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SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 73

HOUSE OF REPRESENTATIVES

The House convened at 11:30 a.m., e.s.t.

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

PRAYER

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

Let us pray together:

Lord God, sovereign of the universe and giver of holy love to each person, receive our thanksgiving.

Thank You for this day and the opportunity we have to be here in service to You and others gathered with purpose. Help us, we humbly pray, that each of us live in concert with Your purpose of mercy and justice, love and grace. We also thank You for ordaining government in the human family so that a human family might live with order, dignity, respect, and care under Your designed will. May we be good servants, doing all the good we can, by all the means we can, in all the places we can, at all the times we can, to all the people we can, having a servant's heart.

Thank You for those who serve in our Capitol as elected members and staff. You have placed on us an awesome responsibility, so we ask You to give us a discerning spirit, to give us courage and concern for this great calling. Bless all who work within these walls so that Your spirit may inspire, guide, and prod each one to serve You first.

Bless and protect all who are in harm's way in the military, law enforcement, and missionaries, to name a few. May there be a hedge of protection around about them.

Today and every day may Your will be done in faithfulness and obedience, our Lord and redeemer. Thank You for hearing our prayer and giving ear to our supplications, dear Lord. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Friday, November 19, 2004, will be postponed until printed.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 1113, PN 4796; HB 1954, PN 4797; HB 2029, PN 4639; HB 2105, PN 4794; and HB 2749, PN 4795**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to Senate amendments by further amending House amendments to Senate amendments to **HB 623, PN 4793**.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 92, PN 1995; and SB 1102, PN 1991**.

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

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 79, PN 1978; SB 356, PN 1980; SB 432, PN 1901; SB 673, PN 1902; SB 844, PN 1975; SB 931, PN 1950; SB 1096, PN 1970; and SB 1167, PN 1955**.

VOTE CORRECTION

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

Mr. PETRI. Thank you, Mr. Speaker.

I would like to correct the record.

On HB 1977 I was recorded in the negative and I should be recorded in the positive, please.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

LEAVES OF ABSENCE

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

The minority whip requests a leave of absence for the gentelady from Erie, Ms. BEBKO-JONES; the gentleman from Fayette, Mr. ROBERTS. Without objection, those leaves will be granted.

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 1113, PN 4796**

By Rep. S. SMITH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for remittance of taxes as compensation for municipal services provided by a city of the second class; and directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

RULES.

HB 1954, PN 4797

By Rep. S. SMITH

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; and providing for specific powers.

RULES.

HB 2029, PN 4639

By Rep. S. SMITH

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

RULES.

HB 2749, PN 4795

By Rep. S. SMITH

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.

RULES.

SB 92, PN 1995

By Rep. S. SMITH

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two-year limitation; providing for limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting.

RULES.

SB 1102, PN 1991

By Rep. S. SMITH

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing, in infrastructure and facilities improvement, for definitions, for application, for review and for approval; providing for water supply and wastewater infrastructure capitalization; further providing, in the Commonwealth Financing Authority, for definitions, for indebtedness and for the First Industries Program; and providing for the Water Supply and Wastewater Infrastructure Program and for the incurring of debt in order to facilitate the financing by PENNVEST of the repair of existing water and wastewater projects.

RULES.

CALENDAR**RESOLUTIONS**

Mr. STURLA called up **HR 586, PN 3349**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to investigate the outsourcing of jobs occurring within this Commonwealth.

On the question,

Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that HR 586 be placed upon the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that HR 586 be taken off the table.

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

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Mr. CLYMER called up **HR 703, PN 3778**, entitled:

A Concurrent Resolution urging the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations and to ensure that such agreements, policies and participation are in the best interests of the citizens of the Commonwealth of Pennsylvania and the United States.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 703 be placed upon the table.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HR 703 be taken off the table.

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

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—197

Adolph	Evans, J.	Lewis	Santoni
Allen	Fabrizio	Mackereth	Sather
Argall	Fairchild	Maher	Saylor
Armstrong	Feese	Maitland	Scavello
Baker	Fichter	Major	Schroder
Baldwin	Fleagle	Manderino	Scrimenti
Bard	Flick	Mann	Semmel
Barrar	Forcier	Markosek	Shaner
Bastian	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	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
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
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	Roebuck	Yewcic
DeWeese	LaGrotta	Rohrer	Youngblood
DiGirolamo	Laughlin	Rooney	Yudichak
Diven	Leach	Ross	Zug
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker
Evans, D.	Levdansky	Samuelson	

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

LEAVES ADDED—3

George	Laughlin	Mackereth
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SUPPLEMENTAL CALENDAR A

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2749, PN 4795**, entitled:

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.

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

The SPEAKER. It is moved by the gentlelady, Miss Major, that the House do concur in the amendments inserted by the Senate.

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

Mr. VITALI. Mr. Speaker, could we have a brief explanation of this bill by the prime sponsor?

The SPEAKER. Mr. Vitali, we do not need an explanation; I went to caucus. We will get you an explanation, though.

The gentleman, Mr. Maher, will give an explanation.

Mr. MAHER. Thank you, Mr. Speaker.

The amendments inserted by the Senate are an environmental protection measure recognizing the extensive subsidence challenges faced in west Pennsylvania and the need for sewage lateral connections that are not prone to failure and contamination of groundwater.

Mr. VITALI. Thank you, Mr. Speaker. That concludes my interrogation.

The SPEAKER. Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would like to interrogate the maker of the bill.

The SPEAKER. Well, the gentleman, Mr. Maher, indicates he will stand for interrogation.

Mr. SAMUELSON. I am looking at one section of the legislation which pertains to municipalities and municipal authorities and whether they have the right to enact stricter standards than the statewide Uniform Construction Code. Is that correct that they have that ability, and is that limited by a timeframe?

Mr. MAHER. Mr. Speaker, the environmental protection provided here is recognizing a regional problem that provides that those in the region who have seen this problem can preserve the actions they have taken to curtail the problem through this point. And you are correct, there is a time limitation that those who have not acted for that purpose, who have not deemed this to be a local problem, will not have the ability to have more aggressive changes other than with the permission of the Department of Environmental Protection. But for those who recognized the problem in the past and have cured the problem in the past, they may ensure that their communities will continue to have the environmental protection against sewage and contaminating groundwater.

Mr. SAMUELSON. I am looking at the date of January 1, 2005. If a municipality or municipal authority enacts tougher standards before January 1, 2005, it appears that those standards would be in effect. But does this language take away the ability of a municipality to enact tougher standards than the statewide building code after January 1, 2005?

Mr. MAHER. No; the rights that a municipality or authority have under the statewide building code are not curtailed by this. The use of the January 1 effective date was to ensure that given the timeframe differences between the enactment of the code to which you speak and this, that to the extent that a community may have adopted a curtailing ordinance, that they will have the opportunity to go back and repair that in a short window of time.

Mr. SAMUELSON. But in 2005 and 2006 and 2007, a municipality could still enact a tougher standard than the statewide building code if they so choose.

Mr. MAHER. They could under those standards provided for prospective changes that are more strict than the statewide building code.

Mr. SAMUELSON. Thank you, Mr. Speaker.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

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

NAYS—3

Casorio	Pallone	Tangretti
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NOT VOTING—0

EXCUSED—5

Bebko-Jones	Lynch	Nailor	Roberts
Godshall			

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1102, PN 1991**, entitled:

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing, in infrastructure and facilities improvement, for definitions, for application, for review and for approval; providing for water supply and wastewater infrastructure capitalization; further providing, in the Commonwealth Financing Authority, for definitions, for indebtedness and for the First Industries Program; and providing for the Water Supply and Wastewater Infrastructure Program and for the incurring of debt in order to facilitate the financing by PENNVEST of the repair of existing water and wastewater projects.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House do concur in the amendments inserted by the Senate.

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

Ms. HARPER. Thank you, Mr. Speaker.

Is there anyone willing to defend or answer questions with regard to what the Senate has done to this bill?

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

Ms. HARPER. Thank you very much.

My first question is whether the gentleman, Mr. Smith, will give us a brief explanation of the Senate amendments.

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

Let me just read a couple of bullet items that are part of a summary. It implements the Water and Wastewater Treatment Project Bond Act approved by the electorate this past spring. It provides up to \$350 million in grants and loans for much-needed water supply and wastewater infrastructure improvements throughout the Commonwealth. There is \$200 million to be administered by the Commonwealth Financing Agency for projects that contribute to economic development; \$150 million to be administered by PENNVEST (Pennsylvania Infrastructure Investment Authority) for projects that repair, rehabilitate, or modernize existing or construct new water and wastewater systems.

Ms. HARPER. May I continue, Mr. Speaker?

The SPEAKER. The gentledady is in order.

Ms. HARPER. If the gentleman, Mr. Smith, would direct his attention to those portions of the bill which have augmented the amount that voters approved at \$250 million with \$100 million from a prior referendum, my questions are directed to that. Of the original \$250 million that the voters approved for improvements to wastewater and water plants and systems, is it true that only \$50 million is going to that with \$200 million going to economic development projects?

Mr. S. SMITH. Mr. Speaker, it is my understanding that the entire amount is available. However, part of it has been

identified for projects that rehabilitate, repair, or construct wastewater treatment systems.

Ms. HARPER. Mr. Speaker, my concern is that the extra \$100 million was authorized by an act which appears to define the projects as small water systems serving less than 3,000 people, and my boroughs have a crying need for sewer money. They need to repair their sewers, and I am afraid that the money which is added does not do that and the amount of money left from the bond issue that the voters did approve is not allowed to be used to fix ailing sewer systems. Can the majority leader reassure me?

Mr. S. SMITH. Mr. Speaker, it is my understanding that there is nothing that would prohibit the projects that you are concerned about in your district, and the intent of the legislation is in fact to improve existing systems. However, the balance of that would be, the balance of that statement is that we did not want it to be excluded from being used for projects that would be of an economic development nature.

Ms. HARPER. Mr. Speaker, now I am truly confused. The bill clearly sets out that \$200 million can only be used for economic development and \$50 million can only be used for wastewater and sewer projects that do not have an economic development criterion, and the extra \$100 million is the amount approved under the water systems act, which will not help my boroughs fix their ailing sewer systems. Am I reading the bill wrong, Mr. Speaker? I need some clarification on this. It is very, very important to the folks I represent back home.

Mr. S. SMITH. Mr. Speaker, we believe that the definition of "economic development" is written broad enough that the \$200 million that I believe you are referencing would in fact be eligible for the types of projects which I think are of concern in your district.

Ms. HARPER. Mr. Speaker, I thank the gentleman for his explanation, as far as it goes. I would like to make a motion for which I will need to suspend the rules. Am I in order?

The SPEAKER. The gentledady is— The Chair recognizes the gentleman, Mr. Smith.

Mr. S. SMITH. May we just suspend for one second, please, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence.

A leave of absence is requested for the gentledady from Beaver, Mrs. LAUGHLIN. Without objection, that leave will be granted.

CONSIDERATION OF SB 1102 CONTINUED

The SPEAKER. The Chair recognizes the gentledady.

Ms. HARPER. Mr. Speaker, I would like to speak on the bill. The SPEAKER. The lady is in order and may proceed.

Ms. HARPER. Mr. Speaker, on July 2 we passed a version of this water and sewer infrastructure bill by a vote of 200 to 0. We were trying to fulfill the promises made to the voters who approved a \$250 million bond issue for water and sewer systems, to repair their aging and ailing systems suffering from I and I (infiltration and inflow) and other problems.

I represent the borough of North Wales. It is very similar to many other boroughs in the State of Pennsylvania. About 1860 it had its heyday. It is now aging. It has a sewer system that

cannot handle rainwater. When it rains in North Wales, the sewer system overflows into the Wissahickon Creek, where the Wissahickon Creek eventually flows into the Schuylkill River, and the city of Philadelphia withdraws its drinking water from that river.

Fixing sewers is a clean-water issue but it is a very expensive issue, and my little borough cannot afford to do it on its own. My borough council people supported this bond referendum, although they are normally cautious about borrowing money, because they knew that their problems were shared by the boroughs that each one of you represents and that each one of you would also understand that they need help. Our fellow Pennsylvanians supported that rationale and approved the borrowing of \$250 million for sewer and water systems. There was no mention of economic development projects in that bond referendum, but that is not the bill the Senate just sent back to us.

We did a great job on a bill we sent over to the Senate in July. We passed it 200 to 0. It would have permitted economic development projects as well as the repair of ailing sewer and water systems. That is not the bill the Senate sent back to us.

I will be voting “no” on this bill, and I hope that you will join me. I would urge you to consider that if we do not get the bill done right now, in the heat of the moment, on the fly, we can fix it later. It is better to do it right at \$250 million than to do it quickly and get it so very, very wrong.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

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

Mr. LEACH. Thank you, Mr. Speaker.

Mr. Speaker, I would first like to agree with and associate myself with the remarks and the concerns of my colleague from Montgomery County, Representative Harper. I, too, rise in opposition to the amendment, and I agree with everything she said. I just have some additional concerns, not only relating to the lack of money for projects relating to fixing sewage treatment centers and things like that but also to the way the money is spent, to the adverse impact that this will have upon our environment.

If you remember the history of this, Representative Harper was correct that the bill passed 200 to 0, but prior to the bill passing 200 to 0, there was actually some lengthy debate on an amendment, which was known as the Freeman amendment at the time, which said that if you are going to use this money for new sewage development, for new economic development, then it would have to be on previously developed land. Now, frankly, I would have liked it to go further, because I think this was sold to the voters, I know it was sold to the voters in my district as an opportunity to fix sewage systems in disrepair, which we desperately need to do and which this money was supposed to go for.

The Senate sent over a bill which said we can use the money for new development. The problem with that is it subsidizes the very thing that certainly in my part of the State we should not be subsidizing, which is sprawl. Pennsylvania, even though we are one of the slower growing States economically, is one of the fastest States in terms of eating up our greenfields and using pristine land when we have previously developed land that we could be using, and a lot of why we do that is because of the incentives in our laws, the tax incentives and other incentives, the subsidization of sprawl that we have created. TIF financing

(tax increment financing) is one example, and this is on the verge of becoming another tragic example.

So we had a lengthy debate about the Freeman amendment, and despite the opposition of a lot of the powers that be here, the Freeman amendment passed, and that was the will of the House. We expressed ourselves in that vote, and the Senate has completely disregarded what we sent over there. They have stripped that language out, or any semblance of that language out, and sent back exactly what we had before us before, which was an open-ended opportunity for the taxpayers of Pennsylvania to subsidize the destruction of greenfields, of pristine lands.

Now, sprawl, I want to make it clear, is, in my view, bad for everyone in Pennsylvania. I know there are certain areas that say, you know, we need jobs, and not everything is like it is in Montgomery County, where sprawl is absolutely the last thing we need. But keep in mind what sprawl does even to areas that are not overdeveloped like Montgomery County is, areas that need jobs. It sucks the lifeblood out of the small towns of Pennsylvania. When you open new strip centers and you open new minimalls and McMansions and all those things, the stores in the small towns of Pennsylvania die, and we have more and more blight and more and more areas that are falling apart, and that is part of what this was supposed to do. If you remember what the Governor said originally, this money was supposed to be used to help rebuild the small towns of Pennsylvania, rebuild the cities of Pennsylvania, not subsidize additional sprawl.

So we are subsidizing with the language of this bill the destruction of habitat and the destruction of small towns. It is an environmental nightmare.

And beyond that, Mr. Speaker, I think there is another moral issue, and I think the moral issue is this: I do not think we can go to the people of Pennsylvania with one thing, have them pass a referendum based on a promise of something, and then once we get their money, once they approve the money, do something different. I think we have some obligation, certainly a moral obligation and perhaps a legal obligation – I have not had time to do the research, because like all of us, I saw this bill for the first time this morning – but we cannot ask the people of Pennsylvania to give us \$250 million for one thing and then use it for a different purpose – in fact, a purpose opposite of what we said we would use it for.

Now, Mr. Speaker, I think we should use this money for what we said we would use it for, not the opposite, and so I am asking my colleagues to vote “no” on this bill. What happens if we vote “no” on this bill? If we vote “no” on this bill, it goes back to the Senate. There are no deadlines in this bill. We can come back in January and February, and as Representative Harper said, we could do this the right way. But to rush this through in a couple of hours when it is unnecessary, I think, is simply just bad policymaking.

I urge you seriously to consider two facts: Number one, you voted on this very issue already; you already voted on this in July, and you voted to prohibit what is going on here, number one. And number two, we can do a better bill if we have more time.

I would urge you to please consider that. This is a very important issue, and I think it is going to have long-term consequences for our environment, for our economy, and for the future of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

If I can, I would like to interrogate the maker of the bill, please.

The SPEAKER. The gentleman indicates that he will stand for interrogation, the majority leader.

Mr. S. SMITH. Although not the maker of the bill, Mr. Speaker.

The SPEAKER. The majority leader said he would take the interrogation anyway.

Mr. EACHUS. Well, I appreciate that. The butcher, the baker, the candlestick maker, Mr. Speaker; I know he does it all.

The question that I have refers to page 3, lines 25 through 28, and page 4, lines 5 through 7. My question, Mr. Speaker, is, this bill removes reporting requirements and it approves reporting requirements under the Tax Increment Financing Act. Is that true, Mr. Speaker?

Mr. S. SMITH. Having just reviewed those very pages, yes.

Mr. EACHUS. Thank you. I appreciate that clarification.

The second question is, is it still the intent under this bill that any project that uses State funding, that that project must be required to utilize the Prevailing Wage Act?

Mr. S. SMITH. Mr. Speaker, the answer to that question is yes.

Mr. EACHUS. Well, that concludes my interrogation, and I appreciate the clarification, Mr. Speaker. It is crucial that we do not avoid prevailing wage under SB 1102, and I appreciate the majority leader's cooperation in my interrogation.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. McNAUGHTON. Thank you, Mr. Speaker.

I, too, rise in opposition of concurrence on SB 1102.

When we went to the referendum vote earlier this year, we promised the taxpayers of the Commonwealth of Pennsylvania that we would be doing a \$250 million bond issue for infrastructure rework, repairs, and for me, in my 26 municipalities in Dauphin County, this is a tremendous health problem. With the wet weather we have had this year, our sewer systems have been inundated with I and I, so much so that we have had raw sewage backing up into residences, and that is a serious, serious health problem in the Commonwealth of Pennsylvania, in my legislative district.

There is not economic development in my 26 municipalities in Dauphin County, and to have \$200 million of this money dedicated to economic projects, economic development projects, when we promised the taxpayers of the Commonwealth of Pennsylvania that this money was going to be used to repair aging systems and not burden the municipalities any longer is flat-out wrong and an outright lie, what we did to them earlier this year, asking them to vote for this bond issue.

I ask that we do not concur in SB 1102. Let us rework this bill, let us do it right, and let us give the taxpayers what we promised to deliver them earlier this year.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FREEMAN. Mr. Speaker, would it be possible for me to yield to the gentleman, Mr. Levdansky, and be recognized after him?

The SPEAKER. The gentleman, Mr. Levdansky.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. LEVDANSKY. Thank you, Representative Freeman, and thank you, Mr. Speaker.

The SPEAKER. Mr. Levdansky. Hold on one moment, Mr. Levdansky.

You can yield to the next person on the list, Mr. Freeman, and the next person on the list is the gentleman from Delaware, Mr. Vitali; then the gentleman from Luzerne, Mr. Eachus; then Mr. Readshaw, Mr. Petri, Mr. Baker, and Mr. Payne. It would not be fair for you to yield to somebody else who is behind all these other people who have stood up in turn prior to the gentleman, Mr. Levdansky.

Mr. FREEMAN. I understand that, Mr. Speaker, and I appreciate your ruling. I would like to be recognized at some point after you go through the rest of the list.

The SPEAKER. That is not a problem.

The gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I will be very brief, because many of my thoughts have been shared by previous speakers and will be shared by subsequent speakers.

I would vote to nonconcur on this, or in the alternative, support some motion that would make this better.

The only thing I am going to add to that is an e-mail I received from 10,000 Friends of Pennsylvania this morning, a well-respected environmental group. What their e-mail said was, they have asked us to nonconcur in SB 1102, or in the alternative, support a reversion to a prior printer's number, and they talk about many of the arguments that were made. They mention the fact that we approved in July a bill that set a priority on awarding grants and projects that repair or rehabilitate unsafe systems and so forth.

So they share the sentiments of many who spoke today, and so 10,000 Friends of Pennsylvania, I concur with them and ask for a vote of nonconcurrence.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Eachus.

The Chair apologizes. The gentleman from Allegheny, Mr. Readshaw.

Mr. READSHAW. Thank you, Mr. Speaker.

Mr. Speaker, the previous speakers have brought up some extremely good points and points of concern. I would like to speak directly to my case, from those Representatives from Allegheny County who live and serve within the Allegheny County Sanitary Authority service area.

To reiterate some of the concerns of the previous speakers – and I concur with that – in this piece of legislation, I believe that the repairs and the maintenance of existing sewage systems should be of great concern here. Not to beat a dead horse, but as we all know, 2 years previous and prior to that, there had been existing Act 339 moneys, which directed moneys to almost every sanitary authority in the Commonwealth for maintenance and operational purposes. Act 339 money was based on 2 percent of their capital expenses.

So without any further ado, I believe we have great concerns about moneys going not only to other sanitary authorities

throughout the State for repairs and maintenance, but I stand to draw the attention to those from Allegheny County that the Allegheny County Sanitary Authority has great concerns because of how the money and whom the money may go to. I know the argument may be made that they are not eliminated from the process, but it certainly has not and is not going in the right direction, so we can assure that.

So I thank you for your indulgence, and I ask everyone from Allegheny County to consider my remarks, and I know this is debatable, because there are other issues which members may find of interest, but I would ask that search your hearts here and make sure that you are doing the right thing for Allegheny County and the service area.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks, Mr. Petri. The Chair apologizes. The majority leader asked to be recognized next.

Mr. Smith.

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

Mr. Speaker, before the debate goes too far – and certainly, everybody is entitled to say their piece – I wanted to just try to take an opportunity to try to reframe the situation that we are faced with.

Essentially, we have two pots of money here: \$100 million from a previous bond issue in 1992 and \$250 million from the bond issue that was just approved this past spring. Of that money, currently none of it is being put out into the water and sewer projects across the communities of Pennsylvania. That is a problem. We need to get that money into play and working for us.

Number two, the problem, as I would see it anyways, Mr. Speaker, is that we have a couple of different communities, types of communities. One is probably older, smaller communities that are fully developed and maybe a little bit on the middle-, upper-income level. Those types of communities historically, as I would understand it, have not been eligible for PENNVEST grants, maybe some PENNVEST loans. You have other communities, either emerging or older but probably a little bit lower income, who have been able to get PENNVEST loans and grants, and those projects are a combination. Some of them are just the basic rehabilitation of sewer systems that are 40 years old or 50 years old. Some of those projects have been used under the umbrella of economic development.

The concern as I hear it from the members who are speaking in opposition to this bill is that not enough of this money will go to communities that are fully developed, mature, that do not really see a pure economic development opportunity, just because they are landlocked, maybe they are substantially residential communities and not necessarily commercial or small industrial communities, and that is a concern that is clearly valid, and frankly, I hear that concern. The compromise that was put into this bill— Mr. Speaker, is this the final vote or just a test vote?

The SPEAKER. We were just testing you there, Sam.

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

I was doing pretty good. I thought if you were going to— I was going to ask you to close the board with another 20 votes there.

The problem, as I was saying, Mr. Speaker, is we have certain communities that feel they are not going to be able to be eligible for a fair amount, a reasonable amount, of this money,

and those are the communities that are probably older, probably somewhat landlocked, maybe heavily residential, without much, quote, “economic development” opportunity to them.

The compromise that is embodied in this legislation was not something that was purely insisted upon by the Senate, but part of it is that the administration, frankly, wanted all of this money to go for economic development projects.

What we think we have put together here is, of the \$100 million from 1992 that is a carryover bond issue, \$50 million of that would go to PENNVEST in a manner that would be eligible for those types of communities, those older communities that are not necessarily qualified under the historic definition of “economic development.” Up to \$100 million could, but it is guaranteed to have \$50 million. So half of that is guaranteed, and up to the other half, through PENNVEST, could go for the non-economic-development-type projects, if you will.

Of the \$250 million, \$200 million of that is controlled by the CFA. The significance of that is that, under their definition, there is much more flexibility for the CFA to maintain a balance of this money going to the types of communities that historically have not benefited from PENNVEST as well as those that have. Of that \$200 million, \$125 million can go out in grants.

Now, I remind you that the CFA is the entity that was created here along with the economic stimulus package, so the CFA is going to have other projects and programs that will deal with the pure economic-stimulus-type stuff, and when we allow them the control of the four appointees from the four caucuses as well as the Governor’s appointees, we do have direct leverage or say over where that money is going to go. Of that \$250 million, as I said, \$200 million is controlled by the CFA and \$50 million would go over to PENNVEST’s control.

I recognize, Mr. Speaker, that this pot is not divided in the most purest sense and with the most absolutely guaranteed that it is going to your pot, guaranteed part of it goes to someone else’s pot. However, given that the administration was seeking to use all of this money for, quote, “economic stimulus,” “economic development” packages, what I believe we have embodied here is a compromise where we will have control over a significant amount of money; we will be able to put it into the communities that historically have not had an opportunity for PENNVEST because of the low-, moderate-income guidelines and things of that nature.

I appreciate the members listening to that. I hope that that might help to reframe the context of this debate, and I appreciate their listening and allowing me to jump out of turn, and I would ask the members to concur in SB 1102.

The SPEAKER. The gentleman from Bucks, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker.

Well, we are certainly on the end of a very important debate, and the week is growing long, and it looks like it is going to grow longer. We are now down to probably five very important issues, and is it not interesting that the newspapers have not even focused on this issue?

Really, there are three essential issues for me. One is the environmental issue; two is the understanding of our voters when they went to the polls; and number three is, what is our commitment to improving existing infrastructure and protecting the health and safety of our residents? Those are the three issues.

Now, we would not be debating these issues today had the Senate not placed us in this conundrum, and yes, maybe the administration had a part to do with that, because the administration was focused on, quote, “economic development.” Well, one could debate what that means.

In the interim, we have a problem. We have a longstanding problem in our communities with I and I, inflow and infiltration. Our systems are failing.

Now, to refresh the members, 2 years ago the Governor stripped \$100 million out of the moneys that was available year by year to take care of inflow and infiltration in our existing communities. That was done with the understanding that there would be a referendum that would replace that money with bond money, which is what we did. However, that \$100 million was never enough money for all of our municipalities to do what they need to do to improve their systems. Now we are going to say to them, why do you not take \$50 million and maybe some extra money out of PENNVEST – maybe; we do not know if that is really available – on a one-time basis to try and fix a problem that is a problem larger than \$100 million a year.

Now, for me, in weighing the health and safety issues, I believe the health and safety issues of our communities are far in excess of any economic development or stimulus that might come out of this package.

So what is the solution? How do we solve this? It seems very simple to me. One is, let us go back to the prior printer’s number, the version that this House pounded out, 203 of us sitting down and working it out in a bipartisan fashion. Or number two, let us flip the funding. Let us not put \$200 million into the water supply and water infiltration capitalization program; let us put \$50 million in for expanding, and let us put \$200 million into a fund to improve the conditions for our constituents.

I would move the members to nonconcur.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Tioga, Mr. Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, notwithstanding the well-intentioned protestations of some of the prior speakers, I rise to strongly support this legislation.

Arguably, all \$350 million is available to those that are in need, whether it is through environmental issues such as compliance orders for people that are suffering health-related issues; small, rural areas of towns that only have 100 people and they are under a compliance order to install a major system, a new system for the first time, and go away from their personal septic systems, and they have very, very difficult financial burdens upon them to try to hook up and tap in and pay monthly fees.

I will tell you, in my district there are at least 15 municipalities that are just waiting for this kind of legislation. Some are under compliance orders because of environmental problems. Some desperately need repairs. Some need a new system because they have never had a system before. This legislation goes a long way to address some of those problems, and even though it may not be perfect, as is often the case with our legislation, this legislation will help them.

I just want to remind the members that there are grants of up to \$125 million for those municipalities and municipal

authorities. There is at least \$75 million in low-interest loans for municipalities and municipal authorities and industrial development corporations and even the availability of guaranteed loans through our banks and our financial institutions through the First Industries Program that we collectively passed as a part of our earlier economic stimulus package. And there is that \$100 million Small Water Systems Assistance Act that helps to repair and rehabilitate and modernize our existing water and sewer systems; again, either old or new.

And there is tremendous support now for this legislation. We have got our municipal authorities supporting this, our State Association of Township Supervisors, and most of the economic development people, quite frankly, are supporting this that I have heard from, and I do not think now is the time to stop this. If we have got some problems, let us try to address them in the future, and I know that there is some fear that funding will not be available to everyone, but arguably, since so much of this money, if not all of it, has to be subject to review and approval by DEP (Department of Environmental Protection) and they establish the priorities based on environmental issues and disrepair and need in communities all across the State, I think it is the best that we can do, notwithstanding the efficacy of the early arguments of those that are concerned about not getting their fair share.

I really think we need to act on this, I think we need to approve this legislation in bipartisan support, and, Mr. Speaker, I ask for concurrence of this legislation.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. PAYNE. Thank you, Mr. Speaker.

With all due respect, Mr. Speaker, I think the issue before us is the fact that on a referendum question on the ballot was whether the voters would support \$250 million for water and sewer improvements. Economic development was not mentioned.

And, Mr. Speaker, this year has been an exceptionally wet year with hurricanes and tornadoes in my district. Every one of my boroughs has had huge infrastructure problems with their sewers. I have had raw sewage backing up into businesses and homes in Hummelstown and Middletown and Royalton. The townships that I represent have problems with aging sewer and water systems, whether it is Derry, Swatara, Lower Swatara, Conewago. We have to look at what the original intent was of the question on the ballot, and that was to allow \$250 million to be used for water and sewer improvements, not economic development.

I would be pleased to look at a bill that would generate additional economic growth, job growth. I am a supporter of that. But it does not belong in this bill, particularly since it was not on the ballot question.

So I would ask for a “no” vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mrs. RUBLEY. Thank you, Mr. Speaker.

And I, too, as other members have said, worked very hard for the approval of the bond issue last April. In so doing, I was assuming that most of this money would be going for the repair of our infrastructure, our existing infrastructure, along with

knowing some would go for expansion. However, taking \$200 million out of a \$250 million bond issue is not a fair balance. Giving PENNVEST only \$50 million to expand on their projects is not a fair balance.

I serve on the board of PENNVEST and have been very pleased to serve on it for the past 12 years. PENNVEST has been an exceptional program and has done a tremendous amount of good in issuing billions of dollars for projects around this State. I do not like the language in this bill that mandates that PENNVEST release or float another \$100 million of general obligation debt. This is going to incur additional expenses, and the debt is under the Small Water Systems Assistance Act, so it is very restricted to those programs.

PENNVEST, for those of you who have used it, in addition to the water, the sewer, and the storm water projects, also has expanded into a new program working with brownfields. They have already approved two brownfield projects. They will be doing more, and on these projects, they will be dealing with new water and improved water and sewer projects. They will be doing this not in the traditional manner of approval at their three board meetings a year but using a memorandum of understanding so that moneys can get into these projects in a fairly rapid process after the review that should always occur when you are spending these kinds of moneys.

I agree with the comments of the previous speakers who say that this bill does not follow with the intent that we had on the approval of the bond issue last April, and I agree that we should not concur on this amendment.

Let us take some time, let us do it right, and let us make sure that these moneys are being spent in the proper fashion.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

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

Ms. WEBER. Thank you, Mr. Speaker.

As the prime sponsor of the legislation, which later became Act 10 of 2004, which did in fact put the bond question to the voters of Pennsylvania, I rise to ask my colleagues to not concur on SB 1102, and I do so for the following reasons.

As this is currently amended, SB 1102 does not meet the intent of Act 10. My intent in introducing the \$250 million bond referendum was to secure the much-needed funding to restore and rehabilitate existing infrastructure for the boroughs and towns struggling to revitalize and recognizing the need in other areas of Pennsylvania who are struggling for economic development.

The problem in SB 1102 as currently before this chamber is that it fails to have that balance or assurance that our existing facilities will be assisted with the much-needed funding. There is no balance or assuring that the areas struggling from the effects of sprawl will be protected against unwanted sprawl. There is no balance or assurance that the voters across Pennsylvania who adopted this referendum will have their expectation of it being used and their best interests met.

Throughout the southeast, many members, myself included, spent time in the weeks prior to the primary to educate our constituencies on what the intent of this bond referendum was. We set forth the need to have our existing facilities with the necessary funding while recognizing the need in other areas of the State to have economic development. We were very candid with the voters.

SB 1102 does not have the balance that we told the voters this legislation would have, and it is for that reason, as the prime sponsor of Act 10, that I ask my colleagues to vote to not concur on SB 1102 as currently printed.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

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

Mrs. WATSON. Thank you, Mr. Speaker.

I rise to ask my colleagues to nonconcur on SB 1102. I do so because, really, there is a difference here between the intent, as the previous speaker was mentioning, and the language.

I have also heard from valued colleagues who say, no, this bill is fine, because look what it does for economic development. Certainly, there is no one who is speaking today who is speaking against economic development for Pennsylvania. After all, economic development is probably the same as mom and apple pie and turkey for Thanksgiving. We like all of it. At the same time, we know we are restricted to the language in the bill. As a nonlawyer, even I understand that. And while the intent was there and while many of us talked to our voters and talked to our various agencies and our boroughs and our townships at home prior to the passage of the bill, we thought it would be something somewhat different.

I would refer you and ask my colleagues if they would take a moment and look specifically at language, page 33, beginning at line 22. Now, I know the majority leader stood up here and gave us assurances, and I have the utmost faith in the majority leader, and when he gives me an assurance, I know it to be true, but again, I must refer you to page 33, beginning at line 22, because in the end, what we have is the language of this bill, and I would suggest to you, it is amazingly vague.

We are told that economic development and how those of us who have the struggling little township or the borough with the problems with infrastructure and looking to get money, we are told, oh, well, that counts as economic development, because read this: “ ‘ECONOMIC DEVELOPMENT’ MEANS A PROJECT WHICH INVOLVES THE INVESTMENT OF CAPITAL IN PENNSYLVANIA ENTERPRISES AND COMMUNITIES...” Go to the first “OR.” Well, Mr. Speaker, I am a former English teacher, and while I am not an attorney, I do have a good sense of semantics and I do have a good sense of language. This is so vague you could drive a truck through it, without or with a CDL license (commercial driver’s license).

In any event, I would suggest to you strongly that what we need to do is fix this bill. We do not rush into it. We go back and we make sure that every word in this bill reflects the intent that we had when this bill went over to the Senate.

Now, perhaps it is just a matter of misunderstanding. The hour was late last night. Something could have happened. The bottom line is, we cannot go with this and we cannot go with the idea, well, it is almost good or partly good. No, Mr. Speaker, on something that is this important to the towns and boroughs of Pennsylvania, it has to be 100 percent good. It has to be precise, it has to be exact, and it has to be able to withstand any legal challenge. I submit to my colleagues that in its present form SB 1102 does not pass muster.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentelady.

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

Mr. LEACH. Mr. Speaker, thank you.

I would just like to comment on a couple of the points that were made.

The majority leader says that nonconcurring would adversely impact on older communities. In my view, the exact opposite is true. Older communities have many, many areas that are already developed. My fear is that not enough of this money is going to be going to older communities; all of this money is going to be going to brand-new communities that do not exist right now, and that is what we want to try to stop. It is wrong to say that this is going to adversely impact local communities. The exact opposite is true.

I also just want to say that, you know, it seems to me that what has happened here is that we passed this money for a good purpose and it has essentially turned into a \$350 million opportunity to hand out checks around the Commonwealth, and you know, as much fun as that is and I enjoy doing that, the problem is this: If we use this money, \$200 million of it, if we use this money for new projects, we are still going to have the I and I problems that Representative Petri and others have referred to. The reason that we decided to pass the bill, to put it on the ballot, the reason the voters voted for it, that problem is still going to exist. It is a health problem, it is a problem of quality of life, and it is still going to exist, because we are not going to be solving it, because the money is going to create new business opportunities for certain people. And then what are we going to do? What are we going to say to our communities when we go back home and we have no money to fix their overflow problem, their infiltration problem? I mean, can you imagine what that is like? Representative Harper talked about sewage going into the Wissahickon Creek, from which Philadelphia draws its water supply, and we have money to fix this problem. We are not going to use it for that purpose.

It is just wrong, Mr. Speaker, and I would urge a nonconurrence.

Thank you.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I also rise to urge a nonconurrence in SB 1102.

As was stated before but it is important to remember, the referendum which created this \$250 million of bond issue was intended to fix existing systems, to address long-term health and environmental concerns. What we have before us in this Senate version does not seek to stick to that referendum issue. That referendum was sold to the people of Pennsylvania on fixing existing systems, on addressing our health concerns, on addressing the environmental issues that arise from degrading water and sewer systems, and that is not what is before us here in this bill today.

The Brookings Report, which came out earlier this year, pointed to the fact that Pennsylvania has embarked upon a very dangerous approach to how we use our infrastructure, that what it has done has created tremendous amounts of sprawl – gobbling up farmland, open space, developing greenfields, at the expense of our older communities, sapping the lifeblood out of our cities, our boroughs, and our villages across the Commonwealth of Pennsylvania. We cannot continue on that course. If we do, it will undercut the economic stability of our Commonwealth. It will create tremendous tax burdens for the

taxpayers across this Commonwealth, who will be asked to subsidize that sprawl time and time again.

What the Senate has done in SB 1102 is turn on its head the intent of what we were trying to achieve in that bond issue referendum and has shortchanged our older communities, throwing them scraps. By devoting the lion's share of the money in this version to economic development and only a pittance in reality to addressing the long-term needs to fix the water and sewer systems of our older communities, we are shortchanging the people of those communities and their dire needs.

This bill is no compromise, as its proponents have said it is. It is a total capitulation, and it is a recipe for more sprawl that will only undermine our ability to prosper economically as a State; to revive the fortunes of our older communities, who we cannot leave behind. If we allow our cities and our boroughs and our villages to fail, they will pull down entire regions in the process. That is to no one's benefit.

Let us fix this problem. Let us make sure that we pass a bill that will be in keeping with the intent of that referendum and the Brookings Report.

When our version left this House, we had included language which I offered as an amendment, which very simply but very clearly stated that moneys to be used in these projects for economic development projects must redevelop, reuse, or revitalize previously developed land. That is the approach to take. If we do that, we recognize we can be involved in economic development projects but only those that are sustainable, that revitalize our older communities, that make sense from a long-term strategy for this State.

We all want good economic development, but what exists in this bill before us today is not that. It is truly a recipe for sprawl; it is a recipe to undercut our viability as a State.

I urge the members of this House to vote to nonconcur in SB 1102. We have time to fix this. The first grants under the bond issue do not have to go out before next year. There is time in the spring session, if we cannot deal with this issue in the lameduck session, to write a good piece of legislation, in keeping with the intent of that referendum and the intent of the voters who supported that referendum.

I ask the members of this body to keep faith with those voters by voting to nonconcur on SB 1102. Keep in mind that 10,000 Friends of Pennsylvania, the premier smart growth organization in this Commonwealth, has urged us to nonconcur. It is also my understanding that PennFuture has urged a vote of nonconurrence. Those who understand this issue are urging a vote of nonconurrence.

Let us not make the mistake that we have been making in this State for so many years on how we use our limited infrastructure dollars. Let us make sure we use them wisely. Let us make sure that we halt the process of sprawl and begin to rebuild our older communities, the small towns of Pennsylvania, the cities of Pennsylvania, the villages of Pennsylvania. I urge the members of this chamber to do that by voting to nonconcur.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the majority leader on a couple of issues on this bill.

The SPEAKER. The majority leader indicates that he will consent to interrogation, although this is not his bill.

Mr. LEVDANSKY. Understanding that, Mr. Speaker, I want to make sure I understand the relative distribution of these funds.

The voters voted in a referendum to authorize up to \$250 million in bonded indebtedness. My understanding is, under this legislation, \$200 million of that \$250 million will be allocated to the Commonwealth Financing Agency for determination on how to allocate; \$50 million of it will go to PENNVEST. In addition, there is \$100 million that this bill authorizes PENNVEST to incur, an additional \$100 million bonded indebtedness. So the breakdown, essentially, would be \$150 million would be allocated to PENNVEST; \$200 million to the Commonwealth Financing Agency.

Now, my question is, within that \$200 million and \$150 million, how much of that will be grant versus loan funding?

Mr. S. SMITH. Mr. Speaker, one little clarification: The \$100 million is actually bond indebtedness by the Commonwealth on behalf of PENNVEST. Minor technicality: It is not PENNVEST that is actually going to be borrowing; it is the Commonwealth, and then the Commonwealth is going to distribute it through PENNVEST, similar to the \$250 million that will be borrowed by the Commonwealth and distributed by the CFA.

