

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JUNE 30, 2005

SESSION OF 2005

189TH OF THE GENERAL ASSEMBLY

No. 45

HOUSE OF REPRESENTATIVES

The House convened at 12:55 p.m., e.d.t.

THE SPEAKER (JOHN M. PERZEL) PRESIDING

PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Creator God, how we delight in a summer's evening – the brilliant flash of lightning as it breaks up the dark, the hundreds of tiny little blinking lights of the fireflies, the booming sound of the thunder that shakes the foundation of our homes with spectacular special effects. If we open our eyes, we will begin to notice that every day is filled with spectacular special effects and what a joy for us to be a part of them.

O God, our calling in life has put us in very important places. Our assignment here is one of them. Give us, we beseech You, the qualities necessary to serve this Commonwealth and our country well. Give to Your servants enough happiness to keep them thoughtful, enough trials to them keep humble, enough success to keep them eager, enough friends to give them comfort, enough wealth to meet their needs, enough enthusiasm to make them look forward to tomorrow, and enough determination to make each day better than the day before.

As we strain toward our summer recess, strengthen each person here with courage, endurance, and steadfast resolve to be prepared to accomplish each task no matter how seemingly great or insignificant.

Thank You for this brief moment to slow down and acknowledge Your presence. Give us the wisdom needed to seek Your guidance in all our decisions, knowing that all we do affects someone else.

Be present among us, O Lord, as we seek to serve with honor. 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 Wednesday, June 29, 2005, will be postponed until printed.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1814 By Representatives SAINATO, BLAUM, BUNT, TIGUE, LEH, MANN, WHEATLEY, GEIST, CRAHALLA, BELARDI, SAYLOR, STABACK, GOODMAN, CALTAGIRONE, O'NEILL, DeWEESE, SHANER, LEDERER, HALUSKA, BARRAR, READSHAW, CAPPELLI, KOTIK, FREEMAN, CORRIGAN, PETRARCA, BOYD, CASORIO, FABRIZIO, THOMAS, HARPER, JOSEPHS, MUNDY, J. TAYLOR, McGEEHAN, HENNESSEY and MYERS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful capture and electronic transmission of private information.

Referred to Committee on JUDICIARY, June 30, 2005.

No. 1815 By Representatives SAINATO, BLAUM, CAPPELLI, GINGRICH, GOOD, CALTAGIRONE, TIGUE, STABACK, CRAHALLA, FRANKEL, JOSEPHS, BIANCUCCI, WALKO, THOMAS, DeLUCA, KOTIK, DONATUCCI, YOUNGBLOOD, GOODMAN, BUTKOVITZ, BELFANTI, SHANER, McGEEHAN, GERGELY, SOLOBAY, MYERS, MARKOSEK, HARPER and DENLINGER

An Act relating to release of reports pertaining to inspection of personal care homes.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 30, 2005.

No. 1816 By Representatives W. KELLER, CALTAGIRONE, CRAHALLA, DALEY, DONATUCCI, HENNESSEY, JAMES, KENNEY, KOTIK, LEDERER, MANN, PHILLIPS, PISTELLA, J. TAYLOR, TIGUE, YOUNGBLOOD, MYERS and ROEBUCK

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, further providing, in municipal police education and training, for reimbursement of expenses.

Referred to Committee on LOCAL GOVERNMENT,
June 30, 2005.

No. 1817 By Representatives W. KELLER, CALTAGIRONE, CRAHALLA, DALEY, DONATUCCI, HENNESSEY, JAMES, KENNEY, KOTIK, LEDERER, MANN, PHILLIPS, PISTELLA, J. TAYLOR, TIGUE, YOUNGBLOOD, MYERS and ROEBUCK

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

Referred to Committee on EDUCATION, June 30, 2005.

No. 1818 By Representatives STABACK, GOODMAN, BEBKO-JONES, BELFANTI, BENNINGHOFF, CALTAGIRONE, CAPPELLI, DeWEESE, FABRIZIO, GEORGE, ARGALL, GRUCELA, HARHAI, HARRIS, HENNESSEY, HESS, JOSEPHS, KOTIK, MUNDY, O'NEILL, PHILLIPS, PISTELLA, ROONEY, SAINATO, SHANER, TIGUE, WALKO, WANSACZ, WILT, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law, extending benefits to corrections employees; prohibiting compelling a person to return to light-duty work; and making an editorial change.

Referred to Committee on LABOR RELATIONS, June 30, 2005.

No. 1820 By Representatives GOODMAN, NAILOR, SEMMEL, TIGUE, ADOLPH, ALLEN, ARGALL, ARMSTRONG, BAKER, BALDWIN, BARRAR, BASTIAN, BEBKO-JONES, BELARDI, BELFANTI, BENNINGHOFF, BIANCUCCI, BIRMELIN, BISHOP, BLACKWELL, BLAUM, BOYD, BUNT, BUXTON, CALTAGIRONE, CAPPELLI, CASORIO, CAUSER, CAWLEY, CIVERA, CLYMER, COHEN, CORNELL, CORRIGAN, COSTA, CRAHALLA, CREIGHTON, CRUZ, CURRY, DALEY, DALLY, DeLUCA, DENLINGER, DERMODY, DeWEESE, DIGIROLAMO, DIVEN, DONATUCCI, EACHUS, ELLIS, D. EVANS, J. EVANS, FABRIZIO, FAIRCHILD, FEESE, FICHTER, FLEAGLE, FLICK, FORCIER, FRANKEL, FREEMAN, GABIG, GANNON, GEIST, GEORGE, GERBER, GERGELY, GILLESPIE, GINGRICH, GODSHALL, GOOD, GRELL, GRUCELA, GRUITZA, HABAY, HALUSKA, HANNA, HARHAI, HARHART, HARPER, HARRIS, HASAY, HENNESSEY, HERMAN, HERSHEY, HESS, HICKERNELL, HUTCHINSON, JAMES, JOSEPHS, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, KIRKLAND, KOTIK, LaGROTTA, LEACH, LEDERER, LEH, LESCOVITZ, LEVDANSKY, MACKERETH, MAHER, MAITLAND, MAJOR, MANDERINO, MANN, MARKOSEK, MARSICO, McCALL, McGEEHAN, McGILL, McILHATTAN, McILHINNEY, MELIO, METCALFE, MICOZZIE, MILLARD, R. MILLER, S. MILLER, MUNDY, MUSTIO, MYERS, NICKOL, O'BRIEN, OLIVER, O'NEILL, PALLONE, PAYNE, PERZEL, PETRARCA, PETRI, PETRONE, PHILLIPS, PICKETT, PISTELLA, PRESTON, PYLE, QUIGLEY,

RAMALEY, RAPP, RAYMOND, READSHAW, REED, REICHLEY, RIEGER, ROBERTS, ROHRER, ROONEY, ROSS, RUBLEY, RUFFING, SAINATO, SAMUELSON, SANTONI, SATHER, SAYLOR, SCAVELLO, SCHRODER, SIPTROTH, SHANER, SHAPIRO, B. SMITH, S. H. SMITH, SOLOBAY, SONNEY, STABACK, STAIRS, STEIL, STERN, STETLER, R. STEVENSON, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, J. TAYLOR, THOMAS, TRUE, TURZAI, VEON, VITALI, WALKO, WANSACZ, WATERS, WATSON, WHEATLEY, WILLIAMS, WILT, WOJNAROSKI, WRIGHT, YEWIC, YOUNGBLOOD, YUDICHAK, ZUG and ROEBUCK

An Act providing compensation to persons in active service in connection with the Persian Gulf Conflict or their beneficiaries; authorizing the incurring of indebtedness and the issue and sale of bonds by the Commonwealth for the payment of compensation and the design and construction of a memorial to veterans of this Commonwealth, contingent upon electorate approval; creating a special fund in the State Treasury to be known as the Persian Gulf Conflict Veterans' Compensation Bond Fund; imposing powers and duties on the Department of General Services; making appropriations; and making a related repeal.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 30, 2005.

No. 1821 By Representatives CREIGHTON, ARMSTRONG, BENNINGHOFF, BUNT, CALTAGIRONE, GERGELY, HERSHEY, JAMES, M. KELLER, REICHLEY, SCAVELLO, TIGUE and YOUNGBLOOD

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for pupil yearbook pictures.

Referred to Committee on EDUCATION, June 30, 2005.

No. 1822 By Representatives JOSEPHS, BEBKO-JONES, BENNINGHOFF, BLACKWELL, BUNT, CALTAGIRONE, DENLINGER, FABRIZIO, FRANKEL, FREEMAN, GINGRICH, GOODMAN, HERSHEY, JAMES, LEACH, MANDERINO, PETRARCA, PISTELLA, SHAPIRO and YOUNGBLOOD

An Act protecting the right of a mother to nurse her child in public; prohibiting a unit of local government from adopting an ordinance prohibiting breastfeeding in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.

Referred to Committee on CHILDREN AND YOUTH, June 30, 2005.

No. 1823 By Representatives BELFANTI, DeWEESE, CRAHALLA, BARRAR, J. TAYLOR, BEBKO-JONES, BELARDI, CALTAGIRONE, COHEN, FABRIZIO, FREEMAN, GEORGE, GERGELY, GOODMAN, GRUCELA, HARHAI, JAMES, JOSEPHS, KIRKLAND, KOTIK, LaGROTTA, LEVDANSKY, MANN, MARKOSEK, McCALL, McGEEHAN, MUNDY, MYERS, PETRARCA, PISTELLA, SAINATO, SHANER, SOLOBAY, STABACK, SURRA, THOMAS, TIGUE, WALKO, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, providing for cost-of-living increases in the amount of compensation payable.

Referred to Committee on LABOR RELATIONS, June 30, 2005.

No. 1824 By Representatives SCAVELLO, ADOLPH, ARMSTRONG, BALDWIN, BELARDI, BOYD, BUNT, CALTAGIRONE, CAPPELLI, CRAHALLA, CURRY, DALLY, DeLUCA, DENLINGER, DONATUCCI, D. EVANS, FAIRCHILD, GEIST, GEORGE, GILLESPIE, GOOD, GOODMAN, GRUCELA, HANNA, HARHAI, HARHART, HARRIS, HASAY, HENNESSEY, HERMAN, JAMES, KOTIK, LEACH, LEDERER, MACKERETH, MAJOR, MARSICO, MICOZZIE, MUSTIO, MYERS, O'NEILL, PETRARCA, PHILLIPS, PICKETT, PISTELLA, PYLE, READSHAW, REICHLEY, SAMUELSON, SAYLOR, SCHRODER, SIPTROTH, SOLOBAY, STABACK, R. STEVENSON, STURLA, SURRA, J. TAYLOR, WALKO, YOUNGBLOOD, CAUSER and RAPP

An Act amending the act of March 11, 1971 (P.L.104, No.3), known as the Senior Citizens Rebate and Assistance Act, further providing for property tax and rent rebate eligibility and for funds for payment of claims.

Referred to Committee on FINANCE, June 30, 2005.

No. 1825 By Representatives DeLUCA, THOMAS, BARRAR, BIANCUCCI, BLACKWELL, CALTAGIRONE, CRUZ, DONATUCCI, FABRIZIO, GEORGE, GOODMAN, MYERS, MELIO, DERMODY, PISTELLA, PETRONE, YOUNGBLOOD, KOTIK, WALKO, READSHAW, MARKOSEK, TANGRETTI and FRANKEL

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, requiring monitored security in and about certain tenement buildings and multiple dwelling premises.

Referred to Committee on URBAN AFFAIRS, June 30, 2005.

SENATE BILLS FOR CONCURRENCE

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

SB 260, PN 264

Referred to Committee on INSURANCE, June 30, 2005.

SB 723, PN 1026

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 30, 2005.

CALENDAR

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1312, PN 1864**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing in capital stock franchise tax, for imposition of tax and for expiration.

On the question,

Will the House agree to the bill on third consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that HB 1312 be placed on the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that HB 1312 be taken off the table.

On the question,

Will the House agree to the motion?

Motion was agreed to.

RULES COMMITTEE MEETING

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

BILLS REREPORTED FROM COMMITTEE

HB 1819, PN 2393

By Rep. S. SMITH

An Act providing for the establishment of the Historic Preservation Incentive Program for historic commercial and residential sites.

RULES.

SB 300, PN 710

By Rep. S. SMITH

An Act authorizing the establishment and maintenance of health savings accounts; providing for special tax provisions; and imposing restrictions on health savings accounts.

RULES.

BILLS ON SECOND CONSIDERATION

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

HB 1819, PN 2393; and SB 300, PN 710.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that the following bills be taken from the table:

SB 256;
SB 406; and
SB 722.

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

BILLS ON SECOND CONSIDERATION

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

SB 256, PN 1012; SB 406, PN 1018; and SB 722, PN 976.

BILLS RECOMMITTED

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

SB 256;
SB 406; and
SB 722.

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 10, PN 2399 (Amended) By Rep. LEH

An Act amending the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, further providing for rules for licensing and operation.

FINANCE.

HB 11, PN 2400 (Amended) By Rep. LEH

An Act amending the act of December 19, 1988 (P.L.1262, No.156), known as the Local Option Small Games of Chance Act, further providing for prize limits, for limited sales and for

recordkeeping; repealing certain provisions relating to advertising; and further providing for eligible organizations' use of locations for conducting small games of chance and for separate individual prize limitations.

FINANCE.

HB 1158, PN 1364 By Rep. LEH

An Act limiting real property taxes in certain circumstances in counties of the second class and in all political subdivisions in counties of the second class.

FINANCE.

HB 1260, PN 1486 By Rep. CLYMER

An Act designating polka music as the official folk music of the Commonwealth of Pennsylvania; and designating the American square dance as the official folk dance of the Commonwealth of Pennsylvania.

STATE GOVERNMENT.

HB 1669, PN 2096 By Rep. CLYMER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, providing for elections in the event of catastrophic loss.

STATE GOVERNMENT.

HB 1743, PN 2230 By Rep. LEH

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further providing for assessment limits on counties of the second class; and providing for effect of appeal, escrow and payment under protest.

FINANCE.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 354, PN 2221 By Rep. CLYMER

A Concurrent Resolution designating the Garden of Reflection in Lower Makefield Township, Bucks County, as the Official State Memorial to the Victims of the September 11, 2001, terrorist attacks.

STATE GOVERNMENT.

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

SB 651, PN 748 By Rep. STAIRS

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, further providing for waiver of standards.

EDUCATION.

LEAVES OF ABSENCE

The SPEAKER. The majority whip requests a leave of absence for the gentleman, Mr. SATHER, for today and tomorrow and the gentleman, Mr. SCHRODER, for today. Without objection, those leaves will be granted.

The Chair recognizes the minority whip, who moves for a leave of absence for the gentleman from Philadelphia, Mr. RIEGER, and the gentleman from Philadelphia, Mr. JAMES, for today. Without objection, those leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

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

ADDITIONS—0**NOT VOTING—0****EXCUSED—4**

James Rieger Sather Schroder

LEAVES ADDED—2

LaGrotta Wheatley

LEAVES CANCELED—3

James Sather Schroder

ACTUARIAL NOTE

The SPEAKER. The Chair acknowledges receipt of the following actuarial note: amendment No. 2155 to HB 1048, PN 1204.

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

HARRISBURG LEGISLATIVE LEAVE

The SPEAKER. The gentleman, Mr. STURLA, and the gentleman, Mr. WILLIAMS, will be placed on Capitol leave.

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House Katie Gorton. She is a constituent and summer intern of Representative John Payne. She is seated to the left of the Speaker. Would she please rise and be recognized.

We have a special guest here today as the guest of Representative David Argall. His name is Rodney Horton. Rodney is a student at Penn State University, and he is serving as an intern to Representative Argall's Harrisburg office. Would Rodney please stand and be recognized.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader. Mr. S. SMITH. Mr. Speaker, I move that SB 688 and SB 697 be taken off the table.

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

BILLS ON SECOND CONSIDERATION

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

SB 688, PN 969; and SB 697, PN 1036.

BILLS RECOMMITTED

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

- HB 1819;
- SB 300;
- SB 688; and
- SB 697.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1049, PN 1959**, entitled:

An Act amending the act of June 19, 1931 (P.L.589, No.202), referred to as the Barbers' License Law, further providing for licensing requirements.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Freeman	Marsico	Semmel
Bebko-Jones	Gabig	McCall	Shaner
Belardi	Gannon	McGeehan	Shapiro
Belfanti	Geist	McGill	Siptroth
Benninghoff	George	McIlhattan	Smith, B.
Bianucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Gruitza	Mustio	Stevenson, T.
Cappelli	Habay	Myers	Sturla
Casorio	Haluska	Nailor	Surra
Causar	Hanna	Nickol	Tangretti
Cawley	Harhai	O'Brien	Taylor, E. Z.
Civiera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Payne	True

Corrigan	Hennessey	Petrarca	Turzai
Costa	Herman	Petri	Veon
Crahalla	Hershey	Petrone	Vitali
Creighton	Hess	Phillips	Walko
Cruz	Hickernell	Pickett	Wansacz
Curry	Hutchinson	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnarowski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

* * *

The House proceeded to third consideration of **HB 1509, PN 1843**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to F & L Group, Inc., an access and utility easement across certain lands situate in the Hempfield Township, Westmoreland County.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—197

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Freeman	Marsico	Semmel
Bebko-Jones	Gabig	McCall	Shaner

Belardi	Gannon	McGeehan	Shapiro
Belfanti	Geist	McGill	Siptroth
Benninghoff	George	McIlhattan	Smith, B.
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Gruitza	Mustio	Stevenson, T.
Cappelli	Habay	Myers	Sturla
Casorio	Haluska	Nailor	Surra
Causar	Hanna	Nickol	Tangretti
Cawley	Harhai	O'Brien	Taylor, E. Z.
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Payne	True
Corrigan	Hennessey	Petrarca	Turzai
Costa	Herman	Petri	Veon
Crahalla	Hershey	Petrone	Vitali
Creighton	Hess	Phillips	Walko
Cruz	Hickernell	Pickett	Wansacz
Curry	Hutchinson	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenny	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

* * *

The House proceeded to third consideration of **HB 1539, PN 1896**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for reports to the Secretary of Revenue.

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

Mr. **GEORGE** offered the following amendment No. **A02465**:

Amend Title, page 1, line 31, by removing the period after "Revenue" and inserting

; and establishing and providing for appropriation to the Emergency Energy Assistance Fund.

Amend Bill, page 2, by inserting between lines 18 and 19

Section 2. Article XVII-A of the act is amended by adding a subarticle to read:

SUBARTICLE D

EMERGENCY ENERGY ASSISTANCE FUND

Section 1731-A. Establishment of Emergency Energy Assistance Fund

There is established a special fund to be known as the Emergency Energy Assistance Fund.

Section 1732-A. Appropriation to Emergency Energy Assistance Fund.

An amount equal to 1.0 mills of the utilities' gross receipts tax collected during each fiscal year under Article XI of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, shall be appropriated annually from the General Fund to the Emergency Energy Assistance Fund, to be administered by the Department of Public Welfare for State-funded emergency energy assistance if the Governor declares that either weather conditions, natural or man-made disasters, or high energy prices or a combination thereof are a threat to public health within this Commonwealth and available Federal home energy assistance funds are not sufficient to meet this need. The Governor shall publish this emergency declaration in the Pennsylvania Bulletin along with the criteria and emergency regulations for this program.

Amend Sec. 2, page 2, line 19, by striking out "2" and inserting

3

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, not too long ago this body deliberated, and it was the consensus that we should adopt a shutoff for those people that are negligent or unfortunately cannot pay their bill, and right now, Mr. Speaker, we have nearly 47,000. Some have to be your constituents, some are mine, and some probably belong to everybody who represents a district.

And the situation is that these funds that we want to utilize, the amendment establishes an Emergency Energy Assistance Fund by designating 1 mill of the utilities' gross receipts tax that is collected, and these funds would only be allocated when the Governor declares a natural or manmade disaster.

In times of the high energy prices, Mr. Speaker, you and I and every soul in this legislative body know that we are going to have a lot of shutoffs and a lot of people cold; that right now the wholesale cost of fuel oil for the homes is \$1.69 a gallon. So currently, Mr. Speaker, we are experiencing a surge, as I said, in the shutoffs, double the shutoffs of a year ago, and they are threatening public health and safety.

For example, Mr. Speaker, last month in northern Cambria County after one family's electricity was shut off, four people died after the candles they were using ignited their home. That is not the fault of anyone particularly, but by the same token, those of us that are gathered here to do the people's business have to be concerned about that element in our society, either through no fault of their own or the fact that their budgeting

experience is not quite what it ought to be or because unfortunately they lost their job.

For example, the same thing, Mr. Speaker, an individual is called off to Iraq and now his salary or hers has been reduced almost in half and leaves the family with the same utility bills, the same needs, and that is why you and I and many of these legislators, Mr. Speaker, want to do something for these military families.

But I ask you, Mr. Speaker, are the vulnerable the ones that are being protected under the new rule, Act 201 of 2004? We should not ignore the problem that thousands of Pennsylvanians are unable to pay for heating and lighting as the costs continue to soar.

At what point do we wake up and make a concerted effort to tackle this problem? Mr. Speaker, if we do not tackle this problem, it will never be laid on its back. I would urge every member in this Assembly, and I know you believe, most of you as I do, that the bottom line is not solely on the business ledger but in human lives, and I ask for your support.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

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

Representative George talked about people who are struggling, whose lives and circumstances are being aggravated by all kinds of conditions. Well, Mr. Speaker, I rise to say that it is not only poor people; there are other people. But for the grace of God, there go I.

