

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, JUNE 26, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 57

HOUSE OF REPRESENTATIVES

The House convened at 9 a.m., e.d.t.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

HON. GORDON R. DENLINGER, member of the House of Representatives, offered the following prayer:

Please join me in prayer.

Father in heaven, as we begin today, we pause to thank You and to praise Your name as the giver of every good and perfect gift. We thank You, Father, for this new day that You have created with all of its beauty, with its splendor, and with all of the promise that it holds, and we thank You for allowing each of us, members and staff, the opportunity to work in this House of Representatives. For these things we praise Your name.

Father, as we look forward to what will, in all likelihood, be a long day of deliberations, a day in which strongly held passions will come forward on issues of importance to the citizens of this land, we pray that You would grant us all a measure of Your wisdom. And, Father, as the hours grow long, we also pray for the spirit of graciousness in our speech and honor in our conduct would prevail in our midst, for we are, Father, called to lead, and leadership is most often demonstrated by example.

Finally, we do bring before Your throne those in this Capitol, House and Senate members and staff, who are troubled today by personal or family illness, family conflict, or other problems that face us in this life. We pray that You, through the work of Your spirit, would comfort them and lead them to Your grace, for in You alone, Father, do we find peace, the kind of peace that passes all understanding.

Father, though we sometimes grow faint of spirit, we submit these, our prayers, to You, believing that You continue to work out Your sovereign plan in our lives and in the affairs of this Commonwealth. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, June 25, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority leader, who indicates there are no requests for today.

Turning to the minority leader, the gentleman requests leaves for the day for Representative TRUE from Lancaster County, Representative RUBLEY from Chester County, Representative SCHRODER from Chester County. Without objection, these Representatives will be placed on leave.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—199

Adolph	Gabig	Mantz	Rock
Argall	Galloway	Markosek	Roebuck
Baker	Geist	Marshall	Rohrer
Barrar	George	Marsico	Ross
Bastian	Gerber	McCall	Sabatina
Bear	Gergely	McGeehan	Sainato
Belfanti	Gibbons	McI. Smith	Samuelson
Benninghoff	Gillespie	McIlhattan	Santoni
Bennington	Gingrich	Melio	Saylor
Beyer	Godshall	Mensch	Scavello
Bianucci	Goodman	Metcalfe	Seip
Bishop	Grell	Micozzie	Shapiro
Blackwell	Grucela	Millard	Shimkus
Boback	Haluska	Miller	Siproth
Boyd	Hanna	Milne	Smith, K.
Brennan	Harhai	Moul	Smith, M.
Brooks	Harhart	Moyer	Smith, S.
Buxton	Harkins	Mundy	Solobay
Caltagirone	Harper	Murt	Sonney
Carroll	Harris	Mustio	Staback
Casorio	Helm	Myers	Stairs
Causer	Hennessey	Nailor	Steil
Civera	Hershey	Nickol	Stern
Clymer	Hess	O'Brien, M.	Stevenson
Cohen	Hickernell	O'Neill	Sturla
Conklin	Hornaman	Oliver	Surra
Costa	Hutchinson	Pallone	Swanger
Cox	James	Parker	Tangretti
Creighton	Josephs	Pashinski	Taylor, J.

Cruz	Kauffman	Payne	Taylor, R.
Curry	Keller, M.	Payton	Thomas
Cutler	Keller, W.	Peifer	Turzai
Daley	Kenney	Perry	Vereb
Dally	Kessler	Perzel	Vitali
DeLuca	Killion	Petrarca	Vulakovich
Denlinger	King	Petri	Wagner
DePasquale	Kirkland	Petrone	Walko
Dermody	Kortz	Phillips	Wansacz
DeWeese	Kotik	Pickett	Waters
DiGirolamo	Kula	Preston	Watson
Donatucci	Leach	Pyle	Wheatley
Eachus	Lentz	Quigley	White
Ellis	Levdansky	Quinn	Williams
Evans, D.	Longietti	Ramaley	Wojnarowski
Evans, J.	Mackereth	Rapp	Yewcic
Everett	Maher	Raymond	Youngblood
Fabrizio	Mahoney	Readshaw	Yudichak
Fairchild	Major	Reed	
Fleck	Manderino	Reichley	O'Brien, D.,
Frankel	Mann	Roae	Speaker
Freeman			

ADDITIONS—1

Cappelli

NOT VOTING—0

EXCUSED—3

Rubley Schroder True

LEAVES ADDED—3

Maher Smith, M. Stairs

LEAVES CANCELED—4

Maher Schroder Stairs True

The SPEAKER. A quorum being present, the House will proceed to conduct business.

PARLIAMENTARY INQUIRY

The SPEAKER. For what purpose does the gentleman, Representative Shapiro, rise?

Mr. SHAPIRO. Mr. Speaker, I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. SHAPIRO. Mr. Speaker, I would ask just for the attention of the members. I think members would—

The SPEAKER. The members that are on the floor, will they please take their seats.

Mr. SHAPIRO. Mr. Speaker, a parliamentary inquiry.

Last night as we concluded our session, there were some questions, perhaps some confusion, on the part of some members as to how the process concluded, and, Mr. Speaker, I was wondering if at this time it would be in order to state my inquiry as to that process.

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

Mr. SHAPIRO. Mr. Speaker, we reached a vote last night on what has, I guess, become known as the McCall amendment on transportation. The Speaker had announced that the vote had been closed, and I suppose my question is really threefold – was

the question closed? had a vote been recorded? – and then the Speaker had stricken the vote at the end. If the Speaker could just explain that process for the benefit of myself and the other members so that we know where we stand as it relates to that initial vote taken.

The SPEAKER. The Chair thanks the gentleman.

The Chair appreciates the opportunity to clarify the events of last evening.

The electronic roll-call process is governed, as the members know, by rule 66 of the House rules. This rule provides that after the Speaker sees that all members have voted on a question, he shall lock the voting machine and direct the clerk to record the vote and announce the result of the vote. At the conclusion of what was a lengthy debate last night, the Chair proceeded to a vote by the House on the amendment offered by the majority whip, Mr. McCall. After seeing that all members present had voted, the Chair then directed the clerk to record the vote. At that time the electronic roll-call board reflected a vote of 102 to 100. Before the vote was actually recorded by the clerk, the roll-call board changed to reflect the count of 101-101. The gentleman from Bucks County, Mr. King, immediately stood and was recognized by the Chair. He stated that a mechanical malfunction had erroneously changed his vote from "aye" to "no." The Chair took the gentleman at his word. Given the results had not been duly announced, the Chair decided to strike the vote.

The second issue was, the second issue was that several members at that point challenged the Chair for recognition. Under our House rules, members may speak only after being recognized by the Chair. Rule 10 provides that members seeking recognition to address the House shall rise and respectfully address the Chair. When two or more members rise at the same time and ask for recognition, the Speaker shall designate the member to be entitled to the floor. After the Chair struck the vote on the McCall amendment, several members rose to be recognized, including the majority leader, Representative DeWeese, and the Chair did recognize Mr. DeWeese, who moved the previous question on the adoption of the McCall amendment.

Rule 61 of the House rules provides as follows: "A motion for the previous question, seconded by 20 members and sustained by a majority of the members present, shall put an end to all debate and bring the House to an immediate vote on the question then pending...." At least 20 members immediately stood and seconded Mr. DeWeese's motion. This motion is not debatable and requires an immediate vote, and thus the Chair proceeded to an immediate vote without recognizing any other members. The motion was sustained by a majority of the members present, and the Chair proceeded to an immediate vote on the previous question, that being whether the House would adopt the McCall amendment.

There is one other issue that is pending before the House in reference to last night's proceedings, and that is that the printout on the roll-call vote finally adopting the McCall amendment shows a voting time of 11:05. The Chair is confident that the House concluded its business last night before 11 p.m., as reflected by the clock that hangs below the gallery in the House chamber. In order to ensure public transparency, our new House rules resurrected an old rule that some veterans, such as myself, can remember. Rule 15 provides that legislative business should end before 11 p.m. to prevent such business from occurring in the dark of night. Just in the past week the Chair indicated to the

membership that it would be guided by the House clock when adjourning under rule 15. Members are reminded that this rule should be used as a shield, not a sword. In order to promote the integrity of the House procedures that rely on time, I have instructed the clerk to ensure that the Clerk's Office computer systems and time stamps as well as the House clock be checked and updated for accuracy on a regular basis.

The Chair recognizes Representative Shapiro.

Mr. SHAPIRO. Thank you, Mr. Speaker.

So in response to my inquiry, I understand from the Chair that initially there was no recorded vote; that in the ensuing time when the majority leader sought recognition, he was given the floor, given his prerogative as majority leader. He called the previous question, which brought up an immediate vote on the McCall amendment, and we know what the result of the McCall amendment was. And then the timing issue I believe you have just addressed. We are going to go by the clock on the wall, as the Chair has previously stated, and that any time that appeared post 11 p.m. was a technical issue related to the computers. Is that an accurate summary, Mr. Speaker?

The SPEAKER. The gentleman is accurate in his statement.

Mr. SHAPIRO. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

POINT OF ORDER

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. The Chair recognizes the minority leader.

Mr. S. SMITH. A point of order, Mr. Speaker, then as a follow-up to the previous questions.

The SPEAKER. The gentleman will state his point of order.

Mr. S. SMITH. I appreciate the orchestrated response. My question would be – and I really was not going to raise this – but at one point after the board was open, the vote showed you called, have the members voted, have the members voted? You did it three times and then did not announce the outcome of that vote that ended up 101-101, and the ensuing debate incurred about whether or not that was an actual vote or a nonvote. I distinctly remember being told that you had a reconsideration motion before you. If in fact that was no vote, then why would we have been told there was a reconsideration motion of something – of a vote that did not take place?

The SPEAKER. The reconsideration motion was filed, but the Chair decided that it was not appropriate to take since there was not a recorded vote.

Mr. S. SMITH. May I obtain a copy of that reconsideration motion, Mr. Speaker?

The SPEAKER. Yes. I believe I still have it.

Mr. S. SMITH. I guess, Mr. Speaker, then the reconsideration motion was filed before the vote was actually taken, not that I might not consider that on some days, too.

The SPEAKER. No, it was not.

Mr. King indicated that he was immediately going to file one and then subsequently sent it up to the rostrum.

Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, a question regarding the clocks and the time for the chamber.

The SPEAKER. The Chair is grateful to the gentleman for bringing that issue to the Chair's attention last week.

The gentleman is in order.

Mr. METCALFE. The clock on the wall currently reads about 9:17. The clocks on the computer read 9:24, and my cell phone time reads 9:19, and many of our cell phones reflecting the same time based on the way the times are set in the cell phone technology.

Would it be possible to have our personnel find out what is going on with the times on the computers to make sure they are set with the same time as the clock and that the clock actually reflects east coast time to the minute?

The SPEAKER. The Chair is genuine in expressing his appreciation to the gentleman for raising that very question last week.

The time on the computer can be manipulated by the Clerk. It has not been to date. We have instructed the Chief Clerk, as of the close of business last evening, to make sure that those clocks are synchronized so that we are in tandem, but the House will instruct the members that the clock that will govern the operation of this House is that clock, as it is the one that the Speaker is viewing and the members are viewing for consistency.

Mr. METCALFE. I appreciate that, Mr. Speaker, that that would be the clock that would govern the operations here of the House and would hope that through that effort to synchronize the clocks, that the—

Mr. S. SMITH. Would the gentleman be willing to yield just a second?

Mr. METCALFE. Certainly.

Mr. S. SMITH. Mr. Speaker, I would agree with what you have said about the clock. We noticed that last week one day that the two clocks, the one that is electronic on the vote and that clock, are not accurate. It was discussed and I would say that it is a little inconvenient that they are not synchronized, but that clock is the clock that counts, and I would agree that we had discussed this last week and we have no problem on clocks.

The SPEAKER. The Chair thanks the minority leader.

Mr. METCALFE. Thank you, Mr. Speaker.

I just had yielded for a moment.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

I do not have any opposition to that clock governing the operation. I think that is proper and common sense, I am sure, based on the tradition of the House also. I just want to make sure that when we do get a roll-call vote, that the time reflected on the roll-call vote as generated by the computer system is going to match the official time that the Speaker was going according to and that the official time that is set on the clock on the wall actually is to the minute, to the second aligned with east coast time.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

MEMBER'S PRESENCE RECORDED

The SPEAKER. The Chair acknowledges the presence of Representative Cappelli on the floor. His name will be added to the master roll.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 352 By Representatives MARKOSEK, GEIST, BRENNAN, CARROLL, CLYMER, JOSEPHS, PETRONE, PHILLIPS, SANTONI, SAYLOR, SOLOBAY, WALKO, YUDICHAK, CURRY and DENLINGER

A Resolution directing the Legislative Budget and Finance Committee to study alternatives to the liquid fuels tax for purposes of funding the Commonwealth's transportation infrastructure and to report its findings to the General Assembly.

Referred to Committee on TRANSPORTATION, June 26, 2007.

No. 353 By Representatives MARKOSEK, GEIST, BRENNAN, BUXTON, KIRKLAND, LENTZ, MUSTIO, PETRONE, SOLOBAY, WALKO, JOSEPHS and CURRY

A Resolution directing the Legislative Budget and Finance Committee to study the feasibility and cost-effectiveness of placing transit agency employees under the Commonwealth's jurisdiction for the purposes of providing health benefits and pension benefits and to make a report.

Referred to Committee on TRANSPORTATION, June 26, 2007.

SENATE BILL FOR CONCURRENCE

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

SB 961, PN 1168

Referred to Committee on FINANCE, June 26, 2007.

GUESTS INTRODUCED

The SPEAKER. Representative Caltagirone has three guest pages with him today.

Emily Pavlakovich, 13, will start the eighth grade at Good Hope Middle School in the Cumberland Valley School District this fall where Emily is an honor roll student. She plays first base in the Cumberland Valley School District Softball League, and her team is playing in the playoffs. Emily also plays basketball for Good Hope Middle School. Emily's grandfather is Bill Andring, who is Representative Caltagirone's chief counsel for the Judiciary Committee.

Robert Wilday, 14, is going into the ninth grade this fall at Carlisle High School. Robert is an honor student as well. He plays in the Carlisle Basketball League. Their team is currently number one in the league. He also enjoys golf and baseball.

Kristina Wilday, 16, is going into 10th grade at Carlisle High School. She is an artist and loves to draw. She is a soprano in the Carlisle Show Choir and the Belconto Choir. Kristina also plays soccer. Kristina is hoping to get her driver's license soon, much to her father's chagrin.

Both Kristina and Robert are actively involved with the Carlisle Theater. Robert recently performed as the prince in the production of "The Little Mermaid." Kristina and Robert performed in the Carlisle Follies where they performed

beautiful renditions from "Oliver Twist" and "The Sound of Music." Please join the Chair in welcoming the guests of Representative Caltagirone to the House.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1590, PN 1971**, entitled:

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for public transportation assistance and taxation and for income based on use of Commonwealth highways.

On the question recurring,

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

Mr. **REICHLEY** offered the following amendment No. **A02076**:

Amend Title, page 1, line 5, by removing the period after "highways" and inserting
; repealing provisions relating to public transportation assistance; providing for transportation issues and for sustainable mobility options; consolidating the Turnpike Organization, Extension and Toll Road Conversion Act and further providing for the Pennsylvania Turnpike Commission; in provisions on the Pennsylvania Turnpike, further providing for definitions, for authorizations and for conversion to toll roads and providing for conversion of Interstate 80 and Interstate 95, for application and for lease of Interstate 80 and other interstates; in taxes for highway maintenance and construction, providing for definitions; further providing for imposition and for allocation of proceeds; providing for special revenue bonds, for expenses, for application of proceeds of obligations, for trust indenture, for exemption, for pledged revenues, for special revenue refunding bonds, for remedies, for Motor License Fund proceeds, for construction and for funding; providing for regional intermodal transit authority study commissions; and making related repeals.