Of the money, I think your question was, how much of it will be grants versus loans for both of those, PENNVEST or the CFA? It is my understanding, Mr. Speaker, that the money that will be distributed via PENNVEST will follow PENNVEST's current decisions and guidelines as to how they make determinations of when they are going to do grants or loans— Just one second, Mr. Speaker.

On the PENNVEST money that will be distributed under this legislation, it would be the PENNVEST Board that would ultimately decide whether all of that went out in grants or none of it went out in grants or some variation more likely of a mix of grants and loans.

Of the \$200 million that is controlled by the CFA, \$125 million is guaranteed by this bill to be distributed in the form of grants, so it will be divided by this legislation as \$125 million in grants and \$75 million in loans, although I believe— I just wanted to clarify, Mr. Speaker. It will be divided \$125 million in grants and \$75 million in loans.

Mr. LEVDANSKY. Okay.

Mr. Speaker, and a second issue is relative to requirements in this bill for these funds to be spent in certain timeframes. My understanding is, this bill requires PENNVEST to spend its \$100-plus-50 million – it is \$150 million – there are requirements in this bill that that money be spent in a certain timeframe. Could you tell me what that timeframe requirement is and how much?

Mr. S. SMITH. Mr. Speaker, the original \$100 million from 1992 that is driven through PENNVEST, the legislation would require PENNVEST to actually sell the bonds – in other words, acquire the cash – within a year. Basically, by December of next year, they would be required to put that money into play.

Mr. LEVDANSKY. Okay.

Mr. S. SMITH. If I may just expand, Mr. Speaker.

And of the \$50 million that comes out of the \$250 million that goes to PENNVEST, it falls into that same category under PENNVEST. Excuse me; I may be wrong; excuse me. Of the \$250 million that will go through the CFA, of which

\$50 million will go to PENNVEST, all of that \$250 million falls under the overall 5-year schedule that the entire economic stimulus package will be doing their financing and expenditures.

So if I might just restate that answer so it might be clearer. Maybe I would even understand it.

The original \$100 million under PENNVEST would be required to be put out the door by about a year from now, in December of this coming year, 2005, and the \$250 million through the CFA will be spread out over the same 5-year plan that all of the other economic stimulus programs would be issued.

Mr. LEVDANSKY. Okay. Thank you very much for answering my questions.

I would just like to speak on the bill, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. LEVDANSKY. I do want to thank the majority leader for the answers to those questions, because I think they are highly instructive. They are highly instructive in two regards.

We all know that the Commonwealth Financing Authority that we have created in previous legislation essentially sets up a process whereby representatives of the four caucuses and the Governor make the decisions relative to the allocation of the funds and that any one of the five parties to the authority has veto power over any project and any allocation. So essentially, what that means is, five parties are going to have an interest in the division of \$200 million. That is going to be \$40 million per stakeholder group on the Commonwealth Financing Authority. We know what that means, and there are no criteria put in place for the Commonwealth Financing Authority to decide where to allocate this money. So the reality is that political influences are going to determine where that \$200 million is going to be spent.

Conversely, we have a PENNVEST Board that has been in place for about 15 years, that has established criteria, that has staff and board expertise in determining how we should allocate public funds, and we are not going to give them as much money as we give this political authority, essentially. So the experts we are going to give less money to than the agency that is going to be more subject to political influence. I think that is wrong. I mean, I understand, I understand that politics and political influence has its place, but I do not think it ought to control the allocation of the majority of the funds.

Secondly, Mr. Speaker, you know, so we have an agency that has expertise that we are giving less money to. Secondly, what is even worse, in my judgment, is we are tying the hands of PENNVEST and essentially telling them, you have got to spend this money within a year. You are the experts – you have the staff expertise, the board expertise; you have got 15 years of experience – but you have got 1 year to spend your money, and that is it. The Commonwealth Financing Authority that has no expertise in water and sewer projects is going to be able to take 5 years to decide how to spend their bigger share of the pie. I do not think that is appropriate. I think that that is absolutely the wrong way to go.

So the timeliness issue is a concern as well and the fact that we are ignoring the agency with the established expertise. We are undermining everything that we have tried to do.

I just want to point out also, Mr. Speaker, that we are all for economic development, but the question is, do you redevelop existing brownfield and greenfield sites or do you let this money be used to promote sprawl, which gobbles up our countryside,

which gobbles up our agriculture land in our rural places in Pennsylvania, and that is not good.

Mr. Speaker, the allocation on this is absolutely wrong: \$200 million to the Commonwealth Financing Authority and \$150 million only to PENNVEST. And I also want to point out, of the \$200 million to the Commonwealth Financing Authority, which is going to be a politically driven decisionmaking process, they get to distribute, \$125 million of the \$200 million gets to be grants – grants – whereas, with PENNVEST, if you look at PENNVEST's history, PENNVEST typically will give grant money to fund some of the upfront costs, the design and the engineering, but the actual construction costs, which are typically 80 to 90 percent of a project, end up being loan money. So we are telling PENNVEST, which is going to get a smaller share of this pie, that you have got to hurry up and spend your money and you are going to have a smaller portion of it to allocate in grants.

So this politically driven authority is going to have a bigger share of the pie, is going to have a longer time to decide how to spend it, and most of it is going to be able to be grant money. I think this is absolutely the wrong way to go.

Back in July this chamber, in a bipartisan fashion – urban, suburban, rural legislators; Democrat and Republican – worked together to form a consensus compromise that made sense; that made for good, excellent public policy in Pennsylvania. In lameduck session, what the Senate has done is sent back to this House a turkey, and this is Thanksgiving week. We are on the eve of the week of Thanksgiving. There are going to be a lot of turkeys slaughtered this week, and this is one legislative turkey that we ought to kill today, now. Vote this turkey down. Nonconcur with the Senate amendments.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair thanks the gentleman and recognizes the majority leader, Mr. Smith.

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

Just if I could, I do not really intend to belabor and respond to everything, but relative to the comments of the timeline and pushing PENNVEST to put this money out on the street, there is \$11, \$12, \$13, \$14 billion of potential water and sewer demand out there across the Commonwealth of Pennsylvania. We are talking here about roughly \$350 million, and on top of that, PENNVEST currently is sitting on, as I understand it, around \$260 million that they have not been putting into play.

So I think the purpose for the language that would require the bonds to be issued and the money to be going out the pipeline is because, quite frankly, there is a huge demand out there and the money is not being used, and so while I am sensitive to the suggestion that the agency needs to do it as they see fit, I think that the other suggestion that we are forcing them to do something that is not needed is somewhat misleading or at least it is not something that I can agree with. The purpose for that timeline is to get this money into play.

I also wanted to note that of those PENNVEST projects, of that \$100 million that was designated to PENNVEST, essentially, that would be under a slightly separate category within PENNVEST. Although, as I said, the board of

PENNVEST will make those decisions, there is a separate set of definitions which will give PENNVEST more flexibility in distributing that money or utilizing that money in the communities that we were talking about, some of the other members talked about in terms of need to address health and safety standards and to eliminate combined and sanitary wastewater overflow problems.

So while I am certainly sensitive and hear the concerns that are being raised, it is my understanding and my belief that this legislation does provide both PENNVEST and the CFA with the authority and the flexibility needed to address those very types of concerns.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, for years – and I have been here for 14 years now – we have had a build-it-and-they-will-come mentality here in Pennsylvania. If we just pave over one more acre of farmland, if we just clear one more forest, surely more people will show up here. What we have found is that that strategy has not worked. The State is growing at a slower rate than the rest of the nation, and we have an infrastructure in the part of the State that was already built out, in some cases, 200 years ago; in some cases, 100 years ago; in some cases, 50 years ago, that is failing us, and what we really need to start doing is fixing it so they will stay. The Brookings Report, which recently came out, groups like 10,000 Friends, PennFuture, have all said, let us look at this in a comprehensive manner and how we can make Pennsylvania work better.

We have a chance for a new start here in Pennsylvania. Seventy percent of the State's population lives in 11 counties, and a majority of those people live in established cities and boroughs and towns, areas that are not going to benefit from this piece of legislation like they should, that are not going to benefit like we promised those constituents that it would. We have the opportunity today to just say, we will not concur, we will send it to a conference committee, and we will go back to what the original intent of this was supposed to be.

We have heard speaker after speaker after speaker, and if members look at what their district is comprised of – the boroughs, the towns, the cities that they represent – I think they will also agree that we need to nonconcur on this legislation, and I would ask members to do that today.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman, and for the edification of the members, there are seven more individuals that are requesting recognition: the gentleman, Mr. Stern; the gentleman, Mr. Reichley; the gentleman, Mr. Adolph; the gentleman, Mr. George; the gentleman, Mr. Petrone; the gentleman, Mr. Readshaw; and the gentleman, Mr. Lewis. And as soon as we are done with this bill, we will break for lunch.

With that, the gentleman, Mr. Stern, from Blair County is recognized.

Mr. STERN. Thank you, Mr. Speaker.

I will try to set precedent here and keep my remarks brief.

We have heard a lot of impassioned remarks today on the floor for and against this legislation, and I stand to urge concurrence on SB 1102.

I believe that the interests that everyone has brought up today are very important to the Commonwealth of Pennsylvania, and

the majority leader mentioned some of the things that I wanted to say earlier. We have a huge problem in Pennsylvania with some of the infrastructure problems with our wastewater facilities and sewage treatment plants, and with the I and I problem, we are looking at an \$11 billion problem here as far as trying to get these resources fixed.

But I believe that this legislation creates a balance for the economic development interests in the Commonwealth as well as putting the moneys aside to PENNVEST as well, to infuse that \$150 million to get it into the wastewater facility plants in Pennsylvania. So I believe that this is a balance that is not only good for the rural communities, and I think a previous speaker mentioned also as far as the amount of moneys that would go out in the forms of grants and loans to our local municipalities, and I just believe that this is a fine balance and a compromise that everyone has tried to work out.

There is not enough money in this bill to take care of all the problems that we have in the Commonwealth, and I just would like to ask for a concurrence on SB 1102. I believe it strikes a fine balance for rural communities.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Would the majority leader stand for just a couple more questions? I just wanted clarification.

The SPEAKER pro tempore. The gentleman has agreed, and you may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

I apologize if I missed an explanation of this before. With regard to the \$100 million of indebtedness available under the Small Water Systems Assistance Act from 1992, has that been money which was already accumulated under issued debt or has yet to be issued in terms of bonds?

Mr. S. SMITH. Has yet to be issued, Mr. Speaker.

Mr. REICHLEY. And not to be derisive, but am I to believe that since 1992 the Commonwealth did not take advantage of \$100 million of borrowing authority?

Mr. S. SMITH. Not only that, Mr. Speaker, but there is also some outstanding debt from 1988, debt authorization that has not been issued.

Mr. REICHLEY. With regard to the \$100 million available under the Small Water Systems Act, is it accurate to say that this applies to only water systems as opposed to sewage system improvements?

Mr. S. SMITH. No, Mr. Speaker. And if I could just clarify, the fact that that money, the previous question, that is something that is under the discretion of the Budget Secretary alone as to when that debt would be issued, which may also speak to some previous questions as to why we would put a timeline in here as to when that indebtedness would be incurred, to get the money in play.

Mr. REICHLEY. Okay. But to follow up on the last question, you said this can apply to both water and sewer systems?

Mr. S. SMITH. Correct, Mr. Speaker; both types of systems.

Mr. REICHLEY. And who has the discretion to apportion the money between the water and the sewer?

Mr. S. SMITH. The PENNVEST Board would make that determination, Mr. Speaker.

Mr. REICHLEY. I have been informed that the water systems identified under the Small Water Systems

Assistance Act applies to those systems who are serving 3,000 or fewer customers. Is that accurate?

Mr. S. SMITH. Yes.

Mr. REICHLEY. So that a water system which would apply to PENNVEST for the financial assistance but which serves 5,000 customers would not be eligible for funding under this program?

Mr. S. SMITH. Mr. Speaker, you are referencing what PENNVEST would historically have been distributing money under, in terms of the size of the community, the 3,000 limit. The new money that we are proposing to distribute through PENNVEST would not be subject to that particular criteria. It would be subject to four separate and somewhat new criteria that are itemized in the bill, that deal with the repair, rehabilitation, or modernizing of existing systems or the construction of new water and wastewater systems to meet environmental and public health standards. It would also deal with eliminating existing combined or sanitary wastewater overflow problems. The third would be "CONSTRUCT WATER OR WASTEWATER INFRASTRUCTURE TO IMPROVE PUBLIC HEALTH OR ELIMINATE ENVIRONMENTAL CONCERNS," and the fourth, to "CONSTRUCT WASTEWATER INFRASTRUCTURE UTILIZING NUTRIENT REDUCTION TECHNOLOGY." Those are the sole four criteria that this money that would be distributed through PENNVEST, those would be the guidelines that the board would be required to live with, not the guidelines that PENNVEST historically has been subject to.

Mr. REICHLEY. Thank you for the very thorough answer.

So therefore, there are no size limitations at all upon customer base for the systems?

Mr. S. SMITH. On the pot of money that is being proposed in this legislation, there are no size limitations relative to number of households or number of customers, if you will.

Mr. REICHLEY. Is that for the \$150 million in total or just for the \$100 million portion of the new debt to be issued?

Mr. S. SMITH. That would be accurate for everything going to PENNVEST.

Mr. REICHLEY. The \$150 million?

Mr. S. SMITH. Correct.

And so that we have the \$100 million from 1992, the \$50 million out of the current \$250 million, those are controlled by PENNVEST and are under the criteria that we just discussed. The \$200 million that would be controlled by CFA, those specific guidelines have not been developed by the CFA Board, as that program has not been fully flushed out under the whole umbrella of the economic stimulus package.

Mr. REICHLEY. All right. Thank you, Mr. Speaker.

May I speak directly on the bill now, Mr. Speaker?

The SPEAKER pro tempore. You may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

I appreciate the clarification of the majority leader. He has answered some of my concerns about it.

In reference to the 134th District, which is composed of both heavily rural areas in Berks County and suburbanized areas in Lehigh County, we just had a very devastating consequence of the flooding in September, particularly in Lower Macungie Township. Primarily to blame, it was felt, was the abundance of development not only within the township but to the west of it, which has caused increased storm water runoff into the existing water bodies. So I am concerned about the capacity of the \$200 million portion of this legislation which would fund water

and sewer construction as economic development projects, which includes, based upon other statements, new residential construction.

I also have another area, Upper Milford Township, which is going to need substantial assistance from PENNVEST, and I am frankly concerned if they are going to be available to get that money within this 1-year timeframe that the speaker has already identified as being available to these smaller communities.

So for that reason I am also asking for the members to nonconcur, to send this back to a conference committee and get a better product to come out.

Thank you, Mr. Speaker.

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, if you go to page 10 of SB 1102, it gives you the allocation of the bond, and it is, "\$200,000,000 SHALL BE USED BY THE DEPARTMENT TO FUND GRANTS AND LOANS IN ACCORDANCE WITH THIS CHAPTER." And when you further try to figure out what can be used under the \$200 million, it clearly states that it has to be involved and related to economic development.

The other allocation is a \$50 million part of it, and it says, "...SHALL BE USED BY THE PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY TO FINANCE PROJECTS OF EXISTING WATER AND WASTEWATER SYSTEMS, WHICH WHEN COMPLETE, DO...THE FOLLOWING:...REPAIR, REHABILITATE OR MODERNIZE EXISTING...SYSTEMS...;...ELIMINATE EXISTING COMBINED OR SANITARY..." systems, so forth and so on. Clearly, this SB 1102 only allows \$50 million of the total \$250 million to existing infrastructure systems.

In June, Mr. Speaker, of this year, the Environmental Resources and Energy Committee considered an amended HB 2690, Representative Weber's bill, and we passed it in this House 196 to 0. We amended this bill to include existing permits to the system to be eligible for this funding. The committee recognized the importance of addressing the needs of our aging infrastructure. We also had an informational meeting, and we learned from our municipalities out there the troubles that they are having and the amount of debt that they are going to incur, which will eventually get back to your constituents and your taxpayers to incur this debt.

I agree with many of the previous speakers about what we thought this money was going to be used for. Working the polls back in the spring, we were telling our local commissioners, our local municipal township managers, that this \$250 million would be used throughout the State for both new and old existing infrastructure. This Senate bill clearly allocates \$200 million to new, with an economic development aspect to it. When we talked with the administration, how can we define economic development, it has something to do with making new jobs. I understand that. But economic development also has to do with saving jobs and saving old infrastructure throughout the State.

So I urge my colleagues to nonconcur on SB 1102 and put it back to what the people of Pennsylvania thought they were voting on.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I have listened to every individual, and I recognize that each and every one of us has feelings about any legislation, and I would like to maybe say to you that this can be very confusing. Now, someone said that this is a turkey. I do not know. It could be a cliché where we have our cake and still cannot eat it.

Now, when we talk about PENNVEST, Mr. Speaker, I am honored that the leaders of the Democratic Party here in Harrisburg have appointed me, whoever that leader was, from the inception of that PENNVEST charter, and I have been continually a member, at this time with our good friend, the lady, Mrs. Rubley, and before that, Mr. Speaker, I was a member of the water loan board, and I remember going to Philadelphia and putting money in Pier 37. We could not really get rid of the money.

Now, what has happened over the years and all of us know that there continues to be a situation that confronts us where those of us that stand here and voice our opinions certainly do attempt to do that in order to favor our districts. The truth is that I am hesitant to say what I want to say about this in that I do not want to make anybody mad over on the other side or my side, but when this bill first came through, I introduced two amendments, and those two amendments had PENNVEST funding, and they fell by four votes. I am not going to say they were Republicans or Democrats. Those who voted against it know. And now, at this thirteenth hour, we are faced with a huge dilemma of whether because of a personal feeling or what we consider, such as PENNVEST and the fact they meet quarterly, or we have now a new composition where every caucus appoints a member along with the Governor's member, and will that be more expedient, and in fact, will it do and be able to work with PENNVEST under the theory that you cannot bring in business unless you have infrastructure?

Now, when some people say, well, this will favor new areas, the truth of the matter is that it is up to you, the legislature and the legislators of each individual caucus, to make sure that that individual and your leaders are telling that caucus that has been appointed by our legislation and the individual caucus leaders and the Governor if this is what you want and this is what you need. I know what happened with the flood. I know; I come from an area where infrastructure is so important, and I come from an area, Mr. Speaker, where jobs are so important, and I come from an area where we believe that water is the most important resource. But water not only helps us build our communities; the fact remains, some of our communities have digressed, and they have digressed to the point that without a commission or a panel to help us to start up a community that is dying, and as somebody said, this is going to be a new community. That is up to you where these dollars go, because you have someone representing your caucus, appointed by your leader, that should be responsive to your request and to your area and where you want some of that \$200 million to go.

I know where PENNVEST money is going, and I see problems with PENNVEST. For example, I love it and will hope as long as I am here as a member I serve that board, but I was telling my leader a while ago, a little community with 42 homes, that their well water has been extinguished, gone, and they wanted a community supply, and the only way that we

could find out whether they could afford this community supply with so many elderly citizens under the 40 people and so many people out of work, and 2 people who lived in the town, one was a doctor and one was an attorney, and when they took the average of the earnings, they had too much income to be able to get a loan from PENNVEST or anybody else that they could afford.

I mean, we are talking two ways. Please do not throw out the baby with the wash water today. Please do not do this. We will be in session until the end of time, somebody like us. There are many pieces of legislation that can be remediated. If we cut this bill off at the pass and send it over, will it come back? Oh, there are some who say, I think a very good friend of mine said, well, you know what; we can wait a year. If your area can wait a year, then, unfortunately, they might have to wait 10 years because some areas cannot wait another year. Some areas are just in very bad shape. Some areas need the business community and the local community to understand we need each other, and we cannot do that unless we in the legislature do the right thing by the regular legislation that allows the appointments of people that are going to serve you.

Nobody could ever, ever, in my opinion, no department or entity could take the place of PENNVEST, and I said to PENNVEST a couple of months ago, "Is this what you want?" "Well, we don't mind." I said, "Will this hurt you?" "Well, no, no." Well, the truth is, if the Federal government for some reason reduces the amount of money that we use, whether it is for PENNVEST or whatever, it is going to be up to us to be able to raise the money, and if you do not raise the money, you are not going to get the program.

So right now the people in Pennsylvania said through a bond-issue vote on a referendum they trust you to do the right thing, and if what we do is not completely right, we can come back and revisit it, because we will eventually do the right thing.

I would urge that we would support this bill.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the majority leader, Mr. Smith.

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

I certainly appreciate the support and comments of the prior speaker, and I wanted to draw a little on top of that. There were speakers earlier in the afternoon that made reference to the legislation, SB 1102, when it left this House unanimously, I believe it was PN 1787, and the suggestion was made that that legislation was better than what we have before us, and I wanted to point out to the members a couple of things that are different between the bill when it left here unanimously and the bill that we are debating before us.

Number one and most importantly, when the bill left here, it dealt only with the \$250 million bond issue that was passed last spring, so if part of the argument here is that that was a better bill, you are basically arguing that the issuance of the \$250 million and getting it into play is better than \$350 million when we utilize the \$100 million from 1992. That would be part of your argument, and I would have to disagree. This legislation essentially adds another \$100 million into the stream of money that will be used to deal with wastewater and sewer-type projects across Pennsylvania.

Secondly, in the bill as it was passed out of this House unanimously, there were some concerns relative to the criteria, the criteria that I described, that I read to you earlier, that PENNVEST will use regarding repair and rehabilitation;

that deals with the nutrient reduction technology, if that is a necessary component to address some communities' needs; to deal with public health standards, meeting public health standards; to deal with existing combined or sanitary waste overloads. Those criteria – there were actually more criteria – but there were concerns with those. What has been incorporated into this legislation is a more comprehensive yet reduced number of criteria for the PENNVEST money.

Finally, Mr. Speaker, the only other difference that I guess is debatable – but in light of the fact that there is an extra \$100 million incorporated into it, I think it is somewhat mitigated – is the fact that in the legislation that we sent over unanimously earlier this year, all \$250 million would have been controlled by the CFA. Now, some have said that they do not like the CFA controlling the money, but that bill we sent over earlier was a good bill, was a better bill than we have before us. Yet if it was good enough back then but now the CFA should not be controlling it, why did it pass unanimously? Somehow we thought that the CFA was the right place to control all \$250 million before. The compromise in this legislation is that \$200 million will be controlled by the CFA and \$50 million of that will go to PENNVEST. So I am perplexed, Mr. Speaker, as to why this legislation is worse.

I do recognize, Mr. Speaker, I do recognize the concerns that members have as to whether or not they are voting to distribute this money in a way that will be beneficial to each of our respective districts, because almost everyone here has needs in this arena, but to say that this bill as it is before us, Mr. Speaker, is worse or not as effective as the bill that we passed unanimously earlier this year, I do not understand it. I do not understand it. There is an extra \$100 million. The CFA had it all, \$250 million, before, but the CFA is not good enough now; it is not the right agency to do it.

Mr. Speaker, I just urge the members to reconsider what we are comparing between what we passed unanimously several months ago and what we have before us, and while I accept that there may still be concerns, I think what we have here is a much better bill for all of Pennsylvania, and I simply, Mr. Speaker, would ask the members to reconsider what their logic is and that we should pass this bill, we should concur in this bill.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and is delighted to recognize the gentleman, Mr. Veon.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I was wondering if the majority leader would consent to going over this bill temporarily and would like to make that inquiry to the majority leader at the moment.

The SPEAKER pro tempore. The majority leader is recognized.

Mr. S. SMITH. Mr. Speaker, we have spent a lot of time on this, and I would like to— Obviously, it is something important, that we need to deal with this today, and I do appreciate the concerns, and I guess I have no choice but to do this. I appreciate it, and I think we will probably be caucusing pretty soon anyway as we take a break.

So yes, we can go over it temporarily. We understand we are going to come back and do it, as long as we agree that we do need to vote this today.

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, no question. We understand that we need to deal with this issue today, but we appreciate the opportunity,

if we could, to go over it temporarily. We recognize that we are going to have some caucuses, and then we will certainly be back here to continue this debate. We would greatly appreciate the opportunity to do that.

Mr. S. SMITH. Thank you, Mr. Speaker.
So be it.

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, the bill is over temporarily.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, for a committee announcement.

Mr. ARGALL. Mr. Speaker, I would like to announce a meeting of the Appropriations Committee at 3:30 in room 245.

The SPEAKER pro tempore. The Chair thanks the gentleman.

There will be an Appropriations Committee meeting at 3:30 in room 245.

ANNOUNCEMENT BY MRS. TAYLOR

The SPEAKER pro tempore. The gentledady, Mrs. Taylor, is recognized.

Mrs. TAYLOR. Thank you, Mr. Speaker.

There will be an informal Republican caucus immediately upon the recess.

The SPEAKER pro tempore. The Chair thanks the gentledady.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be formal and informal discussions in the Democratic caucus room immediately upon the call of the recess.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. This House stands in recess until 3:45; 3:45.

AFTER RECESS

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

THE SPEAKER (JOHN M. PERZEL) PRESIDING

RULES COMMITTEE MEETING

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 447, PN 4798**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 1209, PN 1997**.

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 447, PN 4798

By Rep. S. SMITH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for certain immunity for persons who donate vehicles and equipment to volunteer fire companies and for sentences for certain drug offenses committed with firearms.

RULES.

HB 623, PN 4800 (Amended)

By Rep. S. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

RULES.

HB 2105, PN 4801 (Amended)

By Rep. S. SMITH

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, adding definitions; further defining "public venue"; further providing for general powers of the Pennsylvania Liquor Control Board, for when sales may be made by Pennsylvania Liquor Stores, for continuing care retirement community retail licenses, for repackaging by manufacturers, for renewal of licenses, for privately owned golf courses located in more than one county; providing for a point system for certain licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries; and providing for distilleries.

RULES.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 2749, PN 4795

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.

SB 79, PN 1978

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, expanding the scope of the act; further providing for definitions; providing for establishment of the Print Media Access System Program; further providing for establishment of dual party relay service; and making editorial changes.

SB 133, PN 1982

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for jurisdiction and venue, for chemical testing to determine amount of alcohol or controlled substance, for Accelerated Rehabilitative Disposition, for grading, for penalties, for prior offenses, for illegally operating a motor vehicle not equipped with ignition interlock, for mandatory sentencing and for rights and liabilities of minors.

SB 304, PN 1983

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for payments to family and funeral directors, for allowable family exemption and for classification and order or payment of claims against the estate of a decedent.

SB 356, PN 1980

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

SB 432, PN 1901

An Act amending the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, further providing for the Wireless E-911 Emergency Services Fund.

SB 492, PN 1653

An Act amending Titles 18 (Crimes and Offenses) and 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for the offenses of neglect of care-dependent person and for living wills and health care powers of attorney; further providing for implementation of out-of-hospital nonresuscitation; and making conforming amendments.

SB 673, PN 1902

An Act amending the act of June 26, 1992 (P.L.322, No.64), known as the Agriculture Education Loan Forgiveness Act, amending the title; and further providing for definitions, for the Agriculture Education Loan Forgiveness Program and for funding.

SB 798, PN 1923

An Act establishing the Capitol Centennial Commission; providing for the commission's powers and duties; imposing a penalty; and providing for funding.

SB 844, PN 1975

An Act providing for the highway capital budget project itemization for the fiscal year 2003-2004 and for the additional capital budget transportation assistance project itemization for the fiscal year 2003-2004; providing for limited waiver of local requirements; further providing for the location of a crime laboratory facility; and making a repeal.

SB 927, PN 1323

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for the governing board of a third class county convention center authority.

SB 931, PN 1950

An Act amending the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, extending the Postsecondary Educational Gratuity Program to certain children of sheriffs and deputy sheriffs; and further providing for National Guard eligibility.

SB 938, PN 1984

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "multipurpose agricultural vehicle" and "special mobile equipment"; further providing for accidents involving death or personal injury while not properly licensed, for reports by police, for ignition interlock, for width of certain vehicles and for length of vehicles; and adding a road in Wilkes-Barre Township to the State Highway System.

SB 1096, PN 1970

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for use of surplus notes, for lending of securities, repurchase agreements and reverse repurchase agreements, for nonforfeiture law for individual deferred annuities and for eligible investments; deleting provisions relating to loans to companies; further defining "long-term care insurance" and "prepaid home health or personal care service policy"; providing for exempt prepaid home health or personal care service policies; and further providing for disclosure and performance standards for long-term care insurance.

SB 1167, PN 1955

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, defining "less expensive"; and further providing for generic drugs and for amount of rebate for certain prescription drugs.

Whereupon, the Speaker, in the presence of the House, signed the same.

HOUSE BILLS INTRODUCED AND REFERRED

No. 3011 By Representative DALLY

An Act amending the act of July 5, 2004 (P.L.654, No.72), known as the Homeowner Tax Relief Act, further providing for public referendum requirements for increasing certain taxes.

Referred to Committee on FINANCE, November 20, 2004.

No. 3012 By Representatives HUTCHINSON, McILHATTAN, METCALFE and BENNINGHOFF

An Act restricting the ability of the General Assembly to convene as a body for voting purposes from October 31 through November 30 in even-numbered years.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, November 20, 2004.

SENATE BILLS FOR CONCURRENCE

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

SB 669, PN 1904

Referred to Committee on JUDICIARY, November 20, 2004.

SB 703, PN 1949

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, November 20, 2004.

SUPPLEMENTAL CALENDAR D

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 1113, PN 4796**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for remittance of taxes as compensation for municipal services provided by a city of the second class; and directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

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

The SPEAKER. It is moved by the gentelady, Ms. Weber, that the House do concur in the amendments inserted by the Senate.

On that question, the gentleman, Mr. Samuelson, or Mr. Vitali will be recognized.

The gentleman, Mr. Vitali.

Mr. VITALI. Could we just have a brief explanation of this one?

The SPEAKER. Ms. Weber, the gentleman, Mr. Vitali, requests a brief explanation.

Ms. WEBER. Yes, Mr. Speaker.

On HB 1113 the Senate amendments essentially deal with amendments made in the Senate Appropriations Committee specifically relating to the taxing power of elected board of public education of school districts of the first class A. Specifically, it added a subsection to remove the authority of the Pittsburgh School District to levy the mercantile license tax, and it changes the distribution of the earned income tax currently levied at 3 percent.

Additionally, this bill permits students who are asthma-inhaler-dependent to carry their asthma inhalers on them. More specifically, it permits school districts to establish a policy so that children who are asthma-inhaler-dependent can demonstrate their ability to use the inhaler and would be permitted to carry the inhaler on their person, in their backpack, what have you, so that they do not have to get it from the school nurse or nurse practitioner.

Mr. VITALI. Thank you, Mr. Speaker.

That concludes my interrogation.

The SPEAKER. The Chair thanks the gentleman.

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

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

The following roll call was recorded:

YEAS—193

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

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

NAYS—3

Nickol	Vance	Wheatley
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NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1954, PN 4797**, 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; and providing for specific powers.

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

The SPEAKER. It is moved by the gentleman, Mr. Cruz, that the House do concur in the amendments inserted by the Senate.

Are you up or down, Mr. Vitali? Just let us know.

Mr. VITALI. I am up, Mr. Speaker.

The SPEAKER. Okay.

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

Mr. VITALI. I am wondering if the gentleman from Philadelphia could outline this bill.

The SPEAKER. The gentleman, Mr. Cruz, is recognized.

The gentleman, Mr. Vitali, is asking for a brief explanation.

Mr. CRUZ. Thank you, Mr. Speaker.

With all due respect, this was explained in the caucus, so I do not know where he is confused. But anyway – it is what it is – the only addition from the Senate is that the increase will be \$400 annually and no more at this present time, if I am correct.

Mr. VITALI. Okay. Let us begin.

Now, I see in the pre-session report—

The SPEAKER. Is the gentleman— I am sorry. Is the gentleman interrogating?

Mr. VITALI. I thought I was up for interrogation.

The SPEAKER. The gentleman is in order.

Mr. VITALI. Okay.

I see something was raised from \$300 to \$2,300. That was in the pre-session report. Could the gentleman explain that?

Mr. CRUZ. The maximum – that was not the Senate change – but the maximum that was changed was from \$300 to \$2,300, and they raised it \$400 annually, that it will not pass \$2,000, but you will only pay \$400 a year, annually, no more.

Mr. VITALI. Now, these are fines, forfeitures, and penalties we are talking about?

Mr. CRUZ. Yes.

Mr. VITALI. For what infractions?

Mr. CRUZ. Any city violations.

The SPEAKER. Mr. Vitali, the interrogation is limited to the Senate amendments.

Mr. VITALI. Okay. Well, let me just limit that to the infractions covered in the Senate amendments then.

Mr. CRUZ. The Senate just put the qualifier that it will not raise any more than just \$400 annually, and that is all I can add.

Mr. VITALI. I am sorry. I was just distracted. Go ahead.

Mr. CRUZ. So was I.

It comes from the Senate, and they put a restriction where they are going to raise the fine, and \$400 is all you are going to pay. That is what I am trying to tell you. They are not going to raise it any more. You do not pay any more than \$400.

Mr. VITALI. Okay. Thank you.

Mr. CRUZ. But it can, but then again, it can, under this bill, it can go up to \$2,000, but hopefully it will not; it will just go up \$400.

Mr. VITALI. Okay. Thank you.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causler	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2029, PN 4639**, entitled:

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

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

The SPEAKER. It is moved by the gentleman, Mr. Cruz, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 92, PN 1995**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two-year limitation; providing for

limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting.

On the question,

Will the House concur in Senate amendments to House amendments?

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

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

Mr. VITALI. Thank you, Mr. Speaker.

Will the maker of the bill stand for brief interrogation?

The SPEAKER. As I am sure Mr. Vitali knows, it is a Senate bill. The majority leader is going to attempt to do that for you.

The gentleman, Mr. Gabig, indicates that he will give an explanation of the bill or the Senate amendments that were added to the bill.

Mr. GABIG. Thank you, Mr. Speaker.

SB 92, the amendments to it relate to Megan's Law, asbestos-related claims, deficiency judgments, and the definition of "primary jurisdiction." It removed amendments relating to landlord-tenant. I have been informed that these were all items that we have dealt with in different ways, different bills and amendments, in the past through the Judiciary Committee, Mr. Speaker.

Mr. VITALI. Thank you, Mr. Speaker.

May I continue with my interrogation?

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

Mr. VITALI. Mr. Speaker, it is my understanding that this bill involves the controversial Crown Cork & Seal case where this body passed controversial legislation limiting the liability of a Pennsylvania company to certain asbestos claims, and I believe the court later overturned that legislation. Could you discuss specifically what is in this bill as it relates to the Crown Cork & Seal case?

Mr. GABIG. Yes, Mr. Speaker.

I have been informed by the Judiciary staff that I think what Mr. Vitali said, that our statute was overturned, I think that they said that our statute did not apply to the particular case that came before it because the case in controversy had occurred prior to the passage of our statute. So our statute was not overturned. It just was not applied to the particular case that the gentleman referred to, Mr. Speaker.

Mr. VITALI. Okay.

Now, again, this was a technical case, and I was not an expert at it even then, but if you could bear with me. I understand that what we attempted to do in the past by our litigation was to somehow insulate asbestos claimants; rather, somehow limit the ability to sue by asbestos claimants against Crown Cork & Seal. Could you explain how this bill might affect asbestos claimants.

Mr. GABIG. Mr. Speaker, just to make sure the members are aware, if I might have misspoken earlier, this does not have to do with Crown Cork & Seal. This was a separate matter that we

passed regarding a statute of limitations, a 2-year statute of limitations, and so this is not the big controversial thing that I think we did a couple of years ago.

Mr. VITALI. Mr. Speaker, that concludes my interrogation. If I may make a motion, but I have no further questions at this point. My hope is that someone else may pursue this line of questioning.

The SPEAKER. Are you done, Mr. Vitali? Okay. Thank you.

The Chair recognizes the gentleman from Luzerne, Mr. Eachus. The Chair thanks the gentleman for waiving off.

The gentleman from Northampton, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I would also like to interrogate Mr. Gabig.

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

Mr. SAMUELSON. I just wanted to ask if you would take some time to discuss the landlord-tenant provisions of this bill. I think it is important that we have this discussion. We have an excellent staff summary of the legislation every day. This is a—

Mr. GABIG. I think that was removed, Mr. Speaker, as I understand it. That landlord-tenant language was removed in the Senate amendments, if that helps the interrogator.

Mr. SAMUELSON. I appreciate that. I was responding to the summary that was provided earlier, and I just wanted to make sure, because we had a very intense discussion in this House a few months ago over changes to the landlord-tenant law, and I wanted to make sure that that was not put in there. Okay.

I think the reason that we ask these questions on the floor of the House at this hour is important, and you can really see it from the staff summary that we got. They do an excellent job. As of this morning, it says this is a 59-page bill and no staff analysis is available as of 10:30 this morning. Now there is a staff analysis, but we voted on this bill in July, the Senate made some changes last night, and it is important for us to know exactly what the Senate did last night, less than 24 hours ago.

Thank you.

The SPEAKER. Does the gentleman have a statement or a question? Is there a question? I am sorry. Maybe I missed it.

Mr. SAMUELSON. When Representative Vitali asked a question a few minutes ago, an earlier speaker questioned, almost questioned his ability to ask that inquiry. I think it is important that we review the legislation, especially when the Senate makes some changes, and we want to make sure — that is why we are asking these questions — we want to make sure what the Senate has done less than 24 hours ago, especially when this House has worked on these bills for months.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

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

Mr. STEIL. Thank you, Mr. Speaker.

I want to encourage all of the members to support SB 92 and particularly for the Megan's Law provisions that were included.

You may recall last June we had supporters of Megan's Law revisions, including Maureen Kanka, the mother of Megan Kanka, here, and she pleaded with us for revisions to our law that would allow the identification of sexually violent predators and sex offenders so that parents, teachers, and community leaders could identify these individuals. At that time Pennsylvania had a long list of just 27 offenders on their

sexually violent predator list. We needed to find a way to include all of the categories of offenders that States like New Jersey and Connecticut and others who have set the pace were including and allowing parents to be aware of.

The amendments that have been included by the Senate make that available in Pennsylvania so that all parents can be familiar with and aware of sex offenders in their communities who pose a threat to their children. They can do this through an Internet access and through the constant maintenance of the site by the State Police.

Therefore, I ask for support of this legislation that is a meaningful change in our Megan's Law provisions and brings us into compliance with what other States are doing and ensures that we provide the same protections to our parents that other States do.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS SUBMITTED FOR THE RECORD

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

Mr. KENNEY. Thank you, Mr. Speaker.

I would like to submit remarks for the record in support of SB 92, PN 1995.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Thank you, Mr. Speaker.

Mr. Speaker, the legislation we are considering is necessary to conform previously enacted legislation with a recent ruling of the Pennsylvania Supreme Court.

Mr. Speaker, on December 17, 2001, legislation was adopted by overwhelming majorities in both houses of the Pennsylvania legislature that limited the asbestos-related liabilities that a Pennsylvania corporation would be exposed to because it was the successor in a merger with another corporation that had once been subject to asbestos liabilities. That law limited the cumulative liabilities of the successor to the inflation-adjusted fair market value of the assets of the merged company from which the asbestos-related liabilities were inherited.

Mr. Speaker, recently, on February 20, 2004, the Pennsylvania Supreme Court ruled in *Ieropoli v. Crown Cork & Seal* that, under the Pennsylvania Constitution, the successor liability statute could not retroactively extinguish asbestos-related claims that had "accrued" before the new law was enacted last December. Under Pennsylvania court rulings, a cause of action accrues when the statute of limitations begins to run; the statute of limitations for an asbestos claim begins to run when the person first knows or should know that he or she has an injury caused by asbestos exposure.

Upon enactment, Mr. Speaker, the proposed legislation will conform the effect of the December 17, 2001, successor liability statute to the Pennsylvania Supreme Court decision in *Ieropoli* by providing that the limitations on liability in the 2001 law apply only to asbestos-related claims with respect to which the statute of limitations began to run after the law was enacted, i.e., to claims that had not accrued by December 17, 2001.

Mr. Speaker, upon enactment, this legislation will clarify Pennsylvania law for the benefit of all, and I urge my colleagues for a vote in support of the bill.

Thank you, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

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

Mr. VITALI. Thank you, Mr. Speaker.

I rise for the purpose of making a motion.

Mr. Speaker, I move that this bill be unconstitutional because it violates Article III, section 3, of Pennsylvania's Constitution, which prohibits legislation from considering more than one subject matter, and in this case it would be the diverse subject matters of Megan's Law and, on the other hand, the highly technical civil asbestos liability litigation.

I so move and would like to speak on that.

The SPEAKER. The gentleman, Mr. Vitali, raises the point of order that SB 92, PN 1995, is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of a bill to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the bill?

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

Mr. VITALI. Thank you, Mr. Speaker.

As mentioned, that section of Pennsylvania's Constitution, Article III, section 3, prohibits different subject matters from being considered in the same legislation. I can think of no more egregious example than this particular bill, and despite what the previous speaker, in defending the bill, says, this does affect Crown Cork & Seal litigants, at least it is the opinion of a State Senator from Philadelphia in a recent press release when he talked about Crown Cork & Seal in this legislation.