Mr. Speaker, natural disasters, dips in the economy, and all kinds of situations can, fires can cause a family today that is doing well, facing difficult situations tomorrow because of the intervention of forces that they neither knew about nor were in a position to do anything about, and, Mr. Speaker, it can happen to any of us, any of us at any time.

I think that it is timely, and I think that it is appropriate to establish this Emergency Energy Assistance Fund, and I applaud Representative George for moving forward on this, and I urge members from both sides to vote "yes" for the George amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—190

Adolph	Fabrizio	Mackereth	Rubley
Allen	Fairchild	Maher	Ruffing
Argall	Feese	Maitland	Sainato
Armstrong	Fichter	Major	Samuelson
Baker	Fleagle	Manderino	Santoni
Baldwin	Flick	Mann	Saylor
Barrar	Forcier	Markosek	Scavello
Bastian	Frankel	Marsico	Semmel
Bebko-Jones	Freeman	McCall	Shaner
Belardi	Gabig	McGeehan	Shapiro
Belfanti	Gannon	McGill	Siproth
Benninghoff	Geist	McIlhattan	Smith, B.
Bianucci	George	McIlhinney	Smith, S. H.
Birmelin	Gerber	McNaughton	Solobay
Bishop	Gergely	Melio	Sonney
Blackwell	Gillespie	Micozzie	Staback

Blaum	Gingrich	Millard	Stairs
Boyd	Godshall	Miller, R.	Stern
Bunt	Good	Miller, S.	Stetler
Butkovitz	Goodman	Mundy	Stevenson, R.
Buxton	Grucela	Mustio	Stevenson, T.
Caltagirone	Gruitza	Myers	Sturla
Cappelli	Habay	Nailor	Surra
Casorio	Haluska	Nickol	Tangretti
Causer	Hanna	O'Brien	Taylor, E. Z.
Cawley	Harhai	Oliver	Taylor, J.
Civera	Harhart	O'Neill	Thomas
Clymer	Harper	Pallone	Tigue
Cohen	Hasay	Payne	True
Cornell	Hennessey	Petrarca	Turzai
Corrigan	Herman	Petrone	Veon
Costa	Hershey	Phillips	Vitali
Crahalla	Hess	Pickett	Walko
Cruz	Hickernell	Pistella	Wansacz
Curry	Hutchinson	Preston	Waters
Daley	Josephs	Pyle	Watson
Dally	Kauffman	Quigley	Wheatley
DeLuca	Keller, W.	Ramaley	Williams
Denlinger	Kenney	Rapp	Wilt
Dermody	Killion	Raymond	Wojnarowski
DeWeese	Kirkland	Readshaw	Wright
DiGirolamo	Kotik	Reed	Yewcic
Diven	LaGrotta	Reichley	Youngblood
Donatucci	Leach	Roberts	Yudichak
Eachus	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	Perzel,
Evans, J.	Levdansky	Ross	Speaker

NAYS—7

Creighton	Harris	Metcalf	Steil
Grell	Keller, M.	Petri	

NOT VOTING—0

EXCUSED—4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

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

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

The following roll call was recorded:

YEAS—197

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello

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

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

* * *

The House proceeded to third consideration of **HB 1606, PN 2149**, entitled:

An Act providing for free breast and cervical cancer screening services to certain eligible women and for the powers and duties of the Department of Health.

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

Mr. **KENNEY** offered the following amendment No. **A02362**:

Amend Sec. 4, page 4, line 18, by striking out "physician" and inserting
physical

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage. The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—197

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

NAYS—0

NOT VOTING—0

EXCUSED—4

James Rieger Sather Schroder

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

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

FILMING PERMISSION

The SPEAKER. The Chair wishes to advise the members that it has given permission to Steven Adams of the Pittsburgh Tribune-Review to take still photos of the proceedings on the floor, dated June 30, 2005.

RULES COMMITTEE MEETING

The SPEAKER. The majority leader calls for an immediate meeting of the Rules Committee.

SUPPLEMENTAL CALENDAR A

BILLS ON CONCURRENCE IN SENATE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to **HB 887, PN 2362**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions and for license costs and fees.

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

The SPEAKER. It is moved by the gentlelady, Ms. Pickett, 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—197

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Freeman	Marsico	Semmel
Bebko-Jones	Gabig	McCall	Shaner
Belardi	Gannon	McGeehan	Shapiro
Belfanti	Geist	McGill	Siptroth

Benninghoff	George	McIlhattan	Smith, B.
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Gruitza	Mustio	Stevenson, T.
Cappelli	Habay	Myers	Sturla
Casorio	Haluska	Nailor	Surra
Causer	Hanna	Nickol	Tangretti
Cawley	Harhai	O'Brien	Taylor, E. Z.
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Payne	True
Corrigan	Hennessey	Petrarca	Turzai
Costa	Herman	Petri	Veon
Crahalla	Hershey	Petrone	Vitali
Creighton	Hess	Phillips	Walko
Cruz	Hickernell	Pickett	Wansacz
Curry	Hutchinson	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGiroloamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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 1076, PN 2363**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license and fee exemptions and for license costs and fees.

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

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

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

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, the changes to HB 1076 were agreed-to amendments. The bill now awards a \$1 resident hunting license to reservists of the United States Armed Forces as well as Pennsylvania National Guardsmen who are returning from a foreign deployment for more than 6 months. The bill becomes effective immediately to take advantage of the beginning of the hunting license year, which begins tomorrow, July 1. I ask for concurrence in the agreed-to Senate amendments.

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-197

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

NAYS-0

NOT VOTING-0

EXCUSED-4

James Rieger Sather Schroder

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 1077, PN 2364, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for license fee for deployed Pennsylvania National Guard members and for reserve component of the armed forces members.

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

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

On that question, the gentleman, Mr. Staback. Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, the amendments to HB 1077 were also agreed to and added resident Armed Forces reservists to National Guards qualifying for the \$1 annual fishing license. The effective date was also changed to take place immediately. I would also ask for an affirmative vote on 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-197

Adolph Fairchild Mackereth Rubley
Allen Feese Maher Ruffing
Argall Fichter Maitland Sainato
Armstrong Fleagle Major Samuelson
Baker Flick Manderino Santoni
Baldwin Forcier Mann Saylor
Barrar Frankel Markosek Scavello
Bastian Freeman Marsico Semmel
Bebko-Jones Gabig McCall Shaner
Belardi Gannon McGeehan Shapiro
Belfanti Geist McGill Siproth
Benninghoff George McIlhatten Smith, B.
Biancucci Gerber McIlhinney Smith, S. H.
Birmelin Gergely McNaughton Solobay
Bishop Gillespie Melio Sonney
Blackwell Gingrich Metcalfe Staback
Blaum Godshall Micozzie Stairs
Boyd Good Millard Steil
Bunt Goodman Miller, R. Stern
Butkovitz Grell Miller, S. Stetler

Buxton Grucela Mundy Stevenson, R.
Caltagirone Gruitza Mustio Stevenson, T.
Cappelli Habay Myers Sturla
Casorio Haluska Nailor Surra
Causer Hanna Nickol Tangretti
Cawley Harhai O'Brien Taylor, E. Z.
Civera Harhart Oliver Taylor, J.
Clymer Harper O'Neill Thomas
Cohen Harris Pallone Tigue
Cornell Hasay Payne True
Corrigan Hennessey Petrarca Turzai
Costa Herman Petri Veon
Crahalla Hershey Petrone Vitali
Creighton Hess Phillips Walko
Cruz Hickernell Pickett Wansacz
Curry Hutchinson Pistella Waters
Daley Josephs Preston Watson
Dally Kauffman Pyle Wheatley
DeLuca Keller, M. Quigley Williams
Denlinger Keller, W. Ramaley Wilt
Dermody Kenney Rapp Wojnaroski
DeWeese Killion Raymond Wright
DiGirolamo Kirkland Readshaw Yewwic
Diven Kotik Reed Youngblood
Donatucci LaGrotta Reichley Yudichak
Eachus Leach Roberts Zug
Ellis Lederer Roebuck
Evans, D. Leh Rohrer
Evans, J. Lescovitz Rooney Perzel,
Fabrizio Levdansky Ross Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James Rieger Sather Schroder

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of SB 457, PN 900, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for beneficiaries of fund not to be employed by the city; and providing for beneficiaries serving in elective office.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

RESOLUTION

Mr. HUTCHINSON called up **HR 88, PN 560**, entitled:

A Concurrent Resolution establishing a task force to study issues concerning sewage management and treatment at publicly owned treatment facilities and systems throughout this Commonwealth, providing for an advisory committee and directing the Joint Legislative Air and Water Pollution Control and Conservation Committee to provide administrative support to the task force.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED—4

James Rieger Sather Schroder

The majority of the members elected to the House having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

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

RESOLUTIONS PURSUANT TO RULE 35

Mrs. TAYLOR called up HR 320, PN 2034, entitled:

A Resolution commemorating on September 14, 2005, the 191st anniversary of the writing of the poem by Francis Scott Key that became known as "The Star Spangled Banner."

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph Fairchild Mackereth Rubley
Allen Feese Maher Ruffing
Argall Fichter Maitland Sainato
Armstrong Fleagle Major Samuelson
Baker Flick Manderino Santoni
Baldwin Forcier Mann Saylor
Barrar Frankel Markosek Scavello
Bastian Freeman Marsico Semmel
Bebko-Jones Gabig McCall Shaner
Belardi Gannon McGeehan Shapiro
Belfanti Geist McGill Siptroth
Benninghoff George McIlhattan Smith, B.
Biancucci Gerber McIlhinney Smith, S. H.
Birmelin Gergely McNaughton Solobay
Bishop Gillespie Melio Sonney
Blackwell Gingrich Metcalfe Staback
Blaum Godshall Micozzie Stairs
Boyd Good Millard Steil
Bunt Goodman Miller, R. Stern
Butkovitz Grell Miller, S. Stetler
Buxton Mundy Grucela Stevenson, R.
Caltagirone Gruitza Mustio Stevenson, T.
Cappelli Habay Myers Sturla
Casorio Haluska Nailor Surra
Causer Hanna Nickol Tangretti
Cawley Harhai O'Brien Taylor, E. Z.
Civera Harhart Oliver Taylor, J.
Clymer Harper O'Neill Thomas
Cohen Harris Pallone Tigue
Cornell Hasay Payne True
Corrigan Hennessey Petrarca Turzai
Costa Herman Petri Veon
Crahalla Hershey Petrone Vitali
Creighton Hess Phillips Walko
Cruz Hickernell Pickett Wansacz
Curry Hutchinson Pistella Waters
Daley Josephs Preston Watson
Dally Kauffman Pyle Wheatley
DeLuca Keller, M. Quigley Williams
Denlinger Keller, W. Ramaley Wilt
Dermody Kenney Rapp Wojnaroski
DeWeese Killion Raymond Wright
DiGirolamo Kirkland Readshaw Yewcic
Diven Kotik Reed Youngblood
Donatucci LaGrotta Reichley Yudichak
Eachus Leach Roberts Zug

Ellis Lederer Roebuck
Evans, D. Leh Rohrer
Evans, J. Lescovitz Rooney Perzel,
Fabrizio Levdansky Ross Speaker

NAYS—0

NOT VOTING—0

EXCUSED—4

James Rieger Sather Schroder

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

Mr. BELARDI called up HR 345, PN 2145, entitled:

A Resolution designating September 6, 2005, as "Scranton State School for the Deaf Day" in Pennsylvania.

On the question, Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

Adolph Fairchild Mackereth Rubley
Allen Feese Maher Ruffing
Argall Fichter Maitland Sainato
Armstrong Fleagle Major Samuelson
Baker Flick Manderino Santoni
Baldwin Forcier Mann Saylor
Barrar Frankel Markosek Scavello
Bastian Freeman Marsico Semmel
Bebko-Jones Gabig McCall Shaner
Belardi Gannon McGeehan Shapiro
Belfanti Geist McGill Siptroth
Benninghoff George McIlhattan Smith, B.
Biancucci Gerber McIlhinney Smith, S. H.
Birmelin Gergely McNaughton Solobay
Bishop Gillespie Melio Sonney
Blackwell Gingrich Metcalfe Staback
Blaum Godshall Micozzie Stairs
Boyd Good Millard Steil
Bunt Goodman Miller, R. Stern
Butkovitz Grell Miller, S. Stetler
Buxton Mundy Grucela Stevenson, R.
Caltagirone Gruitza Mustio Stevenson, T.
Cappelli Habay Myers Sturla
Casorio Haluska Nailor Surra
Causer Hanna Nickol Tangretti
Cawley Harhai O'Brien Taylor, E. Z.
Civera Harhart Oliver Taylor, J.
Clymer Harper O'Neill Thomas
Cohen Harris Pallone Tigue
Cornell Hasay Payne True
Corrigan Hennessey Petrarca Turzai
Costa Herman Petri Veon
Crahalla Hershey Petrone Vitali
Creighton Hess Phillips Walko
Cruz Hickernell Pickett Wansacz
Curry Hutchinson Pistella Waters
Daley Josephs Preston Watson
Dally Kauffman Pyle Wheatley
DeLuca Keller, M. Quigley Williams

Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

* * *

Mr. DALLY called up **HR 359, PN 2248**, entitled:

A Resolution recognizing September 11, 2005, as "National 911 Day."

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

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

Crahalla	Hershey	Petrone	Vitali
Creighton	Hess	Phillips	Walko
Cruz	Hickernell	Pickett	Wansacz
Curry	Hutchinson	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

* * *

Mr. STAIRS called up **HR 383, PN 2378**, entitled:

A Resolution amending House Resolution No. 3, adopted February 1, 2005, entitled "A resolution establishing the Speaker's Education Innovation Awards program, to be known publicly as "Golden Apple Awards"; and establishing an advisory committee," further providing for membership of advisory committee, for expenses and for a time period for first Golden Apple Awards.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Freeman	Marsico	Semmel
Bebko-Jones	Gabig	McCall	Shaner
Belardi	Gannon	McGeehan	Shapiro
Belfanti	Geist	McGill	Siptroth
Benninghoff	George	McIlhattan	Smith, B.
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.

Caltagirone	Gruitza	Mustio	Stevenson, T.
Cappelli	Habay	Myers	Sturla
Casorio	Haluska	Nailor	Surra
Causer	Hanna	Nickol	Tangretti
Cawley	Harhai	O'Brien	Taylor, E. Z.
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Payne	True
Corrigan	Hennessey	Petrarca	Turzai
Costa	Herman	Petri	Veon
Crahalla	Hershey	Petrone	Vitali
Creighton	Hess	Phillips	Walko
Cruz	Hickernell	Pickett	Wansacz
Curry	Hutchinson	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

* * *

Mr. BELFANTI called up **HR 384, PN 2379**, entitled:

A Resolution designating the week of June 26 to July 2, 2005, as "Coal Mining Safety Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Freeman	Marsico	Semmel
Bebko-Jones	Gabig	McCall	Shaner
Belardi	Gannon	McGeehan	Shapiro
Belfanti	Geist	McGill	Siptroth
Benninghoff	George	McIlhattan	Smith, B.
Bianucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay

Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Metcalfe	Staback
Blaum	Godshall	Micozzie	Stairs
Boyd	Good	Millard	Steil
Bunt	Goodman	Miller, R.	Stern
Butkovitz	Grell	Miller, S.	Stetler
Buxton	Grucela	Mundy	Stevenson, R.
Caltagirone	Gruitza	Mustio	Stevenson, T.
Cappelli	Habay	Myers	Sturla
Casorio	Haluska	Nailor	Surra
Causer	Hanna	Nickol	Tangretti
Cawley	Harhai	O'Brien	Taylor, E. Z.
Civera	Harhart	Oliver	Taylor, J.
Clymer	Harper	O'Neill	Thomas
Cohen	Harris	Pallone	Tigue
Cornell	Hasay	Payne	True
Corrigan	Hennessey	Petrarca	Turzai
Costa	Herman	Petri	Veon
Crahalla	Hershey	Petrone	Vitali
Creighton	Hess	Phillips	Walko
Cruz	Hickernell	Pickett	Wansacz
Curry	Hutchinson	Pistella	Waters
Daley	Josephs	Preston	Watson
Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

RESOLUTION

Mr. CREIGHTON called up **HR 332, PN 2070**, entitled:

A Resolution urging the President and the Congress of the United States to support and enact legislation placing reasonable requirements on the reporting of publicly funded clinical trials.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-197

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Saylor

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

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 727, PN 818**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the definition of "emergency vehicle."

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

The SPEAKER. HB 727, PN 818. We were on the Shapiro amendment 2241.

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

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?
Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—196

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

NAYS—0

NOT VOTING—1

Stevenson, R.

EXCUSED—4

James Rieger Sather Schroder

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.
Ordered, That the clerk present the same to the Senate for concurrence.

The SPEAKER. The House will be at ease.

SUPPLEMENTAL CALENDAR C

RESOLUTIONS PURSUANT TO RULE 35

Mr. McCALL called up HR 385, PN 2410, entitled:

A Resolution commemorating the 150th anniversary of the driving of the No. 9 Mine in Lansford, Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—197

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

Dally	Kauffman	Pyle	Wheatley
DeLuca	Keller, M.	Quigley	Williams
Denlinger	Keller, W.	Ramaley	Wilt
Dermody	Kenney	Rapp	Wojnaroski
DeWeese	Killion	Raymond	Wright
DiGirolamo	Kirkland	Readshaw	Yewcic
Diven	Kotik	Reed	Youngblood
Donatucci	LaGrotta	Reichley	Yudichak
Eachus	Leach	Roberts	Zug
Ellis	Lederer	Roebuck	
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

* * *

Mr. HICKERNELL called up **HR 386, PN 2411**, entitled:

A Resolution commending those who advocate and promote organ and tissue donation in this Commonwealth.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Feese	Maher	Rubley
Allen	Fichter	Maitland	Ruffing
Argall	Fleagle	Major	Sainato
Armstrong	Flick	Manderino	Samuelson
Baker	Forcier	Mann	Santoni
Baldwin	Frankel	Markosek	Saylor
Barrar	Freeman	Marsico	Scavello
Bastian	Gabig	McCall	Semmel
Bebko-Jones	Gannon	McGeehan	Shaner
Belardi	Geist	McGill	Shapiro
Belfanti	George	McIlhattan	Siptroth
Benninghoff	Gerber	McIlhinney	Smith, B.
Biancucci	Gergely	McNaughton	Smith, S. H.
Birmelin	Gillespie	Melio	Solobay
Bishop	Gingrich	Metcalfe	Sonney
Blackwell	Godshall	Micozzie	Staback
Blaum	Good	Millard	Stairs
Boyd	Goodman	Miller, R.	Steil
Bunt	Grell	Miller, S.	Stern
Butkovitz	Grucela	Mundy	Stetler
Buxton	Gruitza	Mustio	Stevenson, R.
Caltagirone	Habay	Myers	Stevenson, T.
Cappelli	Haluska	Nailor	Sturla
Casorio	Hanna	Nickol	Surra
Causer	Harhai	O'Brien	Tangretti
Cawley	Harhart	Oliver	Taylor, E. Z.
Civiera	Harper	O'Neill	Taylor, J.
Clymer	Harris	Pallone	Thomas
Cohen	Hasay	Payne	Tigue
Corrigan	Hennessey	Petrarca	True

Costa	Herman	Petri	Turzai
Crahalla	Hershey	Petrone	Veon
Creighton	Hess	Phillips	Vitali
Cruz	Hickernell	Pickett	Walko
Curry	Hutchinson	Pistella	Wansacz
Daley	Josephs	Preston	Waters
Dally	Kauffman	Pyle	Watson
DeLuca	Keller, M.	Quigley	Wheatley
Denlinger	Keller, W.	Ramaley	Williams
Dermody	Kenney	Rapp	Wilt
DeWeese	Killion	Raymond	Wojnaroski
DiGirolamo	Kirkland	Readshaw	Wright
Diven	Kotik	Reed	Yewcic
Donatucci	LaGrotta	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	
Fabrizio	Levdansky	Ross	Perzel,
Fairchild	Mackereth		Speaker

NAYS-0

NOT VOTING-1

Cornell

EXCUSED-4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

RULES COMMITTEE MEETING

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

BILL REREPORTED FROM COMMITTEE

HB 958, PN 1093 By Rep. S. SMITH

An Act amending the act of June 22, 2001 (P.L.374, No.24), known as the Optional Occupation Tax Elimination Act, further prohibiting occupation tax.

RULES.

BILL ON SECOND CONSIDERATION

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

HB 958, PN 1093.

VOTE CORRECTION

The SPEAKER. On HR 386, PN 2411, the gentlelady from Montgomery, Miss Cornell's switch malfunctioned. She would like to be recorded in the affirmative.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1646, PN 2303**, entitled:

An Act amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for a prohibition against unauthorized local government unit actions; establishing a cause of action for unauthorized enactment or enforcement of local ordinances governing normal agricultural operations; providing for duties of the Attorney General and for hearings; consolidating the Nutrient Management Act; further providing for scope, for legislative purpose, for definitions and for administration; providing for manure application; further providing for nutrient management and odor management certification; providing for odor management plans; further providing for the Nutrient Management Advisory Board, for financial assistance, for unlawful conduct, for civil penalties and for local preemption; providing for other statutes and for regulations; and making a related repeal.