Amend Sec. 2, page 68, line 26, by striking out "a chapter" and inserting

chapters

Amend Sec. 2 (Chapter Heading), page 68, line 28, by striking out all of said line and inserting

TRANSPORTATION ISSUES

Amend Bill, page 69, by inserting between lines 9 and 10

CHAPTER 15

SUSTAINABLE MOBILITY OPTIONS

Sec.

1501. Scope of chapter.

1502. (Reserved).

1503. Definitions.

1504. Program authorization.

1505. Regulations.

1506. Fund.

1507. Application and approval process.

1508. Federal funding.

1509. Limitation on decisions, findings and regulations of department.

1510. Program oversight and administration.

1511. Report to Governor and General Assembly.

1512. Coordination.

1513. Operating programs.

1514. Asset improvement program.

1515. New initiatives program.

1516. Programs of Statewide significance.

1517. Program oversight and administration.

1518. Retroactive authority.

1519. Supplemental revenues to Public Transportation Trust Fund.
 § 1501. Scope of chapter.

This chapter relates to sustainable mobility options.

§ 1502. (Reserved).

§ 1503. Definitions.

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

"Access to jobs project." A project relating to the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment as defined under 49 U.S.C. § 5316 (relating to job access and reverse commute formula grants).

"Americans with Disabilities Act." The Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

"Asset maintenance costs." All vehicle maintenance expenses, nonvehicle maintenance and materials expenses and the cost of supplies used in the operation of local transportation organizations and transportation companies.

"Award recipient." A recipient of financial assistance under this chapter.

"Capital expenditures." All costs of capital projects, including, but not limited to, the costs of acquisition, construction, installation, start-up of operations, improvements and all work and materials incident thereto.

"Capital project."

(1) A system of public passenger transportation, including rail transportation facilities used for public passenger transportation, which facilities may include the following:

(i) railway, street railway, subway, elevated and monorail passenger or passenger and rail rolling stock, including self-propelled and gallery cars, locomotives, passenger buses and wires, poles and equipment for the electrification of any of such rails, tracks and roadbeds, guideways, elevated structures, buildings, stations, terminals, docks, shelters and parking areas for use in connection with the rail transportation systems, interconnecting lines and tunnels to provide passenger or passenger and rail service connections between transportation systems, transportation routes, corridors and rights-of-way therefor, but not for public highways;

(ii) signal and communication systems necessary or desirable for the construction, operation or improvement of a public passenger system; or

(iii) any improvement or overhaul of any vehicle equipment or furnishings of any of the items specified under subparagraphs (i) and (ii) or any part or fractional and undivided co-ownership or leasehold interest in any one or combination of any of the items specified under subparagraphs (i) and (ii) that may be designated as a capital project by the Secretary of Transportation award recipient.

(2) The term shall include the acquisition of land necessary for the construction of a new project and debt service and the cost of issuance of bond notes and other evidences of indebtedness which a local transportation organization or transportation company is permitted to issue under any law of this Commonwealth.

"Commonwealth capital bonds." Evidence of debt incurred by the Commonwealth under the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act.

"Community transportation service" or "shared ride service." Door-to-door demand transportation that is available to the general public on a nonexclusive basis, operates on a nonfixed route basis and charges a fare to all riders. The term does not include exclusive ride taxi service, charter and sightseeing service, nonpublic transportation, school bus and limousine service.

"Community transportation system." An entity that provides community transportation service and contracts with the Department of Transportation to an award recipient to receive revenue replacement funds.

"Department." The Department of Transportation of the Commonwealth.

"Financial assistance." Grants or other types of financial support provided by the Department of Transportation to an award recipient under this chapter.

"Fixed guideway system." A fixed-route public transportation service that uses and occupies a separate right-of-way or rail line for the exclusive use of public transportation and other high occupancy vehicles or uses a fixed catenary system and a right-of-way usable by other forms of transportation. The term includes paired rail, light rail, commuter rail, automated guideway transit, people movers, ferry boat service and fixed guideway facilities for buses such as bus rapid transit and high occupancy vehicles.

"Fixed-route public transportation service." Regularly scheduled general public transportation that is provided according to published schedules along designated routes, but that allows for route deviation within the published schedule, with specified stopping points for the taking on and discharging of passengers, including public bus and commuter rail systems and other department-approved service. The term does not include exclusive ride taxi service, charter or sightseeing service, nonpublic transportation, school bus and limousine service.

"Fund." The Public Transportation Trust Fund established under section 1506 (relating to Public Transportation Trust Fund).

"Inflation index." The percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent ended calendar year for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics.

"Intercity bus service." Passenger bus service of 35 miles or more in length that is provided with an over the road bus and operated between two noncontiguous urbanized areas, between an urbanized area located in one county and rural communities located in another county or between rural communities located in different counties and contains all of the following elements:

(1) Service that is operated for a fare on a regularly scheduled fixed-route basis.

(2) Service that is offered to and utilized by the general public without preconditions of advance reservation or membership in a particular organization.

"Intercity passenger rail service." Passenger railroad service that connects two or more urbanized areas and is determined by the Department of Transportation to qualify as intercity service rather than commuter rail service.

"Jobs access/reverse commute project." A project funded by the Federal Transit Administration under Federal law.

"Local transportation organization." Any of the following:

(1) A political subdivision or a public transportation port or redevelopment authority organized under the laws of this Commonwealth or pursuant to an interstate compact or otherwise empowered to render, contract for the rendering or assist in the rendering of transportation service in a limited area in this Commonwealth, even though it may also render or assist in rendering transportation service in adjacent states.

(2) A nonprofit association that directly or indirectly provides public transportation service.

(3) A nonprofit association of public transportation providers operating within this Commonwealth.

"Materials and supplies." Those categories of expenses as specified in Uniform System of Accounts expense object class 504, National Transit Database operating expenses form F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Municipality." A city, borough, incorporated town or township.

"New fixed guideway system." A newly constructed fixed guideway system in a corridor or alignment where no such system previously existed.

"New freedom program." A public transportation program designed to provide funds to recipients for new public transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services administered under the provisions of 49 U.S.C. § 5317 (relating to new freedom program.)

"New start." The term shall have the same meaning given it in 49 CFR § 611.5 (relating to definitions).

"Nonurbanized area." An area within this Commonwealth that does not fall within an area classified as "urbanized" by the United States Bureau of the Census of the United States Department of Commerce in the most recent Census of Population.

"Nonvehicle maintenance expenses." The categories of costs associated with the inspection, maintenance and repair of assets, other than vehicles, as specified in Uniform System of Accounts, expense function 042, National Transit Database operating expenses form, F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Operating expenses." Total expenses required to continue service to the public and to permit needed improvements in service which are not self-supporting and otherwise for any purpose in furtherance of public passenger transportation, including all State asset maintenance costs. The term does not include expenditures for capital projects unless specific approval is provided by the Department of Transportation award recipient.

"Operating revenue." The total revenue earned by a local transportation organization or a transportation company through its transit operations. The term includes all of the following:

- (1) Passenger fares.
- (2) Reimbursements provided in lieu of fares for senior passengers.
- (3) Charter, school bus and advertising revenue.
- (4) Other miscellaneous revenue such as public and private route guarantee funds.

"Paratransit service." Transit service operating on a nonfixed-route basis in order to provide complementary transportation service to persons who are functionally unable to use fixed-route transportation, as required by the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

"Passengers." The total of all originating passengers plus transfer passengers carried on fixed-route service and paratransit service.

"Public passenger transportation." Transportation within an area that includes a municipality or other built-up place that is appropriate in the judgment of the Department of Transportation award recipient for a common carrier transportation system to serve commuters or others in the locality, taking into consideration the local patterns and trends of growth by bus or rail or other conveyance, either publicly or privately owned, serving the general public. The term does not include school buses, charter or sightseeing services.

"Revenue replacement funds." Payments made to local transportation organizations and transportation companies to offset or partially offset discounted fares.

"Revenue vehicle hours." The total amount of time calculated in hours during which vehicles are in service and available for public use in fixed-route service or paratransit service. The term does not include revenue hours provided for fixed route service deadhead hours.

"Revenue vehicle miles." The total amount of distance calculated in miles during which vehicles are in service and available for public use in fixed-route service or paratransit service. The term does not include revenue vehicle miles provided for fixed-route service deadhead miles.

"Reverse commute project." A public transportation project designed to transport residents of urbanized and nonurbanized areas to

suburban employment opportunities as defined under 49 U.S.C. § 5316 (relating to job access and reverse commute formula grants).

"Secretary." The Secretary of Transportation of the Commonwealth.

"Senior citizen." A person who is at least 65 years of age.

"Senior passenger." A senior citizen who rides on fixed route service.

"Tax Reform Code." The act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Transportation company." A person that renders public passenger transportation service.

"Urbanized area." A portion of this Commonwealth classified as urbanized by the United States Bureau of the Census of the United States Department of Commerce in the most recent Census of Population.

"Vehicle maintenance expenses." The categories of costs associated with the inspection, maintenance and repair of vehicles as specified in Uniform System of Accounts, expense function 041, National Transit Database operating expenses form F 30, National Transit Database, Final Rule, Federal Transit Administration, dated January 15, 1993, or any successor.

"Welfare-to-work." Any Federal or State program designed to move individuals from dependency on public welfare programs to self-sufficiency through paid work. Programs may include those that provide support for transportation to work and those that provide funds to local transportation organizations to provide services.

§ 1504. Program authorization.

(a) General.—The department may, within the limitations provided in this chapter, incur costs directly or otherwise provide financial assistance for the purposes and activities enumerated in this chapter.

(b) Supplementation of Federal and local funds.—The authority conferred on the department by this section includes, but is not limited to, providing financial assistance for public passenger transportation purposes and to supplement Federal funding, local funding, or both.

§ 1505. Regulations.

(a) General rule.—To effectuate and enforce the provisions of this chapter, the department shall promulgate necessary rules and regulations and prescribe conditions and procedures in order to assure compliance in carrying out the purposes for which grants may be made under this chapter.

(b) Temporary regulations.—During the two-year period following the effective date of this section, the department shall promulgate temporary regulations, which regulations shall be exempt from the following:

(1) The act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

(2) Section 205 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law.

(3) The act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

Temporary regulations promulgated by the department under this subsection shall expire four years following the effective date of this section.

§ 1506. Fund.

(a) Establishment and deposits.—A special fund is established within the State Treasury to be known as the Public Transportation Trust Fund. The following shall be deposited into the fund annually:

(1) "Scheduled annual commission contribution" as defined in 75 Pa.C.S. § 8901 (relating to definitions).

(2) The amounts made available to the department as an executive authorization and an appropriation for the 2007-2008 fiscal year and each fiscal year thereafter from the State Lottery Fund for the Free Transit Program for Senior Citizens established under the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law. These revenues shall be used to provide free public transportation service to senior citizens when passage is on fixed-route public transportation services, as authorized by

Chapter 9 of the State Lottery Law and the free service shall be available to senior citizens at any time during the service provider's regular hours of service. With regard to passage on commuter rail service provided to senior citizens, the fare shall continue to be limited to \$1 per trip as provided under Chapter 9 of the State Lottery Law, but the limitation shall be extended to all hours of commuter rail service.

(3) Commencing July 1, 2007, 1.22% of the money collected from the tax imposed under Article II of the Tax Reform Code, up to a maximum of \$75,000,000.

(4) Commencing July 1, 2007, revenues deposited into the Public Transportation Assistance Fund established under Article XXIII of the Tax Reform Code to be used in accordance with subsection (b).

(5) Any other appropriations to the fund.

(b) Use of revenues.—

(1) Money in the fund shall be used by the department to provide financial assistance to local transportation organizations, transportation companies and agencies and instrumentalities of the Commonwealth under this chapter, for costs incurred directly by the department in the administration of public passenger transportation programs, including under this chapter, and for all other purposes enumerated in this chapter.

(2) Money in the fund is appropriated on a continuing basis, upon approval of the Governor, to the department to be used as provided in this chapter. Money in the fund shall not lapse.

(c) Programs.—The fund is authorized to provide the following:

(1) Financial assistance related to operating expenses to be known as the "operating program." An amount not less than 61% of the fund shall be allocated to this program in the first fiscal year following the effective date of this section. Money in the fund allocated to the operating program shall not be increased by more than the inflation index in any year.

(2) Financial assistance for improvements to capital assets, replacement of capital assets and expansion of capital assets to be known as the "asset improvement program." An amount not less than 31% of the fund shall be allocated to this program in the first fiscal year following the effective date of this section. Money in the fund for this program may include proceeds of Commonwealth capital bonds.

(3) Financial assistance to fund the local matching requirements on federally approved capital new start projects funded by the United States Department of Transportation pursuant to 49 U.S.C. § 5309 (relating to capital investment grants and loans), to be known as the "new initiatives program." An amount not greater than 4% of the fund shall be allocated to this program in the first fiscal year following the effective date of this section.

(4) Financial assistance related to programs of Statewide significance as described in section 1516 (relating to programs of Statewide significance) to be known as "programs of Statewide significance program." An amount not less than 4% of the fund shall be allocated to this program in the first fiscal year following the effective date of this section.

§ 1507. Application and approval process.

(a) Application.—An eligible applicant that wishes to receive financial assistance under this chapter shall submit a written application to the department, on a form developed by the department, which shall include the following:

(1) The name and address of the applicant.

(2) The name and telephone number of a contact person for the applicant.

(3) The amount and type of financial assistance requested and the proposed use of the funds.

(4) A statement as to the particular need for the financial assistance.

(5) A certified copy of a current resolution authorizing submission of the application if the applicant is a governing body.

(6) Evidence satisfactory to the department of the commitment for matching funds required under this chapter sufficient to match the projected financial assistance payments at the same times that the financial assistance payments are to be provided.

(7) Any other information the department deems necessary or desirable.

(b) Approval and award.—Upon determining that an applicant has complied with this chapter, applicable rules and regulations and any other requirement with respect to the financial assistance requested, the department may award financial assistance to the applicant, in which case the department and the applicant shall enter into a financial assistance agreement setting forth the terms and conditions upon which the financial assistance shall be used and the timing of payment of the funds.

(c) Restriction on use of funds.—Financial assistance under this chapter shall be used only for activities authorized originally unless the department grants a waiver to the grantee for a different use of the funds. The department's regulations shall describe circumstances under which it will consider the waivers and information to be included in a request for a waiver. The maximum duration of a waiver shall be one year, and a request for a waiver shall include a plan of corrective action to demonstrate that the award recipient does not have an ongoing need to use financial assistance funds for activities other than those for which funds were originally awarded.

§ 1508. Federal funding.

(a) General rule.—The department shall administer the program in this chapter with such flexibility as to permit full cooperation between Federal, State and local governments, agencies and instrumentalities, local transportation organizations and private interests, so as to result in as effective and economical a program as possible.

(b) Agreements.—The department may enter into agreements for mutual cooperation between or among the department and a Federal agency, local transportation organization or transportation company concerning a project to be funded with financial assistance under this chapter, including joint applications for Federal grants.

(c) General authority of department.—The department may do anything necessary or desirable to secure financial aid or cooperation of a Federal agency in a project funded with financial assistance under this chapter and to comply with a Federal statute or lawful requirement of a Federal agency authorized to administer a program of Federal aid to transportation. The department may enter into a protective agreement with organized labor to the extent required under 49 U.S.C. § 5333 (relating to labor standards) in order to obtain Federal grant money for transportation assistance. Protective agreements shall be narrowly drawn and strictly construed to provide no more than the minimum protections required by the United States Department of Labor for the agreements.

(d) Direct recipients.—Local transportation organizations that are direct recipients of Federal funding shall be under no obligation to enter into contracts with the department for expenditure of those funds, except that the department may require a contract for expenditure of the State portion of the project assisted by those Federal funds.

§ 1509. Limitation on decisions, findings and regulations of department.

All decisions, findings and regulations made by the department pursuant to this chapter shall be for the purposes of this chapter only and shall not constitute evidence before a regulatory body of this Commonwealth or any other jurisdiction.