Voting on that issue and also having at the same time the diverse issue of Megan's Law, the highly charged criminal law, which very few of us would want to be put in a position to vote against, is really totally improper and I believe the exact type thing the makers of our Constitution had in mind with this particular section. Regardless of how you feel about this bill, I think we need to make a statement that we should not in the same bill be forced to vote on such diverse issues; issues that we might hold very different opinions on, both for or against.

Therefore, I would ask for a, I believe it is a "no" vote, Mr. Speaker, on constitutionality.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Lycoming, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, this legislation is constitutional and does not violate the article to which the gentleman referred. Very simply, it relates to the same subject, all the provisions of the bill relate to the same subject, of the Judicial Code. It cites two different titles because one title provides penalties for violation of the other title. So it does not violate the same subject matter, and it is constitutional, Mr. Speaker.

The SPEAKER. Those voting "aye" will vote to declare the bill to be constitutional; those voting "no" will be voting to declare that the bill is unconstitutional.

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

YEAS—169

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

NAYS—27

Belardi	Grucela	Ruffing	Veon
Biancucci	Hanna	Scrimenti	Vitali
Cohen	Josephs	Solobay	Walko
Curry	Leach	Staback	Wansacz
DeWeese	Mundy	Sturla	Wheatley
Freeman	Roebuck	Surra	Williams
Goodman	Rooney	Tigue	

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—195

Adolph	Evans, J.	Lewis	Samuelson
Allen	Fabrizio	Mackereth	Santoni
Argall	Fairchild	Maher	Sather
Armstrong	Feese	Maitland	Saylor
Baker	Fichter	Major	Scavello
Baldwin	Fleagle	Manderino	Schroder
Bard	Flick	Mann	Scrimenti
Barrar	Forcier	Markosek	Semmel
Bastian	Frankel	Marsico	Shaner
Belardi	Freeman	McCall	Smith, B.
Belfanti	Gabig	McGeehan	Smith, S. H.
Benninghoff	Gannon	McGill	Solobay
Biancucci	Geist	McIlhattan	Staback
Birmelin	George	McIlhinney	Stairs
Bishop	Gergely	McNaughton	Steil
Blaum	Gillespie	Melio	Stern
Boyd	Gingrich	Metcalfe	Stetler
Browne	Good	Micozzie	Stevenson, R.
Bunt	Goodman	Millard	Stevenson, T.
Butkovitz	Grucela	Miller, R.	Sturla
Buxton	Gruitza	Miller, S.	Surra
Caltagirone	Habay	Mundy	Tangretti
Cappelli	Haluska	Mustio	Taylor, E. Z.
Casorio	Hanna	Myers	Taylor, J.
Causer	Harhai	Nickol	Thomas
Cawley	Harhart	O'Brien	Tigue
Civera	Harper	Oliver	Travaglio
Clymer	Harris	O'Neill	True
Cohen	Hasay	Pallone	Turzai
Coleman	Hennessey	Payne	Vance
Cornell, S. E.	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	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	Roebuck	Yewcic
DeWeese	LaGrotta	Rohrer	Youngblood
DiGirolo	Leach	Rooney	Yudichak
Diven	Lederer	Ross	Zug
Donatucci	Leh	Rubley	
Eachus	Lescovitz	Ruffing	Perzel,
Egolf	Levdansky	Sainato	Speaker
Evans, D.			

NAYS—1

Veon

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILL REREPORTED FROM COMMITTEE

SB 1030, PN 1973

By Rep. ARGALL

An Act providing for the sale of electric energy generated from renewable and environmentally beneficial sources, for the acquisition of electric energy generated from renewable and environmentally beneficial sources by electric distribution and supply companies and for the powers and duties of the Pennsylvania Public Utility Commission.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR E

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1030, PN 1973**, entitled:

An Act providing for the sale of electric energy generated from renewable and environmentally beneficial sources, for the acquisition of electric energy generated from renewable and environmentally beneficial sources by electric distribution and supply companies and for the powers and duties of the Pennsylvania Public Utility Commission.

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

The SPEAKER. It is the information of the Chair that all the amendments have been withdrawn. Please make yourself known if that is not the case.

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, Mr. Reichley.
Mr. REICHLEY. Thank you, Mr. Speaker.

It is accurate, Mr. Speaker, that yesterday and I think the day before that a number of amendments had been filed out of concerns about the effect of this legislation upon the business community and on the environmental standards set forth within the legislation. Over the last day or two, in consultation with many members and leadership, the business community has consistently stated its support for the concept of the development of renewable energy, but unfortunately, with the crush of legislation that is before us, we have decided to withdraw the amendments that had been filed to allow the chamber to proceed with this legislation.

I believe that this legislation will harm industrial consumers. It is not as environmentally advantageous to the State as would be preferable. Industrial consumers will bear the brunt of the

cost of this new technology in the initial phase, and we would have preferred to have a more well-conceived and deliberative process to allow the industrial consumers, the large businesses here in Pennsylvania, to contribute to this conversation on the ultimate outcome of this legislation.

I believe that this will harm business. It will cost jobs. It will raise business costs here in Pennsylvania and is exactly contrary to our intentions to create a favorable business climate in Pennsylvania, and for that reason, although I do respect to a great degree the work of Representative Ross, I am asking the members to vote "no" on this legislation.

Thank you.

The SPEAKER. Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I wonder why we would be so concerned over a matter that could possibly create thousands of jobs in Pennsylvania. Why is it that we would hesitate to be supportive of a measure, Mr. Speaker, where we could save for many years the useful need of a mineral resource that could be quickly utilized and used up. Mr. Speaker, Pennsylvania, as well as many other States, has been harmed and put to the test because of this dependency on foreign products such as oil, et cetera.

Mr. Speaker, what this bill does differs from when we sent it over to the other body. It increased the amount on Tier I of the possibility and the most forthright and proper manner to utilize waste coal. Mr. Speaker, since 1998 in Pennsylvania, we have utilized over 18 million tons of used coal. Waiting for us to utilize our knowledge, our perception, and our ability to help, there are more than 360 million tons of waste coal, waste coal that is sitting in various spots, polluting our streams, degrading our land, putting us in the position where we spend millions of dollars for land usage and preservation, Mr. Speaker.

There is an old saying, Mr. Speaker, that talk is cheap but that it takes money to buy whiskey. Mr. Speaker, this is a bill that will do the job, that will do the job that you and all of our colleagues need. This is a place where we will create thousands of construction jobs, Mr. Speaker, while we are at the task of replacing some of these worn-out utilities. I was in complete support of the gentleman, Mr. Ross's legislation, and I recognize that this differs, but I am hopeful he and my colleagues across the aisle, especially our chairmen, will understand that this is an opportunity, not a political opportunity but a literal, responsible opportunity for us to go forward, for us to do the things that you and I talk about when we are engaged in talking to our constituents and attempting to make them believe that we want to help them. But you do want to help them, and you can do that, Mr. Speaker and all of our colleagues, if we vote "yes" on this legislation.

Thank you very much.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Ms. Mundy, from Luzerne County.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in strong support of SB 1030, despite the fact that I share some of the concerns that have already been expressed about the large industrial energy users. But I have spoken with Secretary McGinty, and she assures me that we will work

together to make sure that large industrial users, who provide some of the best jobs in Pennsylvania, are not put at a disadvantage and are able to continue to make a profit and to employ the people of our communities while at the same time embarking on a wonderful initiative that we should have been doing for 20 years now. Had we been doing this at the Federal level for the last half a century, maybe we would not be at war in Iraq right now.

This is a tremendous opportunity that Pennsylvania is embarking on. We are committed to working with our large industry and our small business to make sure that there are no adverse impacts on them. Let us all support this and send it to the Governor for his signature.

Thank you, Mr. Speaker.

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

Mr. BOYD. Thank you, Mr. Speaker.

I was wondering if the sponsor would stand for brief interrogation.

The SPEAKER pro tempore. Mr. Boyd, this is a Senate bill, but Mr. Ross has acceded.

Mr. BOYD. Thank you; thank you. My apologies.

We have had quite a bit of correspondence from the business community on the potential impact on energy rates. I was wondering if you could talk about what the direct impact and then the outlying impact of this type of legislation would be on the costs of energy.

Mr. ROSS. Thank you, Mr. Speaker.

The subject of cost is something that I was very concerned about from the beginning of the time that I have actually been working on my legislation and also working cooperatively with Senator Erickson. I feel it is critically important that we not put extra costs on the ratepayers, whether they be residential ratepayers or industrial ratepayers. So in order to make sure that that happened, we tried to take the best information we had from the 17 other States that have actually implemented renewable portfolio standards, and one of the pieces of information that was critical was that in the near term, if you load up a fairly substantial amount of requirements to meet renewable standards, that can really drive prices up. And I think some members of the business community might have been worried about that possibility, but I want to assure them that in fact what we have done through this legislation is delayed the early implementation of standards, stretched those out so that we have a softer startup, and have given the people that can bring renewable portfolio standards and renewable sources into the marketplace lots of time to do that in the most cost-efficient way possible. And so we are actually protecting everybody while the rate caps continue to operate so that there is, until 2009 or 2010 in many cases, no actual, immediate standard, but there is a target number that is constantly creeping up on them so that they will be encouraged to begin to bring these things on voluntarily, to bank credits, and then when the target numbers finally occur, then they will be in good shape. But we are giving them the time to actually absorb that.

And I would point out that I have been hearing more recently that there are a mix of businesses, some that are still clearly concerned but others that actually have been positively coming forward and are kind of excited about this and actually have come out in support and are encouraging its passage.

Mr. BOYD. Mr. Speaker, are there any vehicles in the bill – let us assume worst-case scenario, because we are projecting out

a number of years, and in fact, we are not certain what the future will hold; we hope for the best, and we hope that this would actually reduce energy rates – but in the worst-case scenario, if energy rates begin to spiral out of control, what vehicle is there out there that our constituents, both residential and industrial, commercial, can get their arms around this? Is there anything in the bill that would help us to mitigate future outlying circumstances?

Mr. ROSS. Yes, Mr. Speaker, there is. Actually, we have created a force majeure clause which the PUC will essentially administer, so that if one of the distributing utilities or in fact any private citizen or a corporation feels that the renewables that we fully expect to come on and meet these standards simply are not available, are not being created, or are being created at such an expensive price that they would create substantial hardship on the users here in Pennsylvania, the Public Utility Commission has the ability within the act explicitly to either modify those provisions or to actually recommend to the General Assembly that they believe that we should suspend them. So we have that provision available, and it is clearly stated in the bill.

Mr. BOYD. If I may, Mr. Speaker, one more question.

If in fact we get out there the mechanism to make these reviews through the PUC, but from a legislative standpoint, we can always go back and review these numbers, and if in fact what we see occurring is that the net effect on rates is an increase, we have the ability legislatively to roll back some of these requirements. True?

Mr. ROSS. Yes, Mr. Speaker. If there seems to be a very substantial problem out there, we obviously can intervene on our own. I did create the mechanism also to encourage people to go through the PUC, because clearly, they will have the expertise from frequently reviewing rate cases and things like this to be able to weed out what is a serious problem from one that is maybe a temporary glitch and give us those recommendations. But quite frankly, at any time if we feel that the PUC is not stepping up to the plate in that regard, we can go right past them and deal with the problem directly ourselves.

Mr. BOYD. Thank you, Mr. Speaker.

Just one moment on the bill, if I may?

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

Mr. BOYD. Thank you, Mr. Speaker.

I am very, maybe torn a bit with this bill, and I just want to commend the work that Representative Ross and others have done on this bill. It certainly is a step in the right direction to diversifying the types of energy that we have in the Commonwealth and in the nation, and I commend him for that. I am tremendously concerned what potential this has on the future utility rates, and it is something while we believe and we can project, I have a lot of concern that this piece of legislation may in fact have a net rate increase.

But with that said, I appreciate the author or the gentleman's willingness to review this in the future and to take a good, hard look at these types of things. I may have to reluctantly vote against the bill, but I believe it is a good step in the right direction, and I appreciate the time.

Thank you, Mr. Speaker.

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

Mr. T. STEVENSON. Thank you, Mr. Speaker.

I, too, believe we should encourage alternative forms of energy. Lord knows, we need to increase our supplies of energy in light of the current energy crisis, but this bill needs additional work. I firmly believe this bill will result in the overall increase in higher energy costs, have a disproportionate financial impact on high-volume users, make Pennsylvania businesses less competitive than those that do not have this same standard, and above all, make us a State that is less attractive for manufacturing businesses who are considering a move to move to and for our current manufacturing businesses to continue to expand.

We do have a jobs, a manufacturing jobs, in particular, problem in Pennsylvania. This House has been on that problem with our House Keystone initiative for manufacturing jobs, and we have been working on that diligently. I think we should continue to work on those bills, continue to work on this bill, and possibly make this bill part of that package and run it all next year.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady from Chester County, Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

I stand to support SB 1030. As the current chair of the National Conference of State Legislatures Energy and Electric Utilities Committee, I am very interested in promoting programs that can reduce our dependence on foreign oil and gas and increase our usage of renewable energy.

Contrary to what you have heard, the concept of renewable energy standards in Pennsylvania has been subject to public hearings and countless meetings. We are not venturing into new arenas.

To date, 19 States have some form of renewable portfolio standards, renewable energy mandates, or renewable energy goals. Eleven States have adopted a renewable energy standard, including our neighboring States of New Jersey, Maryland, and New York. Three other States in the PJM power grid are considering RPS, and those include Illinois, Delaware, and the District of Columbia.

I commend Senator Erickson, Representative Chris Ross, Representative Bill Adolph, and Joe Deklinski for their dedication to promoting renewable energy and their willingness to work with the varied constituencies and to incorporate some of the activities unique to Pennsylvania. In my 12 years in office, I have seldom, if ever, seen a bill that is perfect and pleases everyone. SB 1030 is not perfect, and there are groups on both ends of the spectrum that are not in agreement with the compromises that had to be made.

SB 1030 is a good start to encouraging use of and investment in renewable energy. As we have learned in the recent Black & Veatch study, in addition to the environmental benefits of renewable energy, that, quote, "developing reliable, affordable, and clean energy is an investment that also pays tremendous dividends in the local economy," unquote.

We have already seen the wind power industry invest heavily in Pennsylvania. For example, GE Transportation in Erie has begun to produce gearboxes for wind turbines with an estimate that wind energy will generate between \$30 and \$40 million in the year 2005 alone. With the passage of RPS, Pennsylvania has the opportunity to become a major player in its ability to attract new energy companies as well as research and development

facilities that can develop new renewable energy products. Studies have shown that consumers and businesses stand to save money and that we will also see reductions in emissions of carbon dioxide, nitrogen oxide, and sulfur dioxide.

Passage of this renewable portfolio standards bill will reduce our dependence on foreign oil and gas, improve our environmental air emissions, lead to reduced costs, and allow for Pennsylvania to be competitive in attracting new energy-related businesses, which will provide new jobs. I ask for your support for SB 1030.

Thank you very much, Mr. Speaker.

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

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in support of SB 1030.

Mr. Speaker, SB 1030, for my colleagues' information, was passed by the Senate by a vote of 32 to 15. It will require that 18 percent of the electricity sold to customers in Pennsylvania be derived from advanced energy sources within the next 15 years. If this measure is adopted here tonight, Pennsylvania will become the 18th State to sign into law such a requirement. This will enable our Commonwealth to be competitive with the surrounding States that already have advanced energy portfolio standards.

Mr. Speaker, SB 1030 will help diversify Pennsylvania's energy mix, helping us to reduce our dependency on foreign sources of oil. Adopting a portfolio standard such as this will help us to create an economic engine, attracting private investment in manufacturing and construction jobs. According to a study by Black & Veatch, increasing the use of clean energy will also create 3,000 jobs. As waste coal, abandoned for decades in our State, is used, more and more land will be reclaimed, not only improving our natural surroundings but improving our water quality by eliminating sources of acid mine drainage.

Mr. Speaker, I would like to commend Representative Ross, also my Senate colleague, Ted Erickson, from Delaware County, and their staffs on the work that they put into this, and I would also like to thank my cochair, Representative George, for his fine work on this piece of legislation.

Thank you.

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

Ms. BARD. Thank you, Mr. Speaker.

As chair of the Subcommittee on Energy of the House Environmental Resources and Energy Committee, I respectfully encourage a "yes" vote on SB 1030.

The United States has been whipsawed by world energy markets for over 30 years. The warning call that came in the form of the 1970s first OPEC (Organization of Petroleum Exporting Countries) embargo has not been answered. We are more dependent on foreign oil than ever, now importing nearly 60 percent of the economic lifeblood of our well-being.

To make matters even worse, we are also more vulnerable now because we have become dependent on imported supplies of natural gas. The November 15 issue of Barron's and recent articles in Forbes and other business journals delineate a new crisis, a crisis of resource depletion and increased demand. We are competing now with countries like China and other emerging Third World economies.

Despite decades of relatively ineffectual Federal energy policy, State laboratories of democracy have proven that renewable portfolio standards are the most effective way to establish viable energy alternatives, renewable portfolio standards such as we are considering here in SB 1030. Texas, which implemented a renewable portfolio standard under then Governor George Bush, is viewed as the model, with more new wind resources coming online faster than mandated under that law because this is such a good idea to have a renewable portfolio standard.

Consider the potential economic benefits to business, a 5- to 6-cent-per-kilowatt-hour wind energy versus the much higher cost per kilowatt hour of the very high cost of energy generated by natural gas at current prices. Study after study after study has shown that renewable portfolio standards will lead to more jobs in the longer term and economic savings to consumers. It is time for Pennsylvania to join those States that are leading the way in energy policy and to reclaim its rightful place as being the State first in energy.

I ask for concurrence and support of SB 1030.

Thank you very much, Mr. Speaker.

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

Mr. REED. Mr. Speaker, will the gentleman from Chester County stand for brief interrogation?

The SPEAKER pro tempore. The gentleman has agreed to do so, and you may proceed.

Mr. REED. My question is in regard to the Tier II of the renewable portfolio standards where we talk about waste coal. With my district in Indiana County and I know many surrounding districts, we have had a buildup over the last several decades of something we refer to as “bony piles,” which is the waste coal produced by the coal-fired power plants that have been generating electricity throughout our State for a number of years. These waste coal piles have contributed for a number of years to acid mine drainage as well as being rather unsightly to the eye when we look at the landscape of areas like Indiana and Cambria Counties.

Could you please clarify what waste coal would be eligible under Tier II of this bill and whether power plants like the power plant in Seward that just came online by Reliant Energy would qualify under this bill for the RPS standards?

Mr. ROSS. Thank you, Mr. Speaker.

Yes. The Tier II includes specifically the power generation that occurs when waste coal piles are cleaned up, and the waste coal industry right now is very enthusiastically supportive of this legislation because it would enable them to trade the credits associated with the power that they are producing for cash that they desperately need to continue this important environmental work. The Tier II will increase to a total of 10 percent over the 15-year period, which is a substantial number, and I really strongly feel that this will be an important additional element that will help that waste coal industry continue to do their good work and expand in the future.

Mr. REED. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I rise in support of SB 1030 on final passage. One of the key issues for all of us in southwestern Pennsylvania as well as northeastern Pennsylvania is something called waste coal.

The waste coal generation industry makes a significant contribution to Pennsylvania’s economy and environment, and what this bill does, this includes the utilization of waste coal facilities such as cogeneration plants.

There are a lot of benefits to the local economies that by including waste coal it brings to the table on this issue. The 13 waste-coal-fired generating plants in Pennsylvania produce almost 1,000 MW of generating capacity, enough electricity to power roughly 1 million homes; represent a capital improvement of more than \$4 billion to the economy; and have direct annual payrolls totaling well over \$50 million. It was very significant that waste coal was part of the equation.

The benefits to the land. As we all know, if you ride on Interstate 81 and see some of the bony piles that pockmark the land that was part of the robber baron era, we know that needs to be corrected. If you are in Armstrong and Indiana Counties, Fayette or Washington County, Greene County, you know that we have the bony piles, or as we call them, slag dumps, in western Pennsylvania. They are an eyesore. But our fathers that worked in those coal mines and our grandfathers never realized that 45 to 50 percent of that slag is renewable and reusable coal. Four hundred acres of abandoned surface mines in Pennsylvania are reclaimed annually, Mr. Speaker, and 8 million tons of waste coal are removed from Pennsylvania’s landscape each year, and that is very significant. The cogen industry has reclaimed more than 3400 acres of abandoned-mine land since 1990, and it costs this State approximately \$20,000 to clean up just 1 acre – \$20,000 to clean up about 1 acre. Mr. Speaker, the waste coal generating industry has already saved Pennsylvania taxpayers nearly \$68 million.

And do not forget, for those of us that care about water, acid mine drainage problems due to waste coal in 43 of the State’s 67 counties are a significant problem. Cogeneration projects have helped to reduce this by using waste coal piles and returning the beneficial ash to the landscape.

Reduced air emissions. The combustion technology and air pollution control equipment used in burning the waste coal results in very low emissions of nitrogen oxide, NO_x, and sulfur dioxide, SO₂.

I rise in support of SB 1030 because, Mr. Speaker, it has waste coal in it. It is part of the equation, it is significant, and it needs to be cleaned up.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Clearfield County for the second time. You may proceed, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I do not intend to be long, whether it is the second time. I would just like to respond to one of our fine colleagues when it was mentioned that he was concerned that the cost would go up because of the venture of this bill, and I would believe that he or anyone else, if they thought about it, would understand that the cost only spirals when you have captivity, and when you are the only one producing or the only one manufacturing or the only one serving a professional service, then the costs go up. This will do just the opposite. It will not only bring the cost down, it will not only benefit the communities by thousands of people working and paying taxes and buying commodities, and last but not least, it will take care of the ravage that had come about by prelaw environmental efforts.

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

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

And I appreciate all the comments that have come from my colleagues here tonight and the very thoughtful care that they have taken on this issue. I particularly want to thank Chairman Adolph and Chairman George, who have been very helpful in helping me put this legislation and working with the Senate and Senator Erickson to get us to this point, which is really about a year after we first started down considering this legislation.

I also want to thank a number of other groups that have been critical in advising us as we have gone forward and also helping to improve the legislation, and they include the electric power consumers, electric power generators, and electric power distributors, as well as those that are engaged in creating innovative and renewable power. Also, we have gotten substantial assistance from the Public Utility Commission and their staff, the staff of PJM, the Consumer Advocate, and a variety of other environmental groups. In addition, I want to particularly thank Joe Deklinski, who has put an enormous amount of time and care into this legislation and many late hours.

I strongly believe this bill will ensure a healthier, more diverse, and therefore, a more secure and more cost-competitive electric market here in Pennsylvania, and I urge concurrence.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—161

Adolph	Evans, D.	Mackereth	Schroder
Allen	Evans, J.	Maher	Scrimenti
Armstrong	Fabrizio	Manderino	Semmel
Baldwin	Fairchild	Mann	Shaner
Bard	Fichter	Markosek	Smith, B.
Barrar	Flick	McGeehan	Smith, S. H.
Bastian	Frankel	McGill	Solobay
Belardi	Freeman	Melio	Staback
Belfanti	Gannon	Micozzie	Stairs
Bianucci	Geist	Miller, R.	Steil
Bishop	George	Miller, S.	Stern
Blaum	Gergely	Mundy	Stetler
Boyd	Gillespie	Mustio	Sturla
Browne	Good	Myers	Surra
Bunt	Grucela	Nickol	Tangretti
Butkovitz	Gruitza	O'Brien	Taylor, E. Z.
Buxton	Haluska	Oliver	Taylor, J.
Caltagirone	Hanna	O'Neill	Thomas
Casorio	Harhai	Pallone	Tigue
Cawley	Harhart	Payne	Travaglio
Civera	Harper	Petrarca	True
Clymer	Hasay	Petri	Vance
Cohen	Hennessey	Petrone	Veon
Cornell, S. E.	Herman	Phillips	Vitali
Corrigan	Hershey	Pistella	Walko
Costa	Hess	Preston	Wansacz

Crahalla	Hickernell	Raymond	Washington
Creighton	Horsey	Readshaw	Waters
Cruz	James	Reed	Watson
Curry	Josephs	Rieger	Weber
Dailey	Keller	Roebuck	Wheatley
Daley	Kenney	Rooney	Williams
Dally	Killion	Ross	Wojnarowski
DeLuca	Kirkland	Rubley	Wright
Denlinger	Kotik	Ruffing	Yewcic
Dermody	LaGrotta	Sainato	Youngblood
DeWeese	Leach	Samuelson	Yudichak
DiGirolamo	Lederer	Santoni	
Diven	Lescovitz	Sather	Perzel,
Donatucci	Levdansky	Saylor	Speaker
Eachus	Lewis	Scavello	

NAYS—35

Argall	Fleagle	Maitland	Pickett
Baker	Forcier	Major	Reichley
Benninghoff	Gabig	Marsico	Rohrer
Birmelin	Gingrich	McCall	Stevenson, R.
Cappelli	Goodman	McIlhattan	Stevenson, T.
Causer	Habay	McIlhinney	Turzai
Coleman	Harris	McNaughton	Wilt
Egolf	Hutchinson	Metcalfe	Zug
Feese	Leh	Millard	

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

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.

SUPPLEMENTAL CALENDAR H

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 447, PN 4798**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for certain immunity for persons who donate vehicles and equipment to volunteer fire companies and for sentences for certain drug offenses committed with firearms.

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

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

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

(Members proceeded to vote.)

VOTE STRICKEN

The SPEAKER pro tempore. Strike the vote.

Mr. Vitali, do you seek recognition?

Mr. VITALI. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. You may proceed, sir.

Mr. VITALI. Thank you, Mr. Speaker.

I understand that this is going to pass overwhelmingly, but there is one troubling provision I wanted to alert members to who, in particular, oppose minimum mandatory sentencing, and I believe it deals with a minimum mandatory sentence of 5 years for someone involved in a transaction involving narcotics and a handgun. In and of itself, that is a very troubling situation deserving of punishment, but as I understand it, under this, one of the provisions here, someone involved in a transaction who has no idea there is a gun involved, who does not possess a gun and who has no idea a gun is involved in the transaction, and who has no prior record could get a minimum mandatory sentence of 5 years in jail, and I think that that could work a great injustice, given the right set of circumstances.

I believe and understand that those who commit serious crimes involving guns and drugs should be put away for a long, long time, but this minimum mandatory provision is a trap for the unwary, and someone without a prior record who is involved in a transaction with a small quantity of narcotics, who has no idea a gun is involved, even a college student, a neighbor, even a sibling, would be subject to a minimum mandatory of 5 years. So those who understand the issue, please keep that in mind in voting for this.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Mrs. True.

Mrs. TRUE. Thank you, Mr. Speaker.

I rise in support of 447.

Aside from the other merits of the bill, the mandatory 5 years for a drug crime committed with guns has been trying to make its way to final passage for over 5 years. The District Attorneys Association has worked very hard; many of us in this chamber have worked very hard. I know Representative Bard had a bill; we have had amendments passed. We are very pleased that the Senate saw fit to amend this. Staff has worked very hard, and I guess my final comment would be, you bring a weapon to do drugs or to sell drugs and your poison to children and others, and you are going away for 5 years, no questions.

I ask your support.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman, Mr. Vitali, for the second time.

Mr. VITALI. And I agree with the lady except under this bill, you can have no idea a gun is involved and still go away for 5 years, and that, I think, is the problem.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—191

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

NAYS—5

Bishop	Wheatley	Williams	Youngblood
Vitali			

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Don Totaro, district attorney from Lancaster County. He is the guest of the Lancaster delegation, and he is located to the left of the Speaker. Please rise.

SUPPLEMENTAL CALENDAR F

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 2105, PN 4801**, as further amended by the House Rules Committee:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, adding definitions; further defining "public venue"; further providing for general powers of the Pennsylvania Liquor Control Board, for when sales may be made by Pennsylvania Liquor Stores, for continuing care retirement community retail licenses, for repackaging by manufacturers, for renewal of licenses, for privately owned golf courses located in more than one county; providing for a point system for certain licensees, for unlawful acts relative to liquor, malt and brewed beverages and licensees and for limited wineries; and providing for distilleries.

On the question,

Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Marsico, that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—150

Adolph	Fabrizio	Maher	Santoni
Allen	Fairchild	Major	Saylor
Baker	Feese	Manderino	Scavello
Baldwin	Fichter	Mann	Schroder
Bard	Flick	Markosek	Scrimenti
Barrar	Frankel	Marsico	Semmel
Belardi	Freeman	McCall	Shaner
Belfanti	Gannon	McGill	Smith, B.
Biancucci	Geist	McIlhinney	Smith, S. H.
Bishop	George	McNaughton	Solobay
Blaum	Gergely	Melio	Staback
Browne	Good	Micozzie	Stairs
Bunt	Goodman	Millard	Steil
Butkovitz	Grucela	Mundy	Stetler
Buxton	Gruitza	Mustio	Stevenson, T.
Caltagirone	Haluska	Myers	Sturla
Cappelli	Harhai	O'Brien	Tangretti
Causler	Harhart	Oliver	Taylor, E. Z.
Cawley	Harper	O'Neill	Thomas
Civera	Hasay	Payne	Tigue
Cohen	Hennessey	Petrarca	Travaglio
Cornell, S. E.	Herman	Petri	Turzai
Corrigan	Hershey	Petrone	Veon

Costa	Hess	Phillips	Vitali
Crahalla	Horsey	Pickett	Walko
Cruz	James	Pistella	Wansacz
Curry	Josephs	Preston	Washington
Daley	Keller	Raymond	Waters
Dally	Kenney	Readshaw	Watson
DeLuca	Killion	Reed	Weber
Dermody	Kotik	Reichley	Wheatley
DeWeese	LaGrotta	Rieger	Wojnaroski
DiGirolamo	Leach	Roebuck	Wright
Diven	Lederer	Rooney	Youngblood
Donatucci	Leh	Ross	Yudichak
Eachus	Lescovitz	Rubley	
Evans, D.	Levdansky	Ruffing	Perzel,
Evans, J.	Lewis	Sainato	Speaker

NAYS—46

Argall	Egolf	Mackereth	Sather
Armstrong	Fleagle	Maitland	Stern
Bastian	Forcier	McGeehan	Stevenson, R.
Benninghoff	Gabig	McIlhattan	Surra
Birmelin	Gillespie	Metcalfe	Taylor, J.
Boyd	Gingrich	Miller, R.	True
Casorio	Habay	Miller, S.	Vance
Clymer	Hanna	Nickol	Williams
Coleman	Harris	Pallone	Wilt
Creighton	Hickernell	Rohrer	Yewcic
Dailey	Hutchinson	Samuelson	Zug
Denlinger	Kirkland		

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

SUPPLEMENTAL CALENDAR G

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS
AS FURTHER AMENDED BY THE SENATE
TO HOUSE AMENDMENTS
AS AMENDED**

The House proceeded to consideration of concurrence in Senate amendments as further amended by the Senate to House amendments to the following **HB 623, PN 4800**, as further amended by the House Rules Committee:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

On the question,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee?

The SPEAKER pro tempore. Does the gentleman, Mr. Roebuck, seek recognition? He waives off. Thank you.

Moved by the gentleman, Mr. Maher, that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments as further amended by the Senate to House amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Bianucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causler	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS—0

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as further amended by the Senate to House amendments as amended by the Rules Committee were concurred in.

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

BILLS REREPORTED FROM COMMITTEE

SB 584, PN 2002 (Amended) By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "special mobile equipment"; providing for certain veterans plates and for commercial driver records; further providing for exemptions from other fees and for the offense of fleeing or attempting to elude police officer.

APPROPRIATIONS.

SB 705, PN 2001 (Amended) By Rep. ARGALL

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

APPROPRIATIONS.

SB 1097, PN 1962 By Rep. ARGALL

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway; and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

APPROPRIATIONS.

SUPPLEMENTAL CALENDAR B

RULES SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move for a suspension of the rules for the immediate consideration of SB 705.

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

The following roll call was recorded:

YEAS—196

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

Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rublely	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

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 PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SB 705 is over temporarily.

SUPPLEMENTAL CALENDAR F CONTINUED

HB 2105 RECONSIDERED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Hess, who moves that the vote by which HB 2105 was passed on the 20th day of November be reconsidered.

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

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Biancucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rublely	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS-0

NOT VOTING-0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

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 concur in Senate amendments as amended by the Rules Committee?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Marsico, that the House concur in the amendments.

On the question recurring,
Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—135

Adolph	Flick	McCall	Scrimenti
Baldwin	Frankel	McGill	Semmel
Bard	Freeman	McIlhinney	Shaner
Barrar	Gannon	McNaughton	Solobay
Belardi	George	Melio	Staback
Belfanti	Gergely	Micozzie	Stairs
Biancucci	Good	Millard	Steil
Bishop	Goodman	Miller, R.	Stetler
Blaum	Grucela	Mundy	Stevenson, T.
Bunt	Gruitza	Mustio	Sturla
Butkovitz	Haluska	Myers	Surra
Buxton	Hanna	O'Brien	Tangretti
Caltagirone	Harhai	Oliver	Thomas
Cawley	Harper	O'Neill	Tigue
Civera	Hennessey	Payne	Travaglio
Cohen	Herman	Petrarca	Turzai
Cornell, S. E.	Horsey	Petri	Vance
Corrigan	James	Petrone	Veon
Costa	Josephs	Pistella	Vitali
Cruz	Keller	Preston	Walko
Curry	Kenney	Raymond	Wansacz
Daley	Killion	Readshaw	Washington
Dally	LaGrotta	Reed	Waters
DeLuca	Leach	Reichley	Watson
Dermody	Lederer	Rieger	Weber
DeWeese	Leh	Roebuck	Wheatley
DiGirolamo	Lescovitz	Rooney	Williams
Diven	Levdansky	Ross	Wojnarowski
Donatucci	Lewis	Rubley	Wright
Eachus	Maher	Ruffing	Youngblood
Evans, D.	Manderino	Sainato	Yudichak
Evans, J.	Mann	Santoni	
Fabrizio	Markosek	Saylor	Perzel,
Feese	Marsico	Schroder	Speaker
Fichter			

NAYS—61

Allen	Dailey	Hess	Pickett
Argall	Denlinger	Hickernell	Rohrer
Armstrong	Egolf	Hutchinson	Samuelson
Baker	Fairchild	Kirkland	Sather
Bastian	Fleagle	Kotik	Scavello
Benninghoff	Forcier	Mackereth	Smith, B.
Birmelin	Gabig	Maitland	Smith, S. H.

Boyd	Geist	Major	Stern
Browne	Gillespie	McGeehan	Stevenson, R.
Cappelli	Gingrich	McIlhattan	Taylor, E. Z.
Casorio	Habay	Metcalfe	Taylor, J.
Causar	Harhart	Miller, S.	True
Clymer	Harris	Nickol	Wilt
Coleman	Hasay	Pallone	Yewcic
Crahalla	Hershey	Phillips	Zug
Creighton			

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

SUPPLEMENTAL CALENDAR I

RESOLUTION PURSUANT TO RULE 35

Miss MANN called up **HR 935, PN 4805**, entitled:

A Resolution recognizing the importance of international education and encouraging students to take full advantage of any international education opportunities available to them.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	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	Good	Micozzie	Stevenson, R.
Browne	Goodman	Millard	Stevenson, T.
Bunt	Grucela	Miller, R.	Sturla
Butkovitz	Gruitza	Miller, S.	Surra
Buxton	Habay	Mundy	Tangretti
Caltagirone	Haluska	Mustio	Taylor, E. Z.
Cappelli	Hanna	Myers	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
Crahalla	Horsley	Pickett	Washington
Creighton	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	Roebuck	Wright
Dermody	LaGrotta	Rohrer	Yewcic
DeWeese	Leach	Rooney	Youngblood
DiGirolamo	Lederer	Ross	Yudichak
Diven	Leh	Rubley	Zug
Donatucci	Lescovitz	Ruffing	
Eachus	Levdansky	Sainato	Perzel,
Egolf	Lewis	Samuelson	Speaker
Evans, D.			

NAYS-0

NOT VOTING-1

Gannon

EXCUSED-6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

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

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 705, PN 2001**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

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

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

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

The following roll call was recorded:

YEAS-196

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Bianucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsley	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS-0

NOT VOTING-0

EXCUSED-6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

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.

SUPPLEMENTAL CALENDAR A CONTINUED

CONSIDERATION OF SB 1102 CONTINUED

On the question recurring,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. On the question of concurrence, we will resume, and our list is Representative Lewis, Representative Vitali, Representative Miller.

Mr. Lewis waives off.

The gentleman, Mr. Vitali, is recognized for the second time. He waives off. Thank you, Mr. Vitali.

The lady from Berks County, Mrs. Miller, is recognized.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, earlier this month Gov. Ed Rendell visited my legislative district in Berks County to celebrate the preservation of the 2,500th farm in Pennsylvania's Agricultural Land Preservation Program, which is recognized as a national leader and which has served as a model for other States to follow. We have worked extremely hard in the Commonwealth since this program was initiated in 1989 to ensure the land farmers need to raise our food and fiber remains available for agricultural production. As you all know, agriculture is our State's leading industry and a major contributor to our State's economy.

Today we have heard much about the legislation before us and the need to pass it in order to provide economic development and financial assistance for communities so that they can address their sewer and water infrastructure needs. We have heard the concerns raised by numerous members of the House on the impact this legislation could have on the conversion of farmland and open space into other uses. When this legislation passed the House this summer, it was quite a different bill than the one we have before us today.

The majority leader was correct; the dollar amount that was set at \$250 million in that version of SB 1102 is less than what it is in today's bill. The current figure of \$350 million is based on spending PENNVEST funds that have been available for more than a decade and do not require passage of this legislation to be invested in the sewer and water projects in Pennsylvania.

What is extremely different today, in today's version, from what passed earlier this summer is the elimination by the Senate of language that would protect Pennsylvania from having these funds spent on new development on prime and productive farmland. Unfortunately, our Commonwealth continues to destroy farmland and open space at a rate that consumes acres of fertile soils and destroys jobs. Pennsylvania is losing more than 200 acres of farmland a day, and we have lost more than 12,600 farm jobs since 1980.

The version of SB 1102 that passed the House this summer ensured that the moneys approved by the voters of Pennsylvania would be earmarked for repairing existing infrastructure and would not be used to encourage sprawl. Today's version of SB 1102 threatens to gobble up more farmland in our Commonwealth and leave our aging cities and boroughs to continue their struggle with antiquated infrastructure systems.

In Pennsylvania, Mr. Speaker, we have 56 cities and 964 boroughs, many that are in serious need of financial help to improve and repair their sewer and water systems. The voters

believed that the bond issue that they approved in April would be used to fix these systems.

All too often we hear the horror stories of longtime residents suddenly facing the insulting damage of basements flooded with water and sewage when systems that were built and designed and were adequate for years are suddenly overloaded with the burden of new development tying into existing lines. In Spring Township, Berks County, Mr. Speaker, one senior citizen has been hit twice this year with such a disaster and told that the cost of cleanup is hers to bear. She has lived in her home for decades and should not have to face the heart-wrenching task of cleaning up the waste that was precipitated by new growth and too much water for the system to carry.

Mr. Speaker, we need to nonconcur in the Senate amendments to SB 1102 and take up this issue next session so that we can ensure the funds available to our municipalities are spent on smart growth initiatives that do not undermine our efforts to keep land in agriculture production so that our food industry can continue to flourish.

I ask my colleagues to nonconcur in the Senate amendments and encourage the Senate to continue to work with the House on legislation that allows for economic development of agriculture and other industries, preserving our farmland, our cities, and our older municipalities that have served Pennsylvania and served as a strong foundation through the decades of growth by aiming these dollars in the right direction and bringing our existing systems up to speed.

Thank you, Mr. Speaker, and I urge nonconcurrence.

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

The Chair recognizes the gentleman, Mr. Stern. He waives off.

The gentleman, Mr. McNaughton, is recognized for the second time.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

Mr. Speaker, I spoke earlier on this bill when we had the debate earlier this afternoon, and again I rise to ask for nonconcurrence in SB 1102.

All the fears and all the information that we conveyed to all the members of the General Assembly have been confirmed by the Secretary of Legislative Affairs for the Governor, Mr. Steven Crawford. We all received a letter recently on our computer here, and I would just like to read one line that really drives home my biggest fear. He speaks concerning improvements and repairs that are being able to be made to existing I and I problems with residential areas, which 26 of my municipalities have some problem with I and I. But the problem I have is and his line is, "Again the bill provides that funds" – quote, underlined – "cannot be used for systems that exclusively serve residential areas." I am sorry, Mr. Speaker, but the reason I need the money is exclusively for residential areas.

The gentleman also in his letter speaks that this is a compromise. To me, out of \$250 million, a compromise would be \$125 million for economic development and \$125 million for I and I problems; \$200 million to \$50 million is not a compromise in my book, Mr. Speaker.

Again I ask for nonconcurrence on SB 1102.

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

Mr. STEIL. Thank you, Mr. Speaker.