On the question recurring,

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

The SPEAKER. The Chair returns to HB 1646, PN 2303. Does the gentleman, Mr. Freeman, have any additional amendments for that bill?

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

I would like to offer at this time amendment A02294.

The SPEAKER. The gentleman, Mr. Freeman, offers the amendment 2294.

On the question recurring,

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

Mr. **FREEMAN** offered the following amendment No. **A02294**:

Amend Sec. 1 (Sec. 313), page 15, lines 15 and 16, by striking out all of line 15 and "DATE OF THIS SECTION AND TO" in line 16

On the question,

Will the House agree to the amendment?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, the current version of the bill that we have before us would apply this new expedited review process by the Attorney General not only to any ordinance that would be passed by a local government pertaining to the issues referred to in the bill, after enactment of this bill, but it also would allow the review process to go back to the time prior to the enactment of this legislation. I think it is unfair to change the rules of the game in this fashion.

The current ordinances that exist in municipalities are legal. They have been passed, duly passed by their local governments. If they have not been challenged in the courts, they stand as legal. Many have withstood legal challenges. They should not be subject to the provisions of this new review process, and in fact, if anyone wishes to challenge them, they would still have that option to do it the old-fashioned way, by taking it to court.

So I would urge the members to support this very reasonable amendment which would simply require that the review process would only apply to ordinances enacted after the effective date of this act. I ask for a "yes" vote.

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

Mr. DALEY. Thank you, Mr. Speaker.

I rise in opposition to the Freeman amendment 2294. There are 70 ordinances that have been adopted throughout Pennsylvania that we view are illegal that will be fundamentally protected by this amendment. This amendment, by and large, removes all the retroactivity provisions and protects all those illegal ordinances. I ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I agree wholeheartedly with the minority chair. This was not in our agreement with the administration and with the major organizations that worked out this plan, and with that being said, I encourage a negative vote.

Thank you.

The SPEAKER. The gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Would the maker of the amendment stand for a brief interrogation?

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, without being an attorney, I am a little confused about the ex post facto provisions or just exactly what ACRE (Agriculture, Communities and Rural Environment) is doing, whether it is criminal or civil. So if I would understand your amendment, Mr. Speaker, it sounds as if in its present form, the ACRE provisions would be ex post facto, and is that legal?

Mr. FREEMAN. Well, it is correct that under the present language entailed in the bill, the review process outlined would be allowed to go back to ordinances that were enacted prior to the effective date of the legislation. That is rather unusual. We almost always grandfather existing ordinances. They were enacted prior to a piece of legislation becoming effective such as this and as such should be dealt with under the rules of the game that existed prior to the enactment of this law.

So in essence, what the current bill before us does would say you could go back and enforce all those ordinances that have been upheld by the courts if they were challenged or that have been on the books and unchallenged that are obviously legal ordinances by their very existence, and not having been successfully challenged, to now have to go through this cumbersome review process, which could have some burdensome effects on local government, I think that is unfair.

I think we should allow the grandfathering of existing ordinances. If anyone is aggrieved by any of the provisions of those ordinances, they would still have resource through the courts as we currently do, so there is still a process to challenge them if they so choose, but let us not change the rules of the game by saying we should allow this review process to be in effect not only for ordinances passed after the effective date of the law but to go back as far as they want.

Mr. GRUCELA. If those ordinances previously enacted carried with it any kind of a penalty or a fine and someone

paid them and then we are going back, would it not again be ex post facto? I am still a little bit confused about that.

Mr. FREEMAN. I cannot speak to that particular legal aspect of ex post facto as it exists in the Constitution, but it is unusual for us as a body to be retroactive in terms of existing ordinances that have gone through the legal process of being enacted by supervisors in townships or councilmen in boroughs and cities and to say these are now going to be subject to the kind of new standard and review process outlined in this legislation.

There is still recourse for anyone who wishes to challenge those existing ordinances by going through the court procedures that are now available to them, but my point and the reason for this amendment is, do not apply this new standard to existing legal laws. If you are going to take it up, if you are going to create this kind of framework of review, let us apply it to any ordinance that is enacted after the effective date of this act. Do not be retroactive. Do not be burdensome to our local governments by trying to now pursue them on stuff that is obviously legal because it is on the books and has not been successfully challenged.

Mr. GRUCELA. So then again if my understanding is correct, we would need this amendment, in essence, so that nothing is retroactive, so that if your amendment were to be successful, everything and anything that has happened previously would still be on the books and would be there, and then your amendment would only take ACRE from this day or whatever enactment into law forward and just apply it there. Anything else that has happened previously is passed and stays. Is that correct?

Mr. FREEMAN. That is correct, unless, of course, it would be to challenge through the courts. That avenue would still exist, but your point is well taken.

Mr. GRUCELA. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**HARRISBURG LEGISLATIVE LEAVE
CANCELED**

The SPEAKER. The Chair notes the presence in the hall of the House of the gentleman, Mr. Sturla. He will be taken off Capitol leave.

CONSIDERATION OF HB 1646 CONTINUED

The SPEAKER. Mr. Maitland.

Mr. MAITLAND. Mr. Speaker, on the amendment.

The SPEAKER. The gentleman is in order.

Mr. MAITLAND. Mr. Speaker, this amendment makes no sense. An illegal ordinance is an illegal ordinance. What we are attempting to do in this bill is provide a remedy on dealing with the illegal ordinance. So either it has been challenged in the courts or not. If it has been challenged in the courts and upheld, it is a legal ordinance. And yes, I suppose somebody could take that to the Attorney General for review, but the Attorney General is going to look at that and say, well, gee, the courts have upheld this; I am not taking this any further. If it is an illegal ordinance, then we will take it from there.

I most strenuously ask for a “no” vote.

The SPEAKER. On that question, Mr. Freeman, for the second time.

Mr. FREEMAN. Thank you, Mr. Speaker.

Just to respond to the comments made by the last gentleman. The ordinances that are currently on the books are not illegal ordinances. If they are on the books and have not been challenged in the courts, they are in fact legal, and I do not think we should be changing the rules of the game that would hinder our municipalities that have passed ordinances that obviously have stood the test of time and are legal. If, however, there is a party who is aggrieved by those ordinances, they still have the opportunity to challenge those ordinances in the court.

Let us not change the rules of the game in midgame. Those ordinances were legally passed. They have been upheld if they are still in effect after being attempted to be challenged in the courts, and if there is a question as to their legality, there is still that avenue in the courts, but if we are going to enact a new way of looking at ordinances, if we are going to put in place the kind of provisions that are entailed in this ACRE proposal, let us let it begin after the effective date of the act and not be something that is retroactive and burdensome to our local municipalities.

I urge a “yes” vote.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

In response to the previous speaker’s statements, just because an ordinance has not been challenged does not make it legal either, and if the townships do not have the authority to enact an ordinance currently, at some prior point, according to State law, then this amendment does not make any sense. And if it is an illegal ordinance, it is an illegal ordinance, and if the township does not have the authority to enact it, then the provisions in this act would take effect, and we should allow the Attorney General to make that determination.

So I would ask for a negative vote on the Freeman amendment.

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

The following roll call was recorded:

YEAS—72

Baker	Diven	Manderino	Scavello
Bebko-Jones	Eachus	Markosek	Shapiro
Belardi	Evans, D.	McCall	Siptroth
Biancucci	Fabrizio	McLhattan	Staback
Bishop	Frankel	McNaughton	Stetler
Blackwell	Freeman	Melio	Sturla
Blaum	Gabig	Mundy	Surra
Buxton	George	Pallone	Tangretti
Caltagirone	Gerber	Petrarca	Tigue
Casorio	Gergely	Petrone	Veon
Cawley	Goodman	Pistella	Vitali
Cohen	Grell	Ramaley	Walko
Corrigan	Grucela	Readshaw	Wansacz
Costa	Harhai	Roebuck	Waters
Crahalla	Josephs	Rooney	Wheatley
Curry	Kirkland	Ruffing	Williams
DeLuca	Leach	Samuelson	Yewwic
DeWeese	Levdansky	Santoni	Yudichak

NAYS—125

Adolph	Flick	Mackereth	Roberts
Allen	Forcier	Maher	Rohrer
Argall	Gannon	Maitland	Ross

Armstrong	Geist	Major	Rubley
Baldwin	Gillespie	Mann	Sainato
Barrar	Gingrich	Marsico	Saylor
Bastian	Godshall	McGeehan	Semmel
Belfanti	Good	McGill	Shaner
Benninghoff	Gruitza	McIlhinney	Smith, B.
Birmelin	Habay	Metcalfe	Smith, S. H.
Boyd	Haluska	Micozzie	Solobay
Bunt	Hanna	Millard	Sonney
Butkovitz	Harhart	Miller, R.	Stairs
Cappelli	Harper	Miller, S.	Steil
Causer	Harris	Mustio	Stern
Civera	Hasay	Myers	Stevenson, R.
Clymer	Hennessey	Nailor	Stevenson, T.
Cornell	Herman	Nickol	Taylor, E. Z.
Creighton	Hershey	O'Brien	Taylor, J.
Cruz	Hess	Oliver	Thomas
Daley	Hickernell	O'Neill	True
Dally	Hutchinson	Payne	Turzai
Denlinger	Kauffman	Petri	Watson
Dermody	Keller, M.	Phillips	Wilt
DiGirolamo	Keller, W.	Pickett	Wojnaroski
Donatucci	Kenney	Preston	Wright
Ellis	Killion	Pyle	Youngblood
Evans, J.	Kotik	Quigley	Zug
Fairchild	LaGrotta	Rapp	
Feese	Lederer	Raymond	
Fichter	Leh	Reed	Perzel,
Fleagle	Lescovitz	Reichley	Speaker

NOT VOTING—0

EXCUSED—4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

On the question recurring,

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

**MOTION TO REMOVE
AMENDMENT A02293 FROM TABLE**

The SPEAKER. Does the gentleman, Mr. Freeman, have a further amendment?

Mr. FREEMAN. Yes, Mr. Speaker.

Mr. Speaker, yesterday when we were debating this bill, I had offered amendment A2293, which would limit the scope of the ACRE proposal only for family farms or family farm corporations. It would not allow big agribusinesses, big agricorporations to be able to take advantage of this. That amendment, 2293, would limit it solely to family farms and family farm corporations, who are obviously the impetus for this concept.

In fact, this amendment, by the way, was identical to the Cappelli amendment.

I would like to move to remove this amendment from the table so that we can consider it.

The SPEAKER. The gentleman moves that amendment 2293 be taken off the table for immediate consideration.

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

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

Mr. Smith. The gentleman, Mr. Smith, defers to the gentleman, Mr. Maitland.

Mr. MAITLAND. Mr. Speaker, in Adams County, in my district, there are all kinds of farms. I am blessed with a great mixture of agriculture. I have the world's largest standardbred horse farm. I have the State's biggest dairy farm, and these are family farms, but they are corporations. Some of these farms are made up of a number of different blocks of farms that are scattered throughout the county and even multiple counties. I have a fruit grower that is in three counties. They have orchards in three counties, and they are corporate and they are family.

In today's modern agriculture, families take advantage of corporate structure to protect themselves against liability. So the gentleman's amendment, which was tabled, seeks to make some kind of artificial distinction between family farms and corporate farms, and that is a distinction that makes no sense.

I would ask for a "no" vote on removing this amendment from the table.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

The gentleman, Mr. Freeman, is asking that his amendment from yesterday be removed from the table, and one of the reasons we believe that it went to the table was because people on our side of the aisle thought that the gentleman from Williamsport, Mr. Cappelli's amendment would be forthcoming and we could deal with essentially the same material.

It is amazing that the Republicans in Washington, DC, for the last many weeks, from President Bush to Senator Santorum and others, have said, we just want an up-or-down vote; we just want an up-or-down vote; we just want an up-or-down vote.

I do not understand why the honorable gentleman is against us removing the amendment from the table yesterday or removing the measure from the table that was placed upon it yesterday. The substance of Mr. Freeman's amendment can be debated and we can have an up-or-down vote. It is that simple. So I would respectfully request that Mr. Freeman's tabled amendment be brought up so that we can debate it.

Relative to schedule, we are at the end of June. We are going to be here on Thursday and Friday and Saturday and Sunday. We are going to have time to debate several items. This is an important item, and I believe it should be removed from the table so that an up-or-down vote, an up-or-down vote— Let us debate this issue on its merits. Let us not allow some parliamentary chicanery, some legerdemain to prevail. Mr. Freeman deserves an up-or-down vote.

Let us vote to remove this amendment from the table. Thank you.

The SPEAKER. Mr. Maitland.

Mr. MAITLAND. Mr. Speaker, I believe the House indicated their position towards this amendment last night when it was laid on the table, and I would ask again for a "no" vote on removing from the table.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. I was at sidebar with an emissary from the Speaker, and I missed Mr. Maitland’s remark. I would appreciate it if I could be the beneficiary of another rendition or at least the same rendition once again. I did not hear what the gentleman said. I apologize.

The SPEAKER. Mr. Maitland.

Mr. MAITLAND. I just said, Mr. Speaker, that I believe the vote on the motion to table was indicative of our opinion of the amendment and that we should leave it on the table.

The SPEAKER. Mr. DeWeese.

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

Yesterday’s parliamentary exercise was somewhat woeful and forlorn. It was not tinctured with amicability and hope. It was not a parliamentary fraternity that we like to enjoy. It was a rather raspy and contentious effort, and I admitted that the tabling mechanisms that were utilized yesterday and had been, according to the Parliamentarian since the high summer of 2005, had been misused by both sides of the aisle and that we should probably struggle, strain, and make every effort to correct what we had heretofore done incorrectly.

The idea of tabling amendment after amendment after amendment after amendment without the up-or-down vote, you guys in Washington, DC, or at least your political avatars at a higher level, want an up-or-down vote on this judge or an up-or-down vote on that judge, and George Bush comes walking out of the White House in his cowboy boots and saying, I want an up-or-down vote, and Rick Santorum says, I want an up-or-down vote, and we want an up-or-down vote, and now the Republicans do not want an up-or-down vote. They say, put it on the table; put it on the table; put it on the table.

I think, number one, the great dubiety, the great dubiety in our parliamentary exercises yesterday needs to be addressed, and we will address that subsequently, but for today, for today the gentleman, Mr. Freeman’s amendment that was put on the table was essentially the same as Mr. Cappelli’s. We thought, well, we will get another shot at it with the Cappelli amendment. The Cappelli amendment was never forthcoming. So all we want is an up-or-down vote. Now, you have that political musculature, Mr. Speaker. You have more votes than we do. That is lamentable, but that is the way it is right now.

Mr. Freeman, our idealistic friend from the Lehigh Valley, has an amendment that you cavalierly, parliamentarily put on the table yesterday. We would like to lift it from the table for an up-or-down vote, an up-or-down vote. I am just like George Bush. I want an up-or-down vote.

The SPEAKER. Those in favor of removing the amendment from the table will vote “aye”; those opposed to removing the amendment will vote “no.”

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

The following roll call was recorded:

YEAS—90

Baker	Eachus	McCall	Shapiro
Bebko-Jones	Evans, D.	McLhattan	Siptroth
Belardi	Fabrizio	Melio	Solobay
Belfanti	Frankel	Millard	Staback
Bianucci	Freeman	Mundy	Stairs
Bishop	George	Myers	Stetler
Blackwell	Gerber	Nailor	Sturla

Blaum	Gergely	Oliver	Surra
Buxton	Goodman	Pallone	Tangretti
Caltagirone	Grucela	Petrarca	Thomas
Cappelli	Gruitza	Petrone	Tigue
Casorio	Haluska	Pistella	Veon
Cawley	Hanna	Preston	Vitali
Cohen	Harhai	Ramaley	Walko
Corrigan	Josephs	Readshaw	Wansacz
Costa	Kirkland	Roebuck	Waters
Crahalla	LaGrotta	Rooney	Wheatley
Cruz	Leach	Rubley	Williams
Curry	Lescovitz	Ruffing	Wojnaroski
DeLuca	Levdansky	Sainato	Yewcic
Dermody	Manderino	Samuelson	Youngblood
DeWeese	Mann	Santoni	Yudichak
Donatucci	Markosek		

NAYS—107

Adolph	Flick	Lederer	Reed
Allen	Forcier	Leh	Reichley
Argall	Gabig	Mackereth	Roberts
Armstrong	Gannon	Maher	Rohrer
Baldwin	Geist	Maitland	Ross
Barrar	Gillespie	Major	Saylor
Bastian	Gingrich	Marsico	Scavello
Benninghoff	Godshall	McGeehan	Semmel
Birmelin	Good	McGill	Shaner
Boyd	Grell	McIlhinney	Smith, B.
Bunt	Habay	McNaughton	Smith, S. H.
Butkovitz	Harhart	Metcalfe	Sonney
Causer	Harper	Micozzie	Steil
Civera	Harris	Miller, R.	Stern
Clymer	Hasay	Miller, S.	Stevenson, R.
Cornell	Hennessey	Mustio	Stevenson, T.
Creighton	Herman	Nickol	Taylor, E. Z.
Daley	Hershey	O’Brien	Taylor, J.
Dally	Hess	O’Neill	True
Denlinger	Hickernell	Payne	Turzai
DiGirolamo	Hutchinson	Petri	Watson
Diven	Kauffman	Phillips	Wilt
Ellis	Keller, M.	Pickett	Wright
Evans, J.	Keller, W.	Pyle	Zug
Fairchild	Kenney	Quigley	
Feese	Killion	Rapp	Perzel,
Fichter	Kotik	Raymond	Speaker
Fleagle			

NOT VOTING—0

EXCUSED—4

James	Rieger	Sather	Schroder
-------	--------	--------	----------

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

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

Mr. STERN offered the following amendment No. **A02309**:

Amend Sec. 1 (Sec. 314), page 16, lines 6 through 8, by striking out all of lines 6 and 7 and “PERSON OF THE ATTORNEY GENERAL’S DECISION.” in line 8 and inserting

(c) Response.—Within 120 days after receiving a request under subsection (a), the Attorney General shall advise the person that made the request whether or not the Attorney General will bring legal action under section 315(a).

Amend Sec. 1 (Sec. 316), page 17, line 12, by striking out "BEFORE THE PRESIDENT JUDGE"

Amend Sec. 3, page 48, lines 7 and 8, by striking out all of said lines and inserting

Section 3. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the nutrient management provisions being consolidated under this act.

(2) The act of May 20, 1993 (P.L.12, No.6), known as the Nutrient Management Act, is repealed.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the gentleman indicates he has withdrawn that amendment.

Is the gentleman offering 2367? That also has been withdrawn.

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A02368**:

Amend Sec. 1 (Sec. 514), page 43, line 18, by striking out "may" and inserting

shall

Amend Sec. 1 (Sec. 514), page 43, line 19, by striking out "in the Commonwealth Court or"

On the question,

Will the House agree to the amendment?

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

Mr. **GEORGE**. Mr. Speaker, in that the gentleman, Mr. Freeman, attempted by an amendment to protect those ordinances that had already been passed years ago that had cost taxpayers money, taken legal fees, ordinance cost, and advertisement, now in this bill we are going to wipe them out.

It would be my position – I wish I were wrong – that this amendment will not go very far, because what it really does is it provides that parties seeking civil remedies under the act shall present their case in their county court of common pleas rather than the Commonwealth Court in Harrisburg.

So by allowing parties to seek redress in the county court, my amendment maintains local control. But I am saddened in that the State Association of Township Supervisors had sent out a letter telling us that they now could accept this bill, Mr. Speaker, and let the Cappelli amendment make everything right and we would distinguish between corporate and regular farms, and that was withdrawn. I can understand that Mr. Freeman would try to make it right.

AMENDMENT WITHDRAWN

Mr. **GEORGE**. So I apologize to you, Mr. Speaker. I might as well withdraw this amendment. I intend to offer the other

ones, but I think the die is cast. I think that we do not want local control. So I will just suspend with this amendment.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Are you withdrawing the remainder of the amendments, Mr. George?

Mr. **GEORGE**. No. I could not face myself in the mirror if I withdrew the rest of those amendments, Mr. Speaker.

The SPEAKER. I would have a tough time myself, Mr. George. Which one would you like to go to?

Mr. **GEORGE**. You would have a tough time facing me in the mirror?

Mr. Speaker, I am going to tell you like I told the Governor not too long ago—

The SPEAKER. And what did you say to him, Mr. George?

Mr. **GEORGE**. I said, "You might be smarter than me, Governor Rendell, but I'm a heck of a lot better looking than you are."

The SPEAKER. Mr. George, the question was, which one do you want to offer?

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A02340**:

Amend Sec. 1 (Sec. 518), page 46, line 6, by inserting after "chapter."

Nothing in this chapter shall limit in any way whatever the ability of a municipality to adopt and enforce ordinances and regulations regarding the transportation, processing, treatment, storage or disposal of Class A or B biosolids.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. **GEORGE**. Mr. Speaker, my apology. I had pulled this one just a moment ago, and I apologize to you. This one was similar to what the gentleman, Mr. Freeman, had attempted to do. So with your permission, I will pull this one.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **GEORGE** offered the following amendment No. **A02363**:

Amend Sec. 1 (Sec. 519), page 47, by inserting between lines 4 and 5

(e) Local control.—A municipality shall have the authority to regulate and control the land application of Class A and Class B sewage sludge as defined in 25 Pa.Code § 271.932(b) (relating to pathogens).