§ 1510. Program oversight and administration.

(a) Review and oversight.—The department shall initiate and maintain a program of financial and performance review and oversight for all public transportation programs receiving financial assistance under this chapter. The department may perform independent financial

audits of each award recipient. Audits shall be conducted in accordance with generally accepted auditing standards and shall ensure compliance by award recipients with this chapter, department regulations and policies and financial assistance agreements.

(b) State Rail Transit Safety Inspection Program.—The department may conduct a State Rail Transit Safety Inspection Program, as may be defined from time to time by the Federal Transit Administration, to meet oversight requirements of the Federal Transit Administration. The public transportation modes covered shall include heavy rail, light rail, trackless trolley bus and inclined plane services and related facilities.

§ 1511. Report to Governor and General Assembly.

The department shall file a public passenger transportation performance report with the Governor and the General Assembly by April 30 of each year, covering the prior fiscal year.

§ 1512. Coordination.

Coordination is required in regions where two or more award recipients have services or activities for which financial assistance is being provided under this chapter to assure that the services or activities are provided efficiently and effectively.

§ 1513. Operating programs.

(a) Eligible applicants.—The governing body of a municipality, county or instrumentality of either, a Commonwealth agency or instrumentality or a local transportation organization may apply for financial assistance under the operating program.

(b) Applications.—In addition to information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include the applicant's reasonable estimates of operating revenue and government subsidies sufficient to cover all projected operating expenses.

(c) Distribution formula.—The following distribution formula shall be applied by the department with respect to the award of an operating grant:

(1) Twenty-five percent of the grant amount shall be based on passengers;

(2) Ten percent of the grant amount shall be based on senior passengers to offset free fares for senior passengers;

(3) Thirty-five percent of the grant amount shall be based on revenue vehicle hours;

(4) Thirty percent of the grant amount shall be based on revenue vehicle miles.

(d) Local match requirements.—

(1) Financial assistance provided under this section shall be matched by local or private cash funding in an amount equal to 20% of the amount of the financial assistance being provided.

(2) For financial assistance to a local transportation organization, eligible local matching funds shall consist only of cash contributions provided by one or more municipalities or counties that are members of the local transportation organization. The amount of the match and the time period during which the match must continue to be available shall be specified in the financial assistance agreement. Funding provided by local and private entities, including advertising or naming rights, may be eligible for the match to the extent they provide for the cost of transit service that is open to the public. The following shall not be eligible for a local match:

(i) Any form of transit operating revenue or other forms of transit income provided by the local transportation organization.

(ii) Funds used to replace fares.

(3) A county or municipality in a metropolitan area which is a member of a local transportation organization is authorized to provide annual financial assistance from current revenues to the local transportation organization of which it is a member or enter into a long-term agreement for payment of money to assist in defraying the costs of operation, maintenance and debt service of the local transportation organization or of a particular public transportation project of a local transportation

organization. The obligation of a municipality or county under an agreement pursuant to this paragraph shall not be considered to be a part of the indebtedness of the county or municipality, nor shall the obligation be deemed to impair the status of any indebtedness of the county or municipality which would otherwise be considered self sustaining.

(4) For the first fiscal year in which this section takes effect, the department may waive matching requirements provided that local matching funds are at least 105% of the amount contributed for fiscal year 2006-2007.

(5) If a transportation system operates in multiple jurisdictions and each of those jurisdictions provides funds to match State operating subsidies, the local match provided by each jurisdiction shall be calculated by multiplying the total match required for State funding by the total of route miles provided in that jurisdiction as a percentage of the total route miles operated in all jurisdictions. Where appropriate, a transportation system may calculate the local match by mode or division, or both.

(e) Performance reviews.—

(1) The department may conduct performance reviews of an award recipient that receives financial assistance under this section to determine the efficiency and effectiveness of the financial assistance. Reviews shall be conducted at regular intervals as established by the department in consultation with the management of the award recipient. After completion of a review, the department shall issue a report that:

(i) highlights exceptional performance and identifies any problems that need to be resolved;

(ii) assesses performance, efficiency and effectiveness of the use of the funds;

(iii) makes recommendations on what follow-up actions are required to remedy each problem; and

(iv) provides an action plan documenting who should perform the recommended actions and a time frame within which they should be performed.

(2) The department shall deliver the report to the Governor, to the Transportation Committee of the Senate and to the Transportation Committee of the House of Representatives. The department's regulations shall contain a description of the impact on both the amount of, and future eligibility for, receipt of financial assistance under this chapter based upon the degree to which the local transportation organization complies with the recommendations in the report. The department shall develop a list of best practices revealed by the reports issued under this subsection and shall post them on the department's Internet website.

(f) Performance criteria.—Criteria used for the reviews conducted under subsection (e) shall consist of passengers per revenue vehicle hour, operating costs per revenue vehicle hour, operating revenue per revenue vehicle hour, operating costs per passenger and other items as the department may establish. The department's regulations shall set forth the minimum system performance criteria that an award recipient must satisfy.

(g) Failure to satisfy minimum performance criteria.—If a performance review conducted under subsection (e) reveals that the performance of an award recipient's transportation system has decreased compared to performance determined through a prior review, the department may, upon the written request of an award recipient, waive any requirement for a reduction in the amount of financial assistance to be awarded under this section for a reasonable time period to allow the award recipient to bring the system back to the required performance level. The award recipient shall provide written justification for providing a time period longer than two years. In order to obtain the waiver for the period requested, the award recipient must do all of the following:

(1) Develop an action plan to improve system performance that contains key measurable milestones. The action

plan must be acceptable to the department and must be approved by the department in writing.

(2) Submit quarterly progress reports on the action plan to the department. The department shall review and evaluate the system's progress to determine if the system has improved. If the system has improved, funding will be determined by the formula under subsection (c), and the system will be eligible for full formula funding. If the system has not improved at the end of the time period established for improvement, the waiver will be withdrawn. Expenses incurred by the award recipient as a result of the failure of the award recipient's system to meet the minimum performance criteria shall be borne by the award recipient.

(h) Adjustments to minimum performance criteria.—Upon written request of a recipient of financial assistance under this section, the department may approve adjustments to the minimum performance criteria described in subsection (g) in a given year if situations arise that affect performance of the award recipient's system and are out of the award recipient's control. Examples are labor strikes, infrastructure failures and natural disasters. The request must include the award recipient's justification for the adjustment.

(i) (Reserved).

(j) Needs-based adjustment.—In order to allow an award recipient that was receiving financial assistance under former Chapter 13 (relating to public transportation assistance) prior to the effective date of this section to transition into the funding formula established under subsection (c), the department shall provide the award recipient, as part of the award under this section, with a needs-based adjustment. The needs-based adjustment shall be calculated by increasing the amount that the award recipient received under Chapter 13 for operating expenses and asset maintenance costs in the 2005-2006 fiscal year and increasing the resulting amount by an adjustment factor to assure a funding level consistent with the operating funding needs as identified by the department. Funds remaining after the needs-based adjustment is applied shall be set aside in an operating reserve account to be used at the department's discretion for short-term public passenger transportation needs. The department's regulations shall establish the manner in which the funds in the reserve account may be used.

(k) Growth caps.—Each fiscal year after the fiscal year in which the department provides a needs-based adjustment under subsection (i), the department shall determine the maximum percentage increase that an award recipient shall be eligible to receive for operating expenses in addition to an increase tied to the inflation index amount. The maximum percentage increase shall be capped at the inflation index rate if the passengers of the award recipient's transportation system per revenue hour, or revenue per revenue vehicle hour performance, falls below peer system average or if the operating cost per revenue hour or operating cost per passenger exceeds the peer system average. Notwithstanding the provisions of this subsection, money available for financial assistance under this section shall at all times be capped by the amount of money in the fund allocated for the operating program.

(l) Operating reserve.—The department may establish a limitation on the amount of financial assistance awarded under this section that may be carried over for use in subsequent fiscal years.
§ 1514. Asset improvement program.

(a) Eligible applicants.—A local transportation organization, an agency or instrumentality of the Commonwealth, an entity responsible for coordinating community transportation program services, or any other person the department deems to be eligible may apply to the department for financial assistance under the asset improvement program. The department shall develop and maintain four-year and twelve-year plans that summarize the capital projects and financial assistance for capital projects based upon cash flow and revenue projections for the fund.

(b) Applications.—In addition to information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include the following:

(1) Evidence satisfactory to the department that the proposed capital project is included in the first year of the applicant's four-year capital program and its federally approved Transportation Improvement Program.

(2) If an applicant is requesting financial assistance for replacement of capital assets, evidence satisfactory to the department that the capital assets to be replaced have exceeded the useful life criteria as defined by the department. At its discretion, the department may approve funding to replace capital assets that do not exceed the useful life criteria if the applicant provides documentation acceptable to the department to justify the early replacement of the capital assets.

(3) If the applicant is requesting financial assistance for expansion of capital assets, evidence satisfactory to the department that the applicant will have sufficient future annual operating funds to support the proposed expansion of the assets.

(4) Any other information required by the department, including a return on investment analysis or a life cycle cost analysis, or both.

(c) Local match requirements.—Financial assistance under this section shall be matched by local or private cash funding in an amount not less than 22% of the amount of the grant. The source of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs). Each capital project shall be based on the plan approved by the department.

(d) Conditions for receipt of bond funding.—An applicant may receive proceeds of Commonwealth capital bonds from the fund for financial assistance under this section if all of the following conditions are met:

(1) The applicant's project has been authorized by a capital budget itemization act.

(2) The applicant's project shall have been included in the department's approved annual release request approving the use of the funds for the proposed capital project in the fiscal year in which the funds are expected to be expended.

(3) The department shall have approved the underlying application for the capital project.

(4) The project has a 20-year or longer useful life.

(e) Priorities.—The award of financial assistance under this section shall be subject to the following set of priorities in descending order of significance unless a compelling return on investment analysis for a project in a lower significant category is provided to and approved by the department:

(1) Funds required to support existing local bond issues currently supported with State revenue sources, such as debt service and asset leases. The Commonwealth pledges to and agrees with any person, firm or corporation holding any bonds previously issued by, or any other debt incurred by, a local transportation organization, and secured in whole or part by a pledge of the funds provided to the local transportation organization from the Public Transportation Assistance Fund established under Article XXIII of the Tax Reform Code, that the Commonwealth will not limit or alter rights vested in a local transportation organization in any manner inconsistent with obligations of the local transportation organization to the obligees of the local transportation organization until all bonds previously issued or other debt incurred, together with the interest thereon, is fully paid or provided for.

(2) Funds required to match federally approved capital projects funded under 49 U.S.C. §§ 5307 (relating to urbanized area formula grants) and 5309 (relating to capital investment grants and loans) and other federally approved capital projects.

(3) Other non-Federal capital projects as determined by the department, which shall be further subject to the following set of priorities in descending order of significance:

(i) Essential emergency asset improvement projects.

(ii) Standard replacement of existing assets that have exceeded their useful life.

(iii) Asset improvement projects to extend the useful life of the affected assets.

(iv) Acquisition of new assets and other acceptable purposes, other than projects to be funded under the new initiatives program, as determined by the department.

(f) Bonding by award recipients.—With the approval of the department, an award recipient that is allowed by its enabling statute to issue bonds may do so for the purpose of financing a multiyear capital project. The bonds shall be issued in accordance with the provisions of the award recipient's enabling statute. The department shall enter into an agreement with the award recipient providing that payments of the capital funds sufficient to satisfy requirements of the bonds issued be made directly to the trustee and bond holders until such time as the bonds are retired.

§ 1515. New initiatives program.

(a) Eligible applicants.—Persons eligible to apply for financial assistance under the asset improvement program shall also be eligible to apply for financial assistance under the new initiatives program.

(b) Applications.—In addition to the information required under section 1507 (relating to application and approval process), an application for financial assistance under this section shall include all of the information required in an application for financial assistance under section 1514 (relating to asset improvement program). If the application is for a proposed expansion of a capital asset, the application shall also contain evidence satisfactory to the department that the applicant will have sufficient future annual operating funds to support the proposed expansion.

(c) Limitation.—In making awards of financial assistance under this section, the department shall give priority to applicants that intend to use the funds in satisfaction of the local matching portion of federally approved projects funded pursuant to 49 U.S.C. § 5309 (relating to capital investment grants and loans). The department may fund projects that do not receive funding from the Federal New Starts Program if the applicant can provide sufficient justification that the project can meet all of the following requirements:

(1) Investments in existing service areas have been optimized.

(2) An analysis reveals a reasonable return on investment.

(3) Identification of the public benefit of the project.

(4) Required local funds are available to pay any required local match for the project and ongoing operating costs.

(5) There exists local technical ability and capacity to manage, construct and operate the project.

(6) The project is supported by the adoption of an integrated land use plan by local municipalities.

(d) Local match requirements.—Financial assistance under this section shall be matched by local or private cash funding in an amount not less than 100% of the amount of the grant. The source of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs).

§ 1516. Programs of Statewide significance.

(a) General rule.—Money in the fund allocated for programs of Statewide significance shall be used by the department to support public transportation programs, activities and services not otherwise fully funded through the operating program, capital program or asset improvement program. These include the following:

(1) The Persons with Disabilities Program.

(2) Intercity rail and bus services.

(3) Community transportation capital and service stabilization.

(4) The Welfare to Work Program and matching funds for Federal programs with similar intent.

(5) Demonstration and research projects.

(6) Technical assistance.

(7) Commuter rail.

(8) (Reserved).

(9) (Reserved).

(10) (Reserved).

(11) Other public passenger transportation programs initiated by the department.

(b) Persons with disabilities.—The department shall establish and administer a program providing reduced fares to persons with disabilities on community transportation services and to provide financial assistance for start-up, administrative and capital expenses related to reduced fares for persons with disabilities. All of the following shall apply:

(1) A community transportation system operating in the Commonwealth other than in counties of the first and second class may apply for financial assistance under this subsection.

(2) The department may award financial assistance under this subsection for program start-up and for continuing capital expenses to offset administrative and capital expenses. For community transportation trips made by eligible persons with disabilities, financial assistance may be awarded to an eligible community transportation system to reimburse the system for up to 85% of the fare established for the general public for each trip which is outside of a fixed-route and paratransit service areas and not eligible for funding from any other program or funding source. The person making the trip or an approved third-party sponsor shall contribute the greater of 15% of the fare established for the general public or the Americans with Disabilities Act complementary paratransit fare.

(c) Intercity transportation.—The department is authorized to provide financial support for an efficient and coordinated intercity common carrier surface transportation program, consisting of both intercity rail and intercity bus transportation, with the intent of sustaining strong intercity connections. All of the following shall apply:

(1) An intercity passenger rail service provider, a local transportation organization, an agency or instrumentality of the Commonwealth and a transportation company that provides intercity public transportation service may apply for financial assistance under this subsection. The department is authorized to enter into joint service agreements with a railroad company, any other agency or instrumentality of the Commonwealth, a Federal agency or an agency or instrumentality of any other jurisdiction relating to property, buildings, structures, facilities, services, rates, fares, classifications, dividends, allowances or charges, including charges between intercity rail passenger service facilities, or rules or regulations pertaining thereto, for or in connection with or incidental to transportation in whole or in part upon intercity rail passenger service facilities.

(2) Operating assistance and capital assistance may be provided for intercity rail as determined by the department.

(3) For financial assistance to a transportation company, eligible matching funds shall consist only of cash income generated by the transportation company from its activities, other than the provision of public passenger transportation service, and contributed by the transportation company in the amount and for the time period specified in the financial assistance agreement.

(4) Local match requirements are as follows:

(i) For intercity bus operating and capital assistance, the department shall require a local match by local or private cash funding in an amount equal to 100% of the amount of the financial assistance being provided.

(ii) For intercity rail operating and capital assistance, the department shall require a local match on a case-by-case basis, taking into account the best interests of the Commonwealth.

(5) For purposes of this subsection, "local match" is defined as local revenue obtained from other nonsubsidized

services, such as charter, school bus or profits realized from other intercity bus services. Local match shall not include any funds received from Federal or State sources.