I would like to just draw the members' attention to SB 1102, PN 1787, as it passed out of this House back in July. In that version there was a paragraph beginning on page 17, line 1, section 1558. Very simply, in that paragraph we defined, with language that we all agreed to, how these funds would be spent, and at the end of that paragraph, we struck the words "which is related to economic development," and we were all happy with that language. Well, guess what? In the version that just came back to us, those words are back in, which means that the funds are now dedicated to economic development, except for the \$50 million which has been dedicated to PENNVEST for investment in local projects. So in other words, from \$250 million dedicated to local projects, we are now at \$50 million. We offered an amendment or tried to offer an amendment this afternoon which would have at least given us a split of those funds. That was rejected.

So, Mr. Speaker, we have gone from \$250 million to repair our local sewer and water facilities, to meet environmental standards, to provide for new facilities, we have gone from that to \$50 million. I think that is not a good deal, and I think we should reject SB 1102.

Thank you, Mr. Speaker.

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

Mrs. GINGRICH. Thank you, Mr. Speaker.

I rise to speak on the bill.

The SPEAKER pro tempore. You may proceed.

Mrs. GINGRICH. Thank you.

SB 1102 is a very important bill. In fact, it is the commitment of a promise that we made by virtue of the bond issue that our voters supported. We made a commitment to them in what they rightfully assumed to be accessible and adequate funding for some of the deteriorating water and sewer systems we have throughout this Commonwealth.

I make reference as well to the letter that we received from the Governor's Office within the past hour. It clearly confirms some of my concerns as a tenured local official, as a borough president, dealing firsthand with a lot of the aging challenges to the systems throughout my community.

My concern is based on some discussion we had on this House floor earlier today. I thought for that moment or two that this entire amount of bond moneys available would be accessible to all levels of need. By virtue of this letter, I do not read it that way, and I want you to all read the letter and consider it yourselves. It is split into two definite categories of economic development with no opportunities that are not connected to economic development projects and separated into the environmental program that would require economic development before the moneys would be available for the repairs or the upgrades.

Mr. Speaker, although I think that the content of this bill is laudable and necessary, the funding distribution is inadequate. It will not address the growing needs that our established communities have and the environmental challenges that they have with water and sewer systems as they deteriorate.

According to the language of the bill as I see it and the letter of confirmation we received by e-mail, I would ask my

colleagues to look at this very seriously and consider a "no" vote on this piece of legislation.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Northampton County, Mr. Freeman, for the second time.

Mr. FREEMAN. Thank you, Mr. Speaker.

I rise to once again urge a vote of nonconcurrency in SB 1102.

Nothing has changed since the time that we broke on this issue. I realize that pressure has been applied to numerous members to urge them to concur in this bill, but the issue is still the same. The language that is in this version runs contrary to the intent of the referendum that the voters of this Commonwealth approved. I remind the members once again that that intent was to fix existing systems, to ensure that we address the health and environmental concerns that were primary in that vote, not to promote sprawl but to improve public drinking water and sewage systems across this Commonwealth. This version does not do that. This version is a recipe for more sprawl at the expense of our older communities that need those infrastructure resources to fix their systems and to address longstanding problems.

The Brookings Report, as has been mentioned before, clearly pointed out that one of the reasons Pennsylvania is experiencing such difficult economic situations is because of how we foolishly use our infrastructure resources. We have used them in such a way already to promote sprawl at the expense of our older communities. That is a waste of taxpayer dollars, and it is not bringing the hoped-for economic bump that we all want and would anticipate from the use of infrastructure dollars. This will continue that problem. In fact, it will accelerate it, because this bill will accelerate sprawl. Make no mistake about that, Mr. Speaker.

When we sent this bill over to the Senate back on July 2, we set out good criteria as to how these infrastructure dollars could be used, including the language that I had submitted and was included in the bill. That language would have ensured that for economic development projects, it would have to be a redevelopment, reuse, or revitalization of previously developed land. That is the kind of criteria we need in this kind of infrastructure bill and the kind that the Senate turned their back on.

I urge the members to vote "no" on concurrence. We can fix this problem in the new session of the legislature when we return in the beginning of the new year. It is too important an issue to ram through in the closing hours of this lameduck session.

Let us not make a mistake that is going to have tremendous policy implications across this Commonwealth; that will perpetuate sprawl, continue to sap the lifeblood out of our older boroughs and cities, and create a host of problems on an environmental, community, and economic standard.

I urge a "no" vote on concurrence.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentledady from Montgomery County, Ms. Harper, for the second time.

Ms. HARPER. Thank you, Mr. Speaker.

I rise to urge the members to vote "no" on SB 1102.

I had spoken to you earlier, and I will not repeat it about the problems in my small borough which cannot afford to fix its ailing sewer system. You all recently received a letter from the

Governor's staff asking you to support this bill. That letter confirms that none of the \$250 million that the voters approved may be used for residences.

The people we represent, who sent us here and sent the Governor to the Governor's Mansion, voted "yes" on this bill, and the money is not available to them. The Governor has broken faith with the people who voted for the water and sewer infrastructure bond. The Governor has broken faith with the voters who sent him here.

Please vote "no" on SB 1102. We can fix this. We can fix this and get a bill that will provide the ability for economic development and water and sewer projects that benefit our ailing residential systems.

Thank you very much.

Thank you, Mr. Speaker.

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

Mr. VEON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to strongly encourage concurrence in SB 1102.

I know that many members here have made points for and against this bill. I just would like to make a few very brief points.

Number one, this whole issue, I think all of us know and understand, started as a way to add to the Governor's economic stimulus program going through this legislature; that some of us here were very concerned that there were not enough funds available to fund sewer and water infrastructure projects all across Pennsylvania in many of our districts, and many of us have shared that frustration in our years here in the legislature. And so out of that came the idea and the concept that we ought to put on the ballot a question, and that question would allow the State to incur \$250 million in debt, and that question read, "Do you favor the incurring of indebtedness by the Commonwealth in the amount of \$250,000,000 for use as grants and loans for construction, expansion or improvement of water and wastewater infrastructure, including water supply and sewage treatment systems?" And I would make the case that that was certainly broad enough language to take care of the concerns of certainly a lot of the members from southwestern Pennsylvania who would like the ability to fund projects primarily for economic development reasons.

Mr. Speaker, I would like to make the case that in this bill, SB 1102, that we in fact do have a good compromise for both economic development and the environment, and yes, this bill does authorize \$200 million to be given to the Commonwealth Finance Authority for the use primarily for the funding of economic development projects. But it also does provide \$150 million to be used for PENNVEST, for the same kind of projects that many of us have been trying to get funded for a lot of years, dealing with towns like Beaver Falls who have very outdated water and sewer systems, and because they are so outdated, they in fact do create environmental problems, health and safety problems, and we have all been frustrated that there is not enough money available in PENNVEST to fund all the projects that we are interested in. So this bill puts \$150 million on the table to fund PENNVEST programs that all of us know that we need.

I would also like to point out that for the first time ever, that of that \$150 million, \$50 million will be grant money, and that many of us have been frustrated over the years that one of the problems in funding the PENNVEST projects in our districts is

that there is never any grant money available and oftentimes the projects do not work even for a small-interest loan from PENNVEST, and that this bill for the first time puts \$50 million on the table for grant money, to make those projects a reality that we have not been able to fund because there was no grant money available. SB 1102 accomplishes that. It is a good compromise. It does allow for funding for economic development projects, and it does allow significant funding for environmental projects that we all have.

If this bill goes down today, and this bill is certainly not something that every one of us agrees with every part of it, every sentence, every part of this bill, but we do know that if this bill does not pass, there will be \$250 million sitting on the table, unused, unspent, and that there will be dozens and dozens and dozens of needed and necessary projects, both environmental projects and economic development projects that will not get funded any time soon.

So I would like to make a strong urge for a concurrence vote on SB 1102.

Thank you, Mr. Speaker.

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

Mr. PETRI. Mr. Speaker, thank you.

Very briefly, I would again urge our members to nonconcur. The House did the right version. We ought to proceed to that version. We ought to take our time, resolve this.

Remember when our voters went and voted on that referendum. They thought they were voting for their neighbors, for their communities, and for the improvement of existing infrastructure. They never thought they would be assisting people who have never even come to Pennsylvania. Again, let us not harm that trust.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Luzerne County, Mr. Blaum.

Mr. BLAUM. Thank you, Mr. Speaker.

I rise because I have trouble when I hear that the Governor of Pennsylvania has broken faith with the people.

Mr. Speaker, Governor Rendell has proposed, I believe, the most sweeping environmental improvements and reforms since the Casey administration, and we have one before us now. What we do, government here, is the art of the possible, and Governor Rendell has practiced that. If he was the sole determiner of what is in this bill, I believe it would be different. If I was the sole determiner of what was in this bill, the funding formula would be a little different. But we all know that he needs to deal with a House and a Senate, and he has negotiated the very best deal that he possibly could.

I think we have before us a bill which is going to improve the environment of Pennsylvania. It is the best deal that the Governor has been able to negotiate. He practices the art of the possible very, very well, and I think it is very important that we adopt this piece of legislation here tonight, or I fear it will be months and months and months before any bill is adopted, and if it is 5, 6 months from now when the perfect bill that everybody is hoping for would be accomplished, I daresay it would look almost exactly the same as the bill we have before us today. I believe the Governor needs to be congratulated for willing to compromise with those that hold the votes on the fate of this legislation.

I think this is a good description of the art of the possible, and I think we can get a lot of money flowing to the people of Pennsylvania and the problems of Pennsylvania by adopting this bill here tonight.

Thank you, Mr. Speaker.

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

Mr. ROSS. Thank you, Mr. Speaker.

I will be brief, because I know it is late, and I certainly share the concerns that some of my colleagues have about the possibility of enabling sprawl, and I did vote for the Freeman amendment earlier when it came up, but I do read this language slightly differently than some of my colleagues.

The built-up environments that I have in the boroughs that I am familiar with in my area are mixed use – they have commercial as well as industrial and residential – and those are the ones that are particularly in need of assistance from this bond issue. The restrictions against residential or exclusively residential use of these moneys will be helpful to us, I think, in dealing with the sprawl issue.

So from my point of view, this does strike a balance, and I recognize that it may not work the same way for other members in other parts of the State, but I think that this represents a fair compromise and appropriate protections for my area in Chester County.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the lady from Chester County for the second time, Mrs. Rubley.

Mrs. RUBLEY. Thank you, Mr. Speaker.

And having spoken about this earlier in the day, I am now even more concerned about this bill, and I would like to just review for your information the wording that our citizens voted on last April: “Do you favor the incurring of indebtedness by the Commonwealth in the amount of \$250,000,000 for use as grants and loans for construction, expansion or improvement of water and wastewater infrastructure, including water supply and sewage treatment systems?” Where in this wording does it say it cannot be used exclusively for any system that is serving residential communities?

Again, as a member of the PENNVEST Board, I have seen countless projects where residential communities from across this State, the authorities have come in asking for PENNVEST money, grants and loans, to help residential areas where either they have failing septic systems or their public sewers need help. We cannot use any of this money, according to the letter from the Governor’s Office. It is not just the money that has been earmarked for economic development; it is also the money going to PENNVEST, according to this letter, that cannot be used if a project in your area is exclusively residential. This is wrong. It is not in conformance with what our voters voted on, and I urge you to nonconcur on this bill.

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

Mr. SAMUELSON. Thank you, Mr. Speaker.

A previous speaker said that politics is the art of the possible, and for that reason that speaker said that we should concur in what the Senate has done to this bill last night. I would like to say the art of the possible represents what this House did on July 2 when we passed and incorporated the Freeman

amendment into this bill and focused attention on economic development projects that redevelop, reuse, or revitalize previously developed land.

Each of us has received a copy of that Brookings Institution study which talked about the challenges facing Pennsylvania. I would just like to read one paragraph from that study: “Currently, the state’s own uncoordinated spending fails to make the most effective use of scarce resources, and likely exacerbates the state’s sprawl and urban-decline woes. State road and economic development investments, in particular, have contributed to the decline of the state’s struggling older communities by either directly supporting the dispersal of population and economic activity, or failing to target aid sufficiently on established municipalities.”

Mr. Speaker, we have an opportunity tonight to set our priorities. We can stand up for the votes that this House cast on July 2 and say the House version of this bill was the right way to focus economic development and infrastructure improvements on our established communities in Pennsylvania.

I disagree that the bill that would come back 3 or 4 or 5 months from now would be substantially the same as the one we are looking at tonight. I disagree because I only have to look back 5 months to July 2 to see what the House did. The House did this bill right. The Senate changed it last night. We do not have to say “yes” to what the Senate did.

I urge a “no” vote on concurrence. Let us go back. Let us do this bill right early in the next session.

The SPEAKER pro tempore. The Chair thanks the gentleman.

It is the understanding of the Chair that we are now down to the last two debaters, our floor leaders. Does anyone else seek recognition?

The Chair recognizes the minority leader, Mr. DeWeese, from Greene County.

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

As is the case in most of our endeavors, politics either plays a subterranean or very dominant part in our colloquies and in our votes.

I would like to make a 30-second comment, especially to the men and women I am privileged to work with every day on the Democratic side of the aisle.

This has statewide implications that have been elucidated by the gentleman from Beaver, Mr. Veon, and many others, and although it is multifaceted and there are two or more political sides, to the Democrats, to the Democrats in this room, vis-a-vis a statewide issue – and this is a statewide issue – as we get finished with the sine die session, as we try to bring it all to a close in the next few hours, this is a big issue for Gov. Edward Rendell, and I would ask for a vote, I would ask for a vote in favor of our Governor, a vote for concurrence.

Thank you.

The SPEAKER pro tempore. The Chair thanks the minority leader and recognizes the majority leader from Jefferson County, Mr. Smith.

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

Mr. Speaker, this legislation has received an extensive amount of debate and discussion over the last several hours. There have been many issues that were raised – some, I think, that were addressed completely through the course of the debate; other issues that may warrant additional observation and investigation in the coming session. Clearly, how the operation of PENNVEST may be affecting these types of projects is

something that we may need to look at in the coming session, but I think the one thing that is clear, the one thing that is clear, is the voters of Pennsylvania, through the referendum process, approved the use of borrowing for the purpose of dealing with water and sewer problems. Yes, we have some divergent opinions as to exactly how those projects should be handled, in what priority. All of us here have problems of this nature. We will continue to work to meet those demands. We will continue to work to meet those different demands, whether it is on the economic development side or the existing community facilities side.

In conclusion, Mr. Speaker, I simply ask the members to support the passage of SB 1102 and allow us to move forward on dealing with the water and sewer problems that the Commonwealth faces.

Thank you, Mr. Speaker.

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

Mr. Levdansky, as a courtesy, I did announce that everyone seeking recognition would do so before the leaders were recognized. If you insist, we will recognize you.

PARLIAMENTARY INQUIRY

Mr. LEVDANSKY. Point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEVDANSKY. Just for the members and for myself, I want to be clear on this. If we vote to nonconcur, the result would be – correct me if I am wrong – to send the bill to conference committee. Is that a correct interpretation?

The SPEAKER pro tempore. Not necessarily, Mr. Levdansky. The Senate could recede from their amendments.

Mr. LEVDANSKY. So the vote is on, the actual vote here to concur is whether or not we agree or disagree with the Senate amendments to SB 1102, and if we would nonconcur, it would in fact have the practical effect of throwing the bill back to the Senate for either their concurrence with our vote or their nonconcurrence and then sending it to conference committee. So it is not necessarily killing the bill entirely. Is that correct?

The SPEAKER pro tempore. That is correct.

Mr. LEVDANSKY. Okay. Thank you.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. DeWEESE is recognized.

Mr. DeWEESE. As floor leader, I am going to beg the momentary, again, 30-second indulgence.

The countervailing view from the one that was implied by the honorable gentleman, my good friend from Elizabeth, is, if we vote to concur, this goes to the Governor's desk; he will sign it in a millisecond, and the economic development and water and sewer development in this State can go forward right now. Let us go; let us vote to concur.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—133

Allen	Fabrizio	Mackereth	Semmel
Argall	Fairchild	Maher	Shaner
Baker	Feese	Maitland	Smith, B.
Baldwin	Fichter	Major	Smith, S. H.
Barrar	Fleagle	Mann	Solobay
Bastian	Frankel	Markosek	Staback
Belardi	Gannon	McCall	Stairs
Belfanti	Geist	McIlhattan	Stern
Benninghoff	George	Melio	Stetler
Bianucci	Gergely	Micozzie	Stevenson, R.
Blaum	Gillespie	Millard	Stevenson, T.
Boyd	Good	Miller, R.	Sturla
Bunt	Goodman	Mustio	Surra
Butkovitz	Gruitza	Myers	Tangretti
Buxton	Hanna	Nickol	Taylor, J.
Caltagirone	Harhai	O'Brien	Thomas
Cappelli	Harhart	Oliver	Travaglio
Casorio	Harris	Pallone	True
Causar	Hasay	Payne	Turzai
Cawley	Herman	Petrone	Veon
Civera	Hess	Phillips	Wansacz
Coleman	Hickernell	Pickett	Washington
Corrigan	Horsey	Preston	Waters
Costa	Hutchinson	Raymond	Wheatley
Daley	James	Readshaw	Williams
Dally	Keller	Reed	Wilt
DeLuca	Kenney	Rooney	Wojnaroski
Dermody	Killion	Ross	Wright
DeWeese	Kirkland	Ruffing	Yewcic
DiGirolo	Kotik	Sainato	Yudichak
Diven	LaGrotta	Santoni	
Eachus	Lederer	Sather	Perzel,
Evans, D.	Lescovitz	Saylor	Speaker
Evans, J.	Lewis	Scavello	

NAYS—63

Adolph	Egolf	Manderino	Rohrer
Armstrong	Flick	Marsico	Rubley
Bard	Forcier	McGeehan	Samuelson
Birmelin	Freeman	McGill	Schroder
Bishop	Gabig	McIlhinney	Scrimenti
Browne	Gingrich	McNaughton	Steil
Clymer	Grucela	Metcalfe	Taylor, E. Z.
Cohen	Habay	Miller, S.	Tigue
Cornell, S. E.	Haluska	Mundy	Vance
Crahalla	Harper	O'Neill	Vitali
Creighton	Hennessey	Petrarca	Walko
Cruz	Hershey	Petri	Watson
Curry	Josephs	Pistella	Weber
Daily	Leach	Reichley	Youngblood
Denlinger	Leh	Rieger	Zug
Donatucci	Levdansky	Roebuck	

NOT VOTING—0

EXCUSED—6

Bebko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 997, PN 1906, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for expenses for district justices; and making a related repeal.

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

RULES SUSPENDED

The SPEAKER pro tempore. Does the gentleman, Mr. O'Brien, have an amendment?

Do you wish to make a motion for suspension?

Mr. O'BRIEN. Yes, I do, Mr. Speaker.

I would like to make a motion to suspend the rules for the purpose of considering amendment A5524.

The SPEAKER pro tempore. Moved by the gentleman for suspension of the rules on amendment 5524.

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

The following roll call was recorded:

YEAS-194

Table listing names of members who voted 'YEAS' for the bill, including Adolph, Allen, Argall, Armstrong, Baker, Baldwin, Bard, Barrar, Bastian, 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, Crahalla, Creighton, Cruz, and Curry.

Table listing names of members who voted 'NAYS' for the bill, including Dailey, Daley, Dally, DeLuca, Denlinger, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, and Egolf.

NAYS-2

Table listing names of members who voted 'NAYS', including Manderino and Vitali.

NOT VOTING-0

EXCUSED-6

Table listing names of members who were excused, including Bebko-Jones, Godshall, Laughlin, Lynch, Nailor, and Roberts.

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

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

Mr. O'BRIEN offered the following amendment No. A5524:

Amend Title, page 1, lines 2 and 3, by striking out "expenses" in line 2, all of line 3 and inserting law enforcement officers of limited jurisdiction.

Amend Sec. 1, page 1, line 7, by striking out "section" and inserting chapter

Amend Bill, page 1, lines 8 through 18; page 2, line 1, by striking out all of said lines on said pages and inserting

CHAPTER 50 LAW ENFORCEMENT OFFICERS OF LIMITED JURISDICTION

Sec.

5001. Scope of chapter.

5002. Definitions.

5003. Rights.

§ 5001. Scope of chapter.

This chapter shall apply to law enforcement officers of limited jurisdiction in this Commonwealth.

§ 5002. Definitions.

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

"Law enforcement officer of limited jurisdiction." Any of the following:

(1) A public employee who has the power and duty to arrest under:

(i) section 27 of the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law; or

(ii) section 211 of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

- (2) A public employee:
 - (i) whose principal duty is to enforce the drug laws of this Commonwealth; and
 - (ii) whose power and duty to arrest is authorized by the Attorney General under section 201(c) of the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

“Public employee.” Any individual employed by a public employer. The term does not include elected officials, appointees of the Governor with the advice and consent of the Senate as required by law, management level employees, confidential employees, clergymen or other persons in a religious profession, employees or personnel at church offices or facilities when utilized primarily for religious purposes and those employees covered under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act.

“Public employer.” The Commonwealth of Pennsylvania, its political subdivisions including school districts and any officer, board, commission, agency, authority, or other instrumentality thereof and any nonprofit organization or institution and any charitable, religious, scientific, literary, recreational, health, educational or welfare institution receiving grants or appropriations from Federal, State or local governments. The term does not include employers covered or presently subject to coverage under the act of June 1, 1937 (P.L.1168, No.294), known as the Pennsylvania Labor Relations Act, or the National Labor Relations Act (49 Stat. 449, 29 U.S.C. § 151 et seq.). § 5003. Rights.

Notwithstanding any other provision of law, a law enforcement officer of limited jurisdiction shall be subject to the act of July 23, 1970 (P.L.563, No.195), known as the Public Employe Relations Act, in the same manner and receive the same rights as units of guards at prisons or mental hospitals or units of employees directly involved with and necessary to the functioning of the courts of this Commonwealth.

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

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

The SPEAKER pro tempore. On that question, the gentleman, Mr. O’Brien, is recognized.

Mr. O’BRIEN. Thank you, Mr. Speaker.

Very simply, this is the language that was contained in the Dally bill which passed this House in the form of HB 2341. It deals with law enforcement officers of limited jurisdiction – specifically, officers in probation and parole, the Attorney General’s Office, and liquor control.

Very simply stated, Mr. Speaker, this treats these employees in the same manner and they will receive the same rights as units of guards at prisons and mental hospitals or units of employees directly involved with and necessary to the functioning of the courts of this Commonwealth. These employees have not had a contract since the year 2003.

I ask for an affirmative vote.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

- | | | | |
|--------|-----------|-----------|---------|
| Adolph | Evans, J. | Mackereth | Santoni |
| Allan | Fabrizio | Maher | Sather |

- | | | | |
|----------------|------------|------------|---------------|
| Argall | Fairchild | Maitland | Saylor |
| Armstrong | Feese | Major | Scavello |
| Baker | Fichter | Manderino | Schroder |
| Baldwin | Fleagle | Mann | Scrimenti |
| Bard | Flick | Markosek | Semmel |
| Barrar | Forcier | Marsico | Shaner |
| Bastian | Frankel | McCall | Smith, B. |
| Belardi | Freeman | McGeehan | Smith, S. H. |
| Belfanti | Gabig | McGill | Solobay |
| Benninghoff | Gannon | McIlhattan | Staback |
| Biancucci | Geist | McIlhinney | Stairs |
| Birmelin | George | McNaughton | Steil |
| Bishop | Gergely | Melio | Stern |
| Blaum | Gillespie | Metcalfe | Stetler |
| Boyd | Gingrich | 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 | Nickol | Thomas |
| Causer | Harhai | O’Brien | Tigue |
| Cawley | Harhart | Oliver | Travaglio |
| Civera | Harper | O’Neill | True |
| Clymer | Harris | Pallone | Turzai |
| Cohen | Hasay | Payne | Vance |
| Coleman | Hennessey | Petrarca | Veon |
| Cornell, S. E. | Herman | Petri | Vitali |
| Corrigan | Hershey | Petrone | Walko |
| Costa | Hess | Phillips | Wansacz |
| Crahalla | Hickernell | Pickett | Washington |
| Creighton | Horsely | Pistella | Waters |
| Cruz | Hutchinson | Preston | Watson |
| Curry | James | Raymond | Weber |
| Dailey | Josephs | Readshaw | Wheatley |
| Daley | Keller | Reed | Williams |
| Dally | Kenney | Reichley | Wilt |
| DeLuca | Killion | Rieger | Wojnaroski |
| Denlinger | Kirkland | Roebuck | Wright |
| Dermody | Kotik | Rohrer | Yewcic |
| DeWeese | LaGrotta | Rooney | Youngblood |
| DiGirolamo | Leach | Ross | Yudichak |
| Diven | Lederer | Rublely | Zug |
| Donatucci | Leh | Ruffing | |
| Eachus | Lescovitz | Sainato | Perzel, |
| Egolf | Levdansky | Samuelson | Speaker |
| Evans, D. | Lewis | | |

NAYS—0

NOT VOTING—0

EXCUSED—6

- | | | | |
|-------------|----------|--------|---------|
| Bebko-Jones | Laughlin | Nailor | Roberts |
| Godshall | Lynch | | |

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

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Evans, J.	Mackereth	Santoni
Allen	Fabrizio	Maher	Sather
Argall	Fairchild	Maitland	Saylor
Armstrong	Feese	Major	Scavello
Baker	Fichter	Manderino	Schroder
Baldwin	Fleagle	Mann	Scrimenti
Bard	Flick	Markosek	Semmel
Barrar	Forcier	Marsico	Shaner
Bastian	Frankel	McCall	Smith, B.
Belardi	Freeman	McGeehan	Smith, S. H.
Belfanti	Gabig	McGill	Solobay
Benninghoff	Gannon	McIlhattan	Staback
Bianucci	Geist	McIlhinney	Stairs
Birmelin	George	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker
Evans, D.	Lewis		

NAYS—0

NOT VOTING—0

EXCUSED—6

Bekko-Jones	Laughlin	Nailor	Roberts
Godshall	Lynch		

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.

The SPEAKER pro tempore. Are there any announcements? Are there any announcements?

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, at the call of the recess, there will be formal and informal discussions in the Democratic caucus.

The SPEAKER pro tempore. The Chair thanks the gentleman.

ANNOUNCEMENT BY MRS. TAYLOR

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

Mrs. TAYLOR. Mr. Speaker, at the call of the recess, there will be an informal caucus.

The SPEAKER pro tempore. The Chair thanks the gentlelady.

HOUSE SCHEDULE

The SPEAKER pro tempore. The gentleman, Mr. Cohen, is recognized.

Mr. COHEN. Thank you, Mr. Speaker.

Point of personal privilege.

Could you announce when we are coming back and what our likely schedule is for the evening?

The SPEAKER pro tempore. Yes. It is our plan to be in recess until 8:30, returning to the floor at 8:30.

Mr. COHEN. Do you have any further information as to, after 8:30, how long we will be here?

The SPEAKER pro tempore. Not at this time, sir.

Mr. COHEN. Should people who rent hotel rooms be making a reservation for tonight?

The SPEAKER pro tempore. I know I have.

Mr. COHEN. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

RECESS

The SPEAKER pro tempore. The House stands in recess until 8:30.

AFTER RECESS

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

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

The SPEAKER. Members will please come to the floor of the House of Representatives.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and a leave of absence is requested by the majority whip for the gentledady from York, Mrs. MACKERETH. Without objection, that leave will be granted.

**THE SPEAKER PRO TEMPORE
(ROBERT J. FLICK) PRESIDING**

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 850, PN 4799; HB 2066, PN 4752; and HB 2442, PN 4806**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 72, PN 1998; SB 109, PN 1999; and SB 959, PN 2000**.

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

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 668, PN 1888; SB 856, PN 1951; SB 892, PN 1785; SB 912, PN 1987; SB 1041, PN 1972; and SB 1099, PN 1979**.

SENATE MESSAGE

HOUSE BILLS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 248, PN 277; and HB 250, PN 279**, with information that the Senate has passed the same without amendment.

SENATE MESSAGE

HOUSE AMENDMENTS
TO SENATE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 994, PN 4760**.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and recognizes the minority whip, who requests that the gentleman, Mr. GEORGE, be placed on leave, and so he shall, without objection.

RULES COMMITTEE MEETING

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

**BILLS ON CONCURRENCE
REPORTED FROM COMMITTEE**

HB 850, PN 4799

By Rep. S. SMITH

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for findings and declaration of policy and for tax relief; repealing provisions relating to reimbursement to school districts of the first class A; and making editorial changes.

RULES.

HB 2066, PN 4752

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "collectible motor vehicle"; providing for titling and inspection of reconstructed, modified and specially constructed vehicles and for advisory panel; further providing for required registration and certificate of title, for vehicles exempt from registration, for antique, classic and collectible plates, for safety inspection criteria for street rods and for limited liability of inspection station or mechanic; providing for certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle inspection sites; and further providing for State replacement vehicle identification number plate.

RULES.

HB 2442, PN 4806

By Rep. S. SMITH

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for composition and for proposed regulations and procedure for review.

RULES.

SB 72, PN 1998

By Rep. S. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault and for expiration of chapter relating to wiretapping and electronic surveillance; further defining "criminal justice agency"; and further providing for expungement.

RULES.

SB 109, PN 1999

By Rep. S. SMITH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for identification of incorrect debtor, for summary offenses involving vehicles, for law enforcement records, for duration of commitment and review and for assessments.

RULES.

SB 959, PN 2000

By Rep. S. SMITH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Constables' Education and Training Account, for information required upon commitment and subsequent disposition and for definition of "eligible offender."

RULES.

SB 1209, PN 1997

By Rep. S. SMITH

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records, for slot machine licensee financial fitness and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for establishment of State Gaming Fund and net slot machine revenue distribution, for transfers from State Gaming Fund, for multiple slot machine license prohibition, for local land use preemption, for public official financial interest, for enforcement, for penalties, for background checks, for fingerprints and for corrupt organizations; and making related repeals.

RULES.

SUPPLEMENTAL CALENDAR J**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2066, PN 4752**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "collectible motor vehicle";

providing for titling and inspection of reconstructed, modified and specially constructed vehicles and for advisory panel; further providing for required registration and certificate of title, for vehicles exempt from registration, for antique, classic and collectible plates, for safety inspection criteria for street rods and for limited liability of inspection station or mechanic; providing for certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle inspection sites; and further providing for State replacement vehicle identification number plate.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentleman, Mr. Geist, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feese	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti
Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Bianucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	

Eachus Egolf	Lescovitz Levdansky	Sainato Samuelson	Perzel, Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—8

Bebko-Jones George	Godshall Laughlin	Lynch Mackereth	Nailor Roberts
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

STATEMENT BY MR. PHILLIPS

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

Mr. PHILLIPS. To make a remark, Mr. Speaker; to make a remark on the last bill that was passed.

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

Mr. PHILLIPS. Part of HB 2066, one section of that involved making street rods legal in the State of Pennsylvania. For over the past year, my staff and I have worked to try to correct what I believed was an inequity with the people who have the hobby of street rods. From California to Ohio, street rods were legal, but in the State of Pennsylvania, they were not legal, and the reason they were not legal is, the Department of Transportation would not inspect them; therefore, they could not be used in the streets in Pennsylvania.

I had my staff go to their annual convention in Carlisle, and we got over 100 signatures from people in Pennsylvania who owned street rods, who wanted this corrected, and this part of the bill says, "VEHICLES REGISTERED AS STREET RODS WILL NOT BE REQUIRED TO BE EQUIPPED WITH BUMPERS, FENDERS OR ENGINE COVERAGE AS ORIGINALLY MANUFACTURED. IF THE HOOD, TOP AND SIDES, OR BOTH, ARE REMOVED FROM THE VEHICLE THE ENGINE FAN MUST BE ENCLOSED WITH A SHROUD DESIGNED TO PROTECT THE FAN FROM ACCIDENTAL CONTACT FROM THE OUTSIDE."

And I know there are many, many individuals who use street rods as a hobby who will now be able to use these street rods on our highways in Pennsylvania, and I want to thank Representative Geist for working on this piece of legislation and putting it and including it in HB 2066.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. HUTCHINSON

The SPEAKER pro tempore. At this time the Chair would like to recognize the gentleman, Mr. Hutchinson, for a point of unanimous consent. The gentleman is recognized and may proceed.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, the last few days we have heard from many of our retiring members about the elements of their success and the things that mean the most to them, and certainly, I would like to join them in thanking my wife Mary Beth for standing behind me all these years. Today is our 11th anniversary, and obviously, I am not going to be able to spend any time with her today, but I just wanted to pass along my thanks and my love and say, thanks for everything, Mary Beth.

The SPEAKER pro tempore. I am sure the gentlelady is smiling at home, wishing you well in your chores.

**BILL ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 2442, PN 4806**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for composition and for proposed regulations and procedure for review.

On the question,

Will the House concur in Senate amendments?

The SPEAKER pro tempore. Moved by the gentlelady, Ms. Pickett, that the House concur in the amendments inserted by the Senate.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavollo
Baker	Feese	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti
Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Biancucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon

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

NAYS-0

NOT VOTING-0

EXCUSED-8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 109, PN 1999**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for identification of incorrect debtor, for summary offenses involving vehicles, for law enforcement records, for duration of commitment and review and for assessments.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. Moved by the majority leader that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS-194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feece	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti
Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Biancucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR K

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1209, PN 1997**, entitled:

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records, for slot machine licensee financial fitness and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for establishment of State Gaming Fund and net slot machine revenue distribution, for transfers from State Gaming Fund, for multiple slot machine license prohibition, for local land use preemption, for public official financial interest, for enforcement, for penalties, for background checks, for fingerprints and for corrupt organizations; and making related repeals.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. Moved by the majority leader that the House concur in the amendments.

Those voting to concur will vote "aye"; those voting—

For what purpose does the gentleman, Mr. Vitali, rise? I have been looking at you for the last 30 seconds, and you had not taken the mike.

Mr. VITALI. I really did not want to speak, but I just was hoping someone would take note of the fact this is the gaming bill. It is somewhat controversial. I had assumed someone was going to speak without—

The SPEAKER pro tempore. I suspect, since it was caucused on by the members, that they may not have any further questions.

Mr. VITALI. Fine. Then I do not either.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Mr. DeWEESE. Thank you, Mr. Speaker.

The proposal, SB 1209, if concurred upon by the General Assembly's House, will be vetoed by the Governor. This proposal is chock-a-block full of mischief. The alterations that the Senate perpetrated are unacceptable to the Governor. This will be an exercise in futility. The zoning regulations and the distribution language are unacceptable to the administration. Everybody in the Senate knew that when this piece of legislation was engendered and forwarded to our chamber, that this proposal is not worthy of a favorable vote.

We have dealt successfully with this issue, as the honorable gentleman from Bucks, Chairman Clymer, is aware, during the summer, week in and week out. It has been a long, arduous debate, and again and again the Senate and House antagonists, against the gaming proposal that was passed and signed, have tried to commit assaults on the legislation, on the proposal.

This measure, this measure has an elimination of any of our ability to hold 1 percent of a gaming license, which we all agree upon. But by the way, through House rules, we are not allowed to have any ownership, so that is extant. But these measures, Mr. Speaker, these measures have been violated by the interruption of a series of other proposals that the Senate Republicans on a party-line vote, on a party-line vote, have interceded into the bill. If we concur, it will go to the Governor. His veto imprimatur will be stamped upon it, and we will be back in the same kit and caboodle that we are in tonight.

So I would ask for a vote for nonconcurrence for the reasons above.

Thank you very much, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Mr. Cawley, the gentleman, Mr. Clymer, indicates that he would like to speak first, and he was at the rostrum.

The gentleman is recognized. Mr. Clymer, you may proceed.

Mr. CLYMER. Thank you, Mr. Speaker.

In deference to the minority leader, I would urge the members to vote in concurrence with the Senate bill that has been sent over.

As many of you know – and he was correct to the degree that the issue did receive a lot of attention – I think a week ago I stood here at the microphone and mentioned that the news media picked this up, and there is great concern by the populace that we make some important changes, and those changes are in this legislation, SB 1209. It deals with the 1 percent. It deals with the Attorney General, which is critical that we allow the Attorney General to have those RICO (Racketeer Influenced and Corrupt Organizations) powers and to have the ability to have oversight on this new gambling industry. I think that is something that we all can agree to.

On the issue of the zoning codes and land use, that had not changed. The idea was that if there would be a problem by local municipalities, they could go to court and have it adjudicated there in court. I do not think that is really fair. I think that is something that we should have changed, but that was not to be the case.

When it deals with the suppliers and distributors and manufacturers, they no longer have to be domiciled in Pennsylvania. That was a change that was made in the Senate and one that now has come over to the House.

The minority leader indicated to us that the Governor would veto this bill if it came before his desk. I do not know if he would truly do that when he looked at the good points that are in this legislation. This is legislation that has been developed to take care of those very serious problems that members on both sides of the aisle said that they wanted us to deal with. It was not just one person or two persons, but it was a bipartisan effort to try to correct some of these concerns that the bill that was passed back in July had incurred, some of the major deficits that needed to be corrected, and we have done that, and I think this is something – I know that this legislation, when we present it to the public after the Governor signs it into law, they will be very pleased that the General Assembly has acted in such a responsible way.

So I ask members respectfully, on both sides of the aisle, that we vote for this legislation. This is important legislation; that is, it deals with the entire gambling issue.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

For what purpose does the gentleman, Mr. Cawley, rise?

Mr. CAWLEY. Personal privilege, Mr. Speaker.

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

Mr. CAWLEY. Mr. Speaker, could we hold this vote on this bill for about 5 minutes? I just submitted an amendment, and I would like to offer the amendment. The amendment is being offered, Mr. Speaker, by Representative Belardi and myself.

The SPEAKER pro tempore. Mr. Cawley, you could be recognized for a motion to suspend the rules, and you would be in order, if you wish to do that, for the purposes of considering your amendment.

Mr. CAWLEY. Thank you, Mr. Speaker.

Am I allowed to mention what is in the amendment?

The SPEAKER pro tempore. A brief sentence or two would be appropriate.

MOTION TO SUSPEND RULES

Mr. CAWLEY. Thank you.

Mr. Speaker, the majority of the members, including myself, supported the wage tax reduction, which was in the original gaming bill, in Philadelphia of seven-tenths of 1 percent, and we are going to support the Pittsburgh problem that they have in Pittsburgh and support that bill.

The city of Scranton’s wage tax is presently 3.4 percent. That is second in this entire State, the second highest in the State, second to Philadelphia. We are asking for the wage tax to be lowered from this fund by seven-tenths of 1 percent, the same as Philadelphia, and of course, as I mentioned, Pittsburgh is getting a bailout.

The people are leaving the city of Scranton for the exact same reason that they are leaving Philadelphia and they are leaving Pittsburgh, because of the enormously high wage tax up there.

The SPEAKER pro tempore. The Chair thanks the gentleman for the brief explanation of the amendment.

Mr. CAWLEY. And thank you, Mr. Speaker.

Therefore, I would like to ask for a suspension of the rules so that we can offer this amendment, Representative Belardi and I.

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

The SPEAKER pro tempore. The Chair recognizes the majority leader, who appears to wish to speak.

Mr. S. SMITH. Mr. Speaker, with all due respect, this legislation has bounced back and forth. I think that we need to deal with it as it is, regardless of its shortcomings that some may perceive or its strengths that others— I would urge the members to vote against the suspension of the rules.

The SPEAKER pro tempore. The minority leader defers to the gentleman, Mr. Cawley. You have been recognized.

Would the gentleman yield for a second.

We might have had false hand signals. No.

The gentleman, Mr. Cawley, is recognized.

Mr. CAWLEY. Thank you, Mr. Speaker.

I am asking the members of both sides of the aisle to help us support this motion to suspend the rules.

For 23 years I have been very fair. If a bill was introduced and it was not detrimental, I always supported it, regardless of which side of the aisle it was on. I am asking for the members to support us with this. We should really try to help out all municipalities, and I really mean it. I will support any legislation that would take all of the money from all of the racetracks and come up with a formula that every municipality receives some of that money, and believe me, you can hold me to that word. That is how I feel. That is what I think is fair.

Please support this motion. I do not know if it is going to be vetoed, the bill, later on, but at least the people that we represent will know that we tried the very best that we could.

I ask for your support of the motion.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman, who has moved that we suspend the rules for the purposes of considering amendment A5569. This will take 135 votes to suspend the rules.