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

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

Mr. GEORGE. Mr. Speaker, I could not understand why – I thank you – that anyone would want to oppose this amendment in that just last week in Rush Township in Clearfield an organization whose main purpose it is to spread sludge was not injecting it in the soil, and for 4 or 5 days, the people just could not stand it. And until the complaints grew out of hand and the DEP (Department of Environmental Protection) called me and said we are going to stop them, I guess the best way to do these things to protect the men and women in Pennsylvania—

So, Mr. Speaker, again, now finally they have run this culprit out. Let me say this: You are indeed smarter than I am, Mr. Speaker, and there are many people smarter than I, but there is one thing I know, money talks and [word stricken] walks. Now, you are going to—

The SPEAKER. Those words will be stricken from the record. The gentleman understands that that is not allowed.

Mr. George.

Mr. GEORGE. I read it in the papers every day, Mr. Speaker.

The SPEAKER. We do not care, Mr. George.

Mr. GEORGE. That I can read?

The SPEAKER. That, too.

Mr. GEORGE. Well, you see, he is too smart for me. I just said to all you guys that Speaker is too smart for me, but I am going to say this: I thank him, and I have all the appreciation for his flexibility and his brilliance, and I mean that from the bottom of my heart.

Now, under the current language of HB 1646, municipalities do not lose their ability to regulate and control the use of biosolids. That is what the bill says. However, the bill fails to provide the specific language required in order to assure that municipalities have the power to create and enforce regulations governing the use of biosolids.

I want to remind all of you that the department that is in charge or responsible is the Department of Environmental Protection, and when we see what has transpired and we see the confusion and we see what is going on, I say to you, Mr. Speaker, that in no way would I ever stand on this floor and try to hurt a farmer and in no way do most of us who live in the rural area agree that we should give them all the flexibility, and they are our most important industry, but the truth of the matter is, even the farmers, the best of them, can holler about, well, we can use this material for a nutrient.

And if I may, Mr. Speaker, I will go on just one moment that when I was a young boy – and I will watch my words – that most of us had outhouses, and we did not have to worry about chlorines and detergents and various chemicals being poured out in that outhouse, but there are a multitude of things that go into a commode or into a drain or into a bathtub, and those things eventually find their way down into the sewerage plants. Now, we have people that are more aware of this, but even in a mortuary where they have to drain the blood, there are some of those industries that put that material into the sewer and it therefore goes into the sewerage disposal plant.

So if you do not care what happens to our people if in fact there should be contaminated or tainted material that goes into that sewerage plant, what can I say?

I apologize to you for being lengthy. I say to you that I put this amendment in because the people back home locally and the people that are represented by those people that are township supervisors would ask that we pass this amendment.

Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maitland. He waives off for now.

The gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

If the gentleman would rise for interrogation, the maker of the amendment, please.

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

Mr. MAHER. Mr. Speaker, currently there are some State statutes and regulations that govern the use of sludge. Is that correct?

Mr. GEORGE. Absolutely.

Mr. MAHER. And your amendment, if I am reading correctly, would place that authority— Instead of the State having authority, that authority would be ceded to each and every one of the 2500 or so municipalities?

Mr. GEORGE. No, that is not true.

Mr. MAHER. Well, that is what the words say, Mr. Speaker.

I have concluded the interrogation, and I might offer this observation.

If you are concerned at all about the use of sludge, you certainly do not want to create 2500 opportunities for some community to decide they want to be the sludge capital of Pennsylvania, and by ceding the authority to regulate the use of sludge, we would be creating the risk that some community will adopt a less restrictive standard than the State already imposes, and I understand that was not the intent of the gentleman. It is unfortunate perhaps that this was misworded, but unless you want to create opportunities for biohazard material in communities across Pennsylvania, you would really need to vote against this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence, and the minority whip requests a leave of absence for the gentleman, Mr. LaGROTTA. Without objection, that leave will be granted.

CONSIDERATION OF HB 1646 CONTINUED

The SPEAKER. Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I also would like to interrogate the maker of the amendment.

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

Mr. BELFANTI. Mr. Speaker, is this amendment designed to address the statewide issue of—

The SPEAKER. Would the gentleman suspend.

AMENDMENT WITHDRAWN

The SPEAKER. Mr. George.

Mr. GEORGE. Mr. Speaker, the gentleman, my colleague, the chairman of the Labor Committee, I am going to withdraw the amendment, because there is some confusion, but if you would permit me, Mr. Speaker, I would like to hear his interrogation. Would you allow me that flexibility?

The SPEAKER. The gentleman is in order.

Mr. BELFANTI. Mr. Speaker, I am concerned as to whether or not the intent of your amendment was to develop some form of regulation for a statewide issue known as the dumping, large-scale dumping of class B biosolids, not strictly just sludge but raw sewage that is scheduled to be imported into many of our rural counties against the will of the county commissioners and the united will of all the local municipalities involved, who, by the way, in response to Representative Maher's comments, I have attended dozens of meetings with DEP officials who have informed us that under State law right now they have very little control but to award a permit if one is applied for and they have very little ability because under statute this commodity can be considered an agricultural commodity, and if it is spread on abandoned strip pits, it is considered farming, so it is protected under the farming law.

So was your amendment designed to separate out the large-scale application of class B biosolids, raw sewage, into areas against their will?

Mr. GEORGE. That is exactly the amendment and the purpose of the amendment. The gentleman, Mr. Maher, is insisting that I want to take the power away from the department. The department has no power except the regulation. The townships at this time are those that decree whether they will allow it to be dumped or not. That is what it is now. But I am going to withdraw this, and hopefully we can get an agreement on another bill, and you and I can go forth to do what these people should be doing today rather than putting it off.

Mr. BELFANTI. Thank you, Mr. Speaker.

Just one more question. You have no other amendment that— Am I to understand then you do not have a replacement amendment being prepared? Are you withdrawing for the reason that the language is incorrect or withdrawing for some other reason?

Mr. GEORGE. No, Mr. Speaker, I am not withdrawing for any other reason. If I thought that it could be passed rather than take up the time— As you can see, they are about ready to table or vote it down. I think that we are wrong to give up. We are going to try another amendment. If you feel that it is important, I would certainly keep the amendment in.

Mr. BELFANTI. Mr. Speaker, I can assure you that there are members on the other side of the aisle who live in districts such as myself and Representative Goodman's who are very fearful of hundreds of thousands of tons of this material being spread in our districts. Senator James Rhoades attended most of the meetings with us to try and induce some form of local regulation if in fact DEP has no option but to allow them to apply and be approved for a permit.

So I am requesting the gentleman not withdraw this amendment. I believe that—

The SPEAKER. Mr. Belfanti? Mr. Belfanti? We are here, from what I can see, debating an amendment that has been withdrawn. If I am incorrect, someone should let me know.

But I mean, to go on for 10 minutes on an amendment that has been withdrawn is a waste of all the members' time.

Mr. George, was this amendment withdrawn, or are we on to the next amendment or not, Mr. George?

Mr. GEORGE. Mr. Speaker, my apology.

The SPEAKER. Whatever you say.

Mr. GEORGE. Mr. Speaker, I advised you that we are going to pull it and run another amendment, and that is what we are going to do.

The SPEAKER. Well, thank you.

Mr. GEORGE. But I thought I owed—

On the question recurring,

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

Mr. GEORGE offered the following amendment No. **A02296:**

Amend Sec. 1 (Sec. 507), page 32, lines 17 through 28, by striking out all of said lines and inserting

(a) General rule.—For purposes of establishing requirements related to setbacks and buffers for the mechanical application of manure to land, the term “surface water” shall be defined as a perennial or intermittent stream with a defined bed and bank, a lake or a pond.

(b) Exceptions for specific sites.—The definition of the term “surface water” in subsection (a) shall apply, unless the commission determines that a manure application plan for a specific site requires consideration of other types of surface water conveyance pursuant to regulations at 25 Pa. Code Ch. 83 Subch. D (relating to nutrient management).

Amend Sec. 1 (Sec. 508), page 33, line 2, by striking out “a”

Amend Sec. 1 (Sec. 508), page 33, line 3, by striking out “program” and inserting

and odor management certification programs

Amend Sec. 1 (Sec. 508), page 33, lines 5 through 7, by striking out “plans and an odor management certification” in line 5, all of line 6, “demonstrated the competency necessary to develop” in line 7 and inserting

and

Amend Sec. 1 (Sec. 508), page 33, line 18, by striking out all of said line and inserting

(b) Interim certification programs.—

(1) Qualifications for interim nutrient management certification.

Amend Sec. 1 (Sec. 508), page 33, lines 22 through 25, by striking out all of said lines and inserting certification as a nutrient management specialist:

(i) The person has at least two years' experience in the development of nutrient management plans.

(ii) The person is approved to develop nutrient

Amend Sec. 1 (Sec. 508), page 34, line 2, by striking out “; or” and inserting a period

Amend Sec. 1 (Sec. 508), page 34, lines 3 through 5, by striking out all of said lines and inserting

(2) Qualifications for interim odor management certification. Until the department develops and implements an odor management certification program, a person satisfying applicable requirements of paragraph (1) and meeting other qualifications deemed necessary by the department, shall, upon request, receive interim certification as an odor management specialist from the department.

(3) Certification of plans. A person may not certify a nutrient management plan or plan amendment or an odor management plan or plan amendment unless that person has first satisfied the requirements of this section and is certified as a

nutrient management or odor management specialist by the department.

Amend Sec. 1 (Sec. 509), page 36, line 21, by striking out all of said line and inserting

(f) Voluntary plans.—

(1) any agricultural operation which is

Amend Sec. 1 (Sec. 509), page 36, lines 24 through 27, by striking out all of said lines and inserting this section.

(2) Any agricultural operation which is required to comply with subsection (a)(1)(i) and (ii) may voluntarily develop an odor management plan with respect to existing animal housing facilities, existing manure management facilities or existing portions of an operation which are not subject to regulation because of the number of animals maintained at that portion of the operation.

(3) To the extent possible, the commission, the cooperative extension, the department, the Department of Environmental Protection and conservation districts shall assist with and promote the development of voluntary plans.

Amend Sec. 1 (Sec. 514), page 42, line 23, by inserting after “chapter.”

The commission shall review the existing approved nutrient management or odor management plan under which the pollution, danger of pollution, or negative impacts from odor associated with new or expanded facilities occurred and require the owner or operator to make revisions to the approved plan or to take corrective actions consistent with this chapter and the regulations developed under this chapter in an effort to prevent or reduce the pollution, danger of pollution or negative impacts associated with the existing approved plan. To the extent possible, the cooperative extension, the department, the Department of Environmental Protection and conservation districts shall assist the commission and the owner or operator in reviewing and revising the existing approved plan or developing and implementing appropriate corrective actions.

On the question,

Will the House agree to the amendment?

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

Mr. GEORGE. What this amendment does, Mr. Speaker, it removes the setback provisions from the bill and reverts to the setbacks, to regulation under the Pennsylvania Clean Streams Law.

The bill also contains technical amendments making the nutrient and odor management sections clear and requiring certified nutrient odor and management specialists.

It allows farms required to create odor management plans for new animal housing facilities to voluntarily create odor management plans for existing animal housing facilities, such as hog farms and things of that nature, Mr. Speaker.

It requires the commission to investigate nutrient and odor management plans where pollution has occurred and requires operators to take corrective action.

This amendment does not hurt the bill. It helps the people. I would ask that we accept it.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I rise to strongly oppose this amendment, A2296.

This amendment completely deletes a requirement for mandatory setbacks and vegetative buffers from surface water when manure is land-applied. These requirements are well

documented as two of the best practices to control manure runoff into streams and other valuable waterways. Therefore, I do not understand the rationale for removing the requirement, especially when this provision was supported by the administration and agreed to by the farm groups during the development of the original ACRE proposal.

For this reason alone, because the current language of the bill requires sound conservation practices, I urge the members to vote against this amendment.

In addition, Mr. Speaker, this amendment was not one of the two that were agreed to by myself and the Democrat chair of the Agriculture Committee, and I oppose the amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Maitland.

The gentleman waives off for the gentledady from Berks, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, would the maker of this amendment stand for a brief interrogation?

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

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, you indicated that this amendment changes the provisions of the current HB 1646 in relation to odor management plans for new and expanding facilities to make them a voluntary option for the farmers. Is that correct?

Mr. GEORGE. It is correct to a point. What we are saying is, even though the odor management is one where it is voluntary, there are going to be specialists that will deal and advise on these matters, and the specialists will be able to be proper witness in case there has to be somebody to come forward to support those who are in disagreement with what is going on.

Mrs. MILLER. Mr. Speaker, I believe you are talking about the certification of the odor management plan developers rather than my question regarding whether this would change the current bill from mandating odor management plans on any concentrated animal feeding operation or concentrated animal operation from one that would mandate this on new and expanded facilities and grandfathering in the existing ones and allowing for voluntary plans on all others.

Are you saying that with this amendment you would be making odor management plans voluntary even for the expanded and new facilities?

Mr. GEORGE. No, absolutely not. Only the existing facilities.

Mrs. MILLER. Okay. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentledady.

The Chair recognizes the gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I, too, rise in opposition to this amendment. With this legislation we are attempting to help the farmers deal with a critical problem. The farmers wanted the setback requirements in statute. If we adopt this amendment and remove them, they will actually be opposed to this legislation. So let us stay true to the intent of the legislation and give our farmers the help they need so that they can feed us.

Please vote “no” on this amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

This amendment fundamentally does a couple things. It returns the authority of setbacks and buffers and so forth to the regulatory process.

Yesterday the Environmental Quality Board reduced the setback from 150 feet to 100 feet. Basically what this will do is let that authority rest with that board. Rather than be statutory requirements, it will be through the authority. This request has been made by the Secretary of the Department of Environmental Protection, Secretary McGinty, and I ask for an affirmative vote on the Bud George amendment.

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

Mr. STERN. Thank you, Mr. Speaker.

Current legislation allows that provision to be required currently, and what this basically does is puts it back into the regulatory provisions. The farming community wanted a statutory provision in order to protect the farming community, and this would put it into statutory control instead of the regulatory provisions under DEP.

I would ask for a negative vote on the George amendment.

The SPEAKER. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

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

Mr. GRUCELA. Thank you, Mr. Speaker.

A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GRUCELA. I am a little bit confused. I know a bill cannot have two separate topics, and I am not sure if these are separate topics, but it seems like the amendment has one dealing with setbacks and a second dealing with odor. A, is that correct of the amendment, and B, is that, you know, parliamentarily correct?

The SPEAKER. We are reading it as you speak, Mr. Grucela. Give us one moment.

It still refers to the overall subject of the Nutrient Management Act, so under that set of circumstances, it would be okay.

Mr. GRUCELA. Thank you, Mr. Speaker.

May I on the amendment, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. GRUCELA. Thank you, Mr. Speaker.

I find myself a bit perplexed because I like the one and do not like the other, but in that respect, I guess since the odor management is voluntary, even though it is on the existing, I find it hard—

The SPEAKER. If the gentleman would suspend just one moment.

It is the opinion of the Parliamentarian that you might be able to separate it. Would you like us to look at that option?

Mr. GRUCELA. Yes, Mr. Speaker.

The SPEAKER. Would the gentleman please come to the rostrum.

(Conference held at Speaker's podium.)

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

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, at this time, rather than prolong the process, I would withdraw my request. I do not wish to split the amendment.

Thank you for your consideration and thank you for your help.

The SPEAKER. Mr. Saylor.

Mr. SAYLOR. Mr. Speaker, thank you.

I, too, want to stand and oppose the amendment offered by the gentleman, Mr. George.

This amendment makes no sense at all. When you have protections in this legislation, this amendment takes those protections out. When you have setback boundaries set back, they are put into place to afford protections, and what this amendment does is takes them out. It makes no sense at all. At least we know what we have here. If we do not leave those setbacks in, who knows what we will end up with in setbacks or if there will be any.

So I rise to oppose this. I think this is a good bill as is, and we should move forward and turn this amendment back.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Eachus. The gentleman waives off.

Does anyone else seek recognition?

Mr. George, for the second time.

Mr. GEORGE. Mr. Speaker, I am told that this is what was requested from the Governor's Office about the setback and what is in this bill, and they favor it at this time if in fact this amendment is accepted by the membership. That is what has been relayed to me.

So again, I would ask you to support the amendment.

The SPEAKER. The gentleman, Mr. Maitland, for the second time.

Mr. MAITLAND. Thank you, Mr. Speaker.

A vote against this amendment is a vote for your farmer. A vote for this amendment is a vote for DEP. Please support your farmers and vote "no."

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—84

Bebko-Jones	Evans, D.	McCall	Shapiro
Belardi	Fabrizio	McGeehan	Sipthoth
Belfanti	Frankel	Melio	Solobay
Biancucci	Freeman	Mundy	Staback
Bishop	George	Myers	Stetler
Blackwell	Gerber	Oliver	Sturla
Blaum	Gergely	Pallone	Surra
Buxton	Goodman	Petrarca	Tangretti
Casorio	Gruitza	Petrone	Thomas
Cawley	Haluska	Pistella	Tigue
Cohen	Hanna	Preston	Veon
Corrigan	Harhai	Ramaley	Vitali
Costa	Josephs	Readshaw	Walko
Cruz	Kirkland	Roberts	Wansacz
Curry	Kotik	Roebuck	Waters
Daley	Leach	Rooney	Wheatley
DeLuca	Lescovitz	Ruffing	Williams
Dermody	Levdansky	Sainato	Wojnaroski
DeWeese	Manderino	Samuelson	Yewcic

Donatucci Eachus	Mann Markosek	Santoni Shaner	Youngblood Yudichak
---------------------	------------------	-------------------	------------------------

NAYS—112

Adolph	Fichter	Lederer	Raymond
Allen	Fleagle	Leh	Reed
Argall	Flick	Mackereth	Reichley
Armstrong	Forcier	Maher	Rohrer
Baker	Gabig	Maitland	Ross
Baldwin	Gannon	Major	Rubley
Barrar	Geist	Marsico	Saylor
Bastian	Gillespie	McGill	Scavello
Benninghoff	Gingrich	McIlhattan	Semmel
Birmelin	Godshall	McIlhinney	Smith, B.
Boyd	Good	McNaughton	Smith, S. H.
Bunt	Grell	Metcalfe	Sonney
Butkovitz	Grucela	Micozzie	Stairs
Caltagirone	Habay	Millard	Steil
Cappelli	Harhart	Miller, R.	Stern
Causar	Harper	Miller, S.	Stevenson, R.
Civera	Harris	Mustio	Stevenson, T.
Clymer	Hasay	Nailor	Taylor, E. Z.
Cornell	Hennessey	Nickol	Taylor, J.
Crahalla	Herman	O'Brien	True
Creighton	Hershey	O'Neill	Turzai
Dally	Hess	Payne	Watson
Denlinger	Hickernell	Petri	Wilt
DiGirolamo	Hutchinson	Phillips	Wright
Diven	Kauffman	Pickett	Zug
Ellis	Keller, M.	Pyle	
Evans, J.	Keller, W.	Quigley	
Fairchild	Kenney	Rapp	Perzel,
Feese	Killion		Speaker

NOT VOTING—0

EXCUSED—5

James LaGrotta	Rieger	Sather	Schroder
-------------------	--------	--------	----------

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

On the question recurring,

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

Mr. DeWEESE. Mr. Speaker?

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

Mr. DeWEESE. Just momentary privilege as floor leader to make an observation.

The last debater had heavy irony dripping from his tongue when he said DEP; a vote for the farmer, a vote for DEP, and his voice was laced with some sort of condescension, some sort of animus against these noble State employees, these State workers.

I want to break the words down, "Department of Environmental Protection." Well, I hear all the angst coming from the Republican side of the aisle, but those are very special words, "the Department of Environmental Protection." How anybody could be jaundiced about those men and women, their leaders, their rank and file. There is something noble about a bureaucracy. A bureaucracy should not be cavalierly

dismissed, especially one that protects air and water and natural resources.

I am just taking a few minutes, Mr. Speaker, to defend the Republicans and the Democrats and the career civil servants and the gubernatorial appointees, whether they are from Casey or Thornburgh or Ridge or Schweiker or Rendell. But I mean, the way that the honorable gentleman just cavalierly dismissed DEP, I just thought it needed a little bit of attention.

Thank you.

The SPEAKER. The gentleman, Mr. Smith, the majority leader.

Mr. S. SMITH. Mr. Speaker, thank you.

Mr. Speaker, I find it ironic that the minority leader would point out another person's irony. He frequently speaks with great irony dripping from his lips, and it is fine. I think the gentleman's comments were in order and obviously they made a point, and I think that there was nothing wrong with them. I do not have any objection to what the minority leader said either. However, I would point out that 3 years ago a gubernatorial election probably swung in part on that very issue of an agency that many in Pennsylvania believed was overly extended and heavy-handed. So if he wanted to run against that again, I suppose the Republicans will take our turf with the real people versus the bureaucrats.

Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. Seated in the Speaker's area, as guests of Representative Stephen Barrar, are Jennifer Greco; her son, Jack Greco; and her mother, Ann Pellett. Jennifer was the committeewoman of Thornbury Township, Chester County. Would those guests please rise and be recognized.

CONSIDERATION OF HB 1646 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. HERSHEY. Thank you, Mr. Speaker.