(d) Community transportation.—

(1) The department is authorized to provide financial assistance under this section for all of the following:

(i) Capital expenditures for the provision of community transportation service.

(ii) To stabilize current service and fares.

(iii) To provide advice or technical assistance to analyze and enhance community transportation system resources and services.

(iv) To maximize available funding including Federal dollars.

(v) To ensure equitable cost sharing.

(2) The governing body of a county, other than a county of the first or second class, or a transportation company designated by the governing body of the county as the coordinator of community transportation service, and an agency or instrumentality of the Commonwealth may apply for financial assistance under this subsection subject to all of the following:

(i) An applicant for financial assistance for capital expenditures for the provision of public community transportation service shall certify to the department that it has taken all reasonable steps to coordinate local service for the elderly and persons with disabilities and that the services to be offered with the capital assets do not duplicate existing fixed-route services.

(ii) The governing body of a county or the coordinator described under this paragraph shall not be eligible for financial assistance for service stabilization if any of the following apply:

(A) The coordinator receives financial assistance under the capital program established under this chapter.

(B) The coordinator is a private for-profit provider.

(3) Financial assistance for service stabilization may only be provided for the following purposes:

(i) Short-term, long-term and strategic planning.

(ii) Technology investment.

(iii) Training programs designed to enhance transportation management and staff expertise.

(iv) Offsetting operating expenses that cannot be covered by fare revenue due to emergencies.

(v) Marketing activities.

(vi) Other stabilization purposes approved by the department.

(4) The department shall give high priority to providing financial assistance under this subsection as match for Federal funding to support capital projects for community transportation systems.

(5) The department shall conduct a study to evaluate the effectiveness and efficiency of community transportation service delivery as it relates to human service programs. The Secretary of Public Welfare, the Secretary of the Budget and the Secretary of Aging and other appropriate Commonwealth agencies identified by the department shall participate and fully support the study to achieve the intended purposes. Within two years following the effective date of this section, these agencies shall make recommendations to the Governor and the Majority and Minority chairpersons of the Transportation Committee of the Senate and the Majority and Minority chairpersons of the Transportation Committee of the House of Representatives for improving coordination and efficiency of human services and community transportation.

(d) Welfare-to-work and Federal programs match.—The department is authorized to provide financial assistance under this section to design and implement projects and services and to reimburse award recipients for the expenses associated with the projects and services that identify and address public passenger transportation and related barriers preventing individuals eligible for participation in the Federal welfare-to-work program from securing and maintaining employment and from accessing community services and facilities. All of the following shall apply:

(1) A local transportation organization and a transportation company designated by a county as the coordinator of community transportation services may apply to the department for financial assistance under this subsection.

(2) Financial assistance awarded under this subsection shall be used for any of the following purposes:

(i) Fixed-route service subsidy.

(ii) Contracted transportation services.

(iii) Fixed-route fare discounts.

(iv) Community transportation fare discounts.

(v) Taxi fare discounts.

(vi) Mileage reimbursement.

(vii) Vehicle purchase, insurance, maintenance and repair.

(viii) Driver education classes.

(ix) Administrative expenses.

(x) Case management expenses.

(xi) Any other activities consistent with the transportation related elements of the welfare-to-work program.

(3) The department shall give high priority to providing financial assistance under this subsection as match for Federal funding to support projects with similar purposes and eligible uses, including the Federal Job Access Reverse Commute and New Freedoms programs.

(e) Technical assistance and demonstration.—The department is authorized to provide financial assistance under this section for technical assistance, research and short-term demonstration projects. All of the following shall apply:

(1) A local transportation organization and an agency or instrumentality of the Commonwealth may apply to the department for financial assistance under this subsection.

(2) Financial assistance provided under this subsection may be used for reimbursement for any approved operating or capital costs related to technical assistance and demonstration program projects. Financial assistance for short-term demonstration projects may be provided at the department's discretion on an annual basis based on the level of financial commitment provided by the award recipient to provide ongoing future funding for the project as soon as the project meets the criteria established by the department and the award recipient. Financial assistance for this purpose shall not be provided for more than three fiscal years. Financial assistance may be provided to meet any short-term emergency need that requires immediate attention and cannot be funded through other sources.

(3) Financial assistance under this subsection provided to a local transportation organization shall be matched by local or private cash funding in an amount not less than 3 1/3% of the amount of the financial assistance being provided. The sources of funds for the local match shall be subject to the requirements of section 1513(d) (relating to operating programs).

§ 1516.1. Minority and women-owned business participation.

In administering the provisions of this chapter, the department and any local transportation organization shall:

(1) Be responsible for ensuring that all competitive contract opportunities issued by the department or local transportation organization seek to maximize participation by minority and women-owned businesses and other disadvantaged businesses.

(2) Give consideration, when possible and cost effective, to contractors offering to utilize minority and women-owned businesses and disadvantaged businesses in the selection and award of contracts.

(3) Ensure that the department's and local transportation organizations's commitment to the minority and women-owned business program is clearly understood and appropriately implemented and enforced by all department and local transportation organization employees.

(4) Designate a responsible official to supervise the department and local transportation organization minority and women-owned business program and ensure compliance within the department or local transportation organization.

(5) Furnish the Department of General Services, upon request, all requested information or assistance.

(6) Recommend sanctions to the Secretary of General Services, as may be appropriate, against businesses that fail to comply with the policies of the Commonwealth minority and women-owned business program.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Disadvantaged business." A business that is owned or controlled by a majority of persons, not limited to members of minority groups, who are subject to racial or ethnic prejudice or cultural bias.

"Minority-owned business." A business owned and controlled by a majority of persons who are African Americans, Hispanic Americans, Native Americans, Asian Americans, Alaskans and Pacific Islanders.

"Women-owned business." A business owned and controlled by a majority of persons who are women.

§ 1517. Program oversight and administration.

The department is authorized to use available money in the fund to cover the costs incurred by the department in administering all of its public passenger transportation funding programs, including those established under this chapter, and incurred in the carrying out of its responsibilities with respect to the programs.

§ 1518. Retroactive authority.

(a) Date of project.—Financial assistance may be awarded under this chapter by the department with reference to an appropriate project irrespective of when it was first commenced or considered and regardless of whether costs with respect to the project were incurred prior to the time the financial assistance is applied for or provided.

(b) Operating program.—For financial assistance for the operating program, the department shall reimburse expenses only through the financial assistance provided for the fiscal year during which the expenses were incurred.

(c) Capital projects.—

(1) For capital projects, the applicant must obtain approval in writing from the department prior to incurring any expenses for which the applicant may later seek reimbursement.

(2) Notwithstanding paragraph (1), approval by the department shall not constitute an approval of the applicant's underlying request for financial assistance.

(3) By providing preapproval under this subsection, the department may recognize any local funds already expended as satisfying the local match requirement if and when the applicant's application is approved.

CHAPTER 81 TURNPIKE

Sec.

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§ 8101. Scope of chapter.

This chapter relates to turnpike organization, extension and toll road conversion.

§ 8102. Definitions.

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

"Commission." The Pennsylvania Turnpike Commission.

"Cost of the turnpikes." The term includes the cost of:

(1) Constructing turnpikes, connecting roads, storm water management systems, tunnels and bridges.

(2) Lands, property rights, rights-of-way, easements and franchises acquired by purchase or other means deemed necessary or convenient for construction.

(3) Machinery and equipment, financing charges and interest.

(4) Traffic estimates, engineering and legal expenses, plans, specifications, surveys, cost and revenue estimates, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative and legal expense and other expenses as may be necessary or incident to financing authorized in this chapter.

(5) Condemnation or other means of acquisition of property necessary for the construction and operation.

(6) An obligation or expense contracted for by the Pennsylvania Turnpike Commission for traffic surveys, preparation of plans and specifications, supervision of construction and other engineering and administrative and legal services and expenses in connection with the construction of the turnpike or any of the connecting roads, storm water management systems, tunnels and bridges.

"Department." The Department of Transportation of the Commonwealth.

"Electronic toll collection." A system of collecting tolls or charges that is capable of charging an account holder for the prescribed toll by electronic transmission of information between a device on a vehicle and a device in a toll lane at a toll collection facility.

"Interstate 80." An interstate highway designated by the United States Department of Transportation on the Dwight D. Eisenhower System of Interstate and Defense Highways.

"Interstate 95." An interstate highway designated by the United States Department of Transportation on the Dwight D. Eisenhower System of Interstate and Defense Highways.

"Lessee." A person, corporation, firm, partnership, agency, association or organization that rents, leases or contracts for the use of a vehicle and has exclusive use of the vehicle for any period of time.

"Lessor." A person, corporation, firm, partnership, agency, association or organization engaged in the business of renting or leasing vehicles to any lessee under a rental agreement, lease or other agreement under which the lessee has the exclusive use of the vehicle for any period of time.

"Operator." An individual that uses or operates a vehicle with or without permission of the owner.

"Owner." Except as provided under section 8116.1(e) (relating to electronic toll collection), an individual, copartnership, association

or corporation having title or interest in a property right, easement or franchise authorized to be acquired under this chapter.

"Secretary." The Secretary of Transportation of the Commonwealth.

"Toll road conversion." The inclusion within the turnpike system and the imposition of tolls on the system of a highway that is presently toll free.

"Turnpikes." Any of the following:

(1) The turnpike, turnpike extensions and turnpike improvements.

(2) Toll-free roads to be converted to toll roads under this chapter.

(3) Related storm water management systems, tunnels and bridges, property rights, easements and franchises deemed necessary or convenient for the construction or the operation of the turnpike, turnpike extension, turnpike improvement and toll-free roads.

"Vehicle." The term as it is defined under 75 Pa.C.S. § 102 (relating to definitions).

"Violation enforcement system." A vehicle sensor, placed in a location to work in conjunction with a toll collection facility, which automatically produces a videotape or photograph, microphotograph or other recorded image of the rear portion of each vehicle at the time the vehicle is used or operated in violation of the toll collection regulations. The term includes any other technology which identifies a vehicle by photographic, electronic or other method.

§ 8103. Authorization for turnpike extensions, turnpike improvements and the conversion of toll-free roads to toll roads.

(a) Improvement and extension authorizations.— In order to facilitate vehicular traffic within and across this Commonwealth, the commission is authorized and empowered to construct, operate and maintain turnpike extensions and turnpike improvements at specific locations and according to a schedule as shall be deemed feasible and approved by the commission, together with connecting roads, storm water management systems, tunnels and bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) Widen turnpike to six lanes between the Northeast Extension and the Delaware River Interchange.

(2) Construct turnpike interchange with Interstate Route 95 in Bucks County.

(3) Construct turnpike interchange with Interstate Route 476 in Montgomery County.

(4) Construct turnpike interchange with Keyser Avenue in Lackawanna County.

(5) Construct extensions to the existing turnpike from a point westerly of existing Interchange 2 extending northerly to a connection with the existing interchange between U.S. Route 422 and proposed State Route 60 in Lawrence County and extending southerly to a connection with existing State Route 60 in Beaver County at or near State Route 51.

(6) Construct an extension to the turnpike from a point at or near Interchange 8 in Westmoreland County extending northerly to an interchange with State Route 66 northwest of Greensburg and continuing northerly to an interchange with U.S. Route 22 south of Delmont.

(7) Construct an additional Lehigh Tunnel on the Northeast Extension of the turnpike.

(8) Construct a private turnpike interchange directly connected to the New Cumberland Army Depot. The commission may commence construction of the private turnpike interchange notwithstanding the construction schedule established under this section.

(9) Construct an interchange on the Northeast Extension with State Route 903 in Carbon County. The commission may commence construction of this interchange notwithstanding the construction schedule established by this section.

(b) Subsequent extension authorization.—The commission is authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at specific locations and according to schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) From an interchange with Interstate Route 70 between existing interchanges at Lover and Speers extending northerly to an interchange with Interstate Route 376 in Pittsburgh and also extending southerly connecting with the existing interchange between U.S. Route 40 and the Mon Valley Expressway (L.R.1125).

(2) From an interchange with the turnpike at or near Interchange 10 extending northerly generally following and coincident where feasible with existing U.S. Route 219 to an interchange with Interstate 80 at or near Interchange 16.

(3) Construction of an interchange for access to the International Distribution Center at the Wilkes Barre Scranton International Airport in Luzerne County on the Northeastern Extension of the Pennsylvania Turnpike System.

(4) From a point at or near the existing interchange between U.S. Route 40 and the Mon Valley Expressway (L.R.1125) in Fayette County southeasterly along U.S. Route 40 to Uniontown and continuing southerly along State Route 857 to the West Virginia border.

(5) From a point at or near Turnpike Interchange 10 southerly generally along U.S. Route 219 to the Maryland border.

(6) From a point at or near Interstate 80 Interchange 16 northerly generally along U.S. Route 219 to a connection with the existing U.S. Route 219 Expressway south of Bradford in McKean County.

(c) (Reserved).

(d) Further subsequent authorizations.—Upon completion of the turnpike extensions and improvements under subsections (a) and (b), the commission is authorized and empowered to construct, operate and maintain further extensions and improvements of the turnpike at specific locations and according to schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

(1) From a point at or near the intersection of State Route 65 and Crows Run Road in Beaver County, in a southeasterly direction to a point at or near the Perry Highway Interchange of the Pennsylvania Turnpike.

(2) From a point at or near Exit 5 of the turnpike northerly to Brookville, Jefferson County, to a point at the intersection with Interstate 80.

(3) From a point at or near the Pennsylvania Turnpike System into various areas of Berks County in order to complete the construction of the inner loop system and outer loop system of highways surrounding the City of Reading and to complete the missing links on Routes 222 to Route 422 to 1035.

(4) From a point at or near the intersections of Interstate Route 70, Interstate Route 76 and T.R.119 in the Borough of Youngwood, Westmoreland County, in a northerly direction along T.R.119 and T.R.66 to the intersection of T.R.22 with a bypass around the City of Greensburg, Westmoreland County; thence north on T.R.66 to T.R.356; thence north on T.R.356 to the intersection with T.R.28.

(5) From a point at or near the intersection of T.R.66 and T.R.22 in Salem Township, Westmoreland County; thence in a westerly direction paralleling T.R.22 to Exit 6 of Interstate 76.

(e) Conversion to toll roads.—In order to facilitate vehicular traffic within and across this Commonwealth, after completion of the turnpike extensions and improvements authorized under subsection (a) and subject to prior legislative approval by the Congress of the United States and the General Assembly, the commission is authorized

and empowered to convert to toll road portions of Pennsylvania's interstate highway system as may be required in order to facilitate the completion of the turnpike extensions and improvements authorized under subsections (b) and (d) and to operate and maintain converted interstates as toll roads upon the approval by the Congress of the United States and the General Assembly of legislation expressly permitting the conversion of interstates to toll roads. Conversions shall take place at a time and manner set forth in the plan for the conversion prepared by the department. The provisions authorizing the commission to construct, operate and maintain the turnpike routes under subsections (b) and (d) shall be subject to one of the following:

(1) The prior passage by the Congress of the United States and the General Assembly of legislation permitting the conversion of certain interstates to toll roads.

(2) The availability of other funds as might become available in amounts that would be sufficient to fund to completion any of the individual turnpike extensions and improvements under subsections (b) and (d) so long as no turnpike extension or improvement authorized under subsection (d) is undertaken until after all the turnpike extensions authorized by subsection (b) are completed. The commission is authorized to use Federal funds which may be available for toll roads only pursuant to the approval of the Secretary of Transportation and only pursuant to the authority granted under section 8119 (relating to authority granted to secretary).

(f) Turnpike system.—The turnpikes and future toll road conversions authorized under this chapter are or shall be made part of the Pennsylvania Turnpike System, as provided in the act of August 14, 1951 (P.L.1232, No.282), referred to as the Pennsylvania Turnpike System Financing Act.

§ 8104. Status of turnpike revenue bonds, notes or other obligations.

