10 o'clock.

AFTER RECESS

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

**THE SPEAKER PRO TEMPORE
(BRETT FEESE) PRESIDING**

The SPEAKER pro tempore. For the information of the members, there is no need to report to the floor. There will be no further votes this evening.

The House will reconvene tomorrow morning at 9 a.m.

SUNSHINE NOTICE

The SPEAKER pro tempore. The clerk will read the sunshine notice.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of July 3, 1986, P.L. 388, Number 84, that the House of Representatives will convene in open session in the Hall of the House on the following date and time:

DATE: Saturday and Sunday, July 3 and 4, 2004

Ted Mazia, Chief Clerk

DATE: July 2, 2004

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2330, PN 4272**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL REREPORTED FROM COMMITTEE

HB 2749, PN 4223

By Rep. ARGALL

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

APPROPRIATIONS.

RECESS

The SPEAKER pro tempore. This House will stand in recess to the call of the Chair, but as previously stated, that will in all likelihood be 9 a.m. tomorrow morning.

AFTER RECESS

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

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

The SPEAKER pro tempore. Will members please come to the floor of the House. We plan to begin voting immediately.

COMMUNICATION FROM GOVERNOR**VETO OF HOUSE BILL**

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

HB 2128, PN 3290.

Said bill having been returned with the following message:

Commonwealth of Pennsylvania
Office of the Governor
Harrisburg

July 1, 2004

**TO THE HONORABLE HOUSE OF REPRESENTATIVES
OF THE COMMONWEALTH OF PENNSYLVANIA**

I am returning herewith, without my approval, House Bill 2128, Printer's No. 3290, 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 regulation of expelled students; establishing the Emergency Basic Education Subsidy Fund; and providing for basic education subsidy continuation funding."

The goal of shielding school districts from the uncertainty in their budget process that could be associated with late passage of a Commonwealth general appropriations bill is an extremely laudable concept. However the legal requirements of the Pennsylvania Constitution prohibit me from approving the provisions of House Bill 2128. In particular, House Bill 2128 interferes with my Constitutional obligation to develop a balanced budget and financial plan each fiscal year. Further, the legislation abrogates my authority to evaluate the provisions of the budget as passed by the General Assembly and, if need be, to disapprove or reduce the funding level of appropriations as specified in the Constitution.

In recognizing the importance of enacting a balanced budget, the framers of the Commonwealth's Constitution created a budgetary process that places powers, obligations and restrictions on both the executive and legislative branches. The Constitution has ten sections regulating the budgetary process. Seven of these sections are found in Article III, Legislation. Several of the sections in this Article place restrictions on the manner and content of legislation that deals with appropriations. Included in these restrictions, in Section 11, is a

requirement that the public school appropriation must be part of the yearly general appropriation bill. In Section 24, the Constitution prohibits payment of any money from the Treasury without the passage of an appropriation. In addition, Articles IV and VIII of the Constitution define powers and duties of the Governor with respect to preparing the budget and certifying revenues. A reading of these provisions together establishes a defined budgetary process wherein education funding is required to be part of the general operating budget; the Governor must annually submit the proposed expenditures to the General Assembly; and the General Assembly must enact an appropriation to enable the expenditure of the funds. The educational funding provisions in Section 2 of House Bill 2128, PN 3290 are contrary to this process and thus, are unconstitutional.

While Article III, Section 14 of the Constitution requires that the General Assembly provide for the maintenance and support of a thorough and efficient system of public education, the Constitutional mechanism for the General Assembly to discharge this duty is the enactment of appropriations for the public schools pursuant to the mandate in Article III, Section 11. The Constitutional provision requiring support of the public education schools does not supercede other Constitutional provisions defining the powers of the executive and legislative branches with respect to the passage and enactment of the budget.

In the upcoming fiscal year, basic education funding will account for approximately \$9.3 billion of the General Fund. The basic education subsidy alone will total \$4.9 billion. In total, basic education funding accounts for almost one third of our \$22 billion in General Fund budget and the basic education subsidy accounts for more than 20% of all General Fund expenditures. To remove this portion of the budget from either the negotiation process or the Governor's purview is unconstitutional, unwise with respect to fiscal management, irresponsible on our part, and unfair to the taxpayers.

It is our job as stewards of the public funds, and holders of the public trust, to engage annually in serious budget negotiations that commence in earnest in time to pass the budget by our deadline. We must do so in service to the taxpayers, parents, and schoolchildren of our communities and in compliance with the Constitution of our Commonwealth.

For the reasons set forth above, I must withhold my signature from House Bill 2128, Printer's Number 3290.