As the members know, the issue of resolving conflict between farmers and local governments has been a difficult one for the General Assembly for several sessions. I am pleased to be able to stand before you today and advise you that the current version of HB 1646 has the support of four major farm organizations, has been termed "a formula which is fair to, and holds benefits for farmers, local government, and township citizens" by the Pennsylvania State Association of Township Supervisors. We all know this organization has opposed all other legislative proposals to date. I am pleased to say now we are able to find some common ground.

I applaud all the members of the Agriculture Committee, especially Representative Stern, Representative Maitland,

Representative Miller, who, with the cooperation of my Democrat counterpart, Representative Daley, provided leadership in crafting the proposal before us.

Mr. Speaker, the process to get legislation with a viable and practical solution to address these conflicts has been a long and complicated one. I am confident that HB 1646 provides just such a solution.

I would once again like to express my appreciation to the legislators, to my staff and interested groups who worked together on this proposal. It is with great pride and satisfaction that I stand before you and ask your support for this bill.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Washington, Mr. Daley.

The gentleman defers to the gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise to oppose HB 1646, and the main reason is – and I do depart from some in my party that think that DEP is willing to compromise with the public – this proposal, this proposal allows for the distribution of biosolid material across Pennsylvania, class B biosolids. For those who do not know what that is, it is what comes right out of the sewage treatment plant, and it is going to be able to be applied across farmlands in Pennsylvania.

This is a bad proposal. It is going to thwart the ability for our local governments, our township supervisors, our borough councils, and our small municipalities, especially those who do not have in farm country, because I have got farm country in my district, in farm country a lot of our townships and boroughs do not have local zoning and planning ordinances in place, and we all know we gave them the tools to do that, but the progress has not been made, has not been made in some of our rural communities.

This allows for the expansion and distribution of material that has no place, and I say again, no place in agricultural growth as a key industry in Pennsylvania. I have nearly a perfect voting record on behalf of the Pennsylvania Farm Bureau, and I do not believe that this represents the interests of rural Pennsylvanians, and I say again, as an individual who represents a community currently that has an active permit to distribute river dredge in my district, sludge from the bottom of the river, without having any community input, this will allow a further expansion under these permitting processes to thwart, to thwart the opportunity for local rural Pennsylvanians to stop a significant amount of material from our urban areas like Philadelphia, where the class B biosolids and river dredge come from.

Mr. Speaker, this is a poor solution to a critical, critical issue on behalf of our rural farmers who need our assistance. They need our assistance. This industry creates jobs; it creates jobs and opportunities for farm families around the Commonwealth. This measure, HB 1646, will do damage to this community, and I ask for a “no” vote.

The SPEAKER. The gentleman, Mr. Siptroth.

Mr. SIPTROTH. Thank you, Mr. Speaker.

Mr. Speaker, what will be next? What will be the next zoning issue that will be referred to an agency?

Coming from local government not too many months ago, I see this as continuing the erosion of local government. Some may say that while the Attorney General’s Office will only review, I also feel that the Attorney General’s decision will have an influence on the court of common pleas, and yes,

Mr. Speaker, it can be appealed to a higher court at a significant cost to local government.

Although some associations who represent local government have indicated that they support or they can live with this legislation, I feel that we are sending a message to our local officials that we no longer trust their decisions regarding zoning issues.

Mr. Speaker, the Attorney General’s Office has indicated that the fiscal impact will be \$235,000. I do not see any authorization for funding connected with this particular bill, and how the Attorney General’s Office may do it by hiring an Attorney General Three and one legal assistant to review all of these particular reviews and ordinances is beyond me.

I would ask, Mr. Speaker, that we vote negative to HB 1646. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1646, and I want to state that I very much support protecting my local family farms from ordinances that are basically nuisances and would keep them from operating. So you might wonder why I am opposed to this. I am opposed to it because it goes much further than that. It goes much further than protecting Pennsylvania’s family farms. It ties the hands of citizens in any community where the sludge haulers come to town.

It was really mischaracterized before when we had an amendment before us that would have given local government some control on those issues when it was stated that, well, now they will want to become a sludge community. It has not been my experience that that is how it works, but I can guarantee you, Mr. Speaker, within the next election cycle or so, should your community be one of the unfortunate ones that becomes a target, this vote will come back to haunt you. Until we separate the spreading of manure and the spreading of sewage sludge, Mr. Speaker, this issue will not go away. In protecting our family farms, we should not be letting the floodgates of sludge open.

The other reason, Mr. Speaker, that I oppose this legislation is because we have absolutely no protection from the corporate farms, the company that comes to town and wants to put 10,000 hogs on 5 acres. That is not family farming, and that is something that I do not want to endorse, so I am going to vote “no” and I would appreciate any other members doing so also.

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1646. This proposal remains a very controversial one and one that we as a legislative body should oppose.

The farm community remains divided on this concept. The Pennsylvania Farmers Union and other family farm-oriented groups have clearly come out against it. The environmental community is almost unanimous in its opposition to the provisions entailed in 1646.

There are a lot of unanswered but legitimate concerns regarding the provisions of this legislation. With the enactment of the Daley amendment earlier in this debate, we repealed the Nutrient Management Act and in effect adopted a new Nutrient Management Act as entailed in this legislation. The one that was repealed was an act that was laboriously put together by having all the appropriate stakeholders at the table

to cobble together a consensus on proper nutrient management. There is a legitimate concern that what we have now to deal with nutrient management issues is a weakened version of that proposal, and we probably will not get a clear picture of that until the regulations that would emanate from this legislation would be set forth.

In addition to the environmental concerns that are raised regarding the provisions of this bill, probably the most egregious aspect of this legislation is the way that it is an intrusion into local government authority. Make no mistake about it, Mr. Speaker, this legislation will have a chilling effect on our local units of government as they attempt to do their job to protect the public health, the public safety, and the environmental interests and concerns of their community. By refusing to enact my amendment and Representative Cappelli's version that would have limited the scope of this legislation to family farms and family farm corporations – to correct the concerns that were raised by the gentleman, Mr. Maitland, we did in fact in that legislation extend this protection to family farms and family farm corporations – but in refusing to adopt that amendment, we now will allow this procedure to be used as a tool by the large corporate agribusinesses, by the CAFOs (concentrated animal farm operations) who wish to come into communities to overwhelm them, to impose their will and their operation on communities. That is not fair to those communities. That is not fair to the greater farm community as well who will be gobbled up by these larger operations over the course of time.

I am somewhat surprised by my colleagues on the other side of the aisle. The Republican Party has always been the party that has championed the idea of local power, of local authority, and yet in this piece of legislation, we are undercutting that local authority. We are removing from this process the people who are best equipped to deal with how their communities should be shaped. We are circumventing their interests, we are circumventing their authority, and that is simply wrong.

We already have a process in place to deal with the problem of when ordinances are passed that are illegal or perceived to be illegal. It is called the court system. It is part of our structure of government, our constitutional system, something we should keep in mind as we get closer and closer to the July 4 holiday. That system works. There is no need to impose a new system on that system. There is no need to undercut the authority and the ability of our local units of government to regulate the important safety and health concerns and environmental concerns of their community. If they overreach, remedy can be found in the courts.

It is a shame that we did not limit this proposal to the true family farm and to the true family farm corporation. Had we done so, it may have been more palatable. But as it stands in its current form, providing a tool to big farm operations, to CAFOs, to large commercial agribusinesses, those corporate interests, we would do a disservice to the people of Pennsylvania, to the farm community of Pennsylvania, and to our local units of government by allowing this piece of legislation to become law.

I would urge the members of the House to vote “no” on HB 1646.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I find it amazing today that we hear subjects talked about like biosolids when this bill has nothing to do with biosolids. It is a great misinformation campaign that seems to be spread by the other side of the aisle that this bill is all about biosolids when it has nothing to do with biosolids.

The other side of the aisle always talks about the small farmer but does nothing to help the small farmer. You know, if you are 20 acres, you could be a corporate farm at 20 acres, because 20 acres could be a fruit farm; it could be a small nursery farm. It seems to me that what you want is your cake and eat it, too. The fact is that nothing in this bill has anything to do with biosolids, first of all; and number two, nothing in this bill – nothing in this bill – limits or diminishes the responsibility of local governments to continue doing zoning as they do it today. Nothing changes, not anything at all. In fact, I am going to read the section that even says that in the bill, and anybody who can read at a fifth grade level should be able to understand in this bill what it says very clearly. It says, “...NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO DIMINISH, EXPAND OR OTHERWISE AFFECT THE LEGISLATIVE OR REGULATORY AUTHORITY OF LOCAL GOVERNMENT UNITS UNDER STATE LAW...” Also under there it states, “THE REGULATION, CONTROL OR PERMITTING PROCEDURES FOR THE LAND APPLICATION OF CLASS A OR B BIOSOLIDS.” Nothing in this bill changes the law as it currently is, and to say otherwise is not being honest. It is great information to mislead the public who are watching on TV today, but truthfully, you are not being honest with people. You are trying to deceive those people, and you are trying to hurt the family farmers of Pennsylvania.

I ask that we have good— This is a fine bill that the administration, this General Assembly, the chairmen of both the Democratic and Republican House Ag Committees worked very hard on to try and reach a compromise that works for local government and works for the small farmer. This legislature should give a “yes” vote to this bill today overwhelmingly and back up Pennsylvania's number one industry and number one job-creating industry in Pennsylvania today and help the small farmer.

Thank you, Mr. Speaker.

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

Mr. GEORGE. Oh, I am sorry. I just wanted to comment on the bill, Mr. Speaker.

The SPEAKER. Well, you have several people ahead of you, Mr. George.

Mr. GEORGE. Very good, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

I rise today as a cosponsor of this bill, and I would like to applaud Secretary Wolff and the two chairmen of the Agriculture Committee on really working hard to try to find a compromise in a very difficult situation. But after 2 days of kind of debate and a lot of bills being tabled, there were some amendments that I believed were a good idea, that could have made this bill much better, and there were some amendments that I disagreed with, but unfortunately, we did not have the opportunity to vote on those bills, and to me, that really stinks. When you have an opportunity to make a bill better by adding a couple of amendments, I thought we should have done that. So now my mind has changed. I was originally going to vote

for this bill with a few amendments, but now I have to change my mind, and what concerns me is especially those of us from the northeast.

We had an opportunity to do something with biosolids, to do something with sludge, and now we are not having that opportunity to fix it. The gentleman before me was right when he said that this is not changing anything local government does now, and that is what concerns me, because local government right now has no power to stop it, and those of us in northeastern Pennsylvania need that power. Give our communities the opportunity to say what comes into our area and what does not come into our area.

So I am asking those of you that believe in local power, that believe in this, that, hey, we can still support family farmers. I support family farmers. Probably unlike many of you in our chamber, I grew up with half of my family being in the farming business. I bailed hay; I worked on a farm. I know what it takes, and this bill could be better. So I am asking for a “no” vote on this bill just because of the fact that we had an opportunity to do something better, and I am hoping that the Senate, when they receive this bill, if it does go through, will address those issues and bring back a better bill for the House so we can move Pennsylvania forward.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentlelady, Mrs. Miller.

Mrs. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I will be voting in support of HB 1646 today, because I truly believe that the changes that have been made to this legislation last week in the House Agriculture Committee and yesterday on the floor of the House have greatly improved this piece of legislation from the time when it was introduced at the beginning of this month. And while I recognize that this legislation is the culmination of many meetings by members of the farm organization and the Governor’s Office, I still have grave concerns about the portion of this legislation that mandates odor management control on new and expanded facilities. The reason for that, Mr. Speaker, is because odor management is not the same as air quality or emissions control. That is the subject of Federal regulations being proposed by the Environmental Protection Agency and currently being debated across the Commonwealth. But now we are preparing to embark down a path where our Governor’s Office, in order to give farmers relief from illegal ordinances, has said that our farm community must impose mandatory odor management on concentrated animal feeding operations and concentrated animal operations. The problem behind this, Mr. Speaker, is the fact that there is no science behind measuring odor, unlike air quality and emissions. Odor, Mr. Speaker, can change when someone has eaten spicy food, has a cold with a runny nose, or even mood can affect someone’s perception of odor. Now we are going to ask the farm community to subject themselves and even perhaps put themselves out for civil penalties if they do not meet some arbitrary standard that cannot be measured and is very subjective for odor.

Mr. Speaker, our scientists have said that there are hundreds of compounds that make up odor, none of which can be determined at this point to be the cause of what people find to be offensive. So please tell me, Mr. Speaker, how will the farm community be measured when it comes to odor? Many of our today’s livestock operations have in fact voluntarily put into place many tools and methods by which they hope to control any kind of odor impact on their neighborhoods. However,

Mr. Speaker, with any livestock operation and with any sewage operation that takes care of our everyday waste, there is an odor. We cannot totally eliminate that, and my concern is that the expectation of the people will be that the farm community will no longer have any odor associated with the raising of livestock. That is totally unachievable.

Mr. Speaker, the experience of other States that have imposed odor regulation on their farm communities has shown that hundreds of complaints are received but which in fact only a few are ever substantiated as creating a problem. I see this as a lot of time committed by our Department of Environmental Protection and also our State Conservation Commission in chasing after a problem that cannot be measured.

The one thing that I would like to point out as we talk about these illegal ordinances in some very minor few townships of this Commonwealth, even though they do in fact create a huge expense for the farm community in trying to overturn these ordinances, that they are in fact the exception. Mr. Speaker, many rural townships do in fact understand the contribution that agriculture has to their community, whether it is in groundwater recharge and actually in providing for air quality.

Mr. Speaker, I think at this point the farm community must deal with these townships, these very few townships, that have deliberately tried to stop animal agriculture in their communities, and they need the help that HB 1646 can provide. However, I encourage the Senate and the farm community to also take a hard look at what is going to be imposed on them with the odor management, and I hope that we can, instead of putting a mandate on the farm community, offer them the incentives of adopting this technology through a voluntary system.

Mr. Speaker, we have heard some proponents of the amendments that were offered yesterday talking about how their local government is being challenged, the authority of those local governments. Delaware County, Mr. Speaker, used to be an area where there were farms. Because of the decisions of local government, I daresay that there are probably less than two farms, operating farms, in that entire county, and I would say that those farms are basically farm museums anymore, because they have been totally surrounded by homes. Mr. Speaker, the remaining farms of our Commonwealth deserve the protection from that same kind of history, and I ask all of my colleagues here on the House floor to please vote in favor of HB 1646.

The SPEAKER. The Chair thanks the gentlelady.

The Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, we have been here for some time, and I guess if you have been here as long as me, some of these people, you will learn that every day can be a surprise, that you never know what is going to happen. Now, when this bill first came out, it seemed like half of those fully involved in the farming business were against this bill, and the township supervisors and the township entities were against this bill. Then lo and behold, we hear where things were going to be put into the bill that were going to make it palatable.

And I heard the gentleman from York say, there is nothing in this bill about sludge. There is nothing in this bill about protecting people. There is nothing in this bill that is representative of democracy. We can pass junk ordinances, we can pass various ordinances, we can pass health ordinances, but we cannot pass laws to protect our people from extensive

odors or from such materials that are class B and contaminated. We cannot do that. So what we have in our townships is barely a popularity contest, where we elect them and then we take the authority away, and then when something goes wrong, we blame it on them.

Mr. Speaker, those who vote for this bill, well intentioned or not, are doing a very irresponsible thing, and I intend to vote “no,” and I urge those responsible individuals to send them a message in saying “no” means “no.” Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Haluska.

Mr. HALUSKA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in favor of HB 1646. I know last year we passed out of here HB 1222, and I did not support that, and I was roundly criticized by my farm community, and the message that I took back to them was, we can do a lot better than that bill, and it was obviously vetoed by the Governor, and that is what brings us here today to 1646.

This is a good bill; it is a good compromise. A lot of people in the agriculture community and our township supervisors have worked hard to put together an agreement, and I would wholeheartedly support this bill, and I would ask all my colleagues to look at this bill on its merits and vote “yes.”

Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

Initially I commended both chairmen – Chairman Hershey, Chairman Daley – for sponsoring this bill, and I told them my big concerns were about the environmental groups. I have since been in touch with the environmental groups, and they told me, especially the Sierra Club, that if certain amendments were passed, that they would consider supporting the bill. And since all those bills were tabled, I talked as recently as not too long ago with the Sierra Club. They are opposed to this bill, and I ask my fellow members to not support the bill.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Speaker.

Real quick, Mr. Speaker, I would like to stand to correct the record. A gentleman on the other side of the aisle made a comment that a class B product is just like taking it out of the sewage plant; it is like it is raw sewer; it is sludge. I spent 10 years in the sewer authority in Derry Township, Mr. Speaker, and let me assure you that class B is not like taking septage and putting it on the farm fields. Class A is known as an effectively sterilized product, and class B has no known carcinogens and no bacteria which is harmful to humans. It does have bacteria, the same kind of bacteria that is on our desks, our countertops, and in the soil, but no harmful bacteria.

So I would like to correct the record that our voters do not think that what we are putting on the fields is coming straight from the toilet and going on the fields. That is not correct, and class B is not raw sludge.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I am going to keep my comments brief, but I have got to sit here and recognize something. Earlier this spring and several years ago we were asked to do something called

Growing Greener. It was put on the ballot, and it was told to the public that we need to do this to preserve farmland. We have got to take care of our open space and our green space and our farmers. This year we have even gone to the extent of wanting to borrow \$650 million to be paid back by the taxpayers. Most of this chamber, obviously a majority, voted for this. How can we want to turn our backs on our farmers from a very important issue of regulating them right out of business? We can borrow all the money you want and try to buy up all this land, having preservation programs or government ownership, but it is not going to do a hill of beans good if we do not have farmers to run the land. Most of your farmers, if you take time to go see them, will tell you that these regulations are going to run them out of business and make selling their properties to development far more attractive.

Every day I wake up – hot, rain, cold spell – and I wonder, why does a farmer get up and work from 4 o’clock in the morning until dark, in the rain, trying to beat the rain, for the minimal amount of income that they get and for the nominal margins of profit, and we are going to regulate them to death and we are going to let local governments regulate them to death with ordinances that are illegal and against the Right-to-Farm Act. The Right-to-Farm Act is there for a purpose: to keep agriculture the number one industry here in Pennsylvania. Now, if we do not want to do that, then go ahead and vote “no,” but to use scare tactics and threaten people that these terrible toxins are going to be put on the properties and that sludge coming out of funeral homes is going to be spread on the open lands is a bunch of baloney. First of all, funeral homes cannot just dispose of this stuff in the public sewer. It has to be pretreated before it heads out of there. Do not lie to the public. Be honest with them. Go see your farmers and ask them exactly what it is that they think would work best. They farm the land.

And very simply, remember one thing as you look around here and you eat and you write and you work on your computers. Everything that touches our life on a day-to-day basis is either mined or grown. You either dig it out of the ground or you grow it on top. Without the farmers, you are not going to eat, you are not going to have clothing, and we are going to be in sad shape when we have got to go to these foreign countries to start buying our food and everything else off them. You think oil prices are high? Go to some of these other countries and try to buy a chicken or a cow.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

Is it still in order to ask the maker of this bill a question?

The SPEAKER. Yes. The gentleman is in order.

Mr. GABIG. Is it Mr. Daley or who—

The SPEAKER. Mr. Hershey.

Mr. GABIG. I guess I will—

The SPEAKER. The gentleman, Mr. Hershey.

Mr. GABIG. I would like to ask Mr. Daley the question.

I think he is going to know the answer better.

The SPEAKER. All right.

Mr. GABIG. It is not a hard question.

The SPEAKER. The gentleman, Mr. Daley, indicates he will stand for interrogation.

Mr. GABIG. Does Governor Rendell support 1646 as amended?

Mr. DALEY. The simple answer to the question is yes.

Mr. GABIG. Does the Secretary of Agriculture of the Rendell administration, Secretary Wolff, who has been to my district several times, does he support 1646?

Mr. DALEY. Yes.

Mr. GABIG. And here is the big question.

Mr. DALEY. I am ready.

Mr. GABIG. Does the DEP Secretary of the Rendell administration, the Department of Environmental Protection Secretary McGinty support 1646 as amended?

Mr. DALEY. The short answer is she helped write the legislation, and it is my understanding she does support it.

Mr. GABIG. Thank you, Mr. Speaker, and could I just make a brief comment on the final passage?

The SPEAKER. The gentleman is in order.

Mr. GABIG. I heard one of my good friends and colleagues from the other side say that he likes this bill better than 1222. He opposed 1222; he is supporting this. Actually, I am in the reverse category. I liked 1222 better, and I really appreciated Mrs. Miller's comments about this odor regulation. I had some real, real problems with that. But given where we are after all this hard work over the past 2 years that we have been working on this issue, I am going to put up a "yes" vote to support rural Pennsylvania and the farmers, and I want to thank the gentlemen and the genteladies that worked so hard on this.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Maitland.

Mr. MAITLAND. Thank you, Mr. Speaker.

I have heard a lot of mischaracterization about this bill, about it being about local control or about sludge or what have you. But really what it is about is a conflict of laws, and this is brought about by the suburbanization or the sprawl that is going on in our countryside. Sometimes local interests can elect township boards that are not friendly to agriculture, and they will sometimes enact ordinances that their solicitor might privately advise them as being a bad ordinance or one that is on shaky ground. And what happens if you do this? Well, first of all, the ordinance is presumed valid; it has to be challenged in court, and if a farmer has to challenge an ordinance in court, it takes a lot of resources, and they are fighting the township's resources. They are fighting their own tax money to take a township to court. The process is lengthy and it is costly. Civil litigation, everyone knows, is not inexpensive, and if the farmer does not quit, what do they win in the end if they get the ordinance struck down? Well, they get the pleasure of having spent years of their lives and tens of thousands of their dollars to have an ordinance that they knew was invalid at the beginning declared invalid by the court.