(a) General rule.—The turnpike revenue bonds, notes or other obligations issued under the provisions of this chapter shall not be deemed to be a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth, but bonds, notes or other obligations shall be payable solely from the revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose.

(b) Statement required.—All bonds, notes or other obligations shall contain a statement on their face that the Commonwealth is not obligated to pay the same or the interest thereon except from revenues of the commission, including tolls, or from funds as may be available to the commission for that purpose and that the faith and credit of the Commonwealth is not pledged to the payment of the principal or interest of the bonds, notes or other obligations.

(c) Pledge of Commonwealth prohibited.—The issuance of turnpike revenue bonds, notes or other obligations under the provisions of this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy or to pledge any form of taxation or to make any appropriation for their payment.

§ 8105. Commission.

(a) Members.—

(1) Notwithstanding any other law to the contrary, vacancies in the membership of the commission on or after the effective date of this subsection shall be filled as follows:

(i) The first vacancy shall be filled by a member to be appointed by the Majority Leader of the Senate.

(ii) The second vacancy shall be filled by a member to be appointed by the Minority Leader of the Senate.

(iii) The succeeding three vacancies shall be filled by members to be appointed by the Governor.

(2) Notwithstanding any other law to the contrary, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives shall each appoint one additional member to serve on the commission.

(3) Paragraph (1) shall apply to a vacancy on the commission which has occurred for any reason, but only as to a member serving on the effective date of this subsection. All other

vacancies shall be filled by the appointing authority who made the appointment for the vacant position.

(4) A vacancy occurring during the term of a member appointed in accordance with this subsection shall be filled in a like manner only for the unexpired appointive term of the member whose office has become vacant.

(5) Members appointed under the provisions of this subsection shall serve for a term of four years. Upon the expiration of this term, an appointed member may continue to hold office for 90 days or until a successor shall be duly appointed and qualified, whichever period is shorter, but shall not continue to hold office thereafter unless reappointed in accordance with law.

(6) Vacancies filled under paragraph (1) and subsequent appointments made to the commission shall be without the advice and consent of the Senate.

(a.1) Advisory committee.—

(1) There is hereby established a Pennsylvania Turnpike Advisory Committee, which shall be composed of the following members:

(i) The Secretary of Community and Economic Development.

(ii) The Secretary of Revenue.

(iii) The State Treasurer.

(iv) The chairman and minority chairman of the Transportation Committee of the Senate.

(v) The chairman and minority chairman of the Transportation Committee of the House of Representatives.

(vi) Eight members of the public representing the area of concern specified who shall have extensive experience and knowledge of transportation activities throughout this Commonwealth to be appointed by the Governor as follows:

(A) Two representatives of the engineering community who are licensed and registered pursuant to the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law.

(B) Two representatives from the highway construction industry who have at least five years of highway construction and planning experience.

(C) Two representatives from organized labor unions.

(D) One member who shall be a certified public accountant.

(E) One member from the general public with at least five years of experience in transportation finance and infrastructure.

(2) Each of the members of the committee may designate a representative to serve in his stead. A member who designates a representative shall notify the chairman in writing of the designation.

(3) The term of all members of the committee appointed by the Governor shall be for three years. Any member of the committee may be reappointed for no more than two full successive terms. Any person appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall serve only for the unexpired term. Each member shall serve until the appointment of a successor.

(4) (i) The committee shall meet at least four times every 12 months, but may hold such additional meetings as are called by the chairman. The chairman shall provide notice at least 14 days in advance for regular meetings and provide a minimum of three days' notice for special

meetings. A majority of the appointed members shall constitute a quorum for the conduct of business.

(ii) Minutes of meetings shall be prepared by the secretary and filed with the committee and distributed to all members. All records shall be a matter of public record.

(iii) The public members of the committee shall be allowed reasonable per diem expenses. The commission shall provide appropriate staff support to enable the committee to properly carry out its functions.

(5) The committee shall have the power and duty to consult and advise the Pennsylvania Turnpike Commission in assisting in developing, operating and financing tolled interstate systems within this Commonwealth in a timely, efficient and cost-effective manner. Specifically, the committee shall have the authority to conduct a study on the feasibility of instituting toll collections on major interstates that pass through the State.

(6) The committee shall submit an annual report of its deliberations and conclusions to the Governor and members of the General Assembly by November 30 of each year.

(7) The Governor shall appoint one member of the committee as chairperson. The members of the committee shall annually elect a vice chairperson, a secretary and a treasurer from among the members appointed to the committee.

(d) Secretary of Transportation.—The provisions of subsection (a.1) shall not apply to the appointment of the secretary who shall continue to be appointed and to serve as a member of the commission ex officio in accordance with law.

(e) Chairman.—A majority of the members of the commission shall elect a member of the commission to serve as chairman. Upon the appointment and qualification of any new member to serve on the commission, the office of chairman, and the positions of all other officers created by law, shall be deemed vacant and a new chairman and other officers shall be elected by a majority of the members of the commission.

(f) Actions by the commission.—Notwithstanding any other law, court decision, precedent or practice to the contrary, any and all actions by or on behalf of the commission shall be taken solely upon the approval of a majority of the members to the commission. A majority of the members of the commission shall mean five members of the commission. The term "actions by or on behalf of the commission" means any action whatsoever of the commission, including, but not limited to, the hiring, appointment, removal, transfer, promotion or demotion of any officers and employees; the retention, use or remuneration of any advisors, counsel, auditors, architects, engineers or consultants; the initiation of any legal action; the making of any contracts, leases, agreements, bonds, notes or covenants; the approval of requisitions, purchase orders, investments and reinvestments; and the adoption, amendment, revision or rescission of any rules and regulations, orders or other directives. The chairman, vice chairman or any other officer or employee of the commission may take no action by or on behalf of the commission except as expressly authorized by a majority of the members of the commission.

(g) Compensation.—The annual salary of the Chairman of the Pennsylvania Turnpike Commission shall be \$28,500, and the annual salary of the remaining members of the Pennsylvania Turnpike Commission shall be \$26,000. These salaries shall be paid in equal installments every other week.

§ 8106. Exercise of commission powers.

The exercise by the commission of the powers conferred by this chapter in the construction, operation and maintenance of the turnpikes and in effecting toll road conversions shall be deemed and held to be an essential governmental function of the Commonwealth.

§ 8107. Commission powers and duties.

(a) Powers and duties of commission.—The commission may:

(1) Maintain a principal office at a place designated by the commission.

(2) Contract and be contracted within its own name.

(3) Sue and be sued in its own name, plead and be impleaded. Any civil action against the commission shall be brought only in the courts in which actions may be brought against the Commonwealth.

(4) Have an official seal.

(5) Make necessary rules and regulations for its own government and in control of traffic.

(6) Acquire, hold, accept, own, use, hire, lease, exchange, operate and dispose of personal property, real property and interests in real property and make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter and employ engineering, traffic, architectural and construction experts and inspectors, attorneys and other employees as may in its judgment be necessary and fix their compensation.

(7) (i) Provide grade separations at its own expense with respect to all public roads, State highways and interstate highways intersected by the turnpikes and to change and adjust the lines and grades thereof so as to accommodate the same to the design for grade separation.

(ii) The damages incurred in changing and adjusting the lines and grades of public roads, State highways and interstate highways shall be ascertained and paid by the commission in accordance with 26 Pa.C.S. (relating to eminent domain).

(iii) If the commission shall find it necessary to provide a grade separation or change the site of any portion of any interstate highway, State highway or public road, or vacate the same, the commission shall cause it to be reconstructed and restored at the commission's expense on the most favorable location and in as satisfactory a manner as the original road or vacate it as the case may be.

(iv) The method of acquiring the right-of-way and determining damages incurred in changing the location of or vacating the road, State highway or interstate highway shall be ascertained and paid for in accordance with 26 Pa.C.S.

(8) Petition the court of common pleas of the county in which any public road or part thereof is located and affected by the location of the turnpikes, for the vacation, relocation or supply of the same or any part thereof with the same force and effect as is now given by existing laws to the inhabitants of any township or the county, and the proceedings upon petition, whether for the appointment of viewers or otherwise, shall be the same as provided by existing law for similar proceedings upon the petitions.

(9) Have all of the powers and perform all the duties prescribed by the act of May 21, 1937 (P.L.774, No.211), referred to as the Pennsylvania Turnpike Commission Act.

(b) Maintenance to be paid out of tolls.—

(1) The turnpike extensions and improvements and the conversion of toll-free roads to toll roads when completed and open to traffic shall be maintained and repaired by and under the control of the commission.

(2) All charges and costs for the maintenance and repairs actually expended by the commission shall be paid out of tolls.

(3) The turnpike, the turnpike extensions and improvements and the toll-free roads converted to toll roads shall also be policed and operated by a force of police, toll takers and other operating employees as the commission may in its discretion employ.

§ 8108. Expenses and bonding of commission members.

(a) Payment of expenses.—All compensation and salaries and all expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and

no liability or obligation shall be incurred under this chapter beyond the extent to which money shall have been provided under the authority of this chapter.

(b) No additional bond required.—The issuance of any turnpike revenue bonds, notes or other obligations under the provisions of this chapter shall not cause any member of the commission to be required to execute a bond that a member of the commission is not otherwise required to execute.

§ 8109. Acquisition of property rights by commission.

(a) Condemnation.—The commission may condemn, pursuant to 26 Pa.C.S. (relating to eminent domain), any lands, interests in lands, property rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction and efficient operation of the turnpikes and the toll road conversions or necessary in the restoration or relocation of public or private property damaged or destroyed.

(b) Purchase.—

(1) The commission may acquire by purchase, whenever it shall deem the purchase expedient, or otherwise accept if dedicated to it, any lands, interests in lands, property rights, rights-of-way, franchises, easements and other property deemed necessary or convenient for the construction and efficient operation of the turnpikes and toll road conversions or necessary in the restoration of public or private property damaged or destroyed, whether the property has been previously condemned or otherwise, upon terms and at a price as may be considered by the commission to be reasonable and can be agreed upon between the commission and the owner thereof and to take title thereto in the name of the commission.

(2) The net proceeds of the purchase price payable to a municipality or the department for any real property or interest therein obtained by the commission pursuant to this chapter, less the cost of retiring any bonded indebtedness on the property or interest, shall be used exclusively, in the case of a municipality, for road-related and bridge-related expenses and, in the case of the department, for highway and bridge construction, reconstruction and maintenance in the same engineering and maintenance district in which the property is located.

§ 8110. Procedural requirements of acquisition.

(a) Title.—Title to any property condemned by the commission shall be taken in the name of the commission.

(b) Entry.—

(1) In addition to any others powers set forth in this chapter, the commission and its authorized agents and employees may enter upon any lands, waters and premises in this Commonwealth for the purpose of making surveys, soundings, drillings and examinations, as it may deem necessary or convenient for the purpose of this chapter.

(2) The entry shall not be deemed a trespass, nor shall an entry for the purposes be deemed an entry under any condemnation proceedings which may be then pending.

(3) The commission shall make reimbursement for any actual damages resulting to the lands, waters and premises as a result of the activities.

(c) Restoration of property.—Any public or private property damaged or destroyed in carrying out the powers granted by this chapter shall be restored or repaired and placed in its original condition as nearly as practicable or adequate compensation made for the property out of funds provided under the authority of this chapter.

(d) Powers of public bodies.—Notwithstanding any other provision of law to the contrary, a political subdivision and a public agency and commission of the Commonwealth may lease, lend, dedicate, grant, convey or otherwise transfer to the commission, upon its request, upon terms and conditions as the proper authorities of the political subdivisions or public agencies and commissions of the Commonwealth may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities

concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the commission, including public roads and other real property already devoted to public use.

§ 8111. Entry and possession of property condemned.

Whenever the commission has condemned any lands, rights, rights-of-way, easements and franchises, or interests therein, as provided in this chapter, the commission may proceed to obtain possession in the manner provided by 26 Pa.C.S. (relating to the eminent domain).

§ 8112. Issuance of turnpike revenue bonds or other obligations.

(a) Authorization.—

(1) A bond must be authorized by resolution of the commission. The resolution may specify all of the following:

(i) Series.

(ii) Date of maturity not exceeding 40 years from date of issue.

(iii) Interest.

(iv) Denomination.

(v) Form, either coupon or fully registered without coupons.

(vi) Registration, exchangeability and interchangeability privileges.

(vii) Medium of payment and place of payment.

(viii) Terms of redemption not exceeding 105% of the principal amount of the bond.

(ix) Priorities in the revenues or receipts of the commission.

(2) A bond must be signed by or shall bear the facsimile signature of such officers as the commission determines. Coupon bonds must have attached interest coupons bearing the facsimile signature of the treasurer of the commission as prescribed in the authorizing resolution. A bond may be issued and delivered notwithstanding that one or more of the signing officers or the treasurer has ceased to be an officer when the bond is actually delivered. A bond must be authenticated by an authenticating agent, a fiscal agent or a trustee, if required by the authorizing resolution.

(3) A bond may be sold at public or private sale for a price determined by the commission.

(4) Pending the preparation of a definitive bond, interim receipts or temporary bonds with or without coupons may be issued to the purchaser and may contain terms and conditions as the commission determines.

(b) Provisions.—A resolution authorizing a bond may contain provisions which shall be part of the contract with the bondholder as to the following:

(1) Pledging the full faith and credit of the commission but not of the Commonwealth or any political subdivision for the bond or restricting the obligation of the commission to all or any of the revenue of the commission from all or any projects or properties.

(2) The construction, financing, improvement, operation, extension, enlargement, maintenance and repair for the payment of the costs of the turnpikes and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads, the financing for insurance reserves and the duties of the commission with reference to these matters.

(3) Terms and provisions of the bond.

(4) Limitations on the purposes to which the proceeds of the bond or other financing may be applied.

(5) Rate of tolls and other charges for use of the facilities of or for the services rendered by the commission.

(6) The setting aside, regulation and disposition of reserves and sinking funds.

(7) Limitations on the issuance of additional bonds.

(8) Terms and provisions of any deed of trust or indenture securing the bond or under which any deed of trust or indenture may be issued.

(9) Other additional agreements with the holder of the bond.

(c) Deeds of trust.—The commission may enter into any deed of trust, indenture or other agreement with any bank or trust company or other person in the United States having power to enter into such an arrangement, including any Federal agency, as security for a bond and may assign and pledge all or any of the revenues or receipts of the commission under such deed, indenture or agreement. The deed of trust, indenture or other agreement may contain provisions as may be customary in such instruments or as the commission may authorize, including provisions as to the following:

(1) Construction, financing, improvement, operation, maintenance and repair for the payment of the costs of the turnpikes and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads, financing for insurance reserves and the duties of the commission with reference to these matters.

(2) Application of funds and the safeguarding of funds on hand or on deposit.

(3) Rights and remedies of trustees and bondholders, including restrictions upon the individual right of action of a bondholder.

(4) Terms and provisions of the bond or the resolution authorizing the issuance of the bond.

(d) Negotiability.—A bond shall have all the qualities of negotiable instruments under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

§ 8113. Obligation proceeds restricted and lien created.

All money received from any bonds, notes or other obligations issued under this chapter shall be applied solely to the payment of the cost of the turnpike, the turnpike extensions and improvements and the toll road conversions, including the reconstruction of the converted roads as provided for in this chapter and the repayment to the Federal Treasury of any funds so required to be repaid pursuant to any special legislation passed by the Congress of the United States authorizing the conversion of toll-free roads to toll roads or to the appurtenant fund. There is created and granted a lien upon the money, until so applied, in favor of holders of the bonds, notes or other obligations or the trustee provided for in this chapter in respect of the bonds, notes or other obligations.

§ 8114. Trust indenture authorized.

(a) Security for bonds.—In the discretion of the commission, the bonds, notes or other obligations may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within this Commonwealth. The trust indenture may pledge or assign tolls and revenue to be received but shall not convey or mortgage the Pennsylvania Turnpike System, including the turnpikes and toll road conversions provided for by this chapter.