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

The following roll call was recorded:

YEAS—113

Adolph	Diven	Lederer	Scavello
Barrar	Donatucci	Lescovitz	Schroder
Belardi	Eachus	Levdansky	Scrimenti
Belfanti	Evans, D.	Lewis	Shaner
Benninghoff	Fabrizio	Manderino	Solobay
Biancucci	Fairchild	Mann	Staback
Bishop	Frankel	Markosek	Stairs
Blaum	Freeman	McCall	Stetler
Butkovitz	Geist	McGeehan	Sturla
Buxton	Gergely	Melio	Surra
Caltagirone	Goodman	Micozzie	Tangretti
Casorio	Grucela	Mundy	Thomas
Cawley	Gruitza	Myers	Tigue
Civera	Habay	Oliver	Travaglio
Cohen	Haluska	Pallone	Veon
Coleman	Hanna	Petrarca	Vitali
Corrigan	Harhai	Petrone	Walko
Costa	Harris	Phillips	Wansacz
Crahalla	Hasay	Pistella	Washington
Creighton	Hess	Preston	Waters
Cruz	Horsey	Readshaw	Weber
Curry	James	Rieger	Wheatley
Dailey	Josephs	Roebuck	Williams
Daley	Keller	Rooney	Wojnaroski
Dally	Kirkland	Ruffing	Wright
DeLuca	Kotik	Sainato	Yewcic
Dermody	LaGrotta	Samuelson	Youngblood
DeWeese	Leach	Santoni	Yudichak
DiGirolamo			

NAYS—81

Allen	Flick	McGill	Sather
Argall	Forcier	McIlhattan	Saylor
Armstrong	Gabig	McIlhinney	Semmel
Baker	Gannon	McNaughton	Smith, B.
Baldwin	Gillespie	Metcalfe	Smith, S. H.
Bard	Gingrich	Millard	Steil
Bastian	Good	Miller, R.	Stern
Birmelin	Harhart	Miller, S.	Stevenson, R.

Boyd	Harper	Mustio	Stevenson, T.
Browne	Hennessey	Nickol	Taylor, E. Z.
Bunt	Herman	O'Brien	Taylor, J.
Cappelli	Hershey	O'Neill	True
Causer	Hickernell	Payne	Turzai
Clymer	Hutchinson	Petri	Vance
Cornell, S. E.	Kenney	Pickett	Watson
Denlinger	Killion	Raymond	Wilt
Egolf	Leh	Reed	Zug
Evans, J.	Maher	Reichley	
Feese	Maitland	Rohrer	Perzel,
Fichter	Major	Ross	Speaker
Fleagle	Marsico	Ruble	

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

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

The SPEAKER pro tempore. Moved by the majority leader that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—130

Adolph	Fleagle	Maher	Sainato
Allen	Flick	Maitland	Samuelson
Argall	Forcier	Major	Sather
Armstrong	Freeman	Markosek	Saylor
Baker	Gabig	Marsico	Scavello
Baldwin	Gannon	McGill	Schroder
Bard	Geist	McIlhattan	Semmel
Barrar	Gergely	McIlhinney	Shaner
Bastian	Gillespie	McNaughton	Smith, B.
Benninghoff	Gingrich	Metcalfe	Smith, S. H.
Birmelin	Good	Micozzie	Stairs
Boyd	Grucela	Millard	Steil
Browne	Habay	Miller, R.	Stern
Bunt	Haluska	Miller, S.	Stevenson, R.
Cappelli	Hanna	Mustio	Stevenson, T.
Casorio	Harhai	Nickol	Tangretti
Causer	Harhart	O'Brien	Taylor, E. Z.
Civera	Harper	O'Neill	Taylor, J.
Clymer	Harris	Pallone	True
Coleman	Hasay	Payne	Turzai
Cornell, S. E.	Hennessey	Petrarca	Vance
Crahalla	Herman	Petri	Vitali
Creighton	Hershey	Petrone	Walko
Dailey	Hess	Phillips	Watson
Dally	Hickernell	Pickett	Weber
Denlinger	Hutchinson	Pistella	Wilt
DiGirolamo	Kenney	Raymond	Wojnaroski
Egolf	Killion	Readshaw	Wright
Evans, J.	Kotik	Reed	Yewcic
Fabrizio	Leach	Reichley	Zug
Fairchild	Leh	Rohrer	

Feese	Lescovitz	Ross	Perzel,
Fichter	Lewis	Ruble	Speaker

NAYS—63

Belardi	Dermody	Levdansky	Staback
Belfanti	DeWeese	Manderino	Stetler
Biancucci	Diven	Mann	Sturla
Bishop	Donatucci	McCall	Surra
Blaum	Eachus	McGeehan	Thomas
Butkovitz	Evans, D.	Melio	Tigue
Buxton	Frankel	Mundy	Travaglio
Caltagirone	Goodman	Myers	Veon
Cawley	Gruitza	Oliver	Wansacz
Cohen	Horse	Preston	Washington
Corrigan	James	Rieger	Waters
Costa	Josephs	Roebuck	Wheatley
Cruz	Keller	Rooney	Williams
Curry	Kirkland	Santoni	Youngblood
Daley	LaGrotta	Scrimenti	Yudichak
DeLuca	Lederer	Solobay	

NOT VOTING—1

Ruffing

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR C

RULES SUSPENDED

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

Mr. S. SMITH. Mr. Speaker, I move that the rules be suspended to immediately consider SB 584, PN 2002.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Evans, D.	Maher	Sather
Allen	Evans, J.	Maitland	Saylor
Argall	Fairchild	Major	Scavello
Armstrong	Feese	Manderino	Schroder
Baker	Fichter	Mann	Scrimenti
Baldwin	Fleagle	Markosek	Semmel
Bard	Flick	Marsico	Shaner
Barrar	Forcier	McCall	Smith, B.
Bastian	Frankel	McGeehan	Smith, S. H.
Belardi	Freeman	McGill	Solobay
Belfanti	Gabig	McIlhattan	Staback
Benninghoff	Gannon	McIlhinney	Stairs
Biancucci	Geist	McNaughton	Steil
Birmelin	Gergely	Melio	Stern
Bishop	Gillespie	Metcalfe	Stetler
Blaum	Gingrich	Micozzie	Stevenson, R.

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

NAYS-0

NOT VOTING-1

Fabrizio

EXCUSED-8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

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 584, PN 2002**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "special mobile equipment"; providing for certain veterans plates and for commercial driver records; further providing for exemptions from other fees and for the offense of fleeing or attempting to elude police officer.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feese	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti
Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Biancucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rublely	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

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.

SUPPLEMENTAL CALENDAR M

BILL ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 850, PN 4799**, entitled:

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for findings and declaration of policy and for tax relief; repealing provisions relating to reimbursement to school districts of the first class A; and making editorial changes.

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

The SPEAKER pro tempore. Moved by the gentleman, Mr. Steil, that the House concur in the amendments inserted by the Senate.

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

Mr. MAHER. Mr. Speaker, is there someone who might rise for interrogation on the amendments inserted by the Senate?

The SPEAKER pro tempore. The gentleman, Mr. Steil, indicates that he would be willing to be interrogated or give a brief explanation, whichever you wish.

Mr. MAHER. Mr. Speaker, there are three substantive amendments made by the Senate. The third of those, section 3171-B(5), adds a new subsection (C), which prohibits the use of regional asset district funds for securing bonds issued by municipal authorities.

There are 130 municipalities in Allegheny County. Mr. Speaker, do you know if there has been any analysis or research to indicate which of these communities would be affected?

Mr. STEIL. Thank you, Mr. Speaker.

I am not aware of any analysis that the Senate did on that.

Mr. MAHER. Thank you, Mr. Speaker.

Mr. Speaker, section 3171-B(5)(B)(2) is amended to specify that revenues from the regional asset district which are currently required by law to be directed to real estate tax relief in the communities receiving those funds, the new language says they may be utilized for property tax rebate or rent rebate modeled after the State senior citizens rebate program or for uniform reduction in the property tax rate in the municipality.

Would it be correct, Mr. Speaker, that the legislative intent of this section is not to restrict the flavors of property tax relief that might be offered by a municipality but, rather, to add

clarification that these two particular types are indeed acceptable?

Mr. STEIL. That is correct, Mr. Speaker.

Mr. MAHER. Thank you, Mr. Speaker.

That concludes the interrogation. If I might speak briefly on the bill.

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

Mr. MAHER. This piece of legislation is one of several associated with our challenge of addressing the city of Pittsburgh's financial plight. The city's tax structure, most who have studied it agree, is archaic, better serving a city of the 18th century than a city of the 21st century. Perhaps the best illustration of the absurdity of the city's current tax structure is that the entities which pay the highest effective tax rate are nonprofits, nonprofit organizations which provide for the performing arts – the symphony, the opera, ballet, civic light opera. The notion that nonprofit performing arts groups should be the highest effective rate taxpayers, I would hope you would agree, illustrates the folly of the current structure. We will see other legislation addressing that structure, but, Mr. Speaker, my disappointment here is that the goal was to eliminate the amusement tax on these. Pittsburgh stands alone in the nation in taxing these sorts of undertakings. Philadelphia's similar provision was wisely eliminated years ago. But this only gets the job half done and worse, worse because members of the regional asset district board have already expressed some wonderment that the amusement tax might be decreased without a hold-harmless provision in terms of regional asset district funding to these very entities. So what is likely, as the bill is presented, is that the assistance afforded these nonprofit organizations, the relief put into one pocket will quickly be plucked away from the other and nothing of any good will have been accomplished.

We had amendments, Mr. Speaker, that would have cured that problem. We had amendments that would have clarified that the prohibition that was first addressed in interrogation was intended to relate to cities of the second class and not to all 130 municipalities and related authorities in the county. For reasons that I am not privy to, those amendments are not with us this evening.

So with a great regret of a near-miss that accomplishes little but risks much, I am afraid that I will be a negative vote on this.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On concurrence in Senate amendments, the gentleman, Mr. Habay, is recognized.

Mr. HABAY. Thank you, Mr. Speaker.

Will the gentleman, Mr. Steil, rise for a brief interrogation?

The SPEAKER pro tempore. He indicates he will. You may proceed.

Mr. HABAY. Mr. Speaker, section 1820.1, on page 2 of your bill, would allow counties to grant benefits to elected officials as long as those benefits are the same as those offered to other county employees. County officers and their dependents are eligible for any life insurance and health insurance as well as employee benefits or payments made in lieu of such benefits that are paid in part by the whole county.

In Allegheny County we have 15 elected members on county council. As a citizen legislature, they make about \$9,000 a year.

Would in any way this extend benefits to those elected officials in Allegheny County?

Mr. STEIL. Thank you, Mr. Speaker.

The answer is no, because this section affects only class 2-A counties. The provision you refer to is included in the city charter.

Mr. HABAY. Thank you very much, Mr. Speaker, and I will provide for the record a detailed account from the Pennsylvania Association of County Commissioners which says just that.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Your remarks will be spread upon the record.

BILL ANALYSIS SUBMITTED FOR THE RECORD

Mr. HABAY submitted an Allegheny-specific analysis of HB 850 for the Legislative Journal.

(For bill analysis, see Appendix.)

The SPEAKER pro tempore. The gentleman, Mr. Cawley, indicated he wished to speak? He waives off.

The gentleman, Mr. Turzai, on concurrence in Senate amendments.

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

This is one of the component bills with respect to the Pittsburgh package, and I want to applaud in the first instance our Senate colleagues for attempting, given difficult circumstances, to come up with a compromise package.

Amongst other things, this does reduce the amusement tax with respect to nonprofit performing arts from 5 percent to 2 1/2 percent, and that is a positive step. I also want to applaud both Senator Orié and Representative Maher in making it a priority to, in the first instance, eliminate, but at least they are getting to some reduction.

The other thing that the bill does is, a regional asset district tax, a sales tax that is paid in Allegheny County of 1 percent, which was enacted in 1993 and took effect in 1994, \$4 million of that tax has been directed to the city school district. This bill would have some restrictions with respect to the use of the regional asset district tax.

One of the other things that the provision does is it adds a new subsection (C). Twenty million annually has been going to the city of Pittsburgh from the regional asset district tax. Seventy-five percent of that tax is paid by people who live outside of the city of Pittsburgh, by commuters and visitors. The city has directed \$7.6 million of the \$20 million direct outlay that it gets into a development fund that has invested, using people's sales tax dollars, in department store developments, amongst others, that have lost \$18 million and have been a drain on taxes. This prohibits such use of that tax from securing bonds in the future.

I would urge a "yes" vote and appreciate the compromise effort that was put into this particular bill.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

It has been moved by the majority leader that the House concur in the amendments inserted by the Senate.

On the question recurring,
Will the House concur in Senate amendments?
The SPEAKER pro tempore. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—189

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

NAYS—5

Benninghoff Creighton	Hanna	Maher	Metcalfe
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NOT VOTING—0

EXCUSED—8

Bebko-Jones George	Godshall Laughlin	Lynch Mackereth	Nailor Roberts
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

VOTE CORRECTION

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

Mr. FABRIZIO. Mr. Speaker, I would like to correct the record.

On the motion to suspend for SB 584, being in my seat, I pressed my button; it did not work. I would like to be recorded in the affirmative.

Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman. That happens often.

SUPPLEMENTAL CALENDAR L

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 72, PN 1998**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault and for expiration of chapter relating to wiretapping and electronic surveillance; further defining "criminal justice agency"; and further providing for expungement.

On the question,

Will the House concur in Senate amendments to House amendments?

The SPEAKER pro tempore. Moved by the majority leader that the House concur in the amendments.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—194

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

Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Ruble	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel, Speaker
Egolf	Levdansky	Samuelson	

NAYS—0

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER pro tempore. The House will be at ease.

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

VOTE CORRECTION

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

Mr. BUXTON. Correct the record, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. BUXTON. On final passage of SB 1209, I was recorded in the negative. I would like the record to show that I would have preferred to have been recorded in the positive.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

SUPPLEMENTAL CALENDAR B CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1097, PN 1962**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway; and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

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

Mr. **D. EVANS** offered the following amendment No. **A5388**:

Amend Title, page 1, lines 1 through 5, by striking out all of said lines and inserting

Amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for allocation of additional dedicated funding to public transportation systems; establishing the Service Stabilization and State of Good Repair Account; creating a service stabilization and state of good repair program; providing for distribution of supplemental funding; further providing for use of funds distributed; providing for establishment of new formulas for public transportation funding in small urbanized areas and rural areas and for community transit; establishing a new funding mechanism for intercity passenger rail services; providing for public transportation efforts to raise revenue by alternative means and for cooperative procurement; further providing for collection and disposition of fees and moneys, for certificate of title, for information concerning drivers and vehicles and for certificate of safety inspection; deleting provisions relating to personnel matters; designating a portion of State Route 6 in Wyoming County as a scenic byway; designating a certain portion of State Route 92 in Susquehanna County as a scenic byway; and providing for study by Pennsylvania Turnpike Commission.

The General Assembly finds that the aid to transit provided for by this act is necessary to preserve the transit system in this Commonwealth. Providing for transit funding and encouraging the continued and further use of the transit system helps to relieve congestion on the highways and promote safety on those highways.

Amend Bill, page 2, lines 11 and 12, by striking out all of said lines and inserting

Section 1. The definitions of "Class 4 transit entity" and "urban common carrier mass transportation" in section 1301 of Title 74 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding definitions to read:

§ 1301. Definitions.

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

* * *

"Class 4 transit entity." Any local transportation organization or transportation company which serves a nonurbanized area and, during the 1990-1991 fiscal year, received or was approved to receive funding under the act of February 11, 1976 (P.L.14, No.10), known as the Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act[.], or which received demonstration funding from the planning, development, research, rural expansion and department-initiated programs in section 1310 (relating to distribution of funding) shares prior to the effective date of this definition and which is recommended for continuation of funding by the Department of Transportation.

* * *

"Class 5 transit entity." A nonprofit coordinator of the shared-ride lottery program for senior citizens, excluding a nonprofit coordinator operating in a first or second class county. Notwithstanding the foregoing, a nonprofit provider in a first or second class county that operates under a brokerage license issued by the Pennsylvania Public Utility Commission prior to the effective date of this section shall be included.

* * *

"Public passenger transportation." Transportation within an area that includes a municipality or other built-up place or a nonurbanized area which is appropriate, in the judgment of the Department of Transportation, for a public passenger transportation system to serve commuters or others in the locality, taking into consideration the local patterns and trends of urban or rural growth, by bus or rail or other conveyance, either publicly or privately owned, serving the general public. The term does not include exclusive ride, charter, group and party and sightseeing service, nonpublic transportation, school bus and limousine services.

* * *

["Urban common carrier mass transportation." Transportation within an area that includes a municipality or other built-up place which is appropriate, in the judgment of the Department of Transportation, for a common carrier transportation system to serve commuters or others in the locality, taking into consideration the local patterns and trends of urban growth, by bus or rail or other conveyance, either publicly or privately owned, serving the general public. The term does not include school buses or charter or sightseeing service.]

* * *

Section 2. Sections 1302, 1303 and 1310 of Title 74 are amended to read:

§ 1302. Program authorizations.

The department is hereby authorized, within the limitations hereinafter provided, and is required where the provisions of section 1303 (relating to annual appropriation and computation of subsidy) apply:

(1) To undertake and to provide financial support for research, by contract or otherwise, concerning [urban common carrier mass] public passenger transportation.

(2) To make grants to municipalities, counties, or their instrumentalities, and to agencies and instrumentalities of the Commonwealth to supplement Federal or local or Federal and local funds for use:

(i) For the purpose of studies, analysis, planning and development of programs for [urban common carrier mass] public passenger transportation service and facilities, and for the purpose of activities related to the planning, engineering and designing of specific projects which are a part of a comprehensive program, including, but not limited to, activities such as studies related to management, operations, capital requirements and economic feasibility, to the preparation of engineering and architectural surveys, plans and specifications and to other similar or related activities preliminary to and in preparation for the construction, acquisition or improved operation of [urban common carrier mass] public passenger transportation systems, facilities and equipment. State funding under this subparagraph shall not exceed five-sixths of the non-Federal share of the project costs.

(ii) To provide for research, development and demonstration projects in all phases of [urban common carrier mass] public passenger transportation, including the development, testing and demonstration of new facilities, equipment, techniques and methods, to assist in the solution of urban or rural transportation problems, in the improvement of [mass] public passenger transportation service and the contribution of such

service toward meeting total urban and rural transportation needs at minimum cost. State funding under this subparagraph shall not exceed five-sixths of the non-Federal share of the project costs.

(iii) To assist in providing grants to continue necessary service to the public, to permit needed improvements in service which are not self-supporting, to permit service which may be socially desirable but economically unjustified, and otherwise for any purpose in furtherance of [urban common carrier mass] public passenger transportation. The methodology for calculating the amount of the grant under this subparagraph shall be determined in accordance with section 1303. Each grant to a Class 1 transit entity, to a Class 2 transit entity or to a Class 3 transit entity made pursuant to this paragraph shall be matched by local or private funding in an amount not less than one-third of the total State grant made pursuant to section 1303(b). Any grants to Class 3 transit entities may, however, be matched by an amount not less than the amount of local or private funding which is specified in the State contract for the 1990-1991 fiscal year if the department shall have received a certification from such Class 3 transit entity that such lower level of local or private funding is adequate to prevent significant service reductions or passenger fare increases.

(3) To make grants to any transportation company or companies for use in providing necessary service to the public, to permit needed improvements in services which are not self-supporting, to permit services which may be socially desirable but economically unjustified, and otherwise for any purpose in furtherance of [urban common carrier mass] public passenger transportation. In view of the particular sensitivity of special instrumentalities and agencies of the Commonwealth created to serve or coordinate the local transportation needs of substantial metropolitan areas, no grant moneys may be used exclusively or principally in the local service area of any such agency or instrumentality in which a city or county of the first or second class has membership, except in accordance with a system of priorities agreed upon by the department and such agency or instrumentality. In the case of a grant where the moneys granted will be used for an activity to be conducted exclusively or principally within the local service areas of such agency or instrumentality, no grant moneys may be used except in accordance with agreements by the department and such agency or instrumentality with respect to such use. In the case of a grant not falling within the scope of the preceding sentence but where moneys granted will be used both within and without the local service area of such agency or instrumentality, the grant shall require that the routes, schedules and fares applicable only within such service areas shall be those mutually agreed upon by the department and such agency or instrumentality. No agreement referred to in this paragraph shall impair, suspend, reduce, enlarge or extend or affect in any manner the powers of the Pennsylvania Public Utility Commission or the Interstate Commerce Commission otherwise applicable by law. Each grant to a Class 1 transit entity, to a Class 2 transit entity [or], to a Class 3 transit entity or to a Class 4 transit entity made pursuant to this paragraph shall be matched by local or private funding in an amount not less than one-third of the total State grant made pursuant to section 1303(b). Any grants to Class 3 transit entities may, however, be matched by an amount not less than the amount of local or private funding which is specified in the State contract for the 1990-1991 fiscal year if the department shall have received a certification from such Class 3 transit entity that such lower level of local or private funding is adequate to prevent significant service reductions and/or passenger fare increases.

(4) In connection with privately or locally assisted capital projects or capital projects financed with private or local and Federal funds, to make grants for approved capital projects to a local transportation organization or a transportation company, including the acquisition, construction, reconstruction and improvement of facilities and equipment, buses and other rolling stock, and other real or personal property, including land (but not public highways), needed for an efficient and coordinated [mass] public passenger transportation system for use, by operation, lease or otherwise, in [urban common carrier mass] public passenger transportation service and in coordinating such service with highway and other transportation. No capital project grant shall be made for the purpose of financing, directly or indirectly, the acquisition of any interest in, or the purchase of any facilities or other property of, a private [urban common carrier mass] public passenger transportation company. Each capital project shall be based on a program or plan approved by the department. No capital project grant shall exceed five-sixths of the non-Federal share, subject, however, to the following specific exceptions:

(i) If two or more capital projects that are receiving Federal funds are combined for financing purposes, the amount of department funds used for any one of such projects may exceed five-sixths of the non-Federal share, provided that the total amount of department funds provided for all the projects so combined does not exceed five-sixths of the total non-Federal share of all of the projects so combined.

(ii) If a capital project is eligible to receive Federal financial assistance under the Urban Mass Transportation Act of 1964 or under successor legislation and if the project application for such Federal financial assistance has been rejected or delayed because of a lack of Federal funds or if the normal amount of Federal grant cannot be provided because of a lack of Federal funds and if the department has determined that the capital project is essential and should proceed without delay, department funds for such capital project may be increased temporarily to finance the entire net project cost, with the requirement that, upon the availability of additional Federal funds and the making of the capital project of a new or an additional Federal grant, the amount of department funds in excess of five-sixths of the non-Federal share be refunded to the department or be applied as the department may direct to help meet the department's share of the cost of another project in which the department is a participant. If additional Federal funds are not forthcoming, the department may provide funding up to twenty-nine thirtieths of the net project cost on a permanent basis. This provision is applicable to Class 1 through Class 5 transit entities.

(iii) If a project is ineligible to receive Federal financial assistance under the Urban Mass Transportation Act of 1964 or under successor legislation and if the department has determined that the project is essential and should proceed without delay, the amount of department funds for such project shall be limited to an amount not to exceed [one-half] twenty-nine thirtieths of the net project cost. This provision is applicable to Class 1 through Class 5 transit entities.

(5) To make grants from the State Lottery Fund in accordance with Chapter 7 of the act of August 14, 1991 (P.L.342, No.36), known as the Lottery Fund Preservation Act.

(6) To participate in a pooled bus acquisition program with transportation companies or local transportation organizations and the Federal Government for the purpose of making buses available to transportation companies or local transportation organizations for use in [urban common carrier

mass] public passenger transportation service, in accordance with the following procedures:

(i) The department may apply to the [Urban Mass Transportation] Federal Transit Administration of the United States Department of Transportation for the Federal share of any pooled-bus acquisition project.

(ii) The department may, with the assistance of the Department of General Services or a special group comprised of representatives of the transportation companies or local transportation organizations within the Commonwealth, write specifications for and order buses on behalf of any number of transportation companies or local transportation organizations desiring bus acquisition under this program.

(iii) Before any order for buses is placed by the department with a manufacturer, the department shall secure written assurance from the Federal Government of the availability of Federal financial assistance for such bus acquisitions. The department shall also secure written obligations by the transportation companies or local transportation organizations participating in such bus acquisitions that they will accept delivery of such buses at the appropriate time and will supply local funding in accordance with subparagraph (iv).

(iv) Funding for this program shall be: four-fifths Federal, one-sixth State and one-thirtieth from local sources; however, the local share of program costs may be advanced to the manufacturer by the Commonwealth at the time of purchase. Repayments to the Commonwealth of such advancements shall be considered as augmentations to the fund from which the funds were advanced. No part of the Federal share shall be advanced by the Commonwealth in anticipation of reimbursement.

(v) The Commonwealth may take title to and delivery of vehicles acquired pursuant to this program for eventual transfer to transportation companies or local transportation organizations.

(vi) All bus acquisitions under this program shall be made in accordance with a system of competitive bidding.

(vii) At its discretion, the department may organize and fund, with Commonwealth funds, postacquisition studies reasonably related to any pooled-bus acquisition made pursuant to this section, including, but not limited to, a vehicle inspection study at an appropriate interval or intervals following acquisition in order to monitor the condition of any vehicle purchased pursuant to this section.

§ 1303. Annual appropriation and computation of subsidy.

(a) General rule.—Beginning with the 1991-1992 fiscal year, the Commonwealth shall annually determine the level of appropriation for public transportation assistance, using the standards contained in this section, to sufficiently fund and to make fully operative section 1302(2)(iii) and (3) (relating to program authorizations).

(b) Distribution as grants.—The General Assembly shall annually make an appropriation to the department for distribution as grants to local transportation organizations and transportation companies. The total amount of moneys appropriated shall be distributed by the department as grants to local transportation organizations and transportation companies in accordance with the provisions of this section.

(c) Distribution formula.—The department shall distribute the total amount appropriated under subsection (b) in the following manner:

(1) The department shall calculate the Class 4 transit entity share for the fiscal year.

(2) The department shall then calculate the amount of grant due to each Class 4 transit entity as follows:

(i) From the Class 4 transit entity share, each Class 4 transit entity shall first receive an amount equal to 100% of its Class 4 transit entity adjusted base grant.

(ii) With respect to any portion of the Class 4 transit entity share remaining after each Class 4 transit entity receives an amount equal to 100% of its Class 4 transit entity adjusted base grant:

(A) Fifty percent of such excess shall be distributed to Class 4 transit entities based upon the percentage of the total amount of all Class 4 transit entity adjusted base grants given to Class 4 transit entities which a particular Class 4 transit entity received.

(B) Twenty-five percent of such excess shall be distributed to Class 4 transit entities based upon each transit entity's Class 4 revenue mile percentage. The actual amount received by each Class 4 transit entity under this clause shall be determined by multiplying a particular Class 4 transit entity's Class 4 revenue mile percentage times 25% of such excess of the Class 4 transit entity share.

(C) Twenty-five percent of such excess shall be distributed to Class 4 transit entities based upon each transit entity's Class 4 revenue hour percentage. The actual amount received by each Class 4 transit entity under this clause shall be determined by multiplying a particular Class 4 transit entity's Class 4 revenue hour percentage times 25% of such excess of the Class 4 transit entity share.

(3) All Class 3 and 4 transit entities may utilize all of the funds received pursuant to this section for any purpose in furtherance of public transportation. Each grant made to a Class 3 or 4 transit entity pursuant to this section shall, however, be matched by local or private funding in an amount not less than one-third of the total State grant made pursuant to subsection (c). Additionally, any grants to Class 3 and 4 transit entities may be matched by an amount not less than the amount of local or private funding which is specified in the State contract for the 1990-1991 fiscal year if the department shall have received a certification from such Class 3 or 4 transit entity that such lower level of local or private funding is adequate to prevent significant service reductions or passenger fare increases.

(i) All funds allocated to a Class 4 transit entity under sections 1310 (relating to distribution of funding), 1310.1 (relating to supplemental public transportation assistance funding) and 1310.2 (relating to service stabilization and state of good repair program) that are not spent for operating purposes or included in the most recent five-year plan submitted to the department as part of the Class 4 transit entity's rural operating assistance application for capital purposes within three years of initial allocation shall be returned to the department.

(ii) The department shall place all such returned funds in a restricted account to finance the capital and operational expenses of new rural transportation systems created after the effective date of this section and that have previously received demonstration funds and operational expenses of major expansions of existing Class 4 transit entity systems. Such funds may be used for initial start-up expenses and operating costs for a new system or a major expansion for a period up to five years and may be supplemented, at the discretion of the department, with section 1310 project management

oversight or planning, development, research, rural expansion and department-initiated program funds.

(iii) At the close of each fiscal year, the department shall calculate the remaining balance in the restricted account, by the year in which the balance was returned to the account by a transit system. Any funds remaining unspent for new systems or major system expansions at the end of three years shall be redistributed to all Class 4 transit entities based on section 1310.2 formula.

(4) The department shall calculate the Class 1 transit entity share, the Class 2 transit entity share and the Class 3 transit entity share for the fiscal year.

(5) The department shall then calculate the amount of grant due to each local transportation organization and transportation company as follows:

(i) Each Class 1 transit entity shall receive a prorata share of the Class 1 transit entity share. If there is only one Class 1 transit entity, it shall receive the entire Class 1 transit entity share.

(ii) Each Class 2 transit entity shall receive a prorata share of the Class 2 transit entity share. If there is only one Class 2 transit entity, it shall receive the entire Class 2 transit entity share.

(iii) Each Class 3 transit entity shall receive a portion of the Class 3 transit entity share calculated as follows:

(A) From the Class 3 transit entity share, each Class 3 transit entity shall first receive an amount equal to 100% of its Class 3 transit entity adjusted base grant.

(B) With respect to any portion of the Class 3 transit entity share remaining after each Class 3 transit entity receives an amount equal to 100% of its Class 3 transit entity adjusted base grant:

(I) Fifty percent of such excess shall be distributed to Class 3 transit entities based upon the percentage of all Class 3 transit entity adjusted base grants given to Class 3 transit entities which a particular Class 3 transit entity received.

(II) Twenty-five percent of such excess shall be distributed to Class 3 transit entities based upon each transit entity's Class 3 vehicle mile percentage. The actual amount received by each Class 3 transit entity under this subclause shall be determined by multiplying a particular Class 3 transit entity's Class 3 vehicle mile percentage times 25% of such excess of the Class 3 transit entity share.

(III) Twenty-five percent of such excess shall be distributed to Class 3 transit entities based upon each Class 3 transit entity's Class 3 operating revenue percentage. The actual amount received by each Class 3 transit entity under this subclause shall be determined by multiplying a particular Class 3 transit entity's Class 3 operating revenue percentage times 25% of such excess of the Class 3 transit entity share.

(6) On or about each July 1, October 1, January 1 and April 1 of each year commencing July 1, 1987, the department shall disburse 25% of the total annual amount due to each local

transportation organization or transportation company calculated in accordance with this section.

(d) New organizations.—Should a new local transportation organization or transportation company be established and meet the criteria of a Class 1 transit entity, Class 2 transit entity, Class 3 transit entity or Class 4 transit entity as such criteria are set forth in section 1301 (relating to definitions), the department shall make an appropriate determination as to the level of grant to which such local transportation organization or transportation company shall be entitled. This determination shall include, but shall not be limited to, a determination as to an appropriate adjusted base grant for that local transportation organization or transportation company and a determination of appropriate adjustments to class percentages or transit entity shares.

(e) Change to different entity class.—If, during any fiscal year, either the number of vehicles operated by a local transportation organization or transportation company or the area served by such a local transportation organization or transportation company changes so that the local transportation organization or transportation company meets the criteria for a different transit entity class, as such criteria are set forth in section 1301, on or before July 15 of the fiscal year which follows such a change and in each fiscal year thereafter, the department shall reflect any change in the transit entity class of such a local transportation organization or transportation company in its calculation of the transit entity shares for each transit entity class for that and subsequent fiscal years. In its calculation of the transit entity shares for each transit entity class required by this section, for the fiscal year following the change in a local transportation organization or transportation company's transit entity class and thereafter, the department shall include the amount of the transit entity share allocated to such a local transportation organization or transportation company for the fiscal year prior to the change in the transit entity class, increased or decreased by the percentage by which the total appropriation being allocated has been increased or decreased in the new fiscal year as compared to the fiscal year just prior to the new fiscal year, in the transit entity share for the new transit entity class of such a local transportation organization or transportation company, and shall delete an equal amount from the transit entity share for the transit entity class for which such a local transportation organization or transportation company no longer meets the criteria in the new fiscal year [or thereafter]. Thereafter, the transit entity share shall be increased or decreased by the percentage by which the total appropriation being allocated has been increased or decreased in the new fiscal year as compared to the fiscal year just prior to the new fiscal year. The amount deleted from a transit entity class and added to a different entity class shall occur with appropriate adjustments to class percentages by the department.

(f) Rates, fares and charges.—

(1) Each local transportation organization or transportation company receiving moneys pursuant to this section shall annually fix such rates, fares and charges in such manner that they shall be at all times sufficient in the aggregate, and in conjunction with any moneys received from Federal or other sources, and any other income available to such organization or company, to provide funds for the payment of all operating costs and expenses which shall be incurred by such organization or company.

(2) In order to be eligible for the moneys described in paragraph (1), each local transportation organization or transportation company shall adopt an annual operating budget for each fiscal year no later than the last day of the preceding fiscal year. A copy of this operating budget shall be submitted to the department within ten days after its approval, along with a certification by the local transportation organization or transportation company that adequate revenues (including subsidies) are provided to support operating costs and expenses.

(g) Standards and measures.—

(1) Within one year after the effective date of this part and every year thereafter, each local transportation organization

or transportation company receiving moneys pursuant to this section shall adopt a series of service standards and performance evaluation measures. Such standards and measures shall be in addition to the performance audits required by section 1315 (relating to public transportation grants management accountability) and shall consist of objectives and specific numeric performance levels to be achieved in meeting these standards and objectives. Those standards and measures adopted shall include the following, in addition to others deemed appropriate by the local transportation organization or transportation company:

(i) An automatic mechanism to review the utilization of routes.

(ii) Staffing ratios (ratio of administrative employees to operating employees; number of vehicles per mechanic).

(iii) Productivity measures (vehicle miles per employee; passenger and employee accidents per 100,000 vehicle miles; on-time performance; miles between road calls).

(iv) Fiscal indicators (operating cost per passenger; subsidy per passenger and operating ratio).

(iv.1) Reasonable minimum prequalification standards for prospective transit service subcontractors.

(v) Any other matter desired by the governing body of such local transportation organization or transportation company.

(2) The service standards and performance evaluation measures shall be established by formal action of the governing body of such local transportation organization or transportation company following an opportunity for comment by the public and the department. Upon submission, the department will review and may make recommendations to the local transportation organization or transportation company concerning the service standards and performance evaluation measures.

(3) In the discretion of such governing body, the service standards and performance evaluation measures may be systemwide or based on a sampling.

(4) The service standards and performance evaluation measures shall only constitute goals for such local transportation organization or transportation company in providing service in the year following their adoption. At the end of such year, fiscal or calendar, as the case may be, a report shall be transmitted to the department for its consideration indicating the projected performance levels and the performance levels actually achieved. Upon submission, the department will review the report and may make recommendations to such local transportation organization or transportation company concerning the performance levels actually achieved. Such report shall be released to the public at the time of issuance.

(5) The department may suspend the eligibility for future discretionary transit grant funds of any transit entity which fails to comply with the provisions of this section. The department shall restore the discretionary funding eligibility of a suspended transit entity at such time as the requirements of this section are met in an amended application received by the department.

(6) Notwithstanding any other provision of law, a Class 1 transit entity authorized by its enabling statute to exercise the right of eminent domain for public transportation purposes shall, when acquiring land by eminent domain for any purpose permitted under this chapter and financed in whole or in part under this chapter, be bound by the requirement contained in section 2003 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, to demonstrate by clear and convincing evidence that the activity contemplated on the site proposed to be appropriated could not have been conducted economically at an alternate location. In all cases, when acquiring land in any manner permitted by its enabling

statute, a Class 1 transit entity must conduct a public hearing on the project for which the land is to be acquired, either individually on the project or as part of a hearing on its overall capital budget, and the project must be included in a capital budget submitted to the department in accordance with this chapter. The land acquired for such public transportation purpose and the transit project constructed thereon shall have the same status in relation to the provisions of the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, as land acquired by the department for highway right-of-way purposes.

(h) Reduction of certain grants.—With respect to grants to Class 1 transit entities and Class 2 transit entities in any fiscal year, the department shall reduce the grant amount due to such local transportation organization or transportation company by an amount equal to 1% of such grant moneys otherwise due to such local transportation organization or transportation company for each percentage point such local transportation organization's or transportation company's operating ratio is less than 50% in the case of a Class 1 transit entity or less than 46% in the case of a Class 2 transit entity.

(i) Audits.—The department is authorized to perform independent financial audits of the financial statements of each local transportation organization or transportation company receiving moneys pursuant to this section. Such audits shall be conducted in accordance with generally accepted auditing standards. Any financial statements subject to such audit or reports resulting from such audit shall be prepared and presented in accordance with generally accepted accounting principles, consistently applied with previous statements rendered for or on behalf of such organization or company. The department may coordinate such audits in conjunction with audits undertaken by the Auditor General.

(j) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Class 1 percentage.” Seventy percent.

“Class 2 percentage.” Twenty-five and three-tenths percent.

“Class 3 percentage.” Four and seven-tenths percent.

“Class 1 to 3 allocation.” The total amount appropriated under subsection (b) less the Class 4 transit entity share.

“Class 1 transit entity share.” The product of the Class 1 percentage times the Class 1 to 3 allocation in a particular fiscal year.

“Class 2 transit entity share.” The product of the Class 2 percentage times the Class 1 to 3 allocation in a particular fiscal year.

“Class 3 transit entity adjusted base grant.” The State subsidy which a Class 3 transit entity received during the 1990-1991 fiscal year, including Federal funds transferred from other local transportation organizations and transportation companies from the Federal fiscal year 1989-1990 pursuant to the Governor's apportionment allocation contained in the Urban Mass Transportation Act of 1964.

“Class 3 transit entity share.” The product of the Class 3 percentage times the Class 1 to 3 allocation in a particular fiscal year.

“Class 3 vehicle mile percentage.” The percentage determined by dividing the vehicle miles of a Class 3 transit entity with respect to the most recent fiscal year as reported in the most recently issued Pennsylvania Mass Transit Statistical Report by the total number of vehicle miles of all Class 3 transit entities with respect to the most recent fiscal year as reported in the most recently issued Pennsylvania Mass Transit Statistical Report.

“Class 4 revenue hour percentage.” The percentage determined by dividing the revenue hours of a Class 4 transit entity as reported with respect to the most recent fiscal year in the most recently issued Pennsylvania Rural and Small Urban Public Transportation Statistical Report by the total number of revenue hours of all Class 4 transit entities as reported with respect to the most recent fiscal year reported in the most recently issued Pennsylvania Rural and Small Urban Public Transportation Statistical Report.

“Class 4 revenue mile percentage.” The percentage determined by dividing the revenue miles of a Class 4 transit entity as reported

with respect to the most recent fiscal year in the most recently issued Pennsylvania Rural and Small Urban Public Transportation Statistical Report by the total revenue miles of all Class 4 transit entities as reported with respect to the most recent fiscal year reported in the most recently issued Pennsylvania Rural and Small Urban Public Transportation Statistical Report.

“Class 4 transit entity share.” Two million three hundred thirty-five thousand dollars for the 1991-1992 fiscal year and, during the 1992-1993 fiscal year and each fiscal year thereafter, shall mean the Class 4 transit entity share for the prior fiscal year plus (or minus) the product of the Class 4 transit entity share for the prior fiscal year times the percentage increase or decrease in the total operating assistance made available to local transportation organizations and transportation companies for that fiscal year as compared with the most recently completed fiscal year.

“Operating ratio.” The proportion of total operating revenue (which shall include all passenger, charter and advertising revenue, fare reimbursement received from the State Lottery Fund, State funding for asset maintenance and all other receipts associated with the delivery of transit services, but shall exclude Federal grants provided to cover operating losses and State grants made pursuant to subsection (b)) divided by total operating expenses associated with day-to-day operation of the system [(), but excluding depreciation of capital assets]].

“Operating revenue.” The total revenue earned by a local transportation organization or transportation company through its transit operations, including, but not limited to, passenger revenue, senior citizen grant, charter revenue, school contract revenue, advertising, State funding for asset maintenance and other revenue listed with respect to the most recent fiscal year reported in the most recently issued Pennsylvania Mass Transit Statistical Report.

“Operating revenue percentage.” The percentage determined by dividing the operating revenues of a local transportation organization or transportation company as reported in the most recently issued Pennsylvania Mass Transit Statistical Report by the total operating revenue of all local transportation organizations or transportation companies as reported in the most recently issued Pennsylvania Mass Transit Statistical Report.

§ 1310. Distribution of funding.

(a) General rule.—All moneys made available and required to be used for capital projects, asset maintenance and other programs specified in this section shall be distributed in accordance with the formula specified in this section and used strictly in accordance with section 1311 (relating to use of funds distributed).

(b) Distribution procedure.—During each fiscal year, capital project, asset maintenance and other program funds shall be distributed as follows:

(1) On or before the fifth day of each month, the Treasury Department shall certify to the department the total amount then available for distribution, and the department shall make distribution of payments required under this subsection on or before the 20th day of each month.

(2) Beginning in the 1991-1992 fiscal year, each month, the Treasury Department shall pay one-twelfth of the Department of Transportation project management oversight share for that fiscal year into the General Fund. The moneys so transferred are hereby appropriated to the Department of Transportation for use by that department for expenses related to project management and oversight of capital and asset maintenance projects funded pursuant to this section.