What this bill does is it provides an inexpensive and quick preliminary adjudication from the top law enforcement official in this Commonwealth. It establishes a low-cost appeal that sets a statewide precedent where we authorize the Commonwealth Court to appoint a master to hear appeals, and we are not fooling around with 67 different jurisdictions and going to another round of appellate review, another round of civil litigation. This bill now preserves the legal rights for further appeal, and it discourages bad-faith enactment of ordinances or bad-faith challenges with the "loser pays" provisions.

I would like to thank Chairman Hershey for empowering the Ag Committee to work on this bill. It was actually a very fun process. I want to thank all my colleagues on the Ag Committee on my side of the aisle and on the other side, and in particular,

I want to note that the gentelady, Ms. Youngblood, being an urban legislator, who probably does not live within 50 miles of a farm, when I spoke to her initially on this issue she knew what it was about, and I was quite impressed that a Philadelphia Representative had the interest and the knowledge in an agricultural issue like she did. So I want to thank Ms. Youngblood for that.

On behalf of the farmers of Pennsylvania and all the people of this Commonwealth, I urge a "yes" vote on 1646. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, this has been a rather difficult issue for a number of years, and I oppose the bill in its final passage, and I do that but I want to make the distinction that opposition to this bill is not an opposition to farmers. It is not an opposition at all. It has been suggested that we talk to our farmers back home by other speakers. I have done that, Mr. Speaker, and my small farmers back home were opposed to the original ACRE bill, and I was one of the few in the Agriculture Committee on my side of the aisle that continued to oppose it. I respect Representative Stern and Representative Maitland's hard work in amending the bill in the committee. I supported the amendments in the committee, and I think at that time those amendments corrected at least part of what I saw as a problem when they removed the board that was originally created and put it in the hands of the Attorney General.

There is, however, I believe, Mr. Speaker, a distinction – a distinction between our small farmers, our family farms, and the concentrated animal farm operations, or the CAFOs. In my first term as a member of the Agriculture Committee, I remember, along with Representative Solobay, we visited not far from here a concentrated animal farm operation that had left. I believe former Representative Allan Egolf held that hearing in his district, and I could see what the result was of these CAFOs that came in and then left the district and what they left.

So, Mr. Speaker, had Representative Freeman's amendments been included, not just because he was my former student but because I think his amendments made the bill much, much better, because he did make that distinction in his amendments. Unfortunately, those amendments did not become part of this bill. But those amendments did make that distinction between these CAFOs and large corporate organizations that are driving many of the same small family farm operations out of business.

We do have the right to farm. I have never really truly understood the term "illegal ordinance" when we do have the Right-to-Farm Act in Pennsylvania. For whatever reasons and however those ordinances passed at the township level is beyond me, but apparently it has been done and brought about the beginning or the genesis of this kind of legislation to begin with.

So, Mr. Speaker, I oppose in its final passage HB 1646 known as ACRE because I believe it does not make that distinction. I believe it does not make that distinction between our small farmers, the ones that I represent back home, who at least to this point have told me they are in opposition. So with that in mind and because of those reasons, I would ask those again on this side of the aisle and the whole House to oppose this bill, and again, Mr. Speaker, opposing this bill does not make you in any way, shape, or form antifarm or antifarmer.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

I just wanted to, first of all, thank Secretary Wolff for the amount of work he went around Pennsylvania and promoting the ACRE initiative in HB 1646. Secretary Wolff really cares about the farming community and the farmers – big farmers, small farmers. The agricultural operations in the Commonwealth have changed over the years, and a lot of people refer to it as “modern” farming practices. And I am not sure, you know, with some of my farms what they are, whether they are incorporated or whether they are not incorporated, family farms that I have that are milking 1500 dairy cows that are, I do not know what their business ownership is, but a lot of people worked very hard on this provision to make this bill better.

The Agriculture and Rural Affairs Committee passed the provisions of 1646 out in a bipartisan fashion by a vote of 26 to 1 to bring it here to the floor, and I want to commend Chairman Hershey for his efforts and for his work in HB 1646 and also Chairman Daley for making this a bipartisan effort, and I would ask the members to support the provisions in 1646. It was a very controversial bill, and it remains a controversial bill. But I believe the process works, the committee structure works, and I applaud the members of the House Ag Committee for their efforts and for their input in making this a better bill.

REMARKS SUBMITTED FOR THE RECORD

Mr. STERN. At this point, Mr. Speaker, I would have comments that I would like to submit for the record. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. Speaker, I wanted to comment on the bill that is before the House of Representatives today referred to commonly as the ACRE proposal that many in the agricultural community have supported to limit the confrontational experiences that many farmers have faced with local township boards when enacting ordinances that a farmer believes are outside the authority or scope of what a township may restrict on farming activities under current State law and the Right-to-Farm Act.

This problem has a history of several years, and several Senate and House bills have passed one or both chambers to address these concerns.

The most recent bill was HB 1222 that was passed in a bipartisan effort in 2003 which provided opportunity for farmers to recover court costs if the farmer proved that municipal officials acted willfully or with wanton disregard to enact or enforce an unauthorized ordinance. However, this legislation was vetoed by Governor Rendell. In his veto message the Governor responded to a question the Pennsylvania Farm Bureau posed to him in his campaign for Governor by asking him this question: “Do you believe municipalities and municipal officials should be penalized for passing ordinances against agriculture that they know state law prohibits them from passing? If so, what penalties should be assessed?”

This was the Governor’s response: “There has been a harmful lack of leadership in Harrisburg resulting in penalties for farmers, township officials and local taxpayers. Pennsylvania’s Right to Farm Law has been ignored all too frequently. Farm organizations like the Farm Bureau have been in court to fight unlawful ordinances from townships...the Nutrient Management Law provides for statewide

preemption of local ordinances and the Right to Farm Law is supposed to protect farmers from local nuisance ordinances. But who protects farmers when those laws are ignored? I will direct members of my administration to address this issue in a comprehensive and progressive way. We will work to solve, not run from this issue and we will do so at the state level.”

The original ACRE proposal created a two-tier review system that would be established in the State Conservation Commission to receive requests for review of the legality of an ordinance. After receipt of the application and comments that the municipality and others submit, and after completion of the review, the OOR (Office of Ordinance Review) would issue an initial determination of whether the ordinance was legal. The OOR would consult with specified deputies of the Department of Agriculture, Department of Environmental Protection, and Department of Community and Economic Development before issuing its decision. The OOR’s decision could have been appealed.

An appeal of the OOR’s decision would have been made to an Agricultural Review Board comprised of five members – the Secretaries of the Departments of Agriculture, Environmental Protection, and Community and Economic Development or their designees, and two people appointed by the Governor, one of whom must be a dean or faculty member of a State university’s college of agricultural sciences. The Senate would have to approve both appointments. The Secretary of Agriculture would serve as the board’s chair. The board would then hold an administrative hearing and would decide on the ordinance’s legality.

If not appealed, the decision by the OOR or the Agricultural Review Board that an ordinance was illegal would result in an administrative order directing the local government to cease enactment or enforcement of the ordinance. If the local government fails to abide by the order, the Attorney General would have been required to take appropriate actions to enforce the order and prevent enactment or enforcement of the ordinance.

A decision of the Agricultural Review Board could have been appealed to Commonwealth Court. The Department of Agriculture would have been responsible for defending the board’s decision on appeal.

The two boards that would have been enacted created much concern among local government units, including the Pennsylvania State Association of Township Supervisors and the Pennsylvania State Association of Boroughs. Both groups opposed the original ACRE proposal.

During the Agriculture and Rural Affairs Committee meeting, an amendment was offered by me, along with the support of Representative Steve Maitland, that removed the Office of Ordinance Review and the Agricultural Review Board process of local ordinance review and replaced it with a process using existing resources and mechanisms. Specifically, local government units are prohibited from enacting ordinances which are “unauthorized” and which affect a normal farming operation, defined the same as in Act 1982-133, Right-to-Farm.

If an owner or operator of a normal agricultural operation is aggrieved by an “unauthorized local ordinance,” he may request a review by the Attorney General to determine whether or not the local ordinance is “unauthorized.” The Attorney General must respond to the request and has the discretion whether or not to bring action against the local government unit in Commonwealth Court to invalidate or enjoin the enforcement of the unauthorized local ordinance.

The Commonwealth Court is given discretion to appoint a master, which must be a member of the PA bar, to hear such cases. Recommendations of masters shall be the decision of the Commonwealth Court upon written confirmation of the president judge.

These provisions above notwithstanding, any person who is aggrieved by an unauthorized local ordinance may bring an action in Commonwealth Court to invalidate or enjoin the enforcement of the unauthorized local ordinance. The court may appoint a master to hear

the case and may award attorney's fees and costs to the prevailing party.

The Attorney General would be required to report to the General Assembly on the number of reviews requested and conducted and the number and outcome of any legal actions brought to court.

The concern of one of the major farm organizations and a request from the Governor's Office asked for a tightening of the time frame the Attorney General would make his decision. An amendment offered to the bill by Representative Daley and agreed to by Chairman Hershey would insert language that stated, "(c) Response – Within 120 days after receiving a request under subsection (a), the Attorney General shall advise the person that made the request whether or not the Attorney General will bring legal action under section 315(a)."

This alleviated concerns about whether the Attorney General would follow through on the provisions outlined in HB 1646. Also, the Attorney General has made it perfectly clear that if HB 1646 is enacted, he will assume the responsibility and act promptly to uphold the laws of the Commonwealth.

This approach offered by the Stern amendment, A01931, in the House Agricultural and Rural Affairs Committee on June 22, 2005, addresses the concern the Governor expressed in his veto message of HB 1222 when he stated that it did not address this complex issue in a "comprehensive and progressive way." He continued to state that he would support legislation that provided a "comprehensive and progressive" solution to the balancing test before us while at the same time giving farmers the relief provided in HB 1222. He indicated that he looked forward to signing such legislation.

HB 1646 authorizes the top law enforcement officer in the Commonwealth, the Attorney General, who is accountable and elected to enforce the laws enacted by the General Assembly. The provision before us in HB 1646 allows a nonbiased approach to solving these complex issues and will allow farm families an opportunity to request a review by the Attorney General to determine whether or not the local ordinance is "unauthorized." This is a bold approach deserving of the Governor's signature if it reaches his desk.

I appreciate the leadership of the Attorney General in taking this responsibility and the efforts of Agriculture Secretary Dennis Wolff for working tirelessly to make this bill work on behalf of the farming community and local township governments.

Chairman Hershey is to be commended for the effort he has put forth in promoting this issue and working to resolve the concerns raised by many groups involved with this controversial subject.

Thank you, Mr. Speaker, for the opportunity to make these remarks.

The SPEAKER. The gentleman, Mr. Daley, asked to be last. Mr. Daley— Nobody is up, Mr. Daley.

The gentleman, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Mr. Speaker, this is a historic day in Pennsylvania, and I would be remiss if I did not first thank those individuals that have brought us to this point – Secretary Wolff; Secretary McGinty; Secretary Crawford; my counterpart, Art Hershey, and Representative Stern and Representative Maitland. I would like to thank the members of the committee, my committee, the Agriculture Committee – Representative Grucela; Representatives Josephs, Haluska, Kotik, LaGrotta; Representatives Mann, Myers, Oliver, Solobay, Waters, and Youngblood. I want to thank all the farm organizations that have supported this measure, and you have carried the torch and you have carried that torch most graciously. And lastly, on behalf of the 50,000 family farms in this great State, I want to thank you.

Mr. Speaker, this is an unprecedented piece of historic legislation. It is truly a historic day, because today we touch the future of all Pennsylvanians, all of Pennsylvania's farmers, from field to farm, from the Conestoga Valley to the Mon Valley,

from the rolling hills of Erie County down to the southeastern corner of Pennsylvania in Philadelphia County. Farmers were once at the mercy of Mother Nature, and now they are armed with the tools they need that will help them to grow and expand and bring food to all of our tables.

Every one of us has businesses in our legislative district. All of them provide jobs and income for our constituents. Some of them are mom-and-pop operations. Some are bigger and some are smaller and some are corporations. Most are good, contributing members to our communities. When they need help, we always rise to the occasion to help those individuals that need that help. That is why today we are so proud that we can help our farmers with the help they need through ACRE. From the smallest family farm that just grows green beans to the largest dairy operation in Pennsylvania, we are helping today. Today we propose to provide all those farms with the opportunity to be great neighbors, great farmers, and great Pennsylvania citizens.

Today, Mr. Speaker, we are placing Pennsylvania in the national spotlight. Many States are watching what we are doing here, because what we are doing regarding the expedited review process of management initiatives, we have given the farmers the ability to do what they do best. We have the world looking at us, we have all the States looking at us, because it is the first of its kind in the country.

Mr. Speaker, I ask for an affirmative vote. I believe this legislation is fourth and goal on the 1-yard line, and it is time to put the ball in the end zone.

Mr. Speaker, I ask for an affirmative vote. Thank you very much.

The SPEAKER. For the information of the members, I did specifically ask if there was anyone else to speak so that Mr. Daley could be last. But every member does have a right to speak. The gentleman, Mr. Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I will be brief, and I am not speaking on advising my colleagues how to vote, "yes" or "no," on this bill. I do want to respond to a few comments concerning class B biosolids that were made by members of the other side.

Mr. Speaker, I have spent dozens of meetings, public hearings, with DEP. Class B biosolids do in fact contain carcinogens. There is study after study, both American and abroad, that classify this as dangerous materials. If the gentleman who operated the sewage treatment plant would like some, when it becomes apparent that tanker load after tanker load of it is going to be laid in my district and surrounding districts like Representative Argall's and Representative Goodman's, I would be glad to have a truckload brought to his house so he can plant his tomatoes in it next year and have his kids play in it.

Mr. Speaker, I was going to offer the George amendment. I was told there was an agreement with the leadership not to offer that amendment because there are two other vehicles that will be voted on where that amendment can in fact be offered. I do intend, if Representative George does not, to offer that amendment dealing with a very dangerous substance when it is applied in large applications. Biosolids are applied right now. In very small applications, they are not considered to be a great health hazard, but we have a couple of kids in this State whose parents were down here and whose doctors say that they died because of their contact with class B biosolids in unmarked property that they were riding their bikes on.

So, Mr. Speaker, I am not asking for a “yes” or “no” vote on this legislation; I commend all the people that worked hard on it, but this issue is not going to go away for me. There are people on both sides of the aisle that want to regulate, and right now DEP tells local officials they cannot regulate it, and if the status quo still exists, our local officials are basically powerless to stop large quantities of this from coming into an area where they do not want it applied.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—131

Adolph	Fichter	Maitland	Rohrer
Allen	Fleagle	Major	Rubley
Armstrong	Flick	Mann	Ruffing
Baldwin	Forcier	Marsico	Sainato
Barrar	Gabig	McGill	Santoni
Bastian	Gannon	McIlhinney	Saylor
Bebko-Jones	Geist	McNaughton	Scavello
Belfanti	Gergely	Metcalfe	Semmel
Benninghoff	Gillespie	Micozzie	Shaner
Biancucci	Gingrich	Millard	Smith, B.
Birmelin	Godshall	Miller, R.	Smith, S. H.
Bishop	Gruitza	Miller, S.	Solobay
Boyd	Habay	Mustio	Sonney
Bunt	Haluska	Myers	Stairs
Butkovitz	Harhart	Nailor	Steil
Buxton	Harper	Nickol	Stern
Caltagirone	Harris	O'Brien	Stevenson, R.
Causar	Hasay	Oliver	Stevenson, T.
Civera	Hennessey	O'Neill	Taylor, E. Z.
Clymer	Herman	Payne	Taylor, J.
Cornell	Hershey	Petrarca	Thomas
Creighton	Hess	Petri	True
Cruz	Hickernell	Petrone	Turzai
Daley	Hutchinson	Phillips	Waters
Dally	Kauffman	Pickett	Watson
DeLuca	Keller, M.	Pyle	Wilt
Denlinger	Kennedy	Quigley	Wojnaroski
DiGirolo	Killion	Rapp	Wright
Diven	Kotik	Raymond	Youngblood
Donatucci	Lederer	Readshaw	Zug
Ellis	Leh	Reed	
Evans, J.	Lescovitz	Reichley	Perzel,
Fabrizio	Mackereth	Roberts	Speaker
Fairchild			

NAYS—65

Argall	Feese	Maher	Shapiro
Baker	Frankel	Manderino	Siproth
Belardi	Freeman	Markosek	Staback
Blackwell	George	McCall	Stetler
Blaum	Gerber	McGeehan	Sturla
Capelli	Good	McIlhattan	Surra
Casorio	Goodman	Melio	Tangretti
Cawley	Grell	Mundy	Tigue
Cohen	Grucela	Pallone	Veon
Corrigan	Hanna	Pistella	Vitali
Costa	Harhai	Preston	Walko
Crahalla	Josephs	Ramaley	Wansacz
Curry	Keller, W.	Roebuck	Wheatley
Dermody	Kirkland	Rooney	Williams
DeWeese	Leach	Ross	Yewcic

Eachus Levdansky Samuelson Yudichak
Evans, D.

NOT VOTING—0

EXCUSED—5

James Rieger Sather Schroder
LaGrotta

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

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

* * *

The House proceeded to third consideration of **HB 1788, PN 2326**, entitled:

An Act amending the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, further providing for title of act and for installment payment of taxes; authorizing monthly installment payment of school taxes and payment of school property tax increases to certain claimants who occupy homesteads; and providing for the powers and duties of the Department of Revenue.

On the question,

Will the House agree to the bill on third consideration?

RULES SUSPENDED

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

Mr. CIVERA. Mr. Speaker, I move that the rules of the House be suspended for the immediate consideration of amendment 2568.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—193

Adolph	Fabrizio	Levdansky	Ruffing
Allen	Fairchild	Mackereth	Sainato
Argall	Feese	Maher	Samuelson
Armstrong	Fichter	Maitland	Santoni
Baker	Fleagle	Major	Saylor
Baldwin	Flick	Manderino	Scavello
Barrar	Forcier	Mann	Semmel
Bastian	Frankel	Markosek	Shaner
Bebko-Jones	Freeman	Marsico	Shapiro
Belardi	Gabig	McCall	Siproth
Belfanti	Gannon	McGill	Smith, B.
Benninghoff	Geist	McIlhattan	Smith, S. H.
Biancucci	George	McIlhinney	Solobay
Birmelin	Gerber	McNaughton	Sonney
Bishop	Gergely	Melio	Staback
Blackwell	Gillespie	Metcalfe	Stairs
Blaum	Gingrich	Micozzie	Steil
Boyd	Godshall	Millard	Stern
Bunt	Good	Miller, R.	Stetler
Butkovitz	Goodman	Miller, S.	Stevenson, R.
Buxton	Grell	Mustio	Stevenson, T.

Caltagirone	Grucela	Myers	Sturla
Cappelli	Gruitza	Nailor	Surra
Casorio	Habay	Nickol	Tangretti
Causer	Haluska	O'Brien	Taylor, E. Z.
Cawley	Hanna	Oliver	Taylor, J.
Civera	Harhai	O'Neill	Thomas
Clymer	Harhart	Pallone	Tigue
Cohen	Harper	Payne	True
Cornell	Harris	Petrarca	Turzai
Corrigan	Hasay	Petri	Veon
Costa	Hennessey	Petrone	Vitali
Crahalla	Herman	Phillips	Walko
Creighton	Hershey	Pickett	Wansacz
Cruz	Hess	Pistella	Waters
Curry	Hickernell	Preston	Watson
Daley	Hutchinson	Pyle	Wheatley
Dally	Josephs	Quigley	Williams
DeLuca	Kauffman	Ramaley	Wilt
Denlinger	Keller, M.	Rapp	Wojnaroski
Dermody	Keller, W.	Raymond	Wright
DeWeese	Kenney	Readshaw	Yewcic
DiGiroloamo	Killion	Reed	Youngblood
Diven	Kirkland	Reichley	Yudichak
Donatucci	Kotik	Roberts	Zug
Eachus	Leach	Roebuck	
Ellis	Lederer	Rohrer	
Evans, D.	Leh	Ross	Perzel,
Evans, J.	Lescovitz	Rubley	Speaker

NAYS-2

Mundy Rooney

NOT VOTING-1

McGeehan

EXCUSED-5

James Rieger Sather Schroder
LaGrotta

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. CIVERA offered the following amendment No. **A02568**:

- Amend Title, page 1, line 9, by striking out "monthly"
- Amend Sec. 3 (Sec. 11.1), page 4, line 26, by striking out "Monthly"
- Amend Sec. 3 (Sec. 11.1), page 5, line 2, by striking out "monthly"
- Amend Sec. 3 (Sec. 11.1), page 5, line 5, by striking out "monthly"
- Amend Sec. 3 (Sec. 11.1), page 5, by inserting between lines 6 and 7
(2.1) The ordinance or resolution shall include whether the installment payment will be made on a monthly or quarterly basis during the calendar year for school property taxes.
- Amend Sec. 3 (Sec. 11.1), page 5, line 7, by striking out "monthly"
- Amend Sec. 3 (Sec. 11.1), page 5, line 10, by striking out "monthly"

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

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

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, what this amendment does, in the bill that we will be talking about in a couple of seconds, HB 1788, it allows the school districts to make the decision of whether to collect the taxes on a monthly basis or on a quarterly basis, and that is basically what the amendment does.