(b) Rights of bondholders.—Either the resolution providing for the issuance of the bonds, notes or other obligations or the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders or holders of notes or other obligations as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission in relation to the acquisition of properties and the construction, maintenance, operation and repair and insurance of the turnpikes, and the custody, safeguarding and application of all money. It shall be lawful for any bank or trust company incorporated under the laws of

this Commonwealth to act as a depository of the proceeds of bonds, notes or other obligations or revenues and to furnish the indemnity bonds or to pledge the securities as may be required by the commission. The trust indenture may set forth the rights and remedies of the bondholders or holders of notes or other obligations and of the trustee and may restrict the individual right of action of bondholders or holders of notes or other obligations as is customary in trust indentures securing bonds, debentures of corporations, notes or other obligations. In addition to the foregoing, the trust indenture may contain other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other obligations. All expenses incurred in carrying out the trust indenture may be treated as part of the cost of maintenance, operation and repair of the turnpikes and toll road conversions provided for by this chapter.

§ 8115. Commission and obligations tax exempt.

The accomplishment by the commission of the authorized purposes stated in this chapter being for the benefit of the people of this Commonwealth and for the improvement of their commerce and prosperity, in which accomplishment the commission will be performing essential governmental functions, the commission shall not be required to pay any taxes or assessments on any property acquired or used by it for the purposes provided in this chapter, and the bonds, notes or other obligations issued by the commission, their transfer and the income therefrom, including any profits made on the sale thereof, shall at all times be free from taxation within this Commonwealth.

§ 8116. Collection and disposition of tolls and other revenue.

(a) Establishment and changes in toll amounts.—Subject to the terms of any trust indenture entered into by the commission, any resolution authorizing the issuance of any bonds, notes or other obligations of the commission, the commission is authorized: to fix and to revise tolls for the use of the Pennsylvania Turnpike System and the different parts or sections of the system, including the turnpike, the turnpike extensions and improvements and the toll road conversions authorized by this chapter: to charge and collect the tolls; to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, gas stations, garages, stores, hotels, restaurants and advertising signs, or for any other purpose, except for tracks for railroad or railway use; and to fix the terms, conditions, rents and rates of charges for use. Tolls shall be fixed and adjusted as to provide funds at least sufficient with other revenues of the Pennsylvania Turnpike System, if any, to pay:

(1) the cost of constructing, maintaining, repairing and operating the Pennsylvania Turnpike System and the different parts and sections of the system; and

(2) any bonds, notes or other obligations and the interest thereon of the commission, and all sinking fund requirements of the commission, and other requirements provided for by any resolution authorizing the issuance of the bonds, notes or other obligations by the commission, or by any trust indenture to which the commission is a party, as the same shall become due.

(b) Restrictions on toll revenue.—Tolls shall not be subject to supervision or regulation by any other State commission, board, bureau or agency. Subject to the terms of any presently existing trust indenture entered into by the commission and any presently existing resolution authorizing the issuance of any bonds, notes or other obligations of the commission, the tolls and all other revenue derived from the Pennsylvania Turnpike System shall be set aside and pledged as may be provided in any resolutions, trust indentures or any other agreements that the commission may hereafter adopt or hereafter enter into with respect to the issuance of bonds, notes or other obligations of the commission.

§ 8116.1. Electronic toll collection.

(a) Liability of owner.—

(1) If an operator of a vehicle fails to pay the prescribed toll at any location where tolls are collected by means of electronic toll collection, the owner of the vehicle shall be liable

to the commission for failure of the operator of the vehicle to comply with this section if the violation is evidenced by information obtained from a violation enforcement system.

(2) If a violation of this section is committed, the registration plate number of the vehicle as recorded by a violation enforcement system shall establish an inference that the owner of the vehicle was then operating the vehicle. The inference shall be overcome if the owner does all of the following:

(i) Testifies that the owner was not operating the vehicle at the time of the violation.

(ii) Submits to an examination as to who at the time was operating the vehicle.

(iii) Reveals the name and residence address, if known, of the operator of the vehicle.

(3) If an action or proceeding is commenced in a county other than that of the residence of the owner, a verified written statement setting forth the facts prescribed under paragraph (2)(i), (ii) and (iii) shall suffice to overcome the inference.

(4) If the inference is overcome, the operator of the vehicle may be held liable under this section for failure to pay the prescribed toll in the same manner as if the operator were the owner of the vehicle.

(b) Imposition of liability.—Liability under this section shall be imposed upon an owner for a violation of this section or the regulations of the commission occurring within the territorial limits of this Commonwealth. If a violation is committed as evidenced by a violation enforcement system, the following shall apply:

(1) The commission or an authorized agent or employee must prepare and mail a notice of violation as follows:

(i) The notice of violation must be sent by first class mail to each person alleged to be liable as an owner for a violation of this section.

(ii) The notice must be mailed at the address shown on the vehicle registration or at the address of the operator, as applicable. Notice must be mailed no later than 60 days after:

(A) the alleged conduct; or

(B) the date the inference is overcome under subsection (a)(2).

(iii) Personal service is not required.

(iv) The notice must contain all of the following:

(A) Information advising the person charged of the manner and time in which the liability alleged in the notice may be contested.

(B) A warning advising the person charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered on the notice.

(1.1) A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the mailing of notice.

(2) If an owner of a vehicle or an owner that is a lessor of a vehicle receives a notice of violation under this section for any time period during which the vehicle was reported to a police department as having been stolen, it shall be a defense to the allegation of liability that the vehicle had been reported to the police as having been stolen prior to the time the violation occurred and that the vehicle had not been recovered by the time of the violation. For purposes of asserting the defense under this paragraph, it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the commission within 30 days after receiving the original notice of violation. Failure to send the information within the time limit under this paragraph shall render the owner or lessor liable for the penalty prescribed by this section.

(3) An owner that is a lessor of a vehicle as to which a notice of violation was issued under paragraph (1) shall not be liable for a violation if the owner sends to the commission a copy of the rental, lease or other contract document covering the vehicle on the date of the violation, with the name and address of the lessee clearly legible to the commission, within 30 days after receiving the original notice of violation. Failure to send the information within the time limit under this paragraph shall render the lessor liable for the penalty prescribed by this section. If the lessor complies with the provisions of this section, the lessee of the vehicle on the date of the violation shall be deemed to be the owner of the vehicle for purposes of this section and shall be subject to liability for the penalty under this section.

(4) A certified report or a facsimile report of an authorized agent or employee of the commission reporting a violation of this section or regulations of the commission based upon the recorded information obtained from a violation enforcement system shall be prima facie evidence of the facts contained in the report and shall be admissible as an official record kept in the ordinary course of business in any proceeding charging a violation of this section or the toll collection regulations of the commission.

(5) Notwithstanding any other provision of law, videotapes, photographs, microphotographs, other recorded images, written records, reports or facsimiles prepared pursuant to this section shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging duties under this section and the regulations of the commission. The information shall not be deemed a public record under the act of June 21, 1957 (P.L.390, No.212), referred to as the Right-to-Know Law. The information shall not be discoverable by court order or otherwise; nor shall it be offered in evidence in any action or proceeding which is not directly related to a violation of this section, the regulations of the commission or indemnification for liability imposed pursuant to this section. The restrictions set forth in this paragraph:

(i) shall not be deemed to preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action;

(ii) shall not be deemed to preclude the exchange of the information between any entities with jurisdiction over or which operate an electronic toll collection system in this Commonwealth or any other jurisdiction; and

(iii) shall not be deemed to prohibit the use of information exclusively for the purpose of billing electronic toll collection account holders, deducting toll charges from the account of an account holder, enforcing toll collection laws and related regulations or enforcing the provisions of an account holder agreement.

(6) An imposition of liability under this section must be based upon a preponderance of evidence.

(7) An imposition of liability pursuant to this section shall not be deemed a conviction of an owner and shall not be made part of the motor vehicle operating record of the person upon whom the liability is imposed, nor shall it be considered in the provision of motor vehicle insurance coverage.

(8) An owner that admits, is found liable or fails to respond to the notice of violation for a violation of this section shall be civilly liable to the commission for all of the following:

(i) Either:

(A) the amount of the toll evaded or attempted to be evaded if the amount can be determined; or

(B) the maximum toll from the farthest point of entry on the Pennsylvania Turnpike to the actual point of exit if the amount of the toll evaded or attempted to be evaded cannot be determined.

(ii) A reasonable administrative fee not to exceed \$35 per notification.

(9) Nothing in this section shall be construed to limit the liability of the operator of a vehicle for a violation of this section or of the regulations of the commission.

(c) Placement of electronic toll collection device.—An electronic toll collection device which is affixed to the front windshield of a vehicle in accordance with the regulations of the commission shall not be deemed to constitute a violation of 75 Pa.C.S. § 4524 (relating to windshield obstructions and wipers).

(d) Privacy of electronic toll collection account holder information.—

(1) Except as set forth paragraph (2), notwithstanding any other provision of law, all of the following apply to information kept by the commission, its authorized agents or its employees which is related to the account of an electronic toll collection system account holder:

(i) The information shall be for the exclusive use of the commission, its authorized agents, its employees and law enforcement officials for the purpose of discharging their duties pursuant to this section and the regulations of the commission. This subparagraph includes names, addresses, account numbers, account balances, personal financial information, vehicle movement records and other information compiled from transactions with the account holders.

(ii) The information shall not be deemed a public record under the Right-to-Know Law, nor shall it be discoverable by court order or otherwise or be offered in evidence in any action or proceeding which is not directly related to the discharge of duties under this section, the regulations of the commission or a violation of an account holder agreement.

(2) Paragraph (1) shall not be deemed to do any of the following:

(i) Preclude a court of competent jurisdiction from issuing an order directing that the information be provided to law enforcement officials if the information is reasonably described and is requested solely in connection with a criminal law enforcement action.

(ii) Preclude the exchange of the information between any entities with jurisdiction over or which operate an electronic toll collection system in this Commonwealth or any other jurisdiction.

(iii) Prohibit the use of the information exclusively for the purpose of billing electronic toll collection account holders, deducting toll charges from the account of an account holder, enforcing toll collection laws and related regulations or enforcing the provisions of an account holder agreement.

(e) Definition.—As used in this section, the term "owner" means any person, corporation, firm, partnership, agency, association, organization or lessor that, at the time a vehicle is operated in violation of this section or regulations of the commission:

(1) is the beneficial or equitable owner of the vehicle;

(2) has title to the vehicle; or

(3) is the registrant or coregistrant of the vehicle registered with the department or a comparable agency of another jurisdiction or uses the vehicle in its vehicle renting or leasing business. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person.

§ 8117. Refunding bonds.

The commission is authorized to provide, by resolution, for the issuance of turnpike revenue refunding bonds for the purpose of refunding issued and outstanding turnpike revenue bonds, notes or other obligations. Applicable provisions of this chapter govern all of the following:

(1) Issuance of the turnpike revenue refunding bonds.

(2) Maturities and other details of the refunding bonds.

(3) Rights of the holders of the bonds.

(4) Duties of the Commonwealth and of the commission in respect to the bonds.

§ 8118. Rights of obligation holders and trustees.

(a) Scope.—This section applies to all of the following:

(1) A holder of:

(i) a bond, note or other obligation issued under this chapter; or

(ii) a coupon attached to the bond, note or other obligation.

(2) The trustee under an applicable trust indenture.

(b) Enforcement.—Subject to subsection (c), a person referred to in subsection (a) may, by an action at law or in equity, do all of the following:

(1) Protect and enforce rights granted under this chapter or under the resolution or trust indenture.

(2) Enforce and compel performance of all duties required by this chapter or by the resolution or trust indenture to be performed by the commission or an officer of the commission. This paragraph includes fixing, charging and collecting of tolls for the use of the turnpikes.

(c) Restriction.—Rights under this chapter may be restricted by resolution passed before the issuance of the bond, note or other obligation or by the trust indenture.

§ 8119. Authority granted to secretary.

(a) Agreement with Federal Government.—

(1) The secretary is authorized to enter into an agreement with the United States Department of Transportation, the Federal Highway Administration and any other Federal agency to obtain Federal funds for projects for resurfacing, restoring and rehabilitating toll roads in this Commonwealth. The commission is authorized to use Federal funds which may be available for toll roads only upon approval of the secretary and only under the authority granted under this section.

(2) (Reserved).

(b) Approval by department.—Contracts and agreements relating to the construction of the turnpikes and connecting tunnels and bridges must be approved by the department.

§ 8120. Construction of chapter.

This chapter shall be regarded as supplemental and additional to powers conferred by other statutes and shall not be regarded as in derogation of any powers now existing and shall be liberally construed to effect its purposes.

Section 2.1. Section 8901 of Title 75 is amended to read:

§ 8901. Definitions.

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

"Annual additional rent." That portion of the rent payable to the Department of Transportation under section 8915.3(5) (relating to lease of Interstate 80).

"Annual base rent." That portion of the rent payable to the Department of Transportation under section 8915.3(4) (relating to lease of Interstate 80).

"Annual surplus rent." That portion of the rent payable to the Department of Transportation under section 8915.3(6) (relating to lease of Interstate 80).

"Auditor General's certificate." The certificate issued by the Auditor General within 180 days after the end of each fiscal year of the Pennsylvania Turnpike Commission certifying all of the following:

(1) The amount of the general reserve fund surplus for the fiscal year.

(2) Interstate 80 savings for the fiscal year.

(3) After review of the commission's current ten-year capital plan, that the transfer of the general reserve fund surplus under section 8915.3 (relating to lease of Interstate 80) shall not impair the ability of the commission to meet its obligations under the lease agreement or the commission's ten-year capital plan.

"Commission." The Pennsylvania Turnpike Commission.

"Conversion date." The date the Pennsylvania Turnpike Commission intends to assume control over Interstate 80 as set forth in the conversion notice.

"Conversion notice." Written notice to the Secretary of Transportation from the Pennsylvania Turnpike Commission providing notice of its intent to assume control over Interstate 80 under section 8915.3(3) (relating to lease of Interstate 80).

"Conversion period." A period of three years:

(1) which begins on the date of execution of the lease agreement; and

(2) during which the Pennsylvania Turnpike Commission may give the Department of Transportation conversion notice or notice that the commission has exercised its option to extend the conversion period pursuant to section 8915.3(2) (relating to lease of Interstate 80).

"Fiscal year." The fiscal year of the Pennsylvania Turnpike Commission.

"General reserve fund surplus." The amount which:

(1) is certified by the Auditor General in the Auditor General's certificate as existing in the Pennsylvania Turnpike Commission's general reserve fund on the last day of the fiscal year; and

(2) is not required to be retained in the general reserve fund pursuant to any financial documents, financial covenants, insurance policies, liquidity policies or agreements, swap agreements or rating agency requirements in effect at the commission.

"Interstate 80 savings." An amount equal to the following:

(1) Prior to the conversion date, the amount shall be zero.

(2) After the conversion date, the amount certified in the Auditor General's certificate equal to \$100,000,000, increased by 4% for each year after the year of execution of the lease agreement.

"Interstate 80." An interstate highway designated by the United States Department of Transportation on the Dwight D. Eisenhower System of Interstate and Defense Highways.

"Interstate 95." An interstate highway designated by the United States Department of Transportation on the Dwight D. Eisenhower System of Interstate and Defense Highways.

"Lease agreement." A lease agreement between the Department of Transportation and the Pennsylvania Turnpike Commission which shall include provisions setting forth the terms of the conversion of Interstate 80 to a toll road.

"Scheduled annual commission contribution." The following amounts, except that the amount shall be equal to the annual base rent plus \$250,000,000 if the conversion notice is not received by the Secretary of Transportation prior to the expiration of the conversion period:

(1) \$700,000,000 in fiscal year 2007-2008.

(2) \$750,000,000 in fiscal year 2008-2009.

(3) \$800,000,000 in fiscal year 2009-2010.

(4) \$800,000,000 increased by 2.5% for each fiscal year after fiscal year 2009-2010, except that the amount shall be equal to \$250,000,000 if Interstate 80 is not converted to a toll road.