(3) Each month, the Treasury Department shall pay one-twelfth of the community transportation program section 1310 share for that fiscal year into the General Fund. The funds so transferred are hereby appropriated to the Department of Transportation to make grants to counties, pursuant to section 1312 (relating to community transportation programs), for the purpose of funding capital projects of community transportation programs.

(4) Each month, the Treasury Department shall pay the planning, development, research, rural expansion and department-initiated programs section 1310 share for that month into the General Fund. The funds so transferred are hereby appropriated to the Department of Transportation to incur costs directly or to make grants to local transportation organizations or transportation companies, or entities which seek to become local transportation organizations or transportation companies, pursuant to section 1312, for the purpose of funding planning, development, research, rural expansion and department-initiated programs.

(5) Each month, the department shall distribute one-twelfth of the Class 4 transit entity section 1310 share to Class 4 transit entities in the manner provided in this paragraph. Each Class 4 transit entity shall receive a portion of each monthly distribution of the Class 4 transit entity section 1310 share as follows:

(i) Fifty percent of the monthly distribution of the Class 4 transit entity section 1310 share shall be distributed to Class 4 transit entities based upon each transit entity's Class 4 operating assistance grant section 1310 percentage. The actual amount received by each Class 4 transit entity under this subparagraph shall be determined by multiplying a particular Class 4 transit entity's Class 4 operating assistance grant section 1310 percentage times the total amount available for distribution under this subparagraph.

(ii) Twenty-five percent of the monthly distribution of the Class 4 transit entity section 1310 share shall be distributed to Class 4 transit entities based upon each transit entity's Class 4 revenue mile section 1310 percentage. The actual amount received by each Class 4 transit entity under this subparagraph shall be determined by multiplying a particular Class 4 transit entity's Class 4 revenue mile section 1310 percentage times the total amount available for distribution under this subparagraph.

(iii) Twenty-five percent of the monthly distribution of the Class 4 transit entity section 1310 share shall be distributed to Class 4 transit entities based upon each transit entity's Class 4 revenue hour section 1310 percentage. The actual amount received by each Class 4 transit entity under this subparagraph shall be determined by multiplying a particular Class 4 transit entity's Class 4 transit entity revenue hour section 1310 percentage times the total amount available for distribution under this subparagraph.

(6) Each month, after providing for payment of the portion of the Department of Transportation project management oversight share, the community transportation program section 1310 share, the planning, development, research, rural expansion and department-initiated programs section 1310 share and the Class 4 transit entity section 1310 share to be distributed that month, the department shall distribute all remaining capital project, asset maintenance and other program funds in accordance with the formula included in this section, until the total net revenue distributed from the Pennsylvania Transportation Assistance Fund reaches a total of \$200 million during a single fiscal year. Any net revenue available in the Pennsylvania Transportation Assistance Fund in excess of \$200,000,000 for a single fiscal year shall be distributed under the formula contained in section 1310.2. Funds shall be distributed according to the formulas of this section as follows:

(i) Each Class 1 transit entity shall receive a prorata share of the Class 1 transit entity section 1310 share. If there is only one Class 1 transit entity, it shall receive the entire Class 1 transit entity section 1310 share.

(ii) Each Class 2 transit entity shall receive a prorata share of the Class 2 transit entity section 1310 share. If there is only one Class 2 transit entity, it shall receive the entire Class 2 transit entity section 1310 share.

(iii) Each Class 3 transit entity shall receive a portion of the Class 3 transit entity section 1310 share as follows:

(A) Sixteen and sixty-seven hundredths percent of the Class 3 transit entity section 1310 share shall be distributed to Class 3 transit entities based upon each transit entity's Class 3 vehicle mile section 1310 percentage. The actual amount received by each Class 3 transit entity under this clause shall be determined by multiplying a particular Class 3 transit entity's Class 3 vehicle mile section 1310 percentage times the total amount available for distribution under this clause.

(B) Sixteen and sixty-seven hundredths percent of the Class 3 transit entity section 1310 share shall be distributed to Class 3 transit entities based upon each transit entity's Class 3 vehicle hour section 1310 percentage. The actual amount received by each Class 3 transit entity under this clause shall be determined by multiplying a particular Class 3 transit entity's Class 3 vehicle hour section 1310 percentage times the total amount available for distribution under this clause.

(C) Sixteen and sixty-six hundredths percent of the Class 3 transit entity section 1310 share shall be distributed to Class 3 transit entities based upon each transit entity's Class 3 total passenger section 1310 percentage. The actual amount received by each Class 3 transit entity under this clause shall be determined by multiplying a particular Class 3 transit entity's Class 3 total passenger section 1310 percentage times the total amount available for distribution under this clause.

(D) Twenty-five percent of the Class 3 transit entity section 1310 share shall be distributed to Class 3 transit entities based upon each transit entity's Class 3 Federal operating cap percentage. The actual amount received by each Class 3 transit entity under this clause shall be determined by multiplying a particular Class 3 transit entity's Class 3 Federal operating cap percentage times the total amount available for distribution under this clause.

(E) Twenty-five percent of the Class 3 transit entity section 1310 share shall be distributed to Class 3 transit entities based upon each transit entity's Class 3 State operating grant percentage. The actual amount received by each Class 3 transit entity under this clause shall be determined by multiplying a particular Class 3 transit entity's Class 3 State operating grant percentage times the total amount available for distribution under this clause.

(c) Change of classification.—If, during any fiscal year, either the number of vehicles operated by a local transportation organization or transportation company or the area served by such a local transportation organization or transportation company changes so that the local transportation organization or transportation company meets the criteria for a different transit entity class, as such criteria are set forth in section 1301 (relating to definitions), on or before July 15 of

the fiscal year which follows such a change and in each fiscal year thereafter, the department shall reflect any change in the transit entity class of such a local transportation organization or transportation company in the Department of Transportation certification for that and subsequent fiscal years. In its calculation of the transit entity section 1310 shares for each transit entity class required by subsection (g)(1) and the transit entity [section 1310.1] sections 1310.1 and 1310.2 shares for each transit entity class required by subsection (g)(1) for the fiscal year following the change in a local transportation organization or transportation company's transit entity class and thereafter, the department shall include the amount of the transit entity sections 1310 [and 1310.1], 1310.1 and 1310.2 shares allocated to such a local transportation organization or transportation company for the fiscal year prior to the change in the transit entity class, in the transit entity sections 1310 [and 1310.1], 1310.1 and 1310.2 shares for the new transit entity class of such a local transportation organization or transportation company, and shall delete an equal amount from the transit entity sections 1310 [and 1310.1], 1310.1 and 1310.2 shares for the transit entity class for which such a local transportation organization or transportation company no longer meets the criteria in the new fiscal year. No local transportation organization or transportation company which has changed from one transit entity class to another due to either an increase in the number of vehicles operated or the United States Census Bureau's declaring its service area an urbanized area shall receive less than the amount transferred on its account by the department pursuant to this section[.] in the first year after the transfer is made. Thereafter, the amount initially transferred and made available to the local transportation organization or transportation company shall be adjusted each year by the same percentage that the transit entity sections 1310, 1310.1 and 1310.2 shares for the new transit entity class of such a local transportation organization or transportation company increase or decrease during that year.

(1) For any Class 3 or Class 4 transit entity receiving an allocation of funding through more than one transit entity section 1310 or 1310.1 shares as of the effective date of this paragraph, such system may continue to receive such multiple allocations under this section and section 1310.1 (relating to supplemental public transportation assistance funding) and may also receive such multiple allocations under section 1310.2 (relating to service stabilization and state of good repair program), so long as such system continues to operate services that would independently qualify under each of the classes for which that transit entity is receiving an allocation. The share such a system shall receive from each transit entity class share shall represent the share earned solely by service which qualifies under that transit entity class share's category and shall not be duplicative of service earning an allocation under any other transit entity class share.

(2) Should a new local transportation organization or transportation company be established and meet the criteria of a Class 1 transit entity, Class 2 transit entity, Class 3 transit entity or Class 4 transit entity as such criteria are set forth in this section and sections 1310.1 and 1310.2, the department shall make an appropriate adjustment in its calculation of the transit entity 1310 share, the 1310.1 share and the 1310.2 share for each transit entity class to which such local transportation organization or transportation company shall be entitled. This determination shall include, but shall not be limited to, an appropriate adjusted based grant for that local transportation organization or transportation company and a determination of appropriate adjustments to class percentages or transit entity shares.

(d) Oversight.—The department shall initiate and maintain a program of review and oversight for any projects receiving funds distributed pursuant to this section [and section 1310.1 (relating to supplemental public transportation assistance funding)], sections 1310.1 and 1310.2. The department is authorized to perform independent financial audits of the financial statements of each local

transportation organization, transportation company or community transportation program receiving moneys pursuant to this section. These audits shall be conducted in accordance with generally accepted auditing standards. Any financial statements subject to the audit or reports resulting from the audit shall be prepared and presented in accordance with generally accepted accounting principles, consistently applied with previous statements rendered for or on behalf of such organization or company. The department may coordinate such audits in conjunction with audits undertaken by the Auditor General.

(e) Fiscal year and capital budget.—

(1) The governing body of each local transportation organization or transportation company shall establish a fiscal year for capital programs. No later than the last day of each fiscal year for capital programs, each local transportation organization or transportation company receiving moneys pursuant to this section shall adopt a capital budget and an asset maintenance spending plan for submission to the department.

(2) The capital budget shall include the following:

- (i) A description of any such project.
- (ii) The projected cost of any project to be undertaken, including supporting cash flow.
- (iii) The duration of any such project, including the projected starting date, completion date and projected useful life of the project.
- (iv) The proposed funding sources for any project.
- (v) A description of projects completed in the prior fiscal year and their impact on operations.
- (vi) A description of progress to date on projects initiated in the prior fiscal year but not yet completed.
- (vii) An explanation of any significant project delays.
- (viii) The use of funds under this section in the prior fiscal year, including projects for which they were used.
- (ix) A multiyear plan for future use of funds received under this section for a period of not less than five years.
- (x) Any other matter desired by the governing body of such local transportation organization or transportation company.

(3) The asset maintenance spending plan shall include:

- (i) The amount of moneys expended for asset maintenance costs.
- (ii) The purposes for which such funds were expended.
- (iii) Those asset maintenance costs which are projected to be funded during the subsequent twelve months by the local transportation organization or transportation company.
- (iv) A multiyear plan for future use of funds received under this section for a period of not less than five years.

(4) The capital budget and the asset maintenance spending plan shall be established by formal action of the governing body of such local transportation organization or transportation company following an opportunity for comment by the public and the department. Upon submission, the department will review and may make recommendations to the local transportation organization or transportation company concerning the capital budget and asset maintenance spending plan.

(5) The capital budget and the asset maintenance spending plan may be amended by formal action of the governing body of such local transportation organization or transportation company from time to time. Any amendments to the capital budget and the asset maintenance spending plan shall be transmitted to the department for its review, and the

department may make recommendations to the local transportation organization or transportation company concerning any amendments to the capital budget and the asset maintenance spending plan.

(f) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Capital project, asset maintenance and other program funds.”

Moneys made available to finance capital projects and asset maintenance costs of local transportation organizations, transportation companies or community transportation programs or to fund other programs specified in this section from:

(1) any fund of the Commonwealth where the legislation creating such fund references this part and states that some or all of the moneys in such fund are to be used to finance capital projects and asset maintenance costs of local transportation organizations, transportation companies or community transportation programs and to fund certain other programs; or

(2) any other source, where such moneys are made available specifically to finance capital projects and asset maintenance costs of local transportation organizations, transportation companies or community transportation programs in accordance with this section.

“Class 1 section 1310 percentage.” Seventy and three-tenths percent.

“Class 2 section 1310 percentage.” Twenty-five and four-tenths percent.

“Class 3 section 1310 percentage.” Four and three-tenths percent.

“Class 1 to 3 section 1310 allocation.” The total amount of capital project, asset maintenance and other program funds available for distribution by the Treasury Department during a particular month, less:

(1) the amount of the Department of Transportation project management oversight share to be paid each month under subsection (b)(2);

(2) the amount of the community transportation program section 1310 share to be paid each month under subsection (b)(3);

(3) the amount of the planning, development, research, rural expansion and department-initiated programs section 1310 share; and

(4) the amount of the Class 4 transit entity section 1310 share to be paid each month under subsection (b)(5).

“Class 1 transit entity section 1310 share.” The product of the Class 1 section 1310 percentage times the Class 1 to 3 section 1310 allocation.

“Class 2 transit entity section 1310 share.” The product of the Class 2 section 1310 percentage times the monthly Class 1 to 3 allocation.

“Class 3 transit entity section 1310 share.” The product of the Class 3 section 1310 percentage times the monthly Class 1 to 3 allocation.

“Class 4 transit entity section 1310 share.” Four million dollars during the 1991-1992 fiscal year and \$4,160,000 during the 1992-1993 fiscal year. During the 1993-1994 through 1996-1997 fiscal years, the term shall mean the Class 4 transit entity section 1310 share for the prior fiscal year plus (or minus) the product of the Class 4 transit entity section 1310 share for the prior fiscal year times the percentage increase or decrease in the total funds available for distribution pursuant to this section received by the Treasury Department in the most recently completed fiscal year as compared with the prior fiscal year. For the 1997-1998 fiscal year and each fiscal year thereafter, the term shall mean 2.8% of the total amount of capital project, asset maintenance and other program funds projected by the department to be available under this section for distribution during the subject fiscal year.

“Class 3 Federal operating cap percentage.” The percentage determined by dividing the Federal operating ceiling for a Class 3

transit entity by the total Federal operating ceilings for all Class 3 transit entities.

“Class 3 State operating grant percentage.” The percentage determined by dividing the State subsidy received pursuant to section 1303 (relating to annual appropriation and computation of subsidy) during fiscal year 1990-1991 by a Class 3 transit entity as stated in the latest Department of Transportation certification by the total State subsidies received pursuant to section 1303 during fiscal year 1990-1991 by all Class 3 transit entities as stated in the latest Department of Transportation certification. For purposes of calculating the amount received by a Class 3 transit entity pursuant to section 1303, any Federal funds transferred from other local transportation organizations and transportation companies from the Federal fiscal year 1990-1991 Governor’s apportionment allocation, contained in the Urban Mass Transportation Act of 1964, shall be considered to be amounts received pursuant to section 1303.

“Class 3 total passenger section 1310 percentage.” The percentage determined by dividing the total passengers transported by a Class 3 transit entity as stated in the latest Department of Transportation certification by the total number of passengers transported by all Class 3 transit entities as stated in the latest Department of Transportation certification.

“Class 3 vehicle hour section 1310 percentage.” The percentage determined by dividing the vehicle hours of a Class 3 transit entity as stated in the latest Department of Transportation certification by the total number of vehicle hours of all Class 3 transit entities as stated in the latest Department of Transportation certification.

“Class 3 vehicle mile section 1310 percentage.” The percentage determined by dividing the vehicle miles of a Class 3 transit entity as stated in the latest Department of Transportation certification by the total number of vehicle miles of all Class 3 transit entities as stated in the latest Department of Transportation certification.

“Class 4 operating assistance grant section 1310 percentage.” The percentage determined by dividing the Class 4 transit entity adjusted base grant received by a Class 4 transit entity or, only for purposes of calculating the distribution of funding under section 1310.2, the amount received in the most recent fiscal year prior to the effective date of this definition from the planning, development, research, rural expansion and department-initiated programs section 1310 shares adjusted by the Department of Transportation to account for Federal participation by the total Class 4 transit entity adjusted base grants received pursuant to such act by all Class 4 transit entities during fiscal year 1990-1991 as stated in the Department of Transportation certification[,] plus, only for purposes of calculating the distribution of funding under section 1310.2, the total Class 4 grants received in the most recent fiscal year prior to the effective date of this definition from the planning, development, research, rural expansion and department-initiated programs section 1310 shares adjusted by the department to account for Federal participation for start-up and operations of transit services by systems qualified as Class 4 transit entities.

“Class 4 revenue hour section 1310 percentage.” The percentage determined by dividing the revenue hours of a Class 4 transit entity as stated in the latest Department of Transportation certification by the total number of revenue hours of all Class 4 transit entities as stated in the latest Department of Transportation certification.

“Class 4 revenue mile section 1310 percentage.” The percentage determined by dividing the revenue miles of a Class 4 transit entity as stated in the latest Department of Transportation certification by the total number of revenue miles of all Class 4 transit entities as stated in the latest Department of Transportation certification.

“Community transportation program section 1310 share.” One million seven hundred thousand dollars during the 1991-1992 fiscal year, \$1,768,000 during the 1992-1993 fiscal year and, during the 1993-1994 fiscal year and each fiscal year thereafter, shall mean the community transportation program section 1310 share for the prior fiscal year plus (or minus) the product of the community transportation

program section 1310 share for the prior fiscal year times the percentage increase or decrease in the total funds available for distribution pursuant to this section received by the Treasury Department in the most recently completed fiscal year as compared with the prior fiscal year. However, in any fiscal year in which the total funds authorized to be expended from the State Lottery Fund for purposes enumerated in section 1312 (relating to community transportation programs) is less than \$600,000, the community transportation program section 1310 share shall be increased so that the sum of the community transportation program section 1310 share plus the total amount of such moneys paid from the State Lottery Fund for purposes enumerated in section 1312 shall equal \$2,300,000. The combined funding to any county for community transportation under sections 1310 and 1312 shall not exceed \$250,000 in any fiscal year.

“Department of Transportation project management oversight share.” One million dollars during the 1991-1992 fiscal year and, during the 1992-1993 fiscal year and each fiscal year thereafter, shall mean \$1,000,000 or 0.25% of the total amount of capital project, asset maintenance and other program funds available for distribution pursuant to this section received by the Treasury Department during the prior fiscal year, whichever is greater. These funds may be used at the discretion of the department for the following purposes: projects and services that contribute to the enhancement of public passenger transportation in this Commonwealth, including, but not limited to, project management oversight, planning, development, research, rural expansion, department-initiated programs and special projects.

“Department of Transportation certification.” The certification by the Department of Transportation to the Treasury Department under subsection (g).

“Department-initiated programs.” Mass transportation programs with a regional or Statewide application, including, without limitation, capital projects in support of intercity rail passenger service, capital projects in support of intercity bus service, transit safety initiatives, public-private transportation partnerships, rider sharing incentive programs, transportation management associations and other multimodal transportation management projects.

“Federal operating ceiling.” The maximum amount of Federal funds permitted to be used by a Class 3 transit entity to subsidize transit operations, as published in the November 23, 1990, Federal Register (or, where there is more than one transit entity in a region, the maximum amount of Federal funds which such Class 3 transit entity could have utilized to subsidize transit operations pursuant to the subregional allocation as specified in the applicable transportation improvement program) for fiscal year 1990-1991.

“Planning, development, research, rural expansion and department-initiated programs section 1310 shares.” The sum of \$83,333.33 plus 0.25% of the total capital project, asset maintenance and other program funds available for distribution by the Treasury Department during a particular month[,] pursuant to this section. These funds may be used at the discretion of the Department of Transportation for the following purposes: projects and services that contribute to the enhancement of public passenger transportation in this Commonwealth, including, but not limited to, project management oversight, planning, development, research, rural expansion, department-initiated programs and special projects.

“Total passengers.” The total of all revenue passengers plus transfer passengers on second and successive rides of a local transportation organization or transportation company, which are funded in whole or in part by this part, with respect to the most recent fiscal year reported in the most recently issued Pennsylvania Mass Transit Statistical Report.

“Transportation enrichment funds.” Funds provided through either the Department of Transportation project management oversight share or the planning, development, research, rural expansion and department-initiated programs under the section 1310 share.

“Treasury Department.” The State Treasurer and the Treasury Department of the Commonwealth.

(g) Certification to Treasury Department.—On or before July 15 of each fiscal year, the Department of Transportation shall calculate and certify to the Treasury Department the following:

(1) The Department of Transportation project management oversight share, the community transportation program sections 1310 [and 1310.1], 1310.1 and 1310.2 shares, the Class 1 transit entity sections 1310 [and 1310.1], 1310.1 and 1310.2 shares, the Class 2 transit entity sections 1310 [and 1310.1], 1310.1 and 1310.2 shares, the Class 3 transit entity sections 1310 [and 1310.1], 1310.1 and 1310.2 shares [and], the Class 4 transit entity sections 1310 [and 1310.1 shares], 1310.1 and 1310.2 shares and the Class 5 transit entity 1310.2 share [and], the planning, development, research, rural expansion and department-initiated programs sections 1310 and 1310.1 shares.

(2) The names and addresses of each Class 1 transit entity, Class 2 transit entity, Class 3 transit entity [and], Class 4 transit entity and Class 5 transit entity and whether such program or entity is a Class 1 transit entity, Class 2 transit entity, Class 3 transit entity [or], Class 4 transit entity[.] or Class 5 transit entity and for a Class 3 transit entity shall certify whether it is operating within the boundaries of a separate Class 1 transit entity's or Class 2 transit entity's urbanized area for purposes of section 1310.2(b)(5)(iii).

(3) The vehicle miles of each Class 3 transit entity, the total vehicle miles of all Class 3 transit entities, the Class 3 vehicle mile sections 1310 and 1310.1 percentages for each Class 3 transit entity, the vehicle hours of each Class 3 transit entity, total vehicle hours of all Class 3 transit entities, the Class 3 vehicle hour sections 1310 and 1310.1 percentages for each Class 3 transit entity, total passengers for each Class 3 transit entity, the total passengers for all Class 3 transit entities, the Class 3 total passenger sections 1310 and 1310.1 percentages for each Class 3 transit entity, the Federal operating ceiling for each Class 3 transit entity, the Federal operating cap percentage for all Class 3 transit entities, the Federal operating cap percentage for each Class 3 transit entity, the State subsidy received pursuant to section 1303 (relating to annual appropriation and computation of subsidy) as described in the definition of "Class 3 State operating grant percentage" for each Class 3 transit entity, the State subsidy received pursuant to section 1303 as described in the definition of "Class 3 State operating grant percentage" for all Class 3 transit entities, [and] the Class 3 State grant percentage for each Class 3 transit entity[.], the amount of Federal formula funds received by each Class 3 transit entity during Federal fiscal year 2002-2003, the amount of Federal formula funds received by all Class 3 transit entities during Federal fiscal year 2002-2003, the amount of Federal formula funds to be received by each Class 3 transit entity during the year in which section 1310.2 funds are to be distributed, the amount of Federal formula funds to be received by all Class 3 transit entities during the year in which section 1310.2 funds are to be distributed, the Class 3 transit entity section 1310.2 Federal funding loss percentage for each Class 3 transit entity and the Class 3 transit entity section 1310.2 Federal funding loss for all Class 3 transit entities, the Class 3 section 1310.2 Federal funding loss percentage for the fiscal year, the Class 3 section 1310.2 system growth percentage, the Class 3 entity section 1310.2 fixed-route revenue vehicle hour percentage for each Class 3 transit entity, the Class 3 transit entity section 1310.2 fixed-route revenue vehicle hour percentage for all Class 3 transit entities, the Class 3 transit entity section 1310.2 total revenue vehicle hour percentage for each Class 3 transit entity, and the Class 3 transit entity section 1310.2 total revenue vehicle hour percentage for all Class 3 transit entities; the Class 4 transit entity Class 4 operating assistance grant section 1310 percentage; for each Class 4 transit entity the Class 4 transit entity revenue mile section 1310 percentage; the Class 4 transit entity revenue hour section 1310 percentage; the Class 5 total

annual bus, minivan, sedan, station wagon, van and vehicle inventory values; the Class 5 section 1310.2 limited eligibility bus, minivan, sedan, station wagon, van total annual bus, minivan, sedan, station wagon, van and vehicle inventory values; and the limited eligibility Class 5 transit entity section 1310.2 bus, minivan, sedan, station wagon, van and vehicle inventory values.

(4) The operating assistance grant received by each Class 4 transit entity during fiscal year 1990-1991 pursuant to the act of February 11, 1976 (P.L.14, No.10), known as the Pennsylvania Rural and Intercity Common Carrier Surface Transportation Assistance Act, the operating assistance grant received by all Class 4 transit entities during fiscal year 1990-1991 pursuant to that act, the Class 4 operating assistance grant sections 1310 and 1310.1 percentages for each Class 4 transit entity, the revenue miles of each Class 4 transit entity, the revenue miles of all Class 4 transit entities, the Class 4 revenue mile sections 1310 and 1310.1 percentages of each Class 4 transit entity, the revenue hours for each Class 4 transit entity, the revenue hours for all Class 4 transit entities and the Class 4 revenue hour sections 1310 and 1310.1 percentages for each Class 4 transit entity.

Section 3. Subsection (a) and the definition of "Class 4 operating assistance grant section 1310.1 percentage" in subsection (c) of section 1310.1 of Title 74 are amended to read:

§ 1310.1. Supplemental public transportation assistance funding.

(a) General rule.—Beginning July 1, 1997, 1.22% of the money collected from the tax imposed under Article II of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, up to a maximum of \$75,000,000, shall be deposited in the Supplemental Public Transportation Account, which is established in the State Treasury. Within 30 days of the close of a calendar month, 1.22% of the taxes received in the prior calendar month shall be transferred to the account. No funds in excess of \$75,000,000 may be transferred to the account in any one fiscal year. The money in the account shall be used by the department for supplemental public transportation assistance[,] to be distributed under this section. Transit entities may use supplemental assistance moneys for any of the purposes enumerated in section 1311 (relating to use of funds distributed). In addition to those enumerated purposes, Class 1, 2 and 3 transit entities also may use the base supplemental assistance share for general operations. Class 4 transit entities may use all supplemental assistance moneys for general operations.

(c) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection. Any term used in this section but not defined in this subsection shall have the meaning given in section 1310(f):

"Class 4 operating assistance grant section 1310.1 percentage." The percentage determined by dividing the Class 4 transit entity adjusted base grant received by a Class 4 transit entity, as stated in the latest Department of Transportation certification, or, only for purposes of calculating the distribution of funding under section 1310.2 (relating to service stabilization and state of good repair program), the amount received in the most recent fiscal year prior to the effective date of section 1310.2 from the planning, development, research, rural expansion and department-initiated programs section 1310 shares adjusted by the Department of Transportation to account for Federal participation by the total Class 4 transit entity adjusted base grants received by all Class 4 transit entities during fiscal year 1990-1991, as stated in the latest Department of Transportation certification[.] plus, only for purposes of calculating the distribution of funding under section 1310.2, the total Class 4 grants received in the most recent fiscal year prior to the effective date of this definition from the planning, development, research, rural expansion and department-initiated programs section 1310 shares adjusted by the Department of Transportation to account for Federal participation for

start-up and operations of transit services by systems qualified as Class 4 transit entities.

* * *

Section 4. Title 74 is amended by adding a section to read:
§ 1310.2. Service stabilization and state of good repair program.

(a) Account established; program.—There is hereby established a nonlapsing restricted receipt account in the State Treasury to be known as the Service Stabilization and State of Good Repair Account. Money in the Service Stabilization and State of Good Repair Account shall be used by the department for the service stabilization and state of good repair program. Transit entities may use service stabilization and state of good repair funds to finance public transportation services, stabilize service and fare levels, maintain transportation vehicles and facilities in a state of good repair, fund routine capital repair, rehabilitation, replacement and expansion of vehicles and facilities, asset maintenance programs and any other purpose enumerated in section 1311 (relating to use of funds distributed). A Class 1, Class 2, Class 3 or Class 4 transit entity may use the entire section 1310.2 share allocated to the transit entity for service stabilization or state of good repair programs at the discretion of the transit entity after notice of its plan for use of the funds. A Class 5 entity may use funds as specified in section 1312(d) and (e) (relating to community transportation programs). Except where provisions of this chapter permit otherwise, funds provided in this section shall be matched by local or private funds in an amount equal to at least one-thirtieth of the project cost.

(b) Distribution procedure.—During each fiscal year, service stabilization and state of good repair program funds shall be distributed as follows:

(1) On or before the fifth day of each month, the Treasury Department shall certify to the department the total amount then available for distribution, and the department shall make distribution of payments required under this subsection on or before the 20th day of each month.

(2) Each month, the Treasury Department shall pay one-twelfth of intercity passenger rail service section 1310.2 percentage for that fiscal year into the General Fund. The moneys so transferred are hereby appropriated to the Department of Transportation for use by the department for expenses related to the support of intercity rail services throughout this Commonwealth pursuant to this section.

(3) Each month, the department shall distribute one-twelfth of the Class 5 section 1310.2 percentage to Class 5 transit entities in the manner provided in this paragraph. Each Class 5 transit entity shall receive a portion of each monthly distribution of the Class 5 transit entity section 1310.2 percentage as follows:

(i) Class 5 transit entity annual total vehicle share. Fifty percent of the monthly distribution of the Class 5 section 1310.2 percentage shall be distributed among all eligible Class 5 transit entities based upon the formula below:

(A) The department shall first calculate for the year for which the most recently submitted shared-ride vehicle inventory report has been submitted:

(I) the Class 5 section 1310.2 total annual bus inventory value;

(II) the Class 5 section 1310.2 total annual minivan inventory value;

(III) the Class 5 section 1310.2 total annual sedan inventory value;

(IV) the Class 5 section 1310.2 total annual station wagon inventory value;

(V) the Class 5 section 1310.2 total annual van inventory value; and

(VI) the Class 5 section 1310.2 total annual vehicle inventory value.

(B) The department shall then calculate for each eligible Class 5 transit entity:

(I) the Class 5 transit entity section 1310.2 total annual bus inventory;

(II) the Class 5 transit entity section 1310.2 total annual minivan inventory value;

(III) the Class 5 transit entity section 1310.2 total annual sedan inventory value;

(IV) the Class 5 transit entity section 1310.2 total annual station wagon inventory value;

(V) the Class 5 transit entity section 1310.2 total annual van inventory value; and

(VI) the Class 5 transit entity section 1310.2 total annual vehicle inventory value, which is the sum of subclauses (I) through (V).

(C) The department shall then divide each Class 5 transit entity section 1310.2 annual vehicle inventory value calculated in clause (B) by the Class 5 section 1310.2 total annual vehicle inventory value calculated in clause (A) to determine each Class 5 transit entity's total vehicle inventory percentage.

(D) The department shall then apply this percentage to the total available for distribution under subsection (b)(3)(i) and the result will be distributed to each Class 5 transit entity as its Class 5 transit entity total vehicle inventory share.

(ii) Limited eligibility Class 5 transit entity annual vehicle share. Fifty percent of the monthly distribution of the Class 5 section 1310.2 percentage shall be distributed among limited eligibility Class 5 transit entities.

(A) The department shall first calculate for the year for which the most recently submitted shared-ride vehicle inventory report has been submitted:

(I) the Class 5 section 1310.2 limited eligibility annual bus inventory value;

(II) the Class 5 section 1310.2 limited eligibility annual minivan inventory value;

(III) the Class 5 section 1310.2 limited eligibility annual sedan inventory value;

(IV) the Class 5 section 1310.2 limited eligibility annual station wagon inventory value;

(V) the Class 5 section 1310.2 limited eligibility annual van inventory value; and

(VI) the Class 5 section 1310.2 limited eligibility annual vehicle inventory value.

(B) The department shall then calculate for each limited eligibility Class 5 transit entity:

(I) the limited eligibility Class 5 transit entity section 1310.2 annual bus inventory value;

(II) the limited eligibility Class 5 transit entity section 1310.2 annual minivan inventory value;

(III) the limited eligibility Class 5 transit entity 1310.2 annual sedan inventory value;

(IV) the limited eligibility Class 5 transit entity section 1310.2 annual station wagon inventory value;

(V) the Class 5 transit entity section 1310.2 limited annual van inventory value; and

(VI) the limited eligibility Class 5 transit entity section 1310.2 annual vehicle inventory value, which is the sum of subclauses (I) through (V).

(C) The department shall then divide each Class 5 transit entity section 1310.2 limited vehicle inventory value calculated in clause (B) by the Class 5 section 1310.2 total limited vehicle inventory value calculated in clause (A) to determine each Class 5 transit entity's limited vehicle inventory percentage.

(D) The department shall then apply this percentage to the total available for distribution under subsection (b)(3)(ii) and the result will be distributed to each limited eligibility Class 5 transit entity as its Class 5 transit entity limited vehicle inventory share.

(iii) Each transit entity's Class 5 transit entity section 1310.2 share shall be the total of the results of the calculations performed in subparagraphs (i) and (ii).

(4) Each month, the department shall distribute one-twelfth of the Class 4 transit entity section 1310.2 percentage to Class 4 transit entities in the manner provided in this paragraph. Each Class 4 transit entity shall receive a portion of each monthly distribution of the Class 4 transit entity section 1310.2 percentage in accordance with the formula defined in section 1310(b)(5) (relating to distribution of funding).

(5) Each month, the department shall distribute one-twelfth of the Class 3 transit entity section 1310.2 percentage to Class 3 transit entities in the manner provided in this paragraph. Each Class 3 transit entity shall receive a portion of each monthly distribution of the Class 3 transit entity section 1310.2 percentage as follows:

(i) Eighty percent of the monthly distribution of the Class 3 transit entity section 1310.2 share shall be distributed among Class 3 transit entities based upon the formula contained in section 1310(b)(6)(iii).

(ii) Ten percent of the monthly distribution of the Class 3 transit entity section 1310.2 share shall be distributed among Class 3 transit entities on the basis of loss of Federal funding, as follows:

(A) To each Class 3 transit entity that has been subjected to a cut in Federal formula funds distributed under 49 U.S.C. § 5307 (relating to urbanized area formula grants) between the fiscal year prior to the fiscal year in which the section 1310.2 funds are being distributed and Federal fiscal year 2002-2003 based on that Class 3 transit entity's Class 3 transit entity section 1310.2 Federal funding loss percentage.

(B) In any year in which the total loss of Federal formula funds distributed under 49 U.S.C. § 5307 experienced by all Class 3 transit entities between the fiscal year prior to the fiscal year in which the section 1310.2 funds are

being distributed and Federal fiscal year 2002-2003 is less than 10% of the Class 3 transit entity section 1310.2 share, the remainder of such funds shall be added to the system growth set-aside and distributed under the formula in subparagraph (iii).

(iii) Ten percent of the monthly distribution of the Class 3 transit entity section 1310.2 share plus any excess identified in subparagraph (ii)(B) shall be distributed on the basis of growth of revenue vehicle hours, as follows:

(A) Fifty percent of the system growth set-aside shall be distributed to each Class 3 transit entity based on that transit entity's Class 3 section 1310.2 total revenue vehicle hour percentage. Every Class 3 transit entity shall be deemed to have at least a 10% increase in total revenue vehicle hours during the relevant period. For Class 3 transit entities operating within the boundaries of a separate Class 1 transit entity's or Class 2 entity's urbanized area, an additional 10% shall be added to the growth rate calculated after applying the calculation defined in this clause.

(B) Fifty percent of the system growth set-aside shall be distributed to each Class 3 transit entity based on that transit entity's Class 3 section 1310.2 fixed-route revenue vehicle hour percentage. Every Class 3 transit entity shall be deemed to have at least a 10% increase in fixed-route revenue vehicle hours during the relevant period. For Class 3 transit entities operating within the boundaries of a separate Class 1 transit entity's or Class 2 entity's urbanized area, an additional 10% shall be added to the growth rate calculated after applying the calculation defined in this clause.

(C) For purposes of calculating each Class 3 transit entity's share of the system growth set-aside, Class 3 transit entities operating public transportation services within the boundaries of a separate Class 1 transit entity's or Class 2 transit entity's urbanized area shall be included in the calculation and receive the appropriate share of the set-aside funds.

(6) Each month, the department shall distribute one-twelfth of the Class 2 transit entity section 1310.2 percentage to Class 2 transit entities in the manner provided in this paragraph. Each Class 2 transit entity shall receive a pro rata share of the Class 2 transit entity section 1310.2 percentage. If there is only one Class 2 transit entity, it shall receive the entire Class 2 transit entity section 1310.2 percentage.

(7) Each month, the department shall distribute one-twelfth of the Class 1 transit entity section 1310.2 percentage to Class 1 transit entities in the manner provided in this paragraph. Each Class 1 transit entity shall receive a pro rata percentage of the Class 1 transit entity section 1310.2 percentage. If there is only one Class 1 transit entity, it shall receive the entire Class 1 transit entity section 1310.2 percentage.

(c) Alternative means of raising revenue or reducing expenses.— In conjunction with the use of funds allocated under the authority of this section for purposes of service stabilization and in order to maximize the benefit of such funds, a transit entity is required to explore alternative means of raising revenue, including, but not limited to, real estate leases and rentals, equipment leases and rentals, contracting of services, the solicitation of competitive bids and awarding of contracts to the highest responsible bidder for both interior and exterior advertising on all transit entity equipment on which the

public is charged a fare for riding. Any activity undertaken in conformance with this section or any other provision concerning the use of alternative means of raising revenue shall and will be, in all respects and for all purposes, the performance of an essential governmental function conducted in furtherance of the public purposes of the transit entity and within the powers granted to it and any immunities which it enjoys. No activity undertaken in conformance with this section or any other provision concerning the use of alternative means of raising revenue shall subject a transit entity to pay any property taxes or assessments of any kind or nature whatsoever, now in existence or to be enacted in the future, whether imposed by the Commonwealth or by any political subdivision thereof, or by any other taxing authority. In no event shall a transit entity be required to pay any taxes or assessments of any kind whatsoever upon any property or the income therefrom acquired or used or permitted to be used for the purposes of this section.

(d) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection. Any term used in this section but not defined in this subsection shall have the meaning given in section 1301 (relating to definitions), 1310(f) (relating to distribution of funding) or 1310.1(c) (relating to supplemental public transportation assistance funding), depending on where it appears.

“All eligible Class 5 transit entities.” All nonprofit coordinators of the shared-ride lottery program for senior citizens excluding Class 1 and 2 transit entities but including nonprofit providers operating in the service area of a Class 1 transit entity utilizing a brokerage license issued by the Pennsylvania Public Utility Commission, provided that a nonprofit provider operating in the service area of a Class 1 transit entity utilizing a brokerage license issued by the Pennsylvania Public Utility Commission shall only be eligible if it has filed the same form with the Department of Transportation at the same time as other Class 5 entities. For the first year after the effective date of this section, however, such system shall be allowed to file a report for the year for which the department will use data from the other eligible Class 5 entities within 30 days of the effective date.

“Class 1 section 1310.2 percentage.” Sixty-three point nine percent.

“Class 2 section 1310.2 percentage.” Twenty-three point three percent.

“Class 3 section 1310.2 Federal funding loss percentage.” Ten percent of the Class 3 section 1310.2 percentage up to a maximum of the total dollar amount of loss of Federal formula funds distributed under 49 U.S.C. § 5307 (relating to urbanized area formula grants) experienced by all Class 3 transit entities between the fiscal year prior to the fiscal year in which the section 1310.2 funds are being distributed and Federal fiscal year 2002-2003 divided by the total Class 3 section 1310.2 percentage.

“Class 3 section 1310.2 fixed-route revenue vehicle hour percentage.” Fifty percent of the Class 3 section 1310.2 system growth percentage.

“Class 3 section 1310.2 percentage.” Five point eight percent. Each Class 3 entity that is a recipient of these funds may use the funds for either service stabilization or capital projects, at its discretion so long as the requirements of section 1311 are met.

“Class 3 section 1310.2 revenue vehicle hour percentage.” Fifty percent of the Class 3 section 1310.2 system growth percentage.

“Class 3 section 1310.2 system growth percentage.” Ten percent of the Class 3 section 1310.2 percentage plus, for any fiscal year, the amount by which the Class 3 section 1310.2 Federal funding loss percentage is less than 10% of the Class 3 section 1310.2 percentage, divided by the Class 3 section 1310.2 percentage.

“Class 3 section 1310.2 total revenue vehicle hour percentage.” Fifty percent of the Class 3 section 1310.2 system growth percentage.

“Class 3 transit entity section 1310.2 Federal funding loss percentage.” The number derived by subtracting the amount of funds received by each Class 3 transit entity that has been subjected to a cut in Federal formula funds distributed under 49 U.S.C. § 5307

(relating to urbanized area formula grants) in the fiscal year prior to the fiscal year in which the section 1310.2 funds are being distributed from the amount of funds received by that Class 3 transit entity during Federal fiscal year 2002-2003, divided by the total reduction in Federal formula funds for all Class 3 transit entities subjected to such a loss between the fiscal year prior to which the section 1310.2 funds are being distributed and Federal fiscal year 2002-2003.

“Class 3 transit entity section 1310.2 fixed-route revenue vehicle hour percentage.” The number derived by subtracting a Class 3 transit entity’s fixed-route revenue vehicle hours operated during fiscal year 1990-1991 from the fixed-route revenue vehicle hours operated by that Class 3 transit entity during the fiscal year two years prior to the fiscal year for which funding is being distributed and dividing that figure by the number derived by subtracting the total fixed-route revenue vehicle hours operated by all Class 3 transit entities during the fiscal year 1990-1991 from the total fixed-route revenue vehicle hours of service operated by all Class 3 transit entities during the fiscal year two years prior to the fiscal year for which funding is being distributed, except that every Class 3 transit entity shall be deemed to have at least a 10% increase in total fixed-route revenue vehicle hours and all Class 3 transit entities operating within the boundaries of a separate Class 1 transit entity’s or Class 2 transit entity’s urbanized area shall be credited an additional 10% of growth prior to performing the calculation. Data is to be based upon information published in the most recent Department of Transportation statistical report.