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

Mr. VITALI. Thank you, Mr. Speaker.

I just want to interrogate the maker of the amendment, if I could.

The SPEAKER. The gentleman is in order.

Mr. VITALI. My concern is because in the back of my mind, with all that paperwork I have gotten in the past couple of weeks, I kind of remember a letter of opposition from somebody on this, but I am trying to figure out who. Now, to be clear, does this involve that \$52 local tax we passed a while back? Is that the quarterly thing we are dealing with?

Mr. CIVERA. No.

Mr. VITALI. Okay. What is it then? What is this we are dealing with?

Mr. CIVERA. Basically what the amendment does is HB 1788 allows the homeowner to make a decision as to whether to pay their taxes in one lump sum to the school district, and we are talking about real estate school taxes, or they can make the decision of collecting it monthly or quarterly. So what the amendment did, the amendment in the original bill, it just said monthly. So every month, if that homeowner made that decision to pay it on a monthly basis, they could do so. This amendment will allow the school district to make the decision, well, we will let the people of this district do it monthly or we are going to do it quarterly. They set the tone as to what we are going to do in HB 1788.

Mr. VITALI. Okay. So we are dealing with real estate.

Mr. CIVERA. Property real estate tax. Basically, it is installments.

Mr. VITALI. And the bill in chief lets the homeowner decide whether they want to pay it monthly, and your amendment takes the option away from the homeowner and says the school district decides, do they want to charge it quarterly or monthly.

Mr. CIVERA. That is correct.

Mr. VITALI. Now, would there be— Okay. So if the school district wanted to do it as it is always done—

Mr. CIVERA. You mean annually?

Mr. VITALI. Yes. I guess that would require voting, and you were in support of that, that would require a "no" vote on the bill, I guess, to keep the status quo.

Mr. CIVERA. That is correct.

Mr. VITALI. Okay. Can you tell me if any groups like—

Mr. CIVERA. But, Mr. Speaker, can I go back and answer that other part of your—

Mr. VITALI. Sure; sure.

Mr. CIVERA. If the taxpayer makes the decision that they want to get their discount and they want to do it on an annual basis, they can do so. It does not say that once the school district makes that decision to do it quarterly, that that is the way it is going to be. If the taxpayer makes the decision, I want to get my discount; I am going to pay my school bill – the school bill

comes out in July, and I think it is due August 31, and they are going to pay it in one lump sum and they will receive the discount – they can do so. I do not know if you were clear with that.

Mr. VITALI. Okay. Are you aware whether the Pennsylvania School Boards Association or any other individual school boards – in particular, the ones we deal with, Delaware County, or others – have taken a position on either your amendment or the bill in chief, or any other relevant groups I might be missing?

Mr. CIVERA. To answer your question directly, the School Boards Association did not come out and say, we are opposed to HB 1788. What they said was that they had grave concerns of doing it on an installment basis because the money would not be collected all at one time, and therefore, they would lose some interest to the school districts dollarwise. So basically, I did not receive a letter saying that we are 100 percent opposed to it, but I believe that they have grave concerns about it for the reasons that I just pointed out to you.

Mr. VITALI. Thank you.

The SPEAKER. The Chair thanks the gentleman.

HARRISBURG LEGISLATIVE LEAVE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Williams. His name will be added to the master roll.

He is being taken off Capitol leave. The Chair made a small error.

CONSIDERATION OF HB 1788 CONTINUED

The SPEAKER. Mr. Kotik.

Mr. KOTIK. Thank you, Mr. Speaker.

I rise in support of the Civera amendment. I had some concerns with this bill originally when it only provided for monthly installments, and I have had the experience of working in a local tax collection office, and installment payments can often be very taxing, very administratively costly for school districts and municipalities. However, I think giving the school district the option of doing it either on a monthly or a quarterly basis greatly strengthens this bill, and I urge an affirmative vote on the Civera amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Ruble
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
Baker	Flick	Mann	Santoni
Baldwin	Forcier	Markosek	Saylor
Barrar	Frankel	Marsico	Scavello
Bastian	Freeman	McCall	Semmel
Bebko-Jones	Gabig	McGeehan	Shaner
Belardi	Gannon	McGill	Shapiro

Belfanti	Geist	McIlhattan	Siptroth
Benninghoff	George	McIlhinney	Smith, B.
Biancucci	Gerber	McNaughton	Smith, S. H.
Birmelin	Gergely	Melio	Solobay
Bishop	Gillespie	Metcalfe	Sonney
Blackwell	Gingrich	Micozzie	Staback
Blaum	Godshall	Millard	Stairs
Boyd	Good	Miller, R.	Steil
Bunt	Goodman	Miller, S.	Stern
Butkovitz	Grell	Mundy	Stetler
Buxton	Grucela	Mustio	Stevenson, R.
Caltagirone	Gruitza	Myers	Stevenson, T.
Cappelli	Habay	Nailor	Sturla
Casorio	Haluska	Nickol	Surra
Causer	Hanna	O'Brien	Tangretti
Cawley	Harhai	Oliver	Taylor, E. Z.
Civera	Harhart	O'Neill	Taylor, J.
Clymer	Harper	Pallone	Thomas
Cohen	Harris	Payne	Tigue
Cornell	Hasay	Petrarca	True
Corrigan	Hennessey	Petri	Turzai
Costa	Herman	Petrone	Veon
Crahalla	Hershey	Phillips	Vitali
Creighton	Hess	Pickett	Walko
Cruz	Hickernell	Pistella	Wansacz
Curry	Hutchinson	Preston	Waters
Daley	Josephs	Pyle	Watson
Dally	Kauffman	Quigley	Wheatley
DeLuca	Keller, M.	Ramaley	Williams
Denlinger	Keller, W.	Rapp	Wilt
Dermody	Kenney	Raymond	Wojnaroski
DeWeese	Killion	Readshaw	Wright
DiGirolamo	Kirkland	Reed	Yewcic
Diven	Kotik	Reichley	Youngblood
Donatucci	Leach	Roberts	Yudichak
Eachus	Lederer	Roebuck	Zug
Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

James	Rieger	Sather	Schroder
LaGrotta			

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

On the question,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Not to beat a dead horse, but may I continue the interrogation?

The SPEAKER. Just for the information of the members, it is the last bill. The gentleman, Mr. Vitali, is in order and may proceed.

Mr. VITALI. Right now as this bill stands, it is the school district who has the option – right? – and if this passes, school districts can charge their school taxes on a quarterly or monthly basis. Is that correct?

Mr. CIVERA. That is correct, Mr. Speaker.

Mr. VITALI. If they wanted to charge them on an annual basis like they do now, they would no longer have that option if this bill passes?

Mr. CIVERA. They would no longer have that option, but the taxpayer can still prevail to pay it on an annual basis.

Mr. VITALI. Okay. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Maher	Rubley
Allen	Feese	Maitland	Ruffing
Argall	Fichter	Major	Sainato
Armstrong	Fleagle	Manderino	Samuelson
Baker	Flick	Mann	Santoni
Baldwin	Forcier	Markosek	Saylor
Barrar	Frankel	Marsico	Scavello
Bastian	Freeman	McCall	Semmel
Bebko-Jones	Gabig	McGeehan	Shaner
Belardi	Gannon	McGill	Shapiro
Belfanti	Geist	McIlhattan	Siptroth
Benninghoff	George	McIlhinney	Smith, B.
Biancucci	Gerber	McNaughton	Smith, S. H.
Birmelin	Gergely	Melio	Solobay
Bishop	Gillespie	Metcalfe	Sonney
Blackwell	Gingrich	Micozzie	Staback
Blaum	Godshall	Millard	Stairs
Boyd	Good	Miller, R.	Steil
Bunt	Goodman	Miller, S.	Stern
Butkovitz	Grell	Mundy	Stetler
Buxton	Grucela	Mustio	Stevenson, R.
Caltagirone	Gruitza	Myers	Stevenson, T.
Cappelli	Habay	Nailor	Sturla
Casorio	Haluska	Nickol	Surra
Causser	Hanna	O'Brien	Tangretti
Cawley	Harhai	Oliver	Taylor, E. Z.
Civera	Harhart	O'Neill	Taylor, J.
Clymer	Harper	Pallone	Thomas
Cohen	Harris	Payne	Tigue
Cornell	Hasay	Petrarca	True
Corrigan	Hennessey	Petri	Turzai
Costa	Herman	Petrone	Veon
Crahalla	Hershey	Phillips	Vitali
Creighton	Hess	Pickett	Walko
Cruz	Hickernell	Pistella	Wansacz
Curry	Hutchinson	Preston	Waters
Daley	Josephs	Pyle	Watson
Dally	Kauffman	Quigley	Wheatley
DeLuca	Keller, M.	Ramaley	Williams
Denlinger	Keller, W.	Rapp	Wilt
Dermody	Kenny	Raymond	Wojnaroski
DeWeese	Killion	Readshaw	Wright
DiGirolamo	Kirkland	Reed	Yewcic
Diven	Kotik	Reichley	Youngblood
Donatucci	Leach	Roberts	Yudichak
Eachus	Lederer	Roebuck	Zug

Ellis	Leh	Rohrer	
Evans, D.	Lescovitz	Rooney	
Evans, J.	Levdansky	Ross	Perzel,
Fabrizio	Mackereth		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

James	Rieger	Sather	Schroder
LaGrotta			

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

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

HOUSE SCHEDULE

The SPEAKER. Tomorrow there will be informal caucuses on both sides of the aisle at noon. They will caucus at 1, and session will begin at 3 p.m. tomorrow.

There will be no further votes.

HEALTH AND HUMAN SERVICES
COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

After the final recess, Mr. Speaker, the Health and Human Services Committee will meet in the rear of the House, immediately. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Health and Human Services Committee will meet in the rear of the House immediately at the recess.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Feese.

Mr. FEESE. Thank you, Mr. Speaker.

Mr. Speaker, upon the declaration of recess, the House Appropriations Committee will meet immediately in the House Appropriations conference room.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House Appropriations Committee will meet immediately in the House Appropriations conference room upon the declaration of the recess.

Does anyone else seek recognition?

EDUCATION COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

As we recess today, an announcement for the Education Committee. We will be meeting in room 60 as soon as we leave the House floor.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.
The Education Committee will be meeting in room 60 immediately at the recess.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.
Mr. S. SMITH. Mr. Speaker, I move that HB 958 be recommitted to the Committee on Appropriations.

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

The SPEAKER. Any other announcements from the floor?

RECESS

The SPEAKER. The House is in recess to the call of the Chair.

AFTER RECESS

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

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 399, PN 610

An Act amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, further providing for divorcing and divorced person and surviving spouse to resume prior name.

HB 887, PN 2362

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for resident license and fee exemptions and for license costs and fees.

HB 1076, PN 2363

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for license and fee exemptions and for license costs and fees.

HB 1077, PN 2364

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, providing for license fee for deployed Pennsylvania National Guard members and for reserve component of the armed forces members.

SB 158, PN 704

An Act adding a certain portion of the Bayfront Parkway in the City of Erie, Erie County, to the State Highway System, and transferring to the City of Erie a certain State road.

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

RECESS

The SPEAKER. The House is in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (RAYMOND BUNT, JR.) PRESIDING

EDUCATION COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Jess Stairs, who asks for a meeting of the Education Committee at 2:45 p.m. at the rear of the House. Again, the House Education Committee will meet in the rear of the House at 2:45 p.m.

RECESS

The SPEAKER pro tempore. This House stands in recess to the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 391 By Representatives PERZEL and DeWEESE

A Resolution directing the Joint State Government Commission to study the ways in which the Commonwealth's procurement laws may be changed to allow citizens, businesses and public and private universities and colleges to make unsolicited proposals to Commonwealth agencies, boards and commissions.

Referred to Committee on RULES, June 30, 2005.

No. 395 By Representative ALLEN

A Concurrent Resolution establishing the Minimum Wage Advisory Commission and providing for its powers and duties.

Referred to Committee on LABOR RELATIONS, June 30, 2005.

BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1059 be taken off the table.

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

BILL ON SECOND CONSIDERATION

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

HB 1059, PN 1215.

BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 1059 be recommitted to the House Appropriations Committee.

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

RULES COMMITTEE MEETING

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

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND
RECOMMITTED TO COMMITTEE ON RULES**

HB 1010, PN 1156 By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for employment of school health personnel.

EDUCATION.

HB 1793, PN 2334 By Rep. FEESE

An Act making an appropriation to the Arsenal Family and Children's Center.

APPROPRIATIONS.

BILLS REREPORTED FROM COMMITTEE

HB 720, PN 811 By Rep. FEESE

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for exceptions to unlawful use of lights while hunting.

APPROPRIATIONS.

HB 824, PN 2405 (Amended) By Rep. FEESE

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 825, PN 2404 (Amended) By Rep. FEESE

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 826, PN 2403 (Amended) By Rep. FEESE

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 827, PN 2416 (Amended) By Rep. FEESE

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for

payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

APPROPRIATIONS.

HB 1057, PN 2402 (Amended) By Rep. FEESE

An Act providing for the issuance of identification cards for retired law enforcement officers; and providing for the powers and duties of law enforcement agencies and the Municipal Police Officers' Education and Training Commission.

APPROPRIATIONS.

HB 1291, PN 2301 By Rep. FEESE

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for background checks of prospective employees and conviction of certain offenses.

APPROPRIATIONS.

HB 1597, PN 2207 By Rep. FEESE

An Act providing for registration of private care residences and for background checks; imposing duties on the Department of Public Welfare; and imposing penalties.

APPROPRIATIONS.

HB 1686, PN 2131 By Rep. FEESE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of sale and use of air rifles.

APPROPRIATIONS.

HB 1688, PN 2150 By Rep. FEESE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for canvassing of official absentee ballots.

APPROPRIATIONS.

HB 1749, PN 2239 By Rep. FEESE

An Act designating State Route 132 in Bucks County as the Armed Forces and Veterans Memorial Highway.

APPROPRIATIONS.

HB 1797, PN 2339 By Rep. FEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the Board of Commissioners on Uniform State Laws; and making a related repeal.

APPROPRIATIONS.

HB 1802, PN 2401 (Amended) By Rep. FEESE

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing

for procedures for capital budget bill and debt-authorizing legislation and for appropriation for and limitation on redevelopment assistance capital projects.

APPROPRIATIONS.

SB 86, PN 665 By Rep. FEESE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for disposition of complaints received.

APPROPRIATIONS.

SB 248, PN 705 By Rep. FEESE

An Act amending the act of August 11, 1967 (P.L.205, No.69), entitled "An act to validate conveyances and other instruments which have been defectively acknowledged," extending the date for validation of certain conveyances and other instruments.

APPROPRIATIONS.

SB 600, PN 671 By Rep. FEESE

An Act authorizing the release of Project 70 restrictions imposed on certain land owned by Indiana County, being conveyed by the county in return for the imposition of Project 70 restrictions on certain land being conveyed to the county by the Department of Transportation.

APPROPRIATIONS.

SB 721, PN 865 By Rep. FEESE

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.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 177, PN 2451 (Amended) By Rep. STAIRS

A Resolution establishing a select committee to examine the academic atmosphere and the degree to which faculty have the opportunity to instruct and students have the opportunity to learn in an environment conducive to the pursuit of knowledge and truth at State-related and State-owned colleges and universities and community colleges in this Commonwealth.

EDUCATION.

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

SB 148, PN 1061 By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for continuing professional development and for program of continuing professional education.

EDUCATION.

LEAVES OF ABSENCE CANCELED

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and notices the presence of the gentleman, Mr. Sather, who will be added to the master roll call. Without objection, he will be added.

The Chair recognizes the gentleman, Mr. James, who is present on the floor of the House, and he will be added to the master roll call as well. Without objection, he will be added.

RESOLUTION REPORTED FROM COMMITTEE

HR 391, PN 2437 By Rep. S. SMITH

A Resolution directing the Joint State Government Commission to study the ways in which the Commonwealth's procurement laws may be changed to allow citizens, businesses and public and private universities and colleges to make unsolicited proposals to Commonwealth agencies, boards and commissions.

RULES.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 361, PN 1049 (Amended) By Rep. STAIRS

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

EDUCATION.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Tyler Angle, a member of the New York City Ballet. He will be performing at the Whitaker Center, and he is the nephew of Representative Rick Geist. He is located to the left of the Speaker. Please rise and be recognized.

SUPPLEMENTAL CALENDAR D

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese, for immediate consideration of HB 824. Mr. FEESE. Mr. Speaker, I move that the rules of the House be suspended for immediate consideration of HB 824.

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

The following roll call was recorded:

YEAS-198

- Adolph Fairchild Mackereth Rubley
Allen Feese Maher Ruffing

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

NAYS-0

NOT VOTING-0

EXCUSED-3

- LaGrotta Rieger Schroder

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 824, PN 2405, entitled:

A Supplement to the act of April 1, 1863 (P.L.213, No.227), entitled "An act to accept the grant of Public Lands, by the United States, to the several states, for the endowment of Agricultural Colleges," making appropriations for carrying the same into effect; and providing for a basis for payments of such

appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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—197

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

NAYS—1

Metcalfe

NOT VOTING—0

EXCUSED—3

LaGrotta Rieger Schroder

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

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese.

Mr. FEESE. Mr. Speaker, I move for immediate suspension of the rules for consideration of HB 825.

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

The following roll call was recorded:

YEAS—198

Adolph	Fairchild	Mackereth	Rubley
Allen	Feese	Maher	Ruffing
Argall	Fichter	Maitland	Sainato
Armstrong	Fleagle	Major	Samuelson
Baker	Flick	Manderino	Santoni
Baldwin	Forcier	Mann	Sather
Barrar	Frankel	Markosek	Saylor
Bastian	Freeman	Marsico	Scavello
Bebko-Jones	Gabig	McCall	Semmel
Belardi	Gannon	McGeehan	Shaner
Belfanti	Geist	McGill	Shapiro
Benninghoff	George	McIlhattan	Siptroth
Biancucci	Gerber	McIlhinney	Smith, B.
Birmelin	Gergely	McNaughton	Smith, S. H.
Bishop	Gillespie	Melio	Solobay
Blackwell	Gingrich	Metcalfe	Sonney
Blaum	Godshall	Micozzie	Staback
Boyd	Good	Millard	Stairs
Bunt	Goodman	Miller, R.	Steil
Butkovitz	Grell	Miller, S.	Stern
Buxton	Grucela	Mundy	Stetler
Caltagirone	Gruitza	Mustio	Stevenson, R.
Cappelli	Habay	Myers	Stevenson, T.
Casorio	Haluska	Nailor	Sturla
Causer	Hanna	Nickol	Surra
Cawley	Harhai	O'Brien	Tangretti
Civera	Harhart	Oliver	Taylor, E. Z.
Clymer	Harper	O'Neill	Taylor, J.
Cohen	Harris	Pallone	Thomas
Cornell	Hasay	Payne	Tigue
Corrigan	Hennessey	Petrarca	True
Costa	Herman	Petri	Turzai
Crahalla	Hershey	Petrone	Veon
Creighton	Hess	Phillips	Vitali
Cruz	Hickernell	Pickett	Walko
Curry	Hutchinson	Pistella	Wansacz
Daley	James	Preston	Waters
Dally	Josephs	Pyle	Watson
DeLuca	Kauffman	Quigley	Wheatley
Denlinger	Keller, M.	Ramaley	Williams
Dermody	Keller, W.	Rapp	Wilt
DeWeese	Kenney	Raymond	Wojnaroski
DiGirolamo	Killion	Readshaw	Wright
Diven	Kirkland	Reed	Yewcic

Donatucci	Kotik	Reichley	Youngblood
Eachus	Leach	Roberts	Yudichak
Ellis	Lederer	Roebuck	Zug
Evans, D.	Leh	Rohrer	
Evans, J.	Lescovitz	Rooney	Perzel,
Fabrizio	Levdansky	Ross	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-3

LaGrotta	Rieger	Schroder
----------	--------	----------

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 825, PN 2404**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), entitled "An act providing for the establishment and operation of the University of Pittsburgh as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; providing for public support and capital improvements; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the chancellor to make an annual report of the operations of the University of Pittsburgh," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations, for a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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-195

Adolph	Fairchild	Mackereth	Ruffing
Allen	Feese	Maher	Sainato
Argall	Fichter	Maitland	Samuelson
Armstrong	Fleagle	Major	Santoni
Baker	Flick	Manderino	Sather
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Freeman	Marsico	Semmel
Bebko-Jones	Gabig	McCall	Shaner
Belardi	Gannon	McGeehan	Shapiro
Belfanti	Geist	McGill	Siproth

Benninghoff	George	McIlhattan	Smith, B.
Biancucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay
Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Micozzie	Staback
Blaum	Godshall	Millard	Stairs
Boyd	Good	Miller, R.	Steil
Bunt	Goodman	Miller, S.	Stern
Butkovitz	Grell	Mundy	Stetler
Buxton	Grucela	Mustio	Stevenson, R.
Caltagirone	Gruitza	Myers	Stevenson, T.
Cappelli	Habay	Nailor	Sturla
Casorio	Hanna	Nickol	Surra
Causer	Harhai	O'Brien	Tangretti
Cawley	Harhart	Oliver	Taylor, E. Z.
Civera	Harper	O'Neill	Taylor, J.
Clymer	Harris	Pallone	Thomas
Cohen	Hasay	Payne	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko
Cruz	Hutchinson	Preston	Wansacz
Curry	James	Pyle	Waters
Daley	Josephs	Quigley	Watson
Dally	Kauffman	Ramaley	Wheatley
DeLuca	Keller, M.	Rapp	Williams
Denlinger	Keller, W.	Raymond	Wilt
Dermody	Kenney	Readshaw	Wojnaroski
DeWeese	Killion	Reed	Wright
DiGirolamo	Kirkland	Reichley	Yewcic
Diven	Kotik	Roberts	Youngblood
Donatucci	Leach	Roebuck	Yudichak
Eachus	Lederer	Rohrer	Zug
Ellis	Leh	Rooney	
Evans, D.	Lescovitz	Ross	Perzel,
Evans, J.	Levdansky	Rubleby	Speaker
Fabrizio			

NAYS-3

Haluska	Metcalfe	Petrarca
---------	----------	----------

NOT VOTING-0

EXCUSED-3

LaGrotta	Rieger	Schroder
----------	--------	----------

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

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

RULES SUSPENDED

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

Mr. FEESE. Mr. Speaker, I move for an immediate suspension of the rules for consideration of HB 826.