Section 2.2. Section 8911 introductory paragraph of Title 75 is amended and the section is amended by adding a paragraph to read:

§ 8911. Improvement and extension authorizations.

In order to facilitate vehicular traffic within and across this Commonwealth, the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain turnpike extensions and turnpike improvements at such specific locations and according to such schedule as shall be deemed feasible and approved by the commission, together with connecting roads, storm water management systems, tunnels and bridges, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

(10) Other slip ramps and interchanges as the commission may determine.

Section 2.3. Sections 8912 introductory paragraph, 8913, 8914 introductory paragraph and 8915 introductory paragraph of Title 75 are amended to read:

§ 8912. Subsequent extension authorizations.

The commission is also hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

§ 8913. Additional subsequent extension authorizations.

Upon substantial completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations) and 8912 (relating to subsequent extension authorizations), the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows: construct from a point at or near Interstate Route 80 Interchange 23 at Milesburg southwesterly generally along U.S. Route 220 to a connection with the existing U.S. Route 220 Expressway south of Bald Eagle.

§ 8914. Further subsequent authorizations.

Upon completion of the turnpike extensions and improvements set forth in sections 8911 (relating to improvement and extension authorizations), 8912 (relating to subsequent extension authorizations) and 8913 (relating to additional subsequent extension authorizations), the commission is hereby authorized and empowered to construct, widen, expand, extend, operate and maintain further extensions and improvements of the turnpike at such specific locations and according to such schedules as shall be deemed feasible and which shall be approved by the commission, subject to the waiver of the Federal toll prohibition provisions where applicable, as follows:

* * *

§ 8915. Conversion to toll roads.

In order to facilitate vehicular traffic within and across this Commonwealth, and [after] to facilitate the completion of the turnpike extensions and improvements authorized in section 8911 (relating to improvement and extension authorizations), and subject to prior legislative approval by the General Assembly and the United States Congress, the commission is hereby authorized and empowered to convert to toll roads such portions of Pennsylvania's interstate highway system as may [be required in order to] facilitate the completion of the turnpike extensions and improvements authorized in sections 8912 (relating to subsequent extension authorizations), 8913 (relating to additional subsequent extension authorizations) and 8914 (relating to further subsequent authorizations) and to operate and maintain such converted interstates as toll roads upon the approval by the Congress of the United States of America and the General Assembly of this Commonwealth of legislation expressly permitting the conversion of such interstates to toll roads. Such conversions shall take place at a time and manner set forth in the plan for the conversion prepared by the commission with the cooperation of the department. The provisions

authorizing the commission to construct, operate and maintain the turnpike routes in sections 8911, 8912 and 8913 shall be subject to:

* * *

Section 2.4. Title 75 is amended by adding sections to read:

§ 8915.1 Conversion of I-80 and I-95.

In order to facilitate vehicular traffic across this Commonwealth and pursuant to the authority granted in this chapter, the commission is hereby authorized and empowered to:

(1) Convert to toll roads Interstate 80 and Interstate 95 and to operate and maintain the converted interstates as toll roads, upon approval of the United States Department of Transportation.

(2) Undertake a project which shall include construction, reconstruction, widening, expansion, extension, operation and maintenance of Interstate 80 and Interstate 95, together with connecting roads, interchanges, slip ramps, tunnels and bridges.

(3) Issue turnpike revenue bonds of the Commonwealth, notes and other obligations payable solely from revenues of the commission, including tolls, or form such funds as may be available to the commission for that purpose.

(4) Pay the cost of any and all construction, reconstruction, widening, expansion or extension or any other cost of Pennsylvania turnpike.

§ 8915.2. Application to United States Department of Transportation.

The commission, in consultation with the department, shall prepare applications at its own expense and shall submit the applications to the United States Department of Transportation for the conversion of Interstate 80 and Interstate 95 to toll roads pursuant to any Federal program for which they are eligible. The commission shall simultaneously commence separate applications for Interstate 80 and Interstate 95.

§ 8915.3. Lease of Interstate 80.

The department and the commission shall enter into a lease agreement relating to Interstate 80. The lease agreement shall include provisions setting forth the terms and conditions of the conversion of Interstate 80 to a toll road. The lease agreement, at a minimum, shall include the following:

(1) A provision that the term of the lease agreement shall be 50 years, unless extended upon mutual agreement of the parties to the lease agreement.

(2) A provision establishing a conversion period and authorizing extension of the conversion period at the sole option of the commission for three one-year extension periods after consultation with the secretary. The commission shall notify the secretary of its intent to extend the conversion period not less than 90 days before the scheduled expiration of the conversion period. During the conversion period, all legal, financial and operational responsibility for Interstate 80 shall remain with the department. All operations and programmed rehabilitation shall be maintained at levels no less favorable than those set forth in the department's 12-year plan at the time of the execution of the lease, with modifications as are approved in writing by the chairman of the commission.

(3) A provision permitting the commission to exercise its option to convert Interstate 80 to a toll road prior to the expiration of the conversion period by providing the conversion notice to the secretary beginning on the conversion date, all legal, financial and operational responsibility for Interstate 80, as well as all toll revenues collected with respect to its use, shall be transferred from the department to the commission. The commission shall retain the right to contract with the department for any portion of the maintenance of Interstate 80 at cost levels no less favorable than those of the department on the conversion date.

(4) A provision requiring the commission to pay annual base rent to the department during the term of the lease agreement in the following manner and equal to the following amounts:

(i) Annual debt service on outstanding bonds issued under section 9511.2 (relating to special revenue bonds payable solely from pledged revenues of Motor License Fund) payable as required pursuant to bonds.

(ii) \$200,000,000 payable annually in four equal installments each due the first business day of each July, October, January and April.

(5) A provision requiring the commission to pay annual additional rent to the department as follows:

(i) During the conversion period and after the conversion of Interstate 80 to a toll road, the annual additional rent shall be equal to the scheduled annual commission contribution, minus any amounts paid under paragraph (4) and any Interstate 80 savings for that fiscal year as set forth in the Auditor General's certificate.

(ii) If conversion notice is not received by the secretary prior to the expiration of the conversion period, the annual additional rent shall be equal to \$250,000,000.

The annual additional rent is deemed to be equal to the fair market value of Interstate 80 and shall be payable in four equal installments due the first business day of each July, October, January and April of each year during the term of the lease agreement.

(6) A provision requiring the commission to pay, commencing on the conversion date, annual surplus rent to the department equal to the general reserve fund surplus payable for each fiscal year from the conversion date until the end of the term of the lease agreement. The surplus rent shall be payable by the commission within 30 days of receipt by the commission of the Auditor General's certificate. If the conversion period expires before the conversion date, no annual surplus rent shall be payable.

(7) A provision stating that the obligation of the commission to pay the annual base rent, the annual additional rent and annual surplus rent shall be a subordinate obligation of the commission payable from amounts in the general reserve fund of the commission only as permitted by any financing documents, financial covenants, liquidity policies or agreements, swap agreements or rating agency requirements in effect at the commission.

§ 8915.4. Lease of other interstates.

Except as provided in section 8915.3 (relating to lease of Interstate 80), upon receiving approval from the United States Department of Transportation to toll an interstate, the commission shall enter into a lease agreement with the department for that interstate.

Amend Bill, page 69, line 20, by striking out all of said line and inserting

Section 4. Title 75 is amended by adding a section to read:

§ 9501. Definitions.

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

"Bond-related expenses." The term shall include all of the following:

(1) Printing, publication or advertising expenses with respect to the sale and issuance of bonds.

(2) Fees, expenses and costs of registrars.

(3) Fees, expenses and costs of attorneys, accountants, feasibility consultants, computer programmers or other experts employed to aid in the sale and issuance of the bonds.

(4) Other costs, fees and expenses incurred or reasonably related to the issuance and sale of the bonds.

"Bond-related obligation." An agreement or contractual relationship between the Pennsylvania Turnpike Commission and a bank, trust company, insurance company, swap counterparty, surety bonding company, pension fund or other financial institution providing

increased credit on or security for the bonds or liquidity for secondary market transactions.

"Commission." The Pennsylvania Turnpike Commission or any successor organization.

"Cost of the department."

(1) Any of the following, which shall be reimbursed or paid out of the proceeds of the special revenue bonds, notes or other obligations authorized under this chapter:

(i) The cost of constructing, reconstructing, widening, expanding or extending the State highway and rural State highway system and all connecting roads, tunnels and bridges.

(ii) The cost of all lands, property rights, rights-of-way, easements and franchises acquired, which are deemed necessary or convenient for the construction, reconstruction, widening, expanding or extending under subparagraph (i).

(iii) The cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction.

(iv) The cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of the enterprise, administrative and legal expenses and other expenses as may be necessary or incident to the financing authorized under this chapter, the construction, reconstruction, widening, expanding or extending of the State highway and the rural State highway system and connecting roads, tunnels and bridges, the placing of the same in operation and the condemnation of property necessary for construction and operation.

(v) Any obligation or expense contracted for by the Department of Transportation or with the United States or any agency of the United States, for traffic surveys, preparation of plans and specifications, supervision of construction, and other engineering, administrative and legal services and expenses in connection with the construction, reconstruction, widening, expanding or extending of the State highway and the rural State highway system or any of the connecting roads, tunnels and bridges.

(2) Payment of any notes or other obligations if the notes or other obligations were issued for the payment of a cost.

"Design build arrangement." A procurement or project delivery arrangement whereby a single entity, which may be a single contractor or a consortium comprised of multiple contractors, engineers and other subconsultants, is responsible for both the design and construction of a transportation project with a guaranteed completion date and guaranteed maximum price.

"Owner." The term shall include all individuals, copartnerships, associations or corporations having any title or interest in any property rights, easements or franchises authorized to be acquired by this chapter.

"Pledged revenues." Revenues of the Motor License Fund pledged to the Pennsylvania Turnpike Commission under sections 9010 (relating to disposition and use of tax), 9511(i) (relating to allocation of proceeds) and 9511.11 (relating to Motor License Fund proceeds) and amounts payable by the commission under section 8915.3(4)(i) (relating to lease of Interstate 80).

"Rural State Highway System." All roads and highways taken over by the Commonwealth as State highways under the provisions of the act of June 22, 1931 (P.L.594, No.203), referred to as the Township State Highway Law and all other roads and highways specifically designated by the Secretary of Transportation as Rural State Highways.

"State highway." All roads and highways taken over by the Commonwealth as State highways under the provisions of any statute. Unless clearly intended, the term shall not include any street in any city, borough or incorporated town, even though the same may have been taken over as a State highway.

Section 5. Title 75 is amended by adding sections to read:
§ 9511.2. Special revenue bonds payable solely from pledged revenues of Motor License Fund.

(a) Payment source.—A special revenue bond, note or other obligation issued under this chapter:

(1) shall not be deemed to be a debt or liability of the Commonwealth;

(2) shall not create or constitute any indebtedness, liability or obligation of the Commonwealth; and

(3) shall be payable solely from revenues of the Motor License Fund pledged to the commission for that purpose in combination with amounts transferred under section 8915.3(4)(i) (relating to lease of Interstate 80).

(b) Statement.—A special revenue bond, note or other obligation issued under this chapter must contain a statement on its face that:

(1) the Commonwealth is not obligated to pay the bond, note or obligation or the interest on it except from revenues of the Motor License Fund pledged for that purpose in combination with amounts transferred under section 8915.3(4)(i); and

(2) neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of the principal or interest of the bond, note or obligation.

(c) Taxation.—The issuance of a special revenue bond, note or other obligation under this chapter shall not directly, indirectly or contingently obligate the Commonwealth to levy a tax or to make an appropriation for payment.

§ 9511.3. Expenses.

(a) Reimbursement.—The commission shall be reimbursed for the necessary expenses incurred in the performance of the duties performed under the provisions of this chapter.

(b) Source.—All expenses incurred in carrying out the provisions of this chapter shall be paid solely from funds provided under the authority of this chapter, and sufficient funds shall be provided under the authority of this chapter to meet any liability or obligation incurred in carrying out the provisions of this chapter.

§ 9511.4. Special revenue bonds and preliminary or interim financing.

(a) Authorization.—The commission is authorized to provide, by resolution, for the issuance of special revenue bonds of the commission up to an amount not exceeding \$4,000,000,000 for the purpose of paying the cost of the department and bond-related expenses. The resolution must recite an estimate of the cost of the department. No more than \$600,000,000 of special revenue bonds may be issued in any calendar year. No bond may be issued under this section unless the lease agreement authorized under section 8915.3 (relating to lease of Interstate 80) is in effect as of the date of issuance. Special revenue refunding bonds as set forth in section 9511.9 (relating to special revenue refunding bonds) shall not be deemed to count against the total or annual maximum issuance volume. The principal and interest of the bond shall be payable solely from revenues of the Motor License Fund pledged for that purpose to the commission in combination with the amounts transferred under section 8915.3(4)(i).

(b) Form.—

(1) A bond may be issued in registered form.

(2) A bond:

(i) must be dated;

(ii) must bear interest at a rate not exceeding the rate permitted under applicable law;

(iii) must be payable semiannually;

(iv) must mature, as determined by the commission, not exceeding 40 years from the date of the bond; and

(v) may be made redeemable before maturity, at the option of the commission, at a price and under terms

and conditions fixed by the commission prior to the issuance of the bonds.

(3) The amount of premium on a bond shall not cause the yield to be more than permitted by applicable law from the date of the bond to the date of redemption.

(c) Issuance.—

(1) The bond may be issued in registered form. The commission may sell a bond in registered form at public or private sale and for a price it determines to be in the best interest of the Commonwealth, but no sale shall be made at a price so low as to require the payment of interest on the money received for the bond at more than the rate permitted by applicable law, computed with relation to the absolute maturity of the bond in accordance with standard tables of bond values.

(2) A bond may be issued at public or private sale in series with varying provisions as to all of the following:

(i) Rates of interest, which may be fixed or variable.

(ii) Maturity.

(iii) Other provisions not inconsistent with this chapter.

(d) Revenue share.—All bonds, of whatever series, shall share ratably in the revenues pledged under this chapter as security for the bonds, although one series of bonds may have a lien on pledged revenues senior to the lien of another series of bonds.

(e) Payment.—

(1) The principal and interest of the bonds may be made payable in any lawful medium.

(2) The commission shall:

(i) determine the form of bonds; and

(ii) fix:

(A) the denomination of the bond; and

(B) the place of payment of principal and interest of the bond, which may be at any bank or trust company within or without this Commonwealth.

(f) Signature.—The bond must bear the facsimile signature of the Governor and of the chairman of the commission. The facsimile of the official seal of the commission shall be affixed to the bond and attested by the secretary and treasurer of the commission. If an officer whose signature or facsimile of a signature appears on a bond ceases to be an officer before the delivery of the bond, the signature or facsimile shall nevertheless be valid and sufficient for all purposes, as if the officer remained in office until delivery.

(g) Negotiability.—A special revenue bond issued under this chapter shall have all the qualities and incidents of a negotiable instrument under 13 Pa.C.S. Div. 3 (relating to negotiable instruments).

(h) Proceeds.—

(1) The proceeds of a bond shall be used solely for the following:

(i) Payment of the cost of the department.

(ii) Bond-related expenses.

(2) The proceeds of a bond shall be disbursed upon requisition of the secretary under restrictions set forth in the resolution authorizing the issuance of the bond or the trust indenture under section 9511.6 (relating to trust indenture, protection of holders of obligations and depositories).

(3) If the proceeds of a bond, by error of calculation or otherwise, shall be less than the cost of the department, additional bonds may be issued to provide the amount of the deficit and, unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund, without preference or priority of the bonds first issued.

(i) Temporary bonds.—Prior to the preparation of definitive bonds, the commission may, under similar restrictions as those

applicable to the definitive bonds, issue temporary bonds, exchangeable for definitive bonds upon the issuance of definitive bonds.