“Class 3 transit entity section 1310.2 total revenue vehicle hour percentage.” The number derived by subtracting a Class 3 transit entity’s total revenue vehicle hours operated during fiscal year 1990-1991 from the total revenue vehicle hours operated by that Class 3 transit entity during the fiscal year two years prior to the fiscal year for which funding is being distributed and dividing that figure by the number derived by subtracting the total revenue vehicle hours operated by all Class 3 transit entities during the fiscal year 1990-1991 from the total revenue vehicle hours of service operated by all Class 3 transit entities during the fiscal year two years prior to the fiscal year for which funding is being distributed, except that every Class 3 transit entity shall be deemed to have at least a 10% increase in total revenue vehicle hours and all Class 3 transit entities operating within the boundaries of a separate Class 1 transit entity’s or Class 2 transit entity’s urbanized area shall be credited an additional 10% of growth prior to performing the calculation. Data is to be based upon information published in the most recent Department of Transportation statistical report.

“Class 4 section 1310.2 percentage.” Two point four percent. Each Class 4 transit entity that is a recipient of these funds may use the funds for either service stabilization or capital projects at its discretion so long as the requirements of section 1311 (relating to use of funds distributed) are met.

“Class 5 section 1310.2 limited eligibility annual bus inventory value.” The total number of qualified buses reported to the Department of Transportation by limited eligibility Class 5 transit entities on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 limited eligibility annual minivan inventory value.” The total number of qualified minivans reported to the Department of Transportation by limited eligibility Class 5 transit entities on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 limited eligibility annual sedan inventory value.” The total number of qualified sedans reported to the Department of Transportation by limited eligibility Class 5 transit entities on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 limited eligibility annual station wagon inventory value.” The total number of qualified station wagons reported to the Department of Transportation by limited eligibility

Class 5 transit entities on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 limited eligibility annual van inventory value.” The total number of qualified vans reported to the Department of Transportation by limited eligibility Class 5 transit entities on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 limited eligibility annual vehicle inventory value.” For a given year, the total of the Class 5 section 1310.2 limited annual bus inventory value, the Class 5 section 1310.2 limited annual minivan inventory value, the Class 5 section 1310.2 limited annual sedan inventory value, the Class 5 section 1310.2 limited annual station wagon inventory value and the Class 5 section 1310.2 limited annual van inventory value.

“Class 5 section 1310.2 percentage.” Four point six percent. Each Class 5 transit entity that is a recipient of these funds may use the funds for capital projects and for asset maintenance and emergency situation recovery to the extent permitted by section 1312 (relating to community transportation programs).

“Class 5 section 1310.2 total annual bus inventory value.” The total number of all qualified buses reported to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 total annual minivan inventory value.” The total number of all qualified minivans reported to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 total annual sedan inventory value.” The total number of all qualified sedans reported to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 total annual station wagon inventory value.” The total number of all qualified station wagons reported to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 total annual van inventory value.” The total number of all qualified vans reported to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department.

“Class 5 section 1310.2 total annual vehicle inventory value.” For a given year, the total of the Class 5 section 1310.2 total annual bus inventory value, the Class 5 section 1310.2 total annual minivan inventory value, the Class 5 section 1310.2 total annual sedan inventory value, the Class 5 section 1310.2 total annual station wagon inventory value and the Class 5 section 1310.2 total annual van inventory value.

“Class 5 transit entity section 1310.2 share.” The total of the results of the calculations performed in subsection (b)(3).

“Class 5 transit entity section 1310.2 total annual bus inventory value.” The total number of all qualified buses reported by an individual Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 total annual bus inventory value.

“Class 5 transit entity section 1310.2 total annual minivan inventory value.” The total number of all qualified minivans reported by an individual Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 total annual minivan inventory value.

“Class 5 transit entity section 1310.2 total annual sedan inventory value.” The total number of all qualified sedans reported by an individual Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 total annual sedan inventory value.

“Class 5 transit entity section 1310.2 total annual station wagon inventory value.” The total number of all qualified station wagons reported by an individual Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 total annual station wagon inventory value.

“Class 5 transit entity section 1310.2 total annual van inventory value.” The total number of all qualified vans reported by an individual Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 total annual van inventory value.

“Class 5 transit entity section 1310.2 annual vehicle inventory value.” For each Class 5 transit entity, for a given year, the sum of the total Class 5 transit entity section 1310.2 annual bus inventory value, the total Class 5 transit entity section 1310.2 annual minivan inventory value, the total Class 5 transit entity section 1310.2 annual sedan inventory value, the total Class 5 transit entity section 1310.2 annual station wagon inventory value and the total Class 5 transit entity section 1310.2 annual van inventory value.

“Fixed-route revenue vehicle hours.” The total number of hours operated in total public transportation revenue service by all vehicles belonging to or under contract to a Class 3 transit entity during a fiscal year.

“Limited eligibility Class 5 transit entity.” All nonprofit coordinators of the shared-ride lottery program for senior citizens except for a coordinator operating in a county of the first or second class, nonprofit providers operating in a city of the first class utilizing a brokerage license issued by the Pennsylvania Public Utility Commission or any otherwise-qualified Class 5 transit entity that contracts with a private for-profit operator which is regulated by the Pennsylvania Public Utility Commission if the Class 5 transit entity utilizes an approved fare structure developed by the for-profit operator with the intention of generating a profit.

“Limited eligibility Class 5 transit entity section 1310.2 annual bus inventory value.” The total number of qualified buses reported by an individual limited eligibility Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 limited annual bus inventory value.

“Limited eligibility Class 5 transit entity section 1310.2 annual minivan inventory value.” The total number of qualified minivans reported by an individual limited eligibility Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 limited annual bus inventory value.

“Limited eligibility Class 5 transit entity section 1310.2 annual sedan inventory value.” The total number of qualified sedans reported by an individual limited eligibility Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 limited annual sedan inventory value.

“Limited eligibility Class 5 transit entity section 1310.2 annual station wagon inventory value.” The total number of all qualified station wagons reported by an individual limited eligibility Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated

for that type of vehicle by the department divided by the Class 5 section 1310.2 limited annual station wagon inventory value.

“Limited eligibility Class 5 transit entity section 1310.2 annual van inventory value.” The total number of all qualified vans reported by an individual limited eligibility Class 5 transit entity to the Department of Transportation on the most recently submitted vehicle inventory report multiplied by the value designated for that type of vehicle by the department divided by the Class 5 section 1310.2 limited annual van inventory value.

“Limited eligibility Class 5 transit entity section 1310.2 annual vehicle inventory value.” For each limited eligibility Class 5 transit entity, for a given year, the sum of the limited eligibility Class 5 transit entity section 1310.2 annual bus inventory value, the limited eligibility Class 5 transit entity section 1310.2 annual minivan inventory value, the limited eligibility Class 5 transit entity section 1310.2 annual sedan inventory value, the limited eligibility Class 5 transit entity section 1310.2 annual station wagon inventory value and the limited eligibility Class 5 transit entity section 1310.2 annual van inventory value.

“Public transportation entity.” A Class 1, 2, 3, 4 or 5 transit entity as defined in this chapter.

“Qualified vehicle.” A qualified vehicle for purposes of calculating a Class 5 transit entity’s section 1310.2 share shall be a bus, minivan, sedan, station wagon or van that is included on the most recently submitted Shared Ride Vehicle Inventory Report, is actively engaged in the provision of community transit services during the year in which it is reported and is insured during that year

“Service stabilization.” The ability to retain adequate levels of service to meet passenger demand and maintain vehicles and facilities in safe, attractive condition at fares that will not result in ridership losses.

“State of good repair programs.” Investment designed to ensure an existing transit entity remains in safe, operational, attractive condition, including, but not limited to, capital projects, vehicle overhaul, asset maintenance, infrastructure safety and renewal projects and environmental cleanup.

“Total revenue vehicle hours.” The total number of hours operated in revenue service by all vehicles belonging to or under contract to a Class 3 transit entity during a fiscal year, regardless of the type of service offered by those vehicles.

“Vehicle inventory report.” A listing of all vehicles used by Class 5 transit entities, by vehicle type, in a given year which must be submitted to the Department of Transportation in the format specified by the department to qualify as a recipient for section 1310.2 Class 5 funding.

Section 5. Section 1311(d) and (e)(3) of Title 74 are amended and the section is amended by adding a subsection to read:
§ 1311. Use of funds distributed.

* * *

(b.1) Utilization of funds.—All Class 3 and 4 transit entities may utilize all of the funds received pursuant to section 1310, 1310.1 (relating to supplemental public transportation assistance funding) or 1310.2 (relating to service stabilization and state of good repair program) for any purpose in furtherance of public transportation, including capital, asset maintenance and operating.

* * *

(d) Management of funds.—

(1) Each local transportation organization or transportation company receiving moneys pursuant to sections 1310 and 1310.1 [(relating to supplemental public transportation assistance funding)] shall hold such moneys in an account separate from other funds of the local transportation organization or transportation company and shall invest such moneys until such funds are used in accordance with this section, with such funds being invested in accordance with the limits on investment of the local transportation organization or transportation company. Notwithstanding any other provisions of this chapter, any interest earned shall be used for capital projects

and asset maintenance costs during any period as determined by the local transportation organization or transportation company.

(2) All moneys distributed pursuant to [section 1310] sections 1310, 1310.1 and 1310.2 and utilized for asset maintenance under subsection (e) shall be matched by local or private funding in an amount equal to at least 1/30 of the amount expended for such purposes, except that, in the case of Class 3 and 4 transit entities, no matching funds shall be required if the department shall have received from the local governmental funding source which would otherwise provide the matching funds a certification that compliance with the matching requirement would create an undue financial burden upon the local governmental funding source such that a curtailment of government services endangering public health and safety would ensue. Funds allocated to a Class 5 entity under section 1310.2 and utilized by that Class 5 transit entity for asset maintenance under section 1312 shall be matched by local or private funding in an amount equal to at least one-thirtieth of the amount expended for such purposes, except that no matching funds shall be required for funds utilized by a Class 5 transit entity for asset maintenance under section 1312 if the county in which the Class 5 transit entity is operating, provided that the county that subsidizes the service, or the nongovernmental entity that provides the largest amount of funds to the Class 5 transit entity and the board of the Class 5 transit entity provide a certification that compliance with the matching requirement would create an undue financial burden such that essential services of the county or nongovernmental entity would be curtailed.

[(3) All moneys distributed pursuant to section 1310.1 and utilized under this section shall be matched by local or private funding in an amount equal to at least 1/30 of the amount expended for such purposes, except that, in the case of Class 3 and 4 transit entities, no funds utilized for asset maintenance under subsection (e) shall require a local match if the department shall have received from the local governmental funding source which would otherwise provide the matching funds a certification that compliance with the matching requirement would create an undue financial burden upon the local governmental funding source such that a curtailment of government services endangering public health and safety would ensue.]

(e) Asset maintenance.—

* * *

(3) On or before March 1 of each year, the department shall certify to each local transportation organization or transportation company the amount of capital project, asset maintenance, base supplemental assistance and other program funds which the department estimates each local transportation organization or transportation company will be entitled to receive during the ensuing fiscal year. Each local transportation organization or transportation company may expend moneys distributed pursuant to sections 1310 and 1310.1 shares to fund asset maintenance costs up to the following maximum percentages of the estimate from the department, including accrued interest, the amount received during the prior fiscal year or the amount actually received in the current fiscal year, whichever is greater:

(i) Class 1 transit entities may utilize for asset maintenance costs up to a maximum of 30% of the funds received pursuant to sections 1310 and 1310.1 shares.

(ii) Class 2 [and 3] transit entities may utilize for asset maintenance costs up to a maximum of 50% of the funds received pursuant to sections 1310 [and 1310.1], 1310.1 and 1310.2.

[(iv) Class 4 transit entities may utilize for asset maintenance costs up to a maximum of 50% of the funds received pursuant to sections 1310 and 1310.1.]

* * *

Section 6. Sections 1312 and 1315 of Title 74 are amended by adding subsections to read:

§ 1312. Community transportation programs.

* * *

(d) Class 5 transit entities.—A Class 5 transit entity may use all of its section 1310.2 funds for capital purposes, or at its option a limited eligibility Class 5 transit entity may use up to 50% of funds received pursuant to section 1310.2 (relating to service stabilization and state of good repair program) for asset maintenance purposes. In any year in which a limited eligibility Class 5 transit entity incurs a loss of passenger revenue and/or subsidy provided on the basis of number of passengers carried as a result of severe weather conditions or another extreme emergency, as determined by the department, that system may apply a sufficient portion of the funds it receives pursuant to section 1310.2 and which are eligible for use for asset maintenance purposes to cover the additional and/or unsubsidized expenses that it incurred as a result of such emergency. A Class 5 transit entity shall certify to the department each year, as part of its application, that the section 1310.2 funds made available to that Class 5 transit entity shall not be used to replace previously available funding provided by another source, including, but not limited to, the Medical Assistance Transportation Program.

§ 1315. Public transportation grants management accountability.

* * *

(g) Procurement.—A transit entity that receives funding under this chapter may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of supplies, services, equipment or construction with one or more transit entity or other public procurement unit or with a mass transit entity or external procurement unit not located in this Commonwealth consistent with the provisions of 62 Pa.C.S. Ch. 19 (relating to intergovernmental relations). Where Federal funds provide a portion of the funds to implement such a purchase, a transit entity must also comply with any Federal procurement requirements that exceed those contained in 62 Pa.C.S. Ch. 19.

Section 7. Title 74 is amended by adding a section to read:

§ 1316. Supplemental revenues to Service Stabilization and State of Good Repair Account.

There is hereby imposed a fee on each sale in this Commonwealth of new tires for highway use at the rate of \$2 per tire. The fee shall be collected by the seller from the purchaser and remitted to the Department of Revenue. No exclusions or exemptions, other than those for governmental entities provided under Article II of the act of March 2, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall apply to the fees and taxes imposed by this section. The fees imposed under this section shall be deposited in the Service Stabilization and State of Good Repair Account. The fees imposed under this section are in addition to any fee imposed under section 2301 of the Tax Reform Code of 1971.

Section 8. Section 1724(b) of Title 74 is repealed.

Section 9. Title 74 is amended by adding sections to read:

Amend Bill, page 5, line 21, by striking out all of said line and inserting

Section 10. Sections 1904, 1952(a), 1955(a) and 1958 of Title 75 are amended to read:

§ 1904. Collection and disposition of fees and moneys.

[The] (a) General rule.—Except as provided in subsection (b), the department shall collect all fees payable under this title and all other moneys received in connection with the administration of this title and transmit them to the State Treasurer for deposit in the Motor License Fund. Moneys paid in error may be refunded by the department.

(b) Fee distribution.—

(1) Of the fees collected pursuant to section 1952 (relating to certificate of title), \$8.50 shall be deposited in the Service Stabilization and State of Good Repair Account, with the remaining funds being deposited in the Motor License Fund.

(2) Of the fees collected pursuant to section 1955 (relating to information concerning drivers and vehicles), \$7 shall be deposited in the Service Stabilization and State of Good Repair Account with the remaining funds being deposited in the Motor License Fund.

(3) Of the fees collected pursuant to section 1958 (relating to certificate of safety inspection), \$1 of the annual certificate of safety inspection fee and 50¢ of the semiannual certificate of safety inspection fee shall be deposited in the Service Stabilization and State of Good Repair Account, with the remaining funds being deposited in the Motor License Fund.

(c) One-time deposit.—In addition to the fees specified in subsection (b), there shall be a one-time deposit into the Service Stabilization and State of Good Repair Account in the fiscal year 2004-2005 of the balance of the fees collected pursuant to sections 1952, 1955 and 1958 at the fee rates in effect prior to the effective date of this subsection. The amount to be deposited pursuant to this subsection when added to the amount in subsection (b) and 74 Pa.C.S. § 1316 (relating to supplemental revenues to Service Stabilization and State of Good Repair Account) in fiscal year 2004-2005 shall not exceed \$110,000,000.

(d) Administration.—The department may deduct the cost of administration and collection from the moneys to be deposited into the Service Stabilization and State of Good Repair Account pursuant to subsection (b).

§ 1952. Certificate of title.

(a) General rule.—The fee for issuance of a certificate of title shall be [\$22.50] \$31.

* * *

§ 1955. Information concerning drivers and vehicles.

(a) Drivers, registrations, titles and security interests.—The fee for a copy of written or electronic information relating to a driver, registration, title or security interest shall be [\$5] \$12.

* * *

§ 1958. Certificate of safety inspection.

(a) General rule.—The department shall charge [\$2] \$3 for each annual certificate of safety inspection pursuant to section 4702(a) (relating to requirement for periodic inspection of vehicles) and [\$1] \$1.50 for each semiannual certificate of safety inspection pursuant to section 4702(b).

(b) Credit.—

[(1) Once each calendar year, every official inspection station which inspects an electric vehicle, a hybrid electric vehicle or a zero-emission vehicle shall be eligible to claim a credit for the cost of the certificate of inspection for said vehicle. The official inspection station may only claim the credit one time in any calendar year and shall claim it within 12 months of the inspection on a form prescribed by the department. The vehicle owner shall not be required to pay the cost of the certificate of inspection.

(2) This subsection shall expire December 31, 1996.]
No refund or credit may be given for unused certificates of safety inspection.

Section 11. The Pennsylvania Turnpike Commission is directed to study elevated, tolled, reversible lanes on the Schuylkill Expressway (I-76) in Philadelphia and Montgomery Counties and on I-95 in Philadelphia, Delaware and Bucks Counties to relieve traffic congestion, encourage express bus operation and provide additional traffic capacity. For this project the Pennsylvania Turnpike Commission is directed to specifically evaluate the engineering details necessary to construct and operate these facilities, to the maximum extent possible, on elevated, segmental concrete box structures designed to enhance constructability, flexibility, traffic safety and aesthetics. The Pennsylvania Turnpike Commission shall submit a preliminary report of its findings and recommendations to the General Assembly within six months of the effective date of this section and shall submit a final report within one year of the effective date of this section. The Department of Transportation is directed to

coordinate and cooperate with the Pennsylvania Turnpike Commission to facilitate and accelerate the successful integration of these facilities with the existing roadway networks and other planned projects.

Section 12. This act shall take effect as follows:

(1) The amendment or addition of the following provisions shall take effect in 30 days:

- (i) 74 Pa.C.S. § 1316.
- (ii) 75 Pa.C.S. § 1904.
- (iii) 75 Pa.C.S. § 1952(a).
- (iv) 75 Pa.C.S. § 1955(a).
- (v) 75 Pa.C.S. § 1958.

(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 Chair recognizes the gentleman from Philadelphia, Mr. Evans.

Mr. D. EVANS. Mr. Speaker, I would like to withdraw amendment A5388 and offer amendment A5537 to SB 1097.

POINT OF ORDER

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

Mr. VITALI. Point of order, Mr. Speaker.

This is the first I am seeing this language. I want to make sure that the amendment has been timely filed or the rules suspended.

The SPEAKER. Mr. Vitali, right now the gentleman would need a motion to suspend the rules in order to have immediate consideration of amendment A5537.

On that question, I am waiting for the majority leader to see whether or not the majority party will be glad to suspend the rules along with Mr. Evans.

The Chair recognizes the gentleman, Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Could we be at ease for about 5 minutes, if that would be okay with the Chair.

The SPEAKER. The House will be at ease.

Mr. GEIST. Thank you.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House will go over SB 1097 temporarily.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 2666, PN 4808**; and **HB 2775, PN 4809**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives by amending said amendments to **SB 441, PN 2004**.

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

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 2666, PN 4808

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of registration; providing for commercial driver records; and further providing for exemption from other fees and for the prohibition on expenditures for emission inspection program.

RULES.

HB 2775, PN 4809

By Rep. S. SMITH

An Act establishing the Chesapeake Bay Watershed Education Program; providing for the issuance of grants and for the powers and duties of the Department of Education.

RULES.

SB 441, PN 2004

By Rep. S. SMITH

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

RULES.

SUPPLEMENTAL CALENDAR J CONTINUED

BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 959, PN 2000**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Constables' Education and Training Account, for information required upon commitment and subsequent disposition and for definition of "eligible offender."

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

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

On that question, Mr. Samuelson.

Mr. SAMUELSON. I would just like to ask for a brief explanation.

The SPEAKER. The gentleman, Mr. O'Brien, indicates he will give a brief explanation.

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

The Senate added additional language to the definition of "eligible offenders" so that the list of enumerated offenses applies to the current conviction and any conviction in the past 10 years.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feese	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti
Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Biancucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsley	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

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

SUPPLEMENTAL CALENDAR N

BILLS ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2666, PN 4808**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of registration; providing for commercial driver records; and further providing for exemption from other fees and for the prohibition on expenditures for emission inspection program.

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

The SPEAKER. It is moved by the gentleman, Mr. McCall, that the House concur in the amendments inserted by the Senate.

On that question, Mr. Shaner.

Mr. SHANER. Thank you, Mr. Speaker.

Did I hear you mention amendments from the Senate in that bill, 2666?

The SPEAKER. The Chair apologizes, Mr. Shaner. Would you repeat what you said.

Mr. SHANER. Did I understand you to say "including the amendments inserted by the Senate" in that HB 2666?

The SPEAKER. I believe I said it, but I may have made a mistake. It does include the amendments inserted by the Senate.

Mr. SHANER. Okay. Thank you, sir.

The SPEAKER. Would the gentleman, Mr. McCall, please give a brief explanation of the bill, since neither caucus had an opportunity to caucus on these three particular bills, for the information of the members.

I apologize. The gentleman, Mr. Geist, from Blair would be glad to do the explanation.

Mr. GEIST. Thank you, Mr. Speaker.

I will be glad to pinch-hit for Representative McCall.

We did caucus on this bill. In the Senate we added the language for the schoolbus operators to get the free checks, and that is the only change that was made.

I would urge a "yes" vote.

The SPEAKER. Does the gentleman, Mr. Vitali, wish to further interrogate the gentleman, Mr. Geist?

Mr. VITALI. Yes. Thank you, Mr. Speaker.

I am just looking at the pre-session report which describes an estimated fee of \$5 per driver. Could the gentleman explain that?

Mr. GEIST. Mr. Speaker, the gentleman voted on this language in SB 584 and he voted for it. Now, why do we want to do another explanation now when he has already done that?

The SPEAKER. Does the gentleman have another question?

Mr. VITALI. I would like to stay on that same question until it is answered.

Mr. GEIST. Mr. Speaker, you voted on that language, the very same language, in SB 584, which left the House.

Mr. VITALI. What is your point?

Mr. GEIST. A few minutes ago. I mean, it is a redundancy.

Mr. VITALI. Mr. Speaker, again, I am trying to get an explanation about a \$5 fee, and I am struggling to get this. I am not sure if the gentleman, Mr. Geist, is refusing to answer. Perhaps we could pass it over until the gentleman, Mr. McCall, comes and we could get— But I think it is an important question if we are dealing with a fee. The fact that we may have missed a question in the crush of legislation does not mean it should not be asked when we catch it.

The SPEAKER. If the gentleman would like to move to postpone, the gentleman can make that motion. Does the gentleman wish to make the motion?

Mr. VITALI. I am not making the move to postpone. I am wishing to interrogate.

The SPEAKER. Well, the gentleman, Mr. Geist, has already indicated, basically, that he is not going to go through any further interrogation. It falls back to the gentleman, Mr. Vitali, to make either a motion or make a statement. It is up to you, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I am wondering if there is anyone else whom I might be able to interrogate with regard to this fee that our constituents may be subjected to. Is anyone else willing to stand for interrogation on this bill?

The SPEAKER. It does not appear, from looking around the chamber, Mr. Vitali, that anyone wishes to explain the bill any further.

Would the gentleman, Mr. Vitali, like to make a statement?

Mr. VITALI. No, I am not going to make that motion at this time.

The SPEAKER. Mr. Casorio, from Westmoreland.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, will the maker of the amendment or the chairman of the Transportation Committee stand for brief interrogation, please?

The SPEAKER. The gentleman, Mr. Geist, indicates he will. The gentleman, Mr. Casorio, is in order.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, just a point of clarification, and we on the Democratic side of the aisle, I believe, did not have an opportunity to caucus. The \$5 fee for drivers that will be administered by the department, can you expand on that, please?

Mr. GEIST. It is already a fee that is there now.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, after speaking to the executive director of the committee, I have been provided a further explanation, and it is an existing fee in place. Thank you for your indulgence.

The SPEAKER. The Chair thanks the gentleman.

Mr. Geist.

Mr. GEIST. Thank you, Mr. Speaker.

Once again I would urge concurrence in Representative McCall's bill and ask for a "yes" vote.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feese	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti
Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Biancucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causer	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnaroski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewwic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2775, PN 4809**, entitled:

An Act establishing the Chesapeake Bay Watershed Education Program; providing for the issuance of grants and for the powers and duties of the Department of Education.

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

The SPEAKER. It is moved by the gentleman, Mr. Zug, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feese	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti
Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Biancucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Crighton	Horsey	Pistella	Waters

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

NAYS—0

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

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

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 441, PN 2004**, entitled:

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

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

The SPEAKER. It is moved by the gentleman, Mr. Smith, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, D.	Lewis	Santoni
Allen	Evans, J.	Maher	Sather
Argall	Fabrizio	Maitland	Saylor
Armstrong	Fairchild	Major	Scavello
Baker	Feese	Manderino	Schroder
Baldwin	Fichter	Mann	Scrimenti

Bard	Fleagle	Markosek	Semmel
Barrar	Flick	Marsico	Shaner
Bastian	Forcier	McCall	Smith, B.
Belardi	Frankel	McGeehan	Smith, S. H.
Belfanti	Freeman	McGill	Solobay
Benninghoff	Gabig	McIlhattan	Staback
Bianucci	Gannon	McIlhinney	Stairs
Birmelin	Geist	McNaughton	Steil
Bishop	Gergely	Melio	Stern
Blaum	Gillespie	Metcalfe	Stetler
Boyd	Gingrich	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	Nickol	Thomas
Causar	Harhai	O'Brien	Tigue
Cawley	Harhart	Oliver	Travaglio
Civera	Harper	O'Neill	True
Clymer	Harris	Pallone	Turzai
Cohen	Hasay	Payne	Vance
Coleman	Hennessey	Petrarca	Veon
Cornell, S. E.	Herman	Petri	Vitali
Corrigan	Hershey	Petrone	Walko
Costa	Hess	Phillips	Wansacz
Crahalla	Hickernell	Pickett	Washington
Creighton	Horsey	Pistella	Waters
Cruz	Hutchinson	Preston	Watson
Curry	James	Raymond	Weber
Dailey	Josephs	Readshaw	Wheatley
Daley	Keller	Reed	Williams
Dally	Kenney	Reichley	Wilt
DeLuca	Killion	Rieger	Wojnarowski
Denlinger	Kirkland	Roebuck	Wright
Dermody	Kotik	Rohrer	Yewcic
DeWeese	LaGrotta	Rooney	Youngblood
DiGirolamo	Leach	Ross	Yudichak
Diven	Lederer	Rubley	Zug
Donatucci	Leh	Ruffing	
Eachus	Lescovitz	Sainato	Perzel,
Egolf	Levdansky	Samuelson	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 95, PN 1939; SB 255, PN 1989; SB 677, PN 1996; and SB 705, PN 2001.**

SENATE MESSAGE

HOUSE RESOLUTION CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 851, PN 4413.**

SENATE MESSAGE

HOUSE AMENDMENTS TO SENATE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 623, PN 4800; and HB 2105, PN 4801.**

The SPEAKER. The House will be at ease.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 197, PN 4802; and HB 873, PN 4807,** with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 197, PN 4802

By Rep. S. SMITH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon; providing for nonresident sports facility usage fee, for parking tax rates and for payroll taxes; further providing for limitations on rates of specific taxes and for the appointment of a single collector of taxes; further providing for the applicability of petitions under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act; and making a repeal.

RULES.

HB 873, PN 4807

By Rep. S. SMITH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege and for careless driving; providing for spilled cargo, for accident scene clearance and for exemption from additional requirements for highway occupancy permits for agricultural purposes; and further providing for penalties for violation of school zone

speed limits, for powers of the department and local authorities, for surcharges and for removal of vehicles and spilled cargo from roadway.

RULES.

HB 1321, PN 4811 (Amended) By Rep. S. SMITH

An Act providing for economic development districts in cities of the first class; imposing penalties; and conferring powers and duties on the Department of Community and Economic Development and the Department of Revenue.

RULES.

BILLS SIGNED BY SPEAKER

Bills numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the titles were publicly read as follows:

HB 248, PN 277

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for tax levy; and making an editorial change.

HB 250, PN 279

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for township and special tax levies.

HB 447, PN 4798

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for certain immunity for persons who donate vehicles and equipment to volunteer fire companies and for sentences for certain drug offenses committed with firearms.

HB 850, PN 4799

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; further providing for findings and declaration of policy and for tax relief; repealing provisions relating to reimbursement to school districts of the first class A; and making editorial changes.

HB 1113, PN 4796

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for remittance of taxes as compensation for municipal services provided by a city of the second class; and directing school districts to establish policies regarding student possession and self-administration of certain asthma medications.

HB 1954, PN 4797

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; and providing for specific powers.

HB 2029, PN 4639

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

HB 2066, PN 4752

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further defining "collectible motor vehicle"; providing for titling and inspection of reconstructed, modified and specially constructed vehicles and for advisory panel; further providing for required registration and certificate of title, for vehicles exempt from registration, for antique, classic and collectible plates, for safety inspection criteria for street rods and for limited liability of inspection station or mechanic; providing for certificate of appointment for enhanced vehicle safety inspection for reconstructed vehicle inspection sites; and further providing for State replacement vehicle identification number plate.

HB 2442, PN 4806

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for definitions, for composition and for proposed regulations and procedure for review.

HB 2666, PN 4808

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for period of registration; providing for commercial driver records; and further providing for exemption from other fees and for the prohibition on expenditures for emission inspection program.

HB 2775, PN 4809

An Act establishing the Chesapeake Bay Watershed Education Program; providing for the issuance of grants and for the powers and duties of the Department of Education.

SB 72, PN 1998

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for aggravated assault and for expiration of chapter relating to wiretapping and electronic surveillance; further defining "criminal justice agency"; and further providing for expungement.

SB 92, PN 1995

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, defining the offense of failure to comply with registration of sexual offenders requirements; imposing penalties; further providing for six months limitation and for two-year limitation; providing for limitation and application for asbestos claim; further providing for deficiency judgments, for definitions, for registration, for registration procedures and applicability and for assessments; providing for exemption from certain notifications; further providing for verification of residence and for other notification; providing for information made available on the Internet and for certain administration; further providing for immunity for good faith conduct, for duties of Pennsylvania State Police and for exemption from notification for

certain licensees and their employees; and providing for annual performance audit and for photographs and fingerprinting.

SB 95, PN 1939

An Act amending Titles 20 (Decedents, Estates and Fiduciaries) and 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for right of surviving spouse to elective share; further defining “separate and apart” for purposes of divorce; providing for premarital agreements; further providing for decree of court in actions for divorce; further defining “marital property” for purposes of certain property rights; and further providing for equitable division of marital property, for disposition of property to defeat obligations and for statement of reasons for distribution.

SB 109, PN 1999

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for identification of incorrect debtor, for summary offenses involving vehicles, for law enforcement records, for duration of commitment and review and for assessments.

SB 255, PN 1989

An Act relating to alternative fuels; establishing the Alternative Fuels Incentive Fund; authorizing grants and rebates to promote the use of alternative fuels; imposing duties on the Department of Environmental Protection; providing for an annual report; allocating funds collected from the utilities gross receipts tax; making an appropriation; abrogating regulations; and making a repeal.

SB 668, PN 1888

An Act requiring institutions of higher education to provide students and employees with information relating to crime statistics and security measures and to provide similar information to prospective students and employees upon request; granting powers to the State Board of Education; establishing a uniform crime reporting program; requiring all county and municipal law enforcement agencies to report certain information occurring within the respective jurisdictions; imposing duties on the Pennsylvania Commission on Crime and Delinquency; authorizing the Pennsylvania State Police to collect and gather information on crime and make annual reports; providing for penalties; and making a related repeal.

SB 677, PN 1996

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further defining “common carrier by motor vehicle”; providing for consumer protection and information and for the protection of responsible customer of public utilities; abrogating regulations; and preempting local regulation.

SB 705, PN 2001

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for deceptive or fraudulent business practices.

SB 856, PN 1951

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, regulating sale and use of fireworks.

SB 892, PN 1785

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for the definition of “professional consultants”; and further providing

for contents of subdivision and land development ordinance and for release from improvement bond.

SB 912, PN 1987

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for crop insurance premium payments and for a report by the Department of Agriculture; and making a repeal.

SB 1030, PN 1973

An Act providing for the sale of electric energy generated from renewable and environmentally beneficial sources, for the acquisition of electric energy generated from renewable and environmentally beneficial sources by electric distribution and supply companies and for the powers and duties of the Pennsylvania Public Utility Commission.

SB 1041, PN 1972

An Act providing for the continuation of the Pennsylvania Senior Environment Corps volunteer program administered by the Department of Environmental Protection and the Department of Aging.

SB 1099, PN 1979

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for courts of common pleas; providing for summary offenses; and further providing for informal adjustment, for consent decrees, for compulsory arbitration, for disposition of delinquent children and for sentences for offenses against infants.

SB 1102, PN 1991

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, further providing, in infrastructure and facilities improvement, for definitions, for application, for review and for approval; providing for water supply and wastewater infrastructure capitalization; further providing, in the Commonwealth Financing Authority, for definitions, for indebtedness and for the First Industries Program; and providing for the Water Supply and Wastewater Infrastructure Program and for the incurring of debt in order to facilitate the financing by PENNVEST of the repair of existing water and wastewater projects.

SB 1209, PN 1997

An Act amending Titles 4 (Amusements) and 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for definitions and for the Pennsylvania Gaming Control Board established; providing for applicability of other statutes and for review of deeds, leases and contracts; further providing for general and specific powers, for temporary regulations, for board minutes and records, for slot machine licensee financial fitness and for supplier and manufacturer licenses application; providing for manufacturer licenses; further providing for occupation permit application, for establishment of State Gaming Fund and net slot machine revenue distribution, for transfers from State Gaming Fund, for multiple slot machine license prohibition, for local land use preemption, for public official financial interest, for enforcement, for penalties, for background checks, for fingerprints and for corrupt organizations; and making related repeals.

Whereupon, the Speaker, in the presence of the House, signed the same.

SUPPLEMENTAL CALENDAR O

BILL ON CONCURRENCE IN SENATE AMENDMENTS AS AMENDED

The House proceeded to consideration of concurrence in Senate amendments to the following **HB 1321, PN 4811**, as further amended by the House Rules Committee:

An Act providing for economic development districts in cities of the first class; imposing penalties; and conferring powers and duties on the Department of Community and Economic Development and the Department of Revenue.

On the question,
Will the House concur in Senate amendments as amended by the Rules Committee?

The SPEAKER. It is moved by the gentleman, Mr. Sturla, that the House do concur in the amendments inserted by the Senate.

For what purpose does the gentleman, Mr. Vitali, rise?

Mr. Vitali. I recognize you, Mr. Vitali. You do not recognize people on the floor.

Mr. VITALI. Thank you, Mr. Speaker. Thank you for recognizing me, Mr. Speaker.

The SPEAKER. No, I did recognize that, Mr. Vitali.

Mr. VITALI. I stand for interrogation on—

The SPEAKER. Continue. I apologize.

Mr. VITALI. Not a problem.

I would like to interrogate the prime sponsor of the bill.

The SPEAKER. The Chair recognizes the gentleman, Mr. Sturla, for a brief explanation.

POINT OF ORDER

Mr. VITALI. Point of order.

I do not think we have that on our screens, Mr. Speaker.

The SPEAKER. The House will be at ease. We will wait for it to be on the screen.

Mr. Vitali, approximately 10 more minutes before the bill is on the computer, so we will be at ease.

BILL PASSED OVER TEMPORARILY

The SPEAKER. The House will go temporarily over **HB 1321**.

SUPPLEMENTAL CALENDAR P

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 197, PN 4802**, entitled:

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for delegation of taxing powers and restrictions thereon; providing for nonresident sports facility usage fee, for parking tax rates and for payroll taxes; further providing for limitations on rates of specific taxes and for the appointment of a single collector of taxes; further providing for the applicability of petitions under the act of July 10, 1987 (P.L.246, No.47), known as the Municipalities Financial Recovery Act; and making a repeal.

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

The SPEAKER. It is moved by the gentleman, Mr. DeLuca, that the House do concur in the amendments inserted by the Senate.

MOTION TO SUSPEND RULES

The SPEAKER. The Chair at this time recognizes the gentleman, Mr. Costa.

Mr. COSTA. Mr. Speaker, I move for an immediate suspension of the rules to bring up amendment A5575.

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

The SPEAKER. Would the gentleman, Mr. Costa, please give a brief explanation of the amendment.

Mr. COSTA. Thank you, Mr. Speaker.

It is my understanding that what this bill does is it charges \$52 as opposed to \$10. The \$10 fee right now is taken out one time a year. What I am asking with this amendment is, if the municipalities do decide to raise their fee above \$26, that they allow the people to pay it in quarters as opposed to taking a one-time hit of \$52. I am trying to make it a little more palatable to the people.

The SPEAKER. Does Mr. DeLuca wish to be recognized?

The gentleman, Mr. DeWeese, would have to yield to the gentleman, Mr. DeLuca, for the gentleman to be able to speak. Does the gentleman, Mr. DeWeese, yield?

Mr. DeWEESE. I want to be very nice to the gentleman, Mr. DeLuca.

The SPEAKER. You are a lucky man, Mr. DeLuca. It is your night.

The gentleman, Mr. DeLuca.

Mr. DeLUCA. Mr. Speaker, I rise to oppose this amendment.

This bill, if it goes back over to the Senate, it kills this bill, and certainly, I understand you voted for me and I also understand that this bill will help Pittsburgh and also will help my municipality, and I would ask the House not to suspend the rules.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, the gentleman from Jefferson, Mr. Smith.

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

I likewise would ask the members to oppose the motion to suspend the rules at this point in time.

The SPEAKER. It is moved by the gentleman, Mr. Costa, that the rules of the House be suspended.

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

The following roll call was recorded:

YEAS—78

Adolph	Flick	Lewis	Samuelson
Barrar	Freeman	Maher	Schroder
Belardi	Gabig	Mann	Scrimenti
Belfanti	Gannon	Markosek	Shaner
Benninghoff	Gergely	McCall	Solobay
Bishop	Grucela	McGeehan	Staback
Blaum	Gruitza	McIlhinney	Stetler
Butkovitz	Habay	Myers	Tangretti
Buxton	Hanna	Nickol	Tigue
Cawley	Harhai	Oliver	Travaglio
Coleman	Harris	Pallone	Veon
Corrigan	Horsey	Petrarca	Vitali
Costa	James	Pistella	Walko
Creighton	Keller	Raymond	Washington
Cruz	Killion	Readshaw	Weber
Daley	Kirkland	Rieger	Williams
DeWeese	LaGrotta	Rooney	Yewcic
Diven	Leach	Ruffing	Youngblood
Donatucci	Lederer	Sainato	Yudichak
Fabrizio	Lescovitz		

NAYS—116

Allen	Evans, D.	Manderino	Saylor
Argall	Evans, J.	Marsico	Scavello
Armstrong	Fairchild	McGill	Semmel
Baker	Feese	McIlhattan	Smith, B.
Baldwin	Fichter	McNaughton	Smith, S. H.
Bard	Fleagle	Melio	Stairs
Bastian	Forcier	Metcalfe	Steil
Biancucci	Frankel	Micozzie	Stern
Birmelin	Geist	Millard	Stevenson, R.
Boyd	Gillespie	Miller, R.	Stevenson, T.
Browne	Gingrich	Miller, S.	Sturla
Bunt	Good	Mundy	Surra
Caltagirone	Goodman	Mustio	Taylor, E. Z.
Cappelli	Haluska	O'Brien	Taylor, J.
Casorio	Harhart	O'Neill	Thomas
Causer	Harper	Payne	True
Civera	Hasay	Petri	Turzai
Clymer	Hennessey	Petrone	Vance
Cohen	Herman	Phillips	Wansacz
Cornell, S. E.	Hershey	Pickett	Waters
Crahalla	Hess	Preston	Watson
Curry	Hickernell	Reed	Wheatley
Dailey	Hutchinson	Reichley	Wilt
Dally	Josephs	Roebuck	Wojnaroski
DeLuca	Kenney	Rohrer	Wright
Denlinger	Kotik	Ross	Zug
Dermody	Leh	Rubley	
DiGirolo	Levdansky	Santoni	Perzel,
Eachus	Maitland	Sather	Speaker
Egolf	Major		

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

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

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

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

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

With all due respect, I would ask the General Assembly to vote in favor of this compromise package. It has been a long, difficult battle, and I must say that with respect to the city of Pittsburgh, I myself would like to see significantly more cuts. The bill certainly does not have everything that I would like to see, but it is a step in the right direction, and hopefully, with respect to the oversight board, we are going to get some of the changes that we have been calling for, many of us, both Republican and Democrat.