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

The following roll call was recorded:

YEAS—197

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

NAYS—1

Metcalfe

NOT VOTING—0

EXCUSED—3

LaGrotta Rieger Schroder

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 826, PN 2403**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), entitled "An act providing for the establishment and operation of Temple University as an instrumentality of the Commonwealth to serve as a State-related university in the higher education system of the Commonwealth; providing for change of name; providing for the composition of the board of trustees; terms of trustees, and the power and duties of such trustees; providing for preference to Pennsylvania residents in tuition; providing for public support and capital improvements; authorizing appropriations in amounts to be fixed annually by the General Assembly; providing for the auditing of accounts of expenditures from said appropriations; authorizing the issuance of bonds exempt from taxation within the Commonwealth; requiring the President to make an annual report of the operations of Temple University," making appropriations for carrying the same into effect; providing for a basis for payments of such appropriations; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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	Fairchild	Maher	Ruffing
Allen	Feese	Maitland	Sainato
Argall	Fichter	Major	Samuelson
Armstrong	Fleagle	Manderino	Santoni
Baker	Flick	Mann	Sather
Baldwin	Forcier	Markosek	Saylor
Barrar	Frankel	Marsico	Scavello
Bastian	Freeman	McCall	Semmel
Bebko-Jones	Gabig	McGeehan	Shaner
Belardi	Gannon	McGill	Shapiro
Belfanti	Geist	McIlhattan	Sipiroth
Benninghoff	George	McIlhinney	Smith, B.
Biancucci	Gerber	McNaughton	Smith, S. H.
Birmelin	Gergely	Melio	Solobay
Bishop	Gillespie	Micozzie	Sonney
Blackwell	Gingrich	Millard	Staback
Blaum	Godshall	Miller, R.	Stairs
Boyd	Good	Miller, S.	Steil
Bunt	Goodman	Mundy	Stern
Butkovitz	Grell	Mustio	Stetler
Buxton	Grucela	Myers	Stevenson, R.
Caltagirone	Gruitza	Nailor	Stevenson, T.
Cappelli	Habay	Nickol	Sturla
Casorio	Hanna	O'Brien	Surra
Causer	Harhai	Oliver	Tangretti
Cawley	Harhart	O'Neill	Taylor, E. Z.
Civera	Harper	Pallone	Taylor, J.
Clymer	Harris	Payne	Thomas
Cohen	Hasay	Petrarca	Tigue
Cornell	Hennessey	Petri	True
Corrigan	Herman	Petrone	Turzai
Costa	Hershey	Phillips	Veon
Crahalla	Hess	Pickett	Vitali
Creighton	Hickernell	Pistella	Walko

Cruz	Hutchinson	Preston	Wansacz
Curry	James	Pyle	Waters
Daley	Josephs	Quigley	Watson
Dally	Kauffman	Ramaley	Wheatley
DeLuca	Keller, M.	Rapp	Williams
Denlinger	Keller, W.	Raymond	Wilt
Dermody	Kenney	Readshaw	Wojnaroski
DeWeese	Killion	Reed	Wright
DiGirolamo	Kirkland	Reichley	Yewcic
Diven	Kotik	Roberts	Youngblood
Donatucci	Leach	Roebuck	Yudichak
Eachus	Lederer	Rohrer	Zug
Ellis	Leh	Rooney	
Evans, D.	Lescovitz	Ross	
Evans, J.	Levdansky	Rubley	Perzel,
Fabrizio	Mackereth		Speaker

NAYS-2

Haluska	Metcalf
---------	---------

NOT VOTING-0

EXCUSED-3

LaGrotta	Rieger	Schroder
----------	--------	----------

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

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

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair notes the presence on the floor of the House of the gentleman, Mr. Schroder, and he will be added to the master roll call.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese.

Mr. FEESE. Mr. Speaker, I move for immediate suspension of the rules for consideration of HB 827.

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

The following roll call was recorded:

YEAS-197

Adolph	Fairchild	Mackereth	Sainato
Allen	Feese	Maher	Samuelson
Argall	Fichter	Maitland	Santoni
Armstrong	Fleagle	Major	Sather
Baker	Flick	Manderino	Saylor
Baldwin	Forcier	Mann	Scavello
Barrar	Frankel	Markosek	Schroder
Bastian	Freeman	Marsico	Semmel
Bebko-Jones	Gabig	McCall	Shaner
Belardi	Gannon	McGeehan	Shapiro
Belfanti	Geist	McGill	Siptroth
Benninghoff	George	McIlhattan	Smith, B.
Bianucci	Gerber	McIlhinney	Smith, S. H.
Birmelin	Gergely	McNaughton	Solobay

Bishop	Gillespie	Melio	Sonney
Blackwell	Gingrich	Micozzie	Staback
Blaum	Godshall	Millard	Stairs
Boyd	Good	Miller, R.	Steil
Bunt	Goodman	Miller, S.	Stern
Butkovitz	Grell	Mundy	Stetler
Buxton	Grucela	Mustio	Stevenson, R.
Caltagirone	Gruitza	Myers	Stevenson, T.
Cappelli	Habay	Nailor	Sturla
Casorio	Haluska	O'Brien	Surra
Causer	Hanna	Oliver	Tangretti
Cawley	Harhai	O'Neill	Taylor, E. Z.
Civera	Harhart	Pallone	Taylor, J.
Clymer	Harper	Payne	Thomas
Cohen	Harris	Petrarca	Tigue
Cornell	Hasay	Petri	True
Corrigan	Hennessey	Petrone	Turzai
Costa	Herman	Phillips	Veon
Crahalla	Hershey	Pickett	Vitali
Creighton	Hess	Pistella	Walko
Cruz	Hickernell	Preston	Wansacz
Curry	Hutchinson	Pyle	Waters
Daley	James	Quigley	Watson
Dally	Josephs	Ramaley	Wheatley
DeLuca	Kauffman	Rapp	Williams
Denlinger	Keller, M.	Raymond	Wilt
Dermody	Keller, W.	Readshaw	Wojnaroski
DeWeese	Kenney	Reed	Wright
DiGirolamo	Killion	Reichley	Yewcic
Diven	Kirkland	Roberts	Youngblood
Donatucci	Kotik	Roebuck	Yudichak
Eachus	Leach	Rohrer	Zug
Ellis	Lederer	Rooney	
Evans, D.	Leh	Ross	
Evans, J.	Lescovitz	Rubley	Perzel,
Fabrizio	Levdansky	Ruffing	Speaker

NAYS-2

Metcalf	Nickol
---------	--------

NOT VOTING-0

EXCUSED-2

LaGrotta	Rieger
----------	--------

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 827, PN 2416**, entitled:

A Supplement to the act of July 7, 1972 (P.L.743, No.176), known as the Lincoln University-Commonwealth Act, making an appropriation for carrying the same into effect; providing for a basis for payments of the appropriation; and providing a method of accounting for the funds appropriated and for certain fiscal information disclosure.

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—197

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

NAYS—2

Haluska Metcalfe

NOT VOTING—0

EXCUSED—2

LaGrotta Rieger

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

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

BILL REPORTED AND REREFERRED TO COMMITTEE ON INSURANCE

HB 1591, PN 1997

By Rep. KENNEY

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, extending patient safety standards to certain abortion facilities.

HEALTH AND HUMAN SERVICES.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 157, PN 1048 (Amended)

By Rep. LEH

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; repealing provisions relating to continuation of occupational privilege taxes; and making editorial changes.

FINANCE.

VOTE CORRECTION

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

Mr. HALUSKA. To correct the record, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized and may proceed.

Mr. HALUSKA. On HB 824 I was recorded in the positive and wish to be recorded in the negative.

The SPEAKER pro tempore. The Chair thanks the gentleman, and his remarks will be spread upon the record.

Mr. HALUSKA. Thank you.

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1797, PN 2339**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the Board of Commissioners on Uniform State Laws; and making a related repeal.

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—199

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

NAYS—0

NOT VOTING—0

EXCUSED—2

LaGrotta Rieger

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

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

* * *

The House proceeded to third consideration of **HB 1802, PN 2401**, entitled:

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for procedures for capital budget bill and debt-authorizing legislation and for appropriation for and limitation on redevelopment assistance capital projects.

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Feese.

Mr. FEESE. Mr. Speaker, I request a suspension of the rules for immediate consideration of amendment No. 2590.

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Mackereth	Ruffing
Allen	Feese	Maher	Sainato
Argall	Fichter	Maitland	Samuelson
Armstrong	Fleagle	Major	Santoni
Baker	Flick	Manderino	Sather
Baldwin	Forcier	Mann	Saylor
Barrar	Frankel	Markosek	Scavello
Bastian	Freeman	Marsico	Schroder
Bebko-Jones	Gabig	McCall	Semmel
Belardi	Gannon	McGeehan	Shaner
Belfanti	Geist	McGill	Shapiro
Benninghoff	George	McIlhattan	Siptroth
Biancucci	Gerber	McIlhinney	Smith, B.
Birmelin	Gergely	McNaughton	Smith, S. H.
Bishop	Gillespie	Melio	Solobay
Blackwell	Gingrich	Micozzie	Sonney
Blaum	Godshall	Millard	Staback
Boyd	Good	Miller, R.	Stairs
Bunt	Goodman	Miller, S.	Steil
Butkovitz	Grell	Mundy	Stern
Buxton	Grucela	Mustio	Stetler
Caltagirone	Gruitza	Myers	Stevenson, R.
Cappelli	Habay	Nailor	Stevenson, T.
Casorio	Haluska	Nickol	Sturla
Causer	Hanna	O'Brien	Surra
Cawley	Harhai	Oliver	Tangretti
Civera	Harhart	O'Neill	Taylor, E. Z.
Clymer	Harper	Pallone	Taylor, J.
Cohen	Harris	Payne	Thomas
Cornell	Hasay	Petrarca	Tigue
Corrigan	Hennessey	Petri	True
Costa	Herman	Petrone	Veon
Crahalla	Hershey	Phillips	Vitali
Creighton	Hess	Pickett	Walko
Cruz	Hickernell	Pistella	Wansacz
Curry	James	Preston	Waters
Daley	Josephs	Pyle	Watson
Dally	Kauffman	Quigley	Wheatley
DeLuca	Keller, M.	Ramaley	Williams
Denlinger	Keller, W.	Raymond	Wilt
Dermody	Kenney	Readshaw	Wojnaroski
DeWeese	Killion	Reed	Wright
DiGirolamo	Kirkland	Reichley	Yewcic

Diven	Kotik	Roberts	Youngblood
Donatucci	Leach	Roebuck	Yudichak
Eachus	Lederer	Rohrer	Zug
Ellis	Leh	Rooney	
Evans, D.	Lescovitz	Ross	Perzel,
Evans, J.	Levdansky	Rubley	Speaker
Fabrizio			

NAYS—4

Hutchinson	Metcalf	Rapp	Turzai
------------	---------	------	--------

NOT VOTING—0

EXCUSED—2

LaGrotta	Rieger
----------	--------

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. **FEESE** offered the following amendment No. **A02590**:

Amend Sec. 1 (Sec. 303), page 2, lines 1 through 4, by striking out all of said lines and inserting projects to be financed from the proceeds of obligations of the Commonwealth, [except where such itemization is]

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

The **SPEAKER pro tempore**. The Chair recognizes the gentleman, Mr. Feese, who asks for immediate consideration.

On that amendment, the gentleman, Mr. Vitali, is recognized.

Mr. **VITALI**. Could we have a brief explanation of that amendment, Mr. Speaker?

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

Mr. **FEESE**. Thank you, Mr. Speaker.

In response to the gentleman's question, it deletes basically all of the language except the language which increases the debt limit. That change is at the request of the administration.

**THE SPEAKER PRO TEMPORE
(JERRY BIRMELIN) PRESIDING**

The **SPEAKER pro tempore**. The question recurs, will the House agree to the amendment?

On that question, those in favor of the amendment will vote "aye"; those—

The Chair rescinds that statement and notices that Mr. Metcalfe is seeking recognition.

Mr. Metcalfe, do you wish to speak on this amendment?

Mr. **METCALFE**. If I might ask the sponsor a quick question?

The **SPEAKER pro tempore**. The gentleman, Mr. Feese, indicates he is willing to stand for interrogation, and you may begin.

Mr. **METCALFE**. Mr. Speaker, the bill before us, the capital bill that we have before us, with the change to this bill, is going to increase the debt ceiling by half a billion dollars. Is that correct?

Mr. **FEESE**. Mr. Speaker, in response to the gentleman's question, that is correct as it relates to redevelopment assistance projects.

Mr. **METCALFE**. Could you tell me, do you know what the current debt load is that we carry as a State?

Mr. **FEESE**. The total debt load for which the Commonwealth has pledged its full faith and credit to support and the debt load which it may have a moral obligation for differ. I have both of those figures in my office, but I do not have those here with me.

Mr. **METCALFE**. What we might be potentially considering in the future and might not be an appropriate question, but as far as the Growing Greener aspect and that debt, that would not be covered by this increase of debt, this \$500 million at all? This would be for capital projects. Is that correct?

Mr. **FEESE**. That is correct. If we consider or if we authorize the incurring of the Growing Greener debt, it would be an additional debt beyond what we are talking about here in HB 1802, Mr. Speaker.

Mr. **METCALFE**. Thank you, Mr. Speaker.
Is it appropriate to make a brief comment?

The **SPEAKER pro tempore**. The gentleman is in order.
Just hold on for a second, please, to get a little order here.

Mr. **METCALFE**. Can I have the attention of the House?

The **SPEAKER pro tempore**. The members are asked to please take their seats; tone down the conversations. It may have taken us a little while to get rolling today, but we are rolling, and we would appreciate your cooperation in that matter by keeping your conversations down to a minimum.

The gentleman, Mr. Metcalfe, is in order and may make comments on the amendment.

Mr. **METCALFE**. Thank you, Mr. Speaker.

Just a brief comment. I just wanted to bring the attention of the members that might not catch it as we are flying through some of these bills, that this bill is actually going to increase the ability of the Commonwealth to carry another additional half a billion dollars of debt, and for those of us that believe that government should spend less and government should not increase the debt and expect our children and grandchildren to pay that debt off, continue it down the road, I just want to bring it to everyone's attention that this bill is increasing our debt load once again – thank you – or will have the potential to.

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

The following roll call was recorded:

YEAS—175

Adolph	Feese	Maitland	Samuelson
Allen	Fichter	Major	Santoni
Argall	Fleagle	Manderino	Sather
Baker	Flick	Mann	Saylor
Baldwin	Frankel	Markosek	Scavello
Barrar	Freeman	Marsico	Schroder
Bebko-Jones	Gannon	McCall	Semmel
Belardi	Geist	McGeehan	Shaner
Belfanti	George	McGill	Shapiro
Benninghoff	Gerber	McIlhinney	Siproth

Biancucci	Gergely	McNaughton	Smith, B.
Birmelin	Gingrich	Melio	Smith, S. H.
Bishop	Godshall	Micozzie	Solobay
Blackwell	Good	Millard	Staback
Blaum	Goodman	Miller, R.	Stairs
Bunt	Grucela	Mundy	Steil
Butkovitz	Gruitza	Mustio	Stern
Buxton	Habay	Myers	Stetler
Caltagirone	Haluska	Nailor	Stevenson, T.
Cappelli	Hanna	O'Brien	Sturla
Casorio	Harhai	Oliver	Surra
Causer	Harhart	O'Neill	Tangretti
Cawley	Harper	Pallone	Taylor, E. Z.
Civera	Harris	Payne	Taylor, J.
Clymer	Hasay	Petrarca	Thomas
Cohen	Hennessey	Petri	Tigue
Cornell	Herman	Petrone	True
Corrigan	Hershey	Phillips	Veon
Costa	Hess	Pickett	Vitali
Crahalla	Hickernell	Pistella	Walko
Cruz	James	Preston	Wansacz
Curry	Josephs	Quigley	Waters
Daley	Keller, W.	Ramaley	Watson
Dally	Kenney	Raymond	Wheatley
DeLuca	Killion	Readshaw	Williams
Dermody	Kirkland	Reed	Wojnaroski
DeWeese	Kotik	Reichley	Wright
DiGirolamo	Leach	Roberts	Yewcic
Diven	Lederer	Roebuck	Youngblood
Donatucci	Leh	Rooney	Yudichak
Eachus	Lescovitz	Ross	Zug
Evans, D.	Levdansky	Rubley	
Evans, J.	Mackereth	Ruffing	Perzel,
Fabrizio	Maher	Sainato	Speaker
Fairchild			

NAYS—24

Armstrong	Forcier	Keller, M.	Rapp
Bastian	Gabig	McIlhattan	Rohrer
Boyd	Gillespie	Metcalfe	Sonney
Creighton	Grell	Miller, S.	Stevenson, R.
Denlinger	Hutchinson	Nickol	Turzai
Ellis	Kauffman	Pyle	Wilt

NOT VOTING—0

EXCUSED—2

LaGrotta	Rieger
----------	--------

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—178

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

NAYS—21

Armstrong	Gabig	McIlhattan	Rohrer
Creighton	Grell	Metcalfe	Sonney
Denlinger	Hutchinson	Miller, S.	Stevenson, R.
Ellis	Kauffman	Pyle	Turzai
Feese	Keller, M.	Rapp	Wilt
Forcier			

NOT VOTING—0

EXCUSED—2

LaGrotta	Rieger
----------	--------

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

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

BILLS REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 157 and SB 361 be taken off the table.

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

BILLS RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 157 and SB 361 be recommitted to the Appropriations Committee.

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

LEAVE OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Blaum, for an announcement.

Mr. BLAUM. Thank you, Mr. Speaker.

Just to ask that the gentleman, Mr. WHEATLEY, be put on leave for the rest of the day.

The SPEAKER pro tempore. Without objection, the leave is granted.

The Chair thanks the gentleman.

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Gabig. Why does the gentleman rise?

Mr. GABIG. Yes, Mr. Speaker.

Final passage, I think it was 1802, the debt ceiling, I was recorded in the “no,” and I wanted to be recorded in the “yes” on the final passage.

The SPEAKER pro tempore. The gentleman’s remarks will be spread upon the record.

Mr. GABIG. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

STATEMENT BY MR. PALLONE

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Pallone. For what purpose does the gentleman rise?

Mr. PALLONE. Unanimous consent, Mr. Speaker.

The SPEAKER pro tempore. Well, we will give it a try. Go ahead.

Mr. PALLONE. Thank you, Mr. Speaker.

As we join here in this House to continue the people’s business, this weekend with the Fourth of July, we will be honoring a lot of volunteers in our military services and honoring those families and the volunteers who are serving

abroad as well as domestically to protect the freedoms that we have. We want to congratulate all those young men and young women who provide those freedoms to us.

I also want to thank another group of volunteers in Pennsylvania that we have that serve our communities tirelessly.

On Monday back in my district office, the neighborhood or community that my district office is in caught on fire. There were three buildings that were severely damaged, and the volunteer fire departments in the local area responded promptly, saved those buildings from total loss, and protected my district office from any loss. And I want to thank the volunteer fire departments in the Alle-Kiski Valley in the northern part of Westmoreland County for providing that service to our communities and for saving those buildings.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and notes that the rest of the membership of the House would certainly agree with those comments. Well done, Mr. Pallone.

SUNSHINE NOTICE

The SPEAKER pro tempore. The clerk of the House will read the sunshine notice for the session of the House tomorrow.

The following communication was read:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

NOTICE
SESSION TIME
HOUSE OF REPRESENTATIVES

Notice is hereby given, in accordance with the Act of October 15, 1998, P.L. 729, Number 93, that the House of Representatives will convene in open session in the Hall of the House on the following dates:

2005 Session
Friday, July 1
Saturday, July 2
Sunday, July 3

Ted Mazia
Chief Clerk
June 30, 2005

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today’s calendar will be passed over. The Chair hears no objection.

RECESS

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Shapiro, from Montgomery County.

Mr. SHAPIRO. Mr. Speaker, I move that this House do now recess until Friday, July 1, 2005, at 3:55 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 3:54 p.m., e.d.t., Friday, July 1,
2005, the House recessed.