Edward G. Rendell
Governor

BILL AND VETO MESSAGE TABLED

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

Mr. S. SMITH. Madam Speaker, I move that HB 2128, PN 3290, and its veto message be placed upon the table.

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

CALENDAR CONTINUED**RESOLUTION**

Mr. S. SMITH called up **HR 219, PN 1456**, entitled:

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.

On the question,
Will the House adopt the resolution?

RESOLUTION RECOMMENDED

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

Mr. S. SMITH. Madam Speaker, I move that HR 219, PN 1456, be recommitted to the Rules Committee.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 596, PN 658**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Madam Speaker, I move that SB 596, PN 658, be recommitted to the Rules Committee.

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

* * *

The House proceeded to third consideration of **HB 2097, PN 3620**, entitled:

An Act providing for the establishment of the Pennsylvania Corporate Tax Reform Commission to evaluate the structure and system of taxation of business enterprises in this Commonwealth, for the appointment of the members of the commission, for the appointment of advisory panels, for the powers and duties of the commission and for the cooperation by other Commonwealth entities; and providing for legislative impact statements.

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

BILL RECOMMENDED

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

Mr. S. SMITH. Madam Speaker, I move that HB 2097, PN 3620, be recommitted to the Rules Committee.

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. READSHAW called up **HR 824, PN 4255**, entitled:

A Resolution welcoming the 35th annual Citgo Bassmaster Classic to Pittsburgh from July 29 through 31, 2005.

On the question,
Will the House adopt the resolution?

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. Returning to leaves of absence, the Chair notices the presence on the floor of the House of the gentleman from Chester, Mr. Schroder. His name will be added to the master roll call.

CONSIDERATION OF HR 824 CONTINUED

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	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	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causler	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Manderino Ruffing

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

* * *

Mr. BARRAR called up **HR 825, PN 4256**, entitled:

A Resolution declaring the support of the House of Representatives for US Airways.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	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	Solobay
Bianucci	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gergely	McNaughton	Steil
Blaum	Gillespie	Melio	Stern
Boyd	Gingrich	Metcalfe	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Good	Millard	Stevenson, T.
			Sturla

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Manderino Ruffing

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

REMARKS SUBMITTED FOR THE RECORD

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

Mr. BARRAR. Madam Speaker, I want to submit some comments for the record, please.

The SPEAKER pro tempore. The Chair thanks the gentleman. Your remarks will be spread upon the record.

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

Thank you, Mr. Speaker.

I wanted to speak on this resolution because the members may think it somewhat unusual to offer a resolution to honor the employees of one company in our Commonwealth.

HR 825 is about recognizing the employees of US Airways for the dedication to a company that has a tremendous impact on our Commonwealth economy.

The employees of US Airways have given up benefits and pay that amount to over \$1 billion a year until the year 2008.

It is rare in our Commonwealth history that we have seen such a strong desire on the part of a company's employees to do whatever was necessary to save their company and the jobs that they love doing.

A “yes” vote on this resolution sends a message to the employees of US Airways that the PA House of Representatives stands with them and appreciates their sacrifice.

Thank you, Mr. Speaker.

(For additional remarks, see Appendix.)

**REAL PROPERTY DISPOSITION
PLAN NO. 1, RESOLUTION A**

Mr. S. SMITH called up for consideration **RPDP 1, Resolution A**, entitled:

In the House, June 28, 2004

Resolved, That Real Property Disposition Plan No. 1 of 2004, transmitted by the Governor under The Administrative Code of 1929 to the General Assembly under date of June 15, 2004 which is incorporated herein by reference be approved.

On the question,

Will the House adopt Real Property Disposition Plan No. 1, Resolution A?

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	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	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O’Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O’Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Raymond	Williams
Daley	Keller	Readshaw	Wilt
Dally	Kenney	Reed	Wojnaroski
DeLuca	Killion	Reichley	Wright
Denlinger	Kirkland	Rieger	Yewcic
Dermody	Kotik	Roberts	Youngblood

DeWeese	LaGrotta	Roebuck	Yudichak
DiGirolamo	Laughlin	Rohrer	Zug
Diven	Leach	Rooney	
Donatucci	Lederer	Ross	
Eachus	Leh	Rubley	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Manderino Ruffing

A majority of the members elected to the House having voted in the affirmative on Real Property Disposition Plan No. 1, Resolution A, the question was determined in the affirmative and the resolution was adopted.

Ordered, That the clerk inform the Senate and His Excellency, the Governor, accordingly.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today’s calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the lady from Lancaster County, Mrs. True.

Mrs. TRUE. Madam Speaker, I move that this House do now adjourn until Saturday, July 3, 2004, at 10:30 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 10:29 a.m., e.d.t., Saturday, July 3, 2004, the House adjourned.