If I might, however, I would like to say that with respect to the city of Pittsburgh, it has put itself in its own predicament. It has amassed a debt of \$1 billion, much of that in noncallable bonds, 90 percent of it, and its authorities have accumulated an additional \$1 billion in debt. It has underfunded its pensions by as much as \$600 million, and as Steve Nickol said in 1998 when we gave special relief to this municipality and this municipality only, he said, "I certainly hope my concerns are without foundation. And I certainly hope this bill is not just being passed so Pittsburgh can pay its electric bills for the next year or two. If it is, we are about to lose an opportunity to force Pittsburgh to put its financial house in order, and taxpayers long term will be the losers."

With respect to its firefighters, every study has indicated that Pittsburgh spends \$234 per residence, more than \$100 higher than the peer cities. According to this report, Pittsburgh has actually headed in the wrong direction since 1996. It has 2.8 fire employees for every thousand compared to 1.6 per thousand for its peer cities. It has diverted its regional asset district sales tax dollars and put it into schemes like a loan to build a department store in downtown Pittsburgh. We will never recover any moneys from that \$18 million loan, and that is just a fraction of the outstanding loans from this fund, that we have paid almost \$150 million for a \$60 million fund.

There are many other problems with respect to the city of Pittsburgh, and I really believe that it has been a (Word was stricken from the record.) administration, but the fact of the matter is, we have reached a compromise, and I would appreciate your vote.

Thank you.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The gentleman from Allegheny, Mr. Maher.

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. May I interrogate the previous speaker? Would he acquiesce just for one question?

The SPEAKER. Mr. Turzai, the gentleman, Mr. DeWeese, would like to ask you to stand for brief interrogation. Was that Mr. Turzai or everybody around him? The gentleman indicates that he will not stand for interrogation.

Mr. DeWEESE. I understand the—

The SPEAKER. I will be glad to talk to you, Bill.

Mr. DeWEESE. I understand the gentleman's reluctance. He did say — and I just wanted to know whether the gentleman wanted it to remain on the record; it seemed a bit harsh — that the administration in Pittsburgh had been (Word was stricken from the record.), and I thought the adjective was a bit searing and was not complimentary to this evening's debate. Since the gentleman will not acquiesce and strike the word from the record, I guess the record will stand. But I would like to politely

admonish the gentleman, and I sometimes am hyperbolic, but that certainly was a very aggressive adjective, and I do not think the Pittsburgh administration is, was, corrupt, and I just wanted that on the record.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Turzai.

Mr. TURZAI. For the record, I will strike the word. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

The city of Pittsburgh has bona fide financial challenges and needed a bona fide financial solution. Many have studied this over and over and over the years, and there seems to be a certain coalescing of opinion as to how the problems can be solved. Part of it is cutting costs, and much of that is already under way, and with the ICA (Intergovernmental Cooperation Authority) board, it seems that they are determined to continue that work into the years ahead. Another part is to restructure the revenues, and as any family that may have overdone it on their credit cards understands, it is one thing to change your habits and being frugal going forward, it is quite another to accomplish climbing that mountain of debt, and so it is with Pittsburgh. The plan for Pittsburgh easily could be accomplished so that it could meet its needs on a going-forward basis and climb that mountain of debt with just a bit of help, a bit of help.

I have sought and I know many others in this chamber have sought a bit of help from our Governor. It is an interesting juxtaposition to have just passed by HB 1321, which was the Governor's desire to bestow \$30 million a year of benefit for a single structure in the city of Philadelphia—

The SPEAKER. Mr. Maher?

Mr. MAHER. Yes?

The SPEAKER. Please speak to the issue at hand.

Mr. MAHER. Mr. Speaker, I think you will understand the connection in just a moment.

The SPEAKER. All right. I hope we hear it.

Mr. MAHER. The Governor is supportive of \$30 million a year for a single building in Philadelphia and across a 5-year period can find just \$3 1/2 million for the entire city of Pittsburgh.

The SPEAKER. Mr. Maher, that was not in 1321.

Mr. MAHER. Mr. Speaker, with due respect, it had been at some point, and I think the point of the Governor's desire is clear. This Governor had the opportunity to demonstrate to those of us from western Pennsylvania whether he intends to be the Governor for Philadelphia or the Governor of Pennsylvania, with a bit of help, with a bit of help, that would be pale and modest in relation to the amount that the Governor has requested and this body has approved in the last 12 months alone, \$150 million of supplemental funding into Philadelphia. We have not begrudged that. But for every dollar that we have approved at the Governor's request for Philadelphia in a supplement in this past 12 months, for every \$100 going to Philadelphia, the Governor is willing to provide \$2.50 to Pittsburgh.

We have a serious problem, Governor Rendell, and the solution that is before us, because of your indifference to the plight of the city, is one which is going to in the long run destroy the opportunity we had to restructure the city of Pittsburgh and its finances in a way which is durable and which

can promote a vibrant economy. When January 1 arrives in the city of Pittsburgh, if this bill becomes law, there will still be a business privilege tax, albeit at a bit lower rate. There will be a new payroll tax for every for-profit employer. The 50-percent parking tax will still be in place. There will be new debt being undertaken. This is not a solution; this is more of the problem, and had we had a bit of help from our Governor, we could have had a real solution.

I am so disappointed, I am so disappointed that this Governor, and I am also very thankful to the many members of this body who expressed a willingness and understanding not to put Pittsburgh on a permanent-aid status but to provide some transitory funding over a 2- or 3-year period. With that, we could have had a restructuring of the taxes in Pittsburgh that was essentially revenue-neutral and would have shifted it from an 18th-century tax structure to a 21st-century tax structure. That, combined with the spending cuts, with the frugality that has occurred and which is anticipated, could have set this city on the road to vibrancy. Instead, mark my word, this issue is not solved; the problems will continue to be severe; the damage inflicted to the community, it will not be without end; and the people of western Pennsylvania can thank the Governor for Philadelphia.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

PARLIAMENTARY INQUIRY

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

Mr. METCALFE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. METCALFE. Would it be appropriate to make a motion at this time, to try and protect the taxpayers of Pennsylvania from this tax increase, to make a motion to adjourn right now?

The SPEAKER. A motion to adjourn is always in order, Mr. Metcalfe.

Mr. METCALFE. I would like to make a motion to adjourn then, Mr. Speaker.

The SPEAKER. It is moved by the gentleman, Mr. Metcalfe— Do you have a time when, Mr. Metcalfe?

Mr. METCALFE. I guess a better motion would be to sine die.

The SPEAKER. Would the gentleman please come to the desk.

(Conference held at Speaker's podium.)

MOTION TO TABLE

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

Mr. METCALFE. Mr. Speaker, would it be appropriate to change that motion to table this bill?

The SPEAKER. It certainly would, Mr. Metcalfe.

Mr. METCALFE. I would like to make the motion to table.

The SPEAKER. It is moved by the gentleman, Mr. Metcalfe, that HB 197 be tabled.

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

The SPEAKER. It is debatable only by the floor leaders or their designee.

On that question, the Chair recognizes the majority leader.

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

I would rise to urge the members to vote against the motion to table. This legislation dealing with Pittsburgh, while maybe not popular with everyone across the State, it is something that has been negotiated and worked on extensively for over a year in many capacities, and it is something that has been negotiated and developed extensively with the Senate just in the last few days. So there is a lot of work on the table, and I would ask the members to vote against the motion to table.

The SPEAKER. The gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I cannot augment the eloquence of the gentleman from Jefferson County, the majority leader. I just embrace his perspective. Pittsburgh needs help. Tonight is the night. I would ask for a negative vote on the move to table.

The SPEAKER. Those in favor of tabling will vote “aye”; those opposed, “no.”

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

The following roll call was recorded:

YEAS—26

Baker	Egolf	Lescovitz	Rohrer
Benninghoff	Gabig	Lewis	Sather
Birmelin	Habay	McNaughton	Saylor
Browne	Hanna	Metcalfe	Schroder
Casorio	Harris	Petrarca	Wojnaroski
Creighton	Hasay	Pickett	Zug
Eachus	Hutchinson		

NAYS—168

Adolph	Fabrizio	Manderino	Scrimenti
Allen	Fairchild	Mann	Semmel
Argall	Feese	Markosek	Shaner
Armstrong	Fichter	Marsico	Smith, B.
Baldwin	Fleagle	McCall	Smith, S. H.
Bard	Flick	McGeehan	Solobay
Barrar	Forcier	McGill	Staback
Bastian	Frankel	McIlhattan	Stairs
Belardi	Freeman	McIlhinney	Steil
Belfanti	Gannon	Melio	Stern
Biancucci	Geist	Micozzie	Stetler
Bishop	Gergely	Millard	Stevenson, R.
Blaum	Gillespie	Miller, R.	Stevenson, T.
Boyd	Gingrich	Miller, S.	Sturla
Bunt	Good	Mundy	Surra
Butkovitz	Goodman	Mustio	Tangretti
Buxton	Grucela	Myers	Taylor, E. Z.
Caltagirone	Gruitza	Nickol	Taylor, J.
Cappelli	Haluska	O'Brien	Thomas
Causar	Harhai	Oliver	Tigue
Cawley	Harhart	O'Neill	Travaglio
Civera	Harper	Pallone	True
Clymer	Hennessey	Payne	Turzai
Cohen	Herman	Petri	Vance
Coleman	Hershey	Petrone	Veon
Cornell, S. E.	Hess	Phillips	Vitali
Corrigan	Hickernell	Pistella	Walko
Costa	Horsey	Preston	Wansacz

Crahalla	James	Raymond	Washington
Cruz	Josephs	Readshaw	Waters
Curry	Keller	Reed	Watson
Dailey	Kenney	Reichley	Weber
Daley	Killion	Rieger	Wheatley
Dally	Kirkland	Roebuck	Williams
DeLuca	Kotik	Rooney	Wilt
Denlinger	LaGrotta	Ross	Wright
Dermody	Leach	Rubley	Yewcic
DeWeese	Lederer	Ruffing	Youngblood
DiGirolamo	Leh	Sainato	Yudichak
Diven	Levdansky	Samuelson	
Donatucci	Maher	Santoni	Perzel,
Evans, D.	Maitland	Scavello	Speaker
Evans, J.	Major		

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

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 concur in Senate amendments?

The SPEAKER. The gentleman, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

I rise this evening to support this legislation with some very mixed feelings. First, let me say that with respect to the prior two speakers from Allegheny County who have been part of the process to hammer this out, and while we have had some disagreements and agreements, I would disagree with the hyperbole of each in terms of the way they have characterized both our city of Pittsburgh and the city of Philadelphia. We do want to work together. The city of Philadelphia faces challenges. We in Pittsburgh have tried to be helpful over the years as well, and we look to them to be helpful to us. But after much turmoil and debate for the last 2 years here in the legislature, in the city of Pittsburgh, throughout the State, we have come to a rough, not completely happy, but consensus around an assessment that I believe has been evident all along.

We have had at this point several in-depth investigations of the city. We have had the Paul O'Neill report; we had PGH 21; we had the Hillman-Roderick report; we had Act 47; and now, under legislation that was passed here a year ago, we have the Intergovernmental Cooperation Authority that was authorized to again take a look at the city's finances and revenues, and everyone, with obviously some differences, has reached the same conclusion, and that conclusion remains: The city has to get its house in order. It has expenses that it has to cut and control, and it also has to find a way to reform its tax structure that is outdated and outmoded and does not provide adequate revenue. We cannot cut our way out of this problem. Every single group has acknowledged that, and I think we certainly throughout Allegheny County at this point, while there may still be some disagreements, we have all reached that same conclusion as well. It has taken a long time, but we are there.

Now, I will say also, I think it is necessary to respond to one of my prior colleagues as well, because I do not think, and I am

not going to repeat a speech that I gave a year ago, because we did not get here just by mismanagement in the city of Pittsburgh. There are lots of factors – there are demographic factors, historical factors – that have taken place through many of our communities throughout northeastern United States and throughout very many of our communities in Pennsylvania, and dare I say, there may be other cities that will face the same dilemma in the Commonwealth in the coming years. But the legislature itself, as I have said in the past, has had its hand in the mix in terms of creating this environment. We created pension mandates. We have tied the hands of our municipalities in terms of the way they can or cannot negotiate with their public safety unions. We are responsible for that. We are responsible for the fact that we have a \$10 occupational privilege tax, up until today that we passed that legislation, that for 40 years has remained at \$10. We have our responsibility as well. So self-righteousness with respect to how a city may mismanage itself also has to look inward to ourselves in terms of how we have contributed to the problems not only in the city of Pittsburgh but cities throughout our Commonwealth.

Now, we know that, through a crisis, we now also have an opportunity to not only just fix something; we can make something better, and one of the great things about this proposal is the ability through tax reform to make the city of Pittsburgh a more competitive place to do business. We know that the business privilege tax that is imposed in many of our municipalities is a nonsensical tax; it does not make sense. It is noncompetitive, and particularly for small businesses, for entrepreneurial businesses, for high tech, the places where our jobs grow, that is not the way to encourage investment. This bill starts to deal with that issue by reducing, in at least a phased way, the business privilege tax and replacing it with a tax, a payroll tax, on all businesses that finally, finally, includes many of the tax-exempt businesses that we as well have created by legislative action here over the past many years. We again, in this situation, have been responsible for creating exemptions that exempted financial institutions, manufacturers, and public utilities when we deregulated the gas industry. We are correcting that here. And by the way, the companies, the corporations in the city of Pittsburgh that have been exempt have endorsed this, have worked with us, have been part of the process, have recognized it, and have said, yes, we are prepared to be part of the solution, and we think that has been a very helpful thing.

If you read the ICA's report – again, the ICA, the Intergovernmental Cooperation Authority, which we created last year – it has got a lot of great documentation that talks about a lot of what brought us here, but it also acknowledges in its documentation what the demographic shifts have created in terms of the reduction in population for our cities, that have created this outward migration but still retains the viability of the city. A city of Pittsburgh that had been 600,000 people 30, 40 years ago is today a city of 330,000 people, and we still import every day a quarter of a million people into the city of Pittsburgh who pay us \$10 a year. We are going to change that. This legislation, at least the package of legislation that we passed earlier, addresses the occupational privilege tax finally, and while it may not be where many of us would like it to be, because the \$52 level does not, it does not account for 40 years' worth of inflation. If it were for 40 years' worth of inflation, \$52 would at least be \$65 today. But it is a step in the right direction, and by the way, we have been able to do that and

extend that opportunity to the rest of the municipalities throughout the State of Pennsylvania.

We also know for the city of Pittsburgh that one of the ways we solved in the short term this problem was to raise the parking tax in downtown Pittsburgh to the highest level of any city in the United States. If that is allowed to persist, the city of Pittsburgh will become a desert. Again, this proposal mandates the phasing down of the parking tax in the city of Pittsburgh, again, not as quickly as I and others would like, but it, again, will mandate that we reduce that parking tax, once again, over a period of 5 years to a level that is commensurate to where it was before this crisis took place.

While we have an opportunity to take this crisis and not only stop the bleeding of the city's finances but to build and accentuate on the city's enormous assets and its quality of life, this bill and others that we passed earlier are only partially successful and in fact are a mixed bag, and I think it is important to talk about how this proposal does not necessarily address everything, and it may in fact need to be something we review in the future.

While we succeed in cutting expenses, we have a mandate to do more. However, on the revenue side, we have incorporated, in my view, some questionable and perhaps inadequate revenue streams. As I said, the \$52 occupational tax is far less than the recommendation of the Intergovernmental Cooperation Authority. In fact, as I said, it falls substantially short of accounting just for 40 years of inflation. And the other thing that I found very disappointing that many of us argued for that would prevent not only the city of Pittsburgh but other communities across the Commonwealth from coming back here someday is, if we are going to pass an increase in the occupational privilege tax, let us index it for inflation so that every year we have an accounting that incrementally we can continue to look at this tax and raise it so that it keeps up with inflation, so that we are not faced in 10 or 20 years with a similar predicament for the city of Pittsburgh and other municipalities. Unfortunately, we were not successful in incorporating that in this compromise.

Now, while we have succeeded in broadening the business tax base with a new payroll tax on all employers, we failed to reach the immediate goal of eliminating the business payroll tax, and we have also mandated a financial review of the school district of the city of Pittsburgh. Many of us believe that there are probably some savings to be had, but in this proposal, one of the things that troubles many of us is that we have mandated that we will be taking revenue from the school district of the city of Pittsburgh and transferring it to the city of Pittsburgh to solve the city's problems without having any justification for removing that revenue. We are ripping out immediately \$8 million worth of revenue from the school district and transferring it to the city of Pittsburgh, and over the course of 5 years, we will take out of a 2-percent wage tax an eighth of that tax and transfer it to the city of Pittsburgh. Again, many of us believe there are savings to be had in the school district of the city of Pittsburgh. We should study it; we should take a look at it, but we have not created the justification that is assumed in this proposal that says the school district can afford to lose that revenue, and I think it is premature to judge it, and I think it was a mistake to include that here.

We have also, in my view, taken two— Excuse me. It is important, I think, that this be laid out. We have arrived at this

juncture so that we might attain a long-term sustainable solution, but the problem is that this may not be that long-term solution, and one of the problems with this proposal is that it removes one of the potential redresses for the city of Pittsburgh, and that will be the continuing responsibility of the Act 47 organization to use all of its tools available to it to make sure that the Act 47 process keeps us on our goal.

Now, the reason we have got this compromise today in the city of Pittsburgh is because we were able to retain the Act 47 process a year ago. That gave us the tool of a potential commuter wage tax, a potential commuter wage tax, that would keep us honest. It brought everybody to the table. It made it possible for us to bring this to the degree where we are bringing it for a compromise today.

This proposal removes the ability of the city to seek redress by imposing a commuter wage tax in the future should in fact this solution not play out, and without a doubt, many of us believe that this solution will need to be relooked at, that it may not measure up, the assumptions under it may not play out, and that we may have to come back and take a look at it without the threat of a commuter wage tax ensuring us it will be a problem.

All right; I will come to a conclusion. Anyway, at the end of the day— This is important, and I would not have done it, I do not come up and speak here for any length very many times, and many of my colleagues do, so I appreciate the respect on an important issue that we are all dealing with today, that has been very important, that many of us have been working on for a long time.

I hope that you will support this. I hope that if we need to come back to the legislature to take a look and review this, that all of us will be able to take a fair-minded look and take the opportunity to make the adjustments that may be required down the road.

Thank you very much, and I hope we pass this this evening.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker. I am going to be very brief.

May I interrogate the majority leader, please?

The SPEAKER. The majority leader indicates he will stand for interrogation.

Mr. CAWLEY. Just for clarification.

This up-to-\$52 municipal services tax, it does not mandate that the municipalities implement this tax. Is that correct?

Mr. S. SMITH. That is correct, Mr. Speaker, and the local municipalities would have to enact it, and they could choose to enact it anywhere between the current \$10, if they have it, and \$52.

Mr. CAWLEY. And just to be sure – I know I read the original bill – this includes, this municipal services tax, enabling legislation for them to do it by ordinance, the governing body. This includes all municipalities across the Commonwealth, including second-class-A municipalities, the city of Scranton, Act 47, distressed?

Mr. S. SMITH. You are in it, Mr. Speaker.

Mr. CAWLEY. Thank you so much. We appreciate this.

The SPEAKER. The Chair thanks the gentleman.

The gentleman from Allegheny, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I am a suburban legislator from Allegheny County and grew up there all my life. When I leave the county, as probably most of my constituents do, and go a significant distance away, I call myself a Pittsburgher. We call ourselves Pittsburghers. We are with the region and the city, and we love the city, we are proud of the city, and we certainly know in the suburbs that we need the city. We need a strong and viable city of Pittsburgh for those of us in the suburbs to also be economically strong and viable. That is why I am going to support this measure. It probably does not really even go far enough, as some have alluded to here, but it is the best we can do under the circumstances here tonight, and it will go a long way to solving, which was pointed out here by previous speakers, some major structural problems with the way the city is managed and the way the city is taxed.

I am also very much in support of this because the option – and I say that word “option” – of the occupational tax being available to communities throughout the Commonwealth will not only help the city but it will help the communities in my legislative district as well. As you might note from the bill, we refer to that occupational tax as an emergency and municipal services tax, and in speaking with the mayors of some of my suburban communities, they in fact will have intended to put that tax to very good use, mostly for their emergency management systems.

So this is a very good bill from the suburban standpoint not only because it helps the city, but in the long run, it actually helps the suburbs as well. So I am all for it and would urge a positive vote on this particular bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I would like someone to stand for a brief period of interrogation on the intent embodied in this legislation. I do not know whether Mr. DeLuca would be the appropriate person as the prime sponsor of the bill.

The SPEAKER. As the prime sponsor of the bill, the gentleman, Mr. DeLuca, would be the proper person.

Mr. FREEMAN. Okay. Then I would ask Mr. DeLuca to please stand for a brief period of interrogation.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I just want to clarify for legislative intent, with the potential levying of this new emergency and municipal services tax that is envisioned in the bill, even though it is not specified outright, is it not true that the municipalities that would choose to levy it could in their enabling ordinance, if they so choose, decide to levy it on a quarterly basis or whatever breakdown they would choose within that enabling ordinance in order not to have to have the entire amount deducted from one single pay?

Mr. DeLUCA. That is correct, Mr. Speaker.

Mr. FREEMAN. So as I understand it, it does not have to come out of one single pay.

Mr. DeLUCA. No.

Mr. FREEMAN. It can be broken down.

Mr. DeLUCA. Depending how the ordinance is structured.

Mr. FREEMAN. In any variety of way the ordinance is structured.

Mr. DeLUCA. Right.

Mr. FREEMAN. Thank you. I appreciate the gentleman's comments establishing that for legislative intent.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Luzerne, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise in opposition to HB 197, and I do that not because we do not want to support our large municipal centers as economic engines for the Commonwealth, but because every time we do support our large municipal engines in this Commonwealth, we leave out Oil City and Union City and Uniontown and Hazleton and Wilkes-Barre and Scranton. We give them so few options. The fine gentleman from Erie whom I was very privileged to serve with, Karl Boyes, the late Karl Boyes, a member of the House from Erie, tried to negotiate a more and broader support system for small, third-class cities in the Commonwealth. What HB 197 does is it relegates the occupational privilege tax up from \$10 to \$52, and that tax will not be paid by people who mostly live in the cities; they will live in the suburban surroundings. And I have heard my suburban colleagues tonight who surround the city of Pittsburgh say that they support their city centers, and I can tell you, as someone who lives in suburban Hazleton, we support our city center, too. However, we want our city centers, our small engines around this Commonwealth, to have the same tools that our large municipal entities have, and what we do tonight is we narrow the options for our small municipalities down to one single option: a 500-percent increase in the occupational privilege tax. It is not enough.

For all the small towns around this Commonwealth, and we all represent them in suburban and rural Pennsylvania, this is just a narrow solution to a very broad problem, and I ask my friends to reconsider this tonight, not because we do not support Pittsburgh and the good work that has gone on there but because my good friend from Pittsburgh tonight, the gentleman who spoke for a while on the House floor, said that there may be issues that maybe need to be reconsidered later. I am asking you to reconsider them tonight. I do not think there are enough options in this bill, and I am asking for a "no" vote on HB 197.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. T. STEVENSON. Thank you, Mr. Speaker.

The city of Pittsburgh is vital to our region. In order to prevent the city from further decline, this compromise proposal was crafted. I am not enamored with all the provisions in this proposal, but as the old saying goes, a good compromise is one where no one is entirely happy with the deal that was reached. This proposal, in conjunction with the oversight board which we all established to oversee the finances of Pittsburgh, includes a little pain for everyone.

Speaking for my constituents, I am not 100 percent happy with this deal. The occupational privilege tax, which has been pointed out earlier, is now known as the emergency and municipal services tax. We are basically making it optional for a municipality to raise the tax from \$10 to \$52 or anywhere in between, but it is a better deal than the oversight board's suggestion of \$144 and a much better deal than the Act 47 coordinators' suggestion of a commuter tax. When coupled with

the requirement that these tax moneys must be used for real estate tax reduction, fire or emergency management services, or road construction, it becomes palatable.

We have worked very hard on the Pittsburgh issue for about a year and a half to 2 years. This is a good beginning to bringing Pittsburgh back to financial health and really bringing the city back to economic prominence in the United States.

Mr. Speaker, I encourage everyone to support HB 197.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. MUSTIO. Thank you, Mr. Speaker.

In an effort to start helping the city of Pittsburgh and saving our residents from the commuter taxes, would it be appropriate to move the previous question so we can vote on this bill?

The SPEAKER. The gentleman, Mr. Mustio—

Mr. MUSTIO. This question; whatever the proper terminology is. I would like to vote on this bill; the hour is late.

I withdraw that motion.

The SPEAKER. The Chair thanks the gentleman.

There are only 42 more speakers. The gentleman from Lehigh, Mr.— I was kidding.

The gentleman from Lehigh, Mr. Reichley. The gentleman waived off. There are two more.

The gentleman, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, I would like to ask my colleagues for support of this legislation. Even though it is not perfect, it begins the process for bringing back some of the health that we enjoyed for so many years in Pittsburgh. All of us care very deeply about all 67 counties in the State of Pennsylvania, and all of us care about many of our cities of the third class. We have worked on many programs to strengthen and enhance them – the Elm Street and Main Street Programs are some quick examples – and our committee, the Urban Affairs Committee, has worked diligently to institute many programs.

I care so much about Pittsburgh that I get homesick when I go to McKeesport. I traveled all over the world and never wanted to live anywhere else. Things are tough for a lot of us, but they are going to come back. We might be watching the Super Bowl between Pittsburgh and Philadelphia. Would that not be nice? Would that not be nice, Mr. Speaker, and we will forget all these bad times.

But one program I would like to pursue, if possible, and I have discussed this with many of my colleagues about helping the city of Pittsburgh, is, in lieu of taxes, we have some of the finest hospitals in the world, the best medical center in UPMC (University of Pittsburgh Medical Center) and Children's Hospital. I would like to see them pursue the institution of a medical program, health-care program, for city employees and their families at a nominal cost in lieu of taxes. I think that may be an idea worth pursuing to save the city many millions of dollars.

So please, vote for this and let us get on our way to better things for all of us, because the bell tolls for all of us.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the last listed speaker, the gentleman from Allegheny, Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I will try to keep this as brief as I can.

I represent the city of Pittsburgh, and I am a Representative of the Allegheny County delegation, and I have to say that when I came here tonight and with all the work that my colleagues on both sides of the aisle, on both sides of the chambers, you know, I was kind of disappointed that everything that I may have wanted to see in this legislation and this resolution was not there. And I thought that I was going to come here with a fiery speech, change the minds of the people sitting around here, but I am learning quickly that fairy tales do not come true in this chamber.

But in light of what all you have heard around here tonight, I do want to say something. We have been pushing towards regionalism, to come to a cooperation between urban and suburban, city and county, and in Allegheny County they did this Sustainable Pittsburgh getaway retreat this past weekend. Out of the retreat they talked about regionalism and what is required for a strong, healthy region, and I just briefly want to touch on some points that came out of that presentation. It says, we have to begin to think and work as a region. We have to plan successfully based on geographical efforts and areas with the knowledge that you have to have a sound fiscal center – a sound fiscal center. We have to quit thinking in terms of urban and suburban. The plan must have regional housing policies and access to jobs and transportation that is adequate and also include an educational system that is broader than just where you live or if you live in a rural or urban or suburban area. You have to grow as a region together based on your resources, using your resources to support one another. This would be institutions put into place so dialogue, effective dialogue, can take place without the limitations of boundaries. You have to have equity and democracy in place, meaning that whatever those institutions that are set up to move the region forward should be very reflective of all those individuals who stay and live and play and work in that area. And the planning process should be broader, the discussions should be broader, than just based on your own personal perspective, but it should be a broader thing of how we move together as a region. And with that in mind, with that in mind, you and I understand that I cannot or people from the city cannot get everything they want; I understand that people from suburbia cannot get everything they want, and as you look through this bill, I think there is a little bit in there for everyone.

Now, I can say without a doubt that I am not satisfied with this bill, and I think that we have a lot more work to do. I am not sure if what we will pass or not pass today will eventually solve the problem for the city of Pittsburgh, but I am willing to give it a try. I try not to be a hindrance in things, but I will say this, I will say this: We cannot continue to move forward, we cannot continue to move forward trying to punish or moving punitive measures against one area as we confess or profess that we are supportive of a region. You cannot have a hemorrhaging city or core and think that the region will grow and continue to prosper. You cannot do that. We cannot continue to ignore the fact that we have people who are unlike us or different than us and they want to be at this table and sitting and helping to make the decisions for a region; we cannot continue to ignore them based on them not being similar to us.

The SPEAKER. Mr. Wheatley, the subject before the House of Representatives is HB 197, PN 4802. Would the gentleman please confine his remarks to that bill.

Mr. WHEATLEY. I am, and I am going to ask for similar leeway that you may have given to some of my colleagues on

the other side, that I will eventually make the point that I am trying to get to in this bill.

The SPEAKER. Well, please try to get to that point.

Mr. WHEATLEY. I am trying.

The SPEAKER. Thank you, sir.

Mr. WHEATLEY. Thank you.

Again, I think this was a bill that was trying to get to a regional strategy, not only to help the city of Pittsburgh, because the city of Pittsburgh is a part of Allegheny County and Allegheny County is a part of southwestern Pennsylvania and southwestern Pennsylvania is a part of the Commonwealth, so I think we are trying to help more than just the city of Pittsburgh with this bill.

Again, there are different aspects in this bill that we have heard over and over again, that we all could have strengthened it, but I am really trying to, Mr. Speaker, I am trying to with all my energy to not want to say to you, do not support this, because I know this process is incremental. I know that we are passing this, and even though the recommendations of the ICA, the Intergovernmental Cooperation Authority that we created, even though they came back with a recommendation saying that if we are going to keep it at .55 payroll tax, then we should have a tax on workers who work in the city or live in the city and work in the city that should be a little higher than \$52. And I understand that some level above \$52 may not have made this thing work. It does not mean it was not a good idea; it just means that it was not workable.

There are other aspects in here. We heard many speakers before, and when we were debating this a year ago, we heard about we want to help the businesses, small and large, in Allegheny County and the city of Pittsburgh. Many of the breakdowns that I have seen around a phasedown in business privilege taxes, because I represent downtown, I represent a lot of taverns and a lot of restaurants, and many of the breakdowns I have seen, they may end up paying more, but at least we are getting something of what we need. Some of those businesses that were not paying any taxes are now on the rolls, will soon be on the rolls. So maybe this is a move forward. All I am saying is, at the end of the day, we know this is not the end of the road for us working as a region, and I am asking again, like I asked a year ago, I am asking again, when we come back to the table in whatever time it will be and we are looking at regional strategies, that we do it without the context, as much as possible, without the context of politics, without the context of politics playing a role. I am just asking for us moving beyond, going beyond our political roles if we can – I understand we all are political animals; that is why we are here – but as much as we can.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the gentleman, Mr. Smith. For what purpose does the gentleman rise?

Mr. S. SMITH. I apologize, Mr. Speaker. It is getting late, and we are getting into a speech here instead of debate on this bill, and I just would please ask the members to focus on the legislation before us, respectfully, Mr. Speaker.

Thank you.

The SPEAKER. Mr. Wheatley.

Mr. WHEATLEY. Thank you, Mr. Speaker.

I apologize if I strayed too far from the bill.

The SPEAKER. You did get a little far.

Mr. WHEATLEY. I will try.

The SPEAKER. Thank you.

Mr. WHEATLEY. And I understand it is late, because I sat here all day long listening to everyone else's speeches—

The SPEAKER. Me, too.

Mr. WHEATLEY. I know you did, Mr. Speaker, so I know you understand what I am talking about.

Mr. Speaker, all I am saying, as we enter into the wee morning hours on a Sunday, when we all should be preparing to get ready for church, I know, all I am saying is, all I am saying is this: I can wait, but I will not wait. For a year and a half we waited on a solution, and HB 197 is proposed to be that solution for the city of Pittsburgh; 197 is proposed to be that solution for Pittsburgh. All I am asking for, Mr. Speaker, really, is fairness in that I am going to support 197, even though it is against my better judgment, even though many of the people whom I represent will probably be damaged under 197.

I am going to ask other members to support HB 197, because the greater comment that I was trying to share with my colleagues is, I understand about compromises. I understand that I cannot always win. I understand that as a region, if we are going to operate as a region, we have to put our petty differences to the side and get down to the people's business. All I am really asking for, Mr. Speaker, as I support HB 197, is, as we move forward and we deal with issues, that we deal with them on a fair, equitable level; that we make sure that they are inclusive; that we make sure that the decisionmaking process is open and fair; that we make sure that we are not just doing things for political expediency.

That is really what I am asking for, Mr. Speaker, and again, I would ask the other members in this chamber to support HB 197.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I also support HB 197.

I would like to ask the members to maybe submit their remarks for the record. That might be a good idea, too, for moving the process along here late this evening.

The SPEAKER. I like the idea. Let us see if Mr. DeWeese likes the idea.

Mr. S. SMITH. We can vote it.

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

Mr. DeWEESE. Sixty seconds.

The ICA, the Intergovernmental Cooperation Authority in Pittsburgh, the five members, Democrats and Republicans, did a magnificent job.

With the concurrence of HB 197, Pittsburgh, Pittsburgh will turn the corner, but the road is long. We have got a lot of work in the future, but the Allegheny County delegation, the members from Pittsburgh, on both sides of the aisle, have made substantial progress. I would agree with the gentleman, Mr. Stevenson, that no compromise is embraced by everyone.

I would ask for a favorable vote on HB 197's concurrence.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—110

Adolph	Evans, D.	Markosek	Smith, S. H.
Argall	Fabrizio	McCall	Solobay
Armstrong	Fichter	McGeehan	Staback
Baldwin	Flick	McIlhattan	Steil
Barrar	Frankel	Melio	Stetler
Belardi	Freeman	Micozzie	Stevenson, T.
Biancucci	Gannon	Millard	Sturla
Bishop	Geist	Mundy	Taylor, J.
Blaum	Gergely	Mustio	Thomas
Boyd	Gingrich	Myers	Tigue
Butkovitz	Gruitza	O'Brien	Travaglio
Buxton	Harper	Oliver	Turzai
Caltagirone	Hennessey	O'Neill	Veon
Cappelli	Hershey	Petrone	Vitali
Cawley	Horsley	Pistella	Walko
Civera	James	Preston	Wansacz
Cohen	Josephs	Raymond	Washington
Cornell, S. E.	Keller	Readshaw	Waters
Corrigan	Kenney	Reed	Watson
Costa	Killion	Rieger	Weber
Cruz	Kirkland	Roebuck	Wheatley
Curry	Kotik	Rooney	Williams
Dailey	LaGrotta	Ruffing	Youngblood
DeLuca	Leach	Samuelson	Yudichak
Dermody	Lederer	Santoni	Zug
DeWeese	Levdansky	Scavello	
Diven	Lewis	Scrimenti	Perzel,
Donatucci	Manderino	Smith, B.	Speaker

NAYS—84

Allen	Evans, J.	Leh	Rohrer
Baker	Fairchild	Lescovitz	Ross
Bard	Feese	Maher	Rubley
Bastian	Fleagle	Maitland	Sainato
Belfanti	Forcier	Major	Sather
Benninghoff	Gabig	Mann	Saylor
Birmelin	Gillespie	Marsico	Schroder
Browne	Good	McGill	Semmel
Bunt	Goodman	McIlhinney	Shaner
Casorio	Grucela	McNaughton	Stairs
Causer	Habay	Metcalfe	Stern
Clymer	Haluska	Miller, R.	Stevenson, R.
Coleman	Hanna	Miller, S.	Surra
Crahalla	Harhai	Nickol	Tangretti
Creighton	Harhart	Pallone	Taylor, E. Z.
Daley	Harris	Payne	True
Dally	Hasay	Petrarca	Vance
Denlinger	Herman	Petri	Wilt
DiGirolamo	Hess	Phillips	Wojnaroski
Eachus	Hickernell	Pickett	Wright
Egolf	Hutchinson	Reichley	Yewcic

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 873, PN 4807**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege and for careless driving; providing for spilled cargo, for accident scene clearance and for exemption from additional requirements for highway occupancy permits for agricultural purposes; and further providing for penalties for violation of school zone speed limits, for powers of the department and local authorities, for surcharges and for removal of vehicles and spilled cargo from roadway.

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

The SPEAKER. It is moved by the gentleman, Mr. Geist, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—192

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

Donatucci	Lescovitz	Sainato	Perzel,
Eachus	Levdansky	Samuelson	Speaker
Egolf	Lewis		

NAYS—2

Haluska	Tigue
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NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

ANNOUNCEMENT BY MR. FLICK

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

Mr. FLICK. A point of personal privilege, Mr. Speaker.

On the last bill, I wonder if the gentleman, Mr. Geist, might rise for a moment, for a quick question.

Mr. Geist, even though it is past the roll calls, do I understand, Mr. Geist, that today is your birthday? I think we should all sing "Happy Birthday" to Mr. Geist.

("Happy Birthday" was sung by the members.)

Mr. GEIST. Mr. Speaker?

The SPEAKER. The Chair recognizes Mr. Geist.

Mr. GEIST. Mr. Speaker, may I have equal time for just a moment, please.

I just want to thank the Moron Tabernacle Choir for that fine rendition.

The SPEAKER. That was very kind of you, Mr. Geist.

SUPPLEMENTAL CALENDAR O CONTINUED

CONSIDERATION OF HB 1321 CONTINUED

The SPEAKER. The House is now turning back to consideration of HB 1321, PN 4811, at which time the gentleman, Mr. Sturla, was standing to explain the amendments that were added in. Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, the amendment actually removed a portion of this legislation which contained what was popularly known around here as the Comcast portion of the legislation, and now I believe it just affects the portion that would cover the produce market in Philadelphia, and I would encourage members to give a positive vote for this.

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I would also agree and ask the members to concur.

Just for the record, the project that is part and parcel of this legislation as it is before us involves the future employment of

1,000 employees, it involves a 51-acre facility on a vacant piece of property, and it involves, I believe it is \$1 billion in annual income. I thought that was important that this is a viable and serious project that we are supporting today.

The SPEAKER. The gentleman, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

And just to add on to that, it is a \$1 billion industry and Jersey is courting this industry. We need to keep it in Philadelphia, because it does involve jobs and money.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House concur in Senate amendments as amended by the Rules Committee?

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

The following roll call was recorded:

YEAS—171

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

NAYS—23

Benninghoff	Gabig	Lewis	Scavello
Browne	Gingrich	Maher	Schroder

Coleman	Habay	McNaughton	Tigue
Creighton	Harhart	Metcalfe	Turzai
Egolf	Hutchinson	Reed	Zug
Forcier	Kenney	Reichley	

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments as amended by the Rules Committee were concurred in.

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

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 709, PN 2707**; and **HB 2664, PN 4810**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

RULES COMMITTEE MEETING

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

BILLS ON CONCURRENCE REPORTED FROM COMMITTEE

HB 709, PN 2707

By Rep. S. SMITH

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

RULES.

HB 2664, PN 4810

By Rep. S. SMITH

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for distribution of funding; providing for temporary public transportation assistance funding and for flying while impaired; and imposing penalties.

RULES.

SUPPLEMENTAL CALENDAR Q

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 2664, PN 4810**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for distribution of funding; providing for temporary public transportation assistance funding and for flying while impaired; and imposing penalties.

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

The SPEAKER. It is moved by the gentlelady, Mrs. Watson, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—184

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

DeWeese	Lederer	Ruffing	Yudichak
DiGirolamo	Leh	Sainato	
Diven	Lescovitz	Samuelson	Perzel,
Donatucci	Levdansky	Santoni	Speaker
Eachus	Lewis		

NAYS—10

Benninghoff	Gabig	McNaughton	Schroder
Egolf	Hutchinson	Metcalfe	Zug
Forcier	Maitland		

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR R

BILL ON CONCURRENCE
IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 709, PN 2707**, entitled:

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

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

The SPEAKER. It is moved by the gentleman, Mr. DiGirolamo, that the House do concur in the amendments inserted by the Senate.

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

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

The following roll call was recorded:

YEAS—194

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

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

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 1:52 a.m., e.s.t., Sunday,
November 21, 2004, the House adjourned.

NAYS—0

NOT VOTING—0

EXCUSED—8

Bebko-Jones	Godshall	Lynch	Nailor
George	Laughlin	Mackereth	Roberts

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments were concurred in.

Ordered, That the clerk inform the Senate accordingly.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. At this time the Chair recognizes the gentleman from Lycoming, Mr. Feese.

Mr. FEESE. Mr. Speaker, I move that this House do now adjourn until Sunday, November 21, 2004, at 1:53 a.m., e.s.t., unless sooner recalled by the Speaker.