(j) Replacement bonds.—The commission may provide for the replacement of a bond which becomes mutilated or is destroyed or lost. A replacement revenue bond may be issued without any other proceedings or the happening of any other condition than those proceedings and conditions required by this chapter.

(k) Status as securities.—

(1) A bond is made a security in which any of the following may properly and legally invest funds, including capital, belonging to them or within their control:

(i) Commonwealth and municipal officers.

(ii) Commonwealth agencies.

(iii) Banks, bankers, savings banks, trust companies, saving and loan associations, investment companies and other persons carrying on a banking business.

(iv) Insurance companies, insurance associations and other persons carrying on an insurance business.

(v) Fiduciaries.

(vi) Other persons that are authorized to invest in bonds or other obligations of the Commonwealth.

(2) A bond is made a security which may properly and legally be deposited with and received by a Commonwealth or municipal officer or a Commonwealth agency for any purpose for which the deposit of bonds or other obligations of the Commonwealth is authorized by law.

(l) Borrowing.—The following shall apply:

(1) The commission is authorized to do all of the following:

(i) Borrow money at an interest rate not exceeding the rate permitted by law.

(ii) Provide for preliminary or interim financing, up to but not exceeding the estimated total cost of the department and bond-related expenses and to evidence the borrowing by the issuance of special revenue notes and, in its discretion, to pledge as collateral for the note or other obligation, a special revenue bond issued under the provisions of this chapter. The commission may renew the note or obligation and the payment or retirement of the note or obligation shall be considered to be payment of the cost of the project.

(2) A note or obligation issued under this subsection must comply with the following:

(i) Be executed by the same persons in the same manner and with the same effect as provided in this section for the execution of a special revenue bond.

(ii) Contain a statement on its face that:

(A) the Commonwealth is not obligated to pay the note or obligation or interest on it, except from pledged revenues of the Motor License Fund; and

(B) neither the faith and credit nor the taxing power of the Commonwealth is pledged to the payment of its principal or interest.

(3) The issuance of a special revenue note or other obligation under this chapter shall not directly or indirectly or contingently obligate the Commonwealth to levy a tax or make an appropriation for payment.

(4) A note or other obligation issued under this subsection shall have all the qualities and incidents of a negotiable instrument under 13 Pa.C.S. (relating to commercial code).

§ 9511.5. Application of proceeds of obligations, lien of holders of obligations, design-build requirement and projects approved by General Assembly.

(a) Application.—The following shall apply:

(1) All money received from any bonds, notes or other obligations issued under this chapter shall be applied solely to the payment of the cost of the department or to the appurtenant fund.

(2) Until money received from any bonds, notes or other obligations issued under this chapter is applied under paragraph (1), a lien shall exist upon the money in favor of holders of the bonds, notes or other obligations or a trustee provided for in respect to the bonds, notes or other obligations.

(b) Design-build arrangements.—To facilitate the timely completion of projects to be financed by the department with bond proceeds, the department shall be required to utilize design-build arrangements for each project estimated by the department to have a value in excess of \$100,000,000. The selection of the party for the design-build arrangement must be conducted in a manner consistent with the procurement and public bidding laws applicable to the department.

(c) Capital plan.—All projects financed by the department with bond proceeds must be set forth in the department's capital plan current at the time of the financing and budget which capital plan and budget shall be submitted to the General Assembly on or before March 31 of each year commencing March 31, 2008.

(d) Investment.—Pending the application of proceeds to costs of the department and bond-related expenses, the commission may invest the funds in permitted investments as defined under any trust indenture if the investment is not inconsistent with existing fiduciary obligations of the commission.

§ 9511.6. Trust indenture, protection of holders of obligations and depositories.

(a) Indenture.—In the discretion of the commission, a bond, note or other obligation may be secured by a trust indenture by and between the commission and a corporate trustee, which may be any trust company or bank having the powers of a trust company, within or without this Commonwealth.

(b) Pledge or assignment.—A trust indenture under subsection (a) may pledge or assign revenue to be received, but shall not convey or mortgage the turnpike or any part of the turnpike.

(c) Rights and remedies.—The resolution providing for the issuance of the bond, note or other obligation of the trust indenture may contain provisions for protecting and enforcing the rights and remedies of the bondholders or holders of notes or other obligations as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the department in relation to the acquisition of properties, the construction, maintenance, operation, repair and insurance of the State highway and rural State highway system and the custody, safeguarding and application of all money.

(d) Depository.—It shall be lawful for any bank or trust company incorporated under the laws of this Commonwealth to act as depository of the proceeds of the bond, note or other obligation or revenue, to furnish indemnity bonds or to pledge securities as may be required by the commission.

(e) Indenture.—The trust indenture may set forth the rights and remedies of the bondholders or holders of notes or other obligations and of the trustee and may restrict the individual right of action of bondholders or holders of notes or other obligations as is customary in trust indentures securing bonds, debentures of corporations, notes or other obligations. The trust indenture may contain other provisions as the commission may deem reasonable and proper for the security of bondholders or holders of notes or other obligations.

§ 9511.7. Exemption from Commonwealth taxation.

The effectuation of the purposes of this chapter is for the benefit of the citizens of the Commonwealth and for the improvement of their commerce and prosperity. Since the commission will be performing essential government functions in effectuating these purposes, the commission shall not be required to pay any tax or assessment on any property acquired or used by it for the purposes provided under this chapter. A bond, note or other obligation issued by the commission, its transfer and the income from its issuance and transfer, including any

profits made on the sale of the bond, note or other obligation, shall be free from taxation within the Commonwealth.

§ 9511.8. Pledged revenues, contracts for use of turnpike, sinking fund and purchase or redemption of obligations.

(a) Authorization.—The commission is authorized to collect the pledged revenues. The pledged revenues shall be fixed and adjusted as to provide funds at least sufficient to pay the bonds, notes or other obligations and the interest on the bonds, notes or other obligations. All sinking fund requirements and other requirements provided by the resolution authorizing the issuance of the bonds, notes or other obligations, or by the trust indenture, shall be fixed and adjusted as the bonds, notes or other obligations become due.

(b) Supervision.—The pledged revenues shall not be subject to supervision or regulation by any Commonwealth agency other than the commission.

(c) Set aside.—Except for the portion of the pledged revenues required to provide reserves as set forth in the resolution authorizing the issuance of the bonds, notes or other obligations or in the trust indenture, pledged revenues, to the degree amounts transferred under section 8915.3(4)(i)(relating to lease of Interstate 80) are not sufficient, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, in one or more accounts, which are pledged to and charged with the payment of all of the following:

(1) The interest upon a bond, note or other obligation, as it shall become due and payable.

(2) The principal of a bond, note or other obligation, as it shall become due and payable.

(3) The necessary fiscal agency charges for paying principal and interest.

(4) A premium upon a bond retired by call or purchase.

(d) Sinking fund.—The use and disposition of the sinking fund shall be subject to regulations as may be provided in the resolution authorizing the issuance of bonds, notes or other obligations or in the trust indenture, but, except as may otherwise be provided in the resolution or trust indenture, the sinking fund shall be a fund for the benefit of all bonds, notes or other obligations issued under this chapter, without distinction or priority of one over another.

(e) Application of money.—Subject to the provisions of the resolutions authorizing the issuance of bonds, notes or other obligations or of the trust indenture, any money in the sinking fund in excess of an amount equal to one year's interest on all bonds, notes or other obligations then outstanding may be applied to the purchase or redemption of bonds, notes or other obligations. All bonds, notes or other obligations purchased or redeemed under this subsection shall be canceled and shall not again be issued.

§ 9511.9. Special revenue refunding bonds.

The commission is authorized to provide, by resolution, for the issuance of special revenue refunding bonds of the commission for the purpose of refunding any special revenue bonds, notes or other obligations issued under the provisions of this chapter and then outstanding. The issuance of the special revenue refunding bonds, the maturities and other details of the bonds, the rights of the holders of the bonds and the duties of the department and of the commission with respect to the bonds shall be governed by the provisions of this chapter.

§ 9511.10. Remedies of trustees and of holders of obligations.

(a) Grant of rights.—A holder of a bond, note or other obligation issued under this chapter and the trustee under the trust indenture may, either at law or in equity, by suit, action, mandamus or other proceeding, do all of the following:

(1) Protect and enforce any right granted under this chapter or under the resolution or trust indenture.

(2) Enforce and compel performance of all duties required under this chapter or by resolution or trust indenture to be performed by the commission or any officer of its officers, including the collection of the pledged reserves or amounts transferred under section 8915.3(4)(i) (relating to lease of Interstate 80).

(b) Exception.—Rights given under this chapter may be restricted by resolution passed before the issuance of the bonds, notes or other obligations, or by the trust indenture.

§ 9511.11. Motor License Fund proceeds.

The balance of the proceeds deposited in the Motor License Fund under section 20 of the act of April 17, 1997 (P.L.6, No.3), entitled, "An act amending Titles 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for annual appropriation and computation of subsidy and for distribution of funding; providing for distribution of supplemental funding; further providing for use of funds distributed; providing for public transportation grants management accountability, for competitive procurement and for the Public Transportation Assistance Fund; further providing for period of registration, for duties of agents, for registration and other fees, for requirements for periodic inspection of vehicles, for limits on number of towed vehicles, for operation of certain combinations on interstate and other highways and for width and length of vehicles; providing for liquid fuels and fuels permits and bond or deposit of securities, for imposition of liquid fuels and fuels tax, for taxpayer, for distributor's report and payment of tax, for determination of tax, penalties and interest, for examination of records and equipment, for retention of records by distributors and dealers, for disposition and use of tax, for discontinuance or transfer of business, for suspension or revocation of permits, for lien of taxes, penalties and interest, for collection of unpaid taxes, for reports from common carriers, for violations and reward for detection of violations, for refunds, for diesel fuel importers and transporters, for prohibiting use of dyed diesel fuel, for disposition of fees, fines and forfeitures, for certified copies of records and for uncollectible checks; further providing for distribution of State highway maintenance funds and for standards and methodology for data collection; providing for dirt and gravel road maintenance; further providing for imposition of tax and additional tax; providing for tax on alternative fuels; further providing for disposition of tax revenue; making an appropriation; and making repeals." is pledged to secure bonds issued by the commission. The proceeds may be pledged to secure bonds to be issued by the commission on behalf of the department for the construction, reconstruction, widening, expansion, extension, maintenance and repair of and safety on bridges and costs and expenses incident to those tasks and fees and expenses of the commission related to the issuance of the bonds, including bond-related expenses. Each month, the State Treasurer shall transfer amounts as are necessary, in combination with amounts transferred under sections 8915.3(4)(i)(relating to lease of Interstate 80) and 9511 (relating to allocation of proceeds) to satisfy the provisions of the bond indenture relating to bonds issued under this section and those amounts are authorized to be appropriated.

§ 9511.12. Supplement to other laws and liberal construction.

This chapter shall be regarded as supplemental and additional to powers conferred by other statutes and shall not be regarded as in derogation of any powers existing on the effective date of this section. The provisions of this chapter, being necessary for the welfare of the Commonwealth and its citizens shall be liberally construed to effect the purposes of this chapter.

Section 5.1. Title 75 is amended by adding a chapter to read:

CHAPTER 99-A

REGIONAL INTERMODAL TRANSIT

Sec.

99A01. Pennsylvania Regional Intermodal Transit Authority Study Commission.

§ 99A01. Pennsylvania Regional Intermodal Transit Authority Study Commission.

In each engineering district identified by the Pennsylvania Department of Transportation, designees shall be appointed to a Regional Intermodal Transit Authority Commission no later than 60 days after the effective date of this section based on the following criteria:

(1) Each county within the engineering district shall appoint two designees. Appointments shall be made by the

county executive in counties with a home rule charter. In all other counties, except a county of the first class, the chairman of the county commissioners shall appoint the two designees.

(2) The mayor of a city of the first class in an engineering district shall appoint three designees. The mayor of a city of the second class in an engineering district shall appoint two designees. The mayor of a city of the third class in an engineering district shall appoint one designee.

(3) By December 31, 2007, each study commission shall provide a public report to each county and first class, second class or third class city located within the boundaries of the applicable engineering district that identifies local funding sources or expenditure consolidations or reductions from which to draw revenue to achieve the local contribution to support public transportation as provided by 74 Pa.C.S. Ch. 15. (relating to sustainable mobility options)

Section 6. Financial assistance made by the Department of Transportation to an award recipient under 74 Pa.C.S. Ch. 13 prior to the effective date of this section may continue to be used by award recipients for operating or capital expenses upon the same terms and conditions as are contained in the notice of grant award or grant agreement executed in connection with the award, if the funds are expended within five years following the effective date of this section.

Section 7. The following shall apply:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the addition of 74 Pa.C.S. Ch. 81.

(2) The act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act is repealed.

(3) Section 207.1(c)(2) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is repealed insofar as it is inconsistent with the addition of 74 Pa.C.S. § 8105.

Section 8. The addition of 74 Pa.C.S. Ch. 81 is a continuation of the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act. The following shall apply:

(1) Except as otherwise provided under 74 Pa.C.S. Ch. 81, all activities initiated under the Turnpike Organization, Extension and Toll Road Conversion Act shall continue and remain in full force and effect and may be completed under 74 Pa.C.S. Ch. 81. Orders, regulations, rules and decisions which were made under the Turnpike Organization, Extension and Toll Road Conversion Act and which are in effect on the effective date of section 7(2) of this act shall remain in full force and effect until revoked, vacated or modified under 74 Pa.C.S. Ch. 81. Contracts, obligations and collective bargaining agreements entered into under the Turnpike Organization, Extension and Toll Road Conversion Act are not affected nor impaired by the repeal of the Turnpike Organization, Extension and Toll Road Conversion Act.

(2) Except as set forth in paragraph (3), any difference in language between 74 Pa.C.S. Ch. 81 and the Turnpike Organization, Extension and Toll Road Conversion Act is intended only to conform to the style of the Pennsylvania Consolidated Statutes and is not intended to change or affect the legislative intent, judicial construction or administration and implementation of the Turnpike Organization, Extension and Toll Road Conversion Act.

(3) Paragraph (2) does not apply to:

(i) The addition of the definition of "secretary" in 74 Pa.C.S. § 8102.

(ii) The addition of 74 Pa.C.S. § 8105.

Section 9. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

- (i) The addition of 74 Pa.C.S. § 8105.
 - (ii) The addition of 75 Pa.C.S. Ch. 99-A.
 - (iii) Section 7(3) of this act.
 - (iv) This section.
- (2) The remainder of this act shall take effect in 60 days.

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

The SPEAKER. The Chair recognizes Representative Reichley on the amendment.

Mr. REICHLEY. Thank you, Mr. Speaker.

Sorry for the delay. I was just trying to gather my papers together.

The SPEAKER. Before the gentleman begins, the Chair will ask members to take their seats. Conferences in the side aisles and the well of the House will break up. The gentleman is entitled to be heard. Conferences in the side aisle to the left of the Speaker will break up. Members will please take their seats.

JUDICIARY COMMITTEE MEETING

The SPEAKER. For what purpose does Representative Caltagirone rise?

Mr. CALTAGIRONE. Mr. Speaker, I just want to mention to the members of the House Judiciary Committee that the meeting that was scheduled for 10 this morning will take place at the first break or recess, whatever comes first, in the Ryan Office Building, 205.

The SPEAKER. The Chair thanks the gentleman.

Mr. CALTAGIRONE. Thank you.

The SPEAKER. The Judiciary Committee will meet at the break in room 205 of the Ryan Office Building.

CONSIDERATION OF HB 1590 CONTINUED

PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes Representative Reichley on the amendment.

Mr. REICHLEY. Thank you, Mr. Speaker.

Initially, Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. REICHLEY. Mr. Speaker, does the passage last night of I think it was amendment A02073, the McCall amendment, render out of order this amendment?

The SPEAKER. No, it does not render your amendment out of order, but if your amendment is adopted, it would replace the McCall amendment.

Mr. REICHLEY. Even though there is not a gut-and-replace provision within the language of my amendment, this amendment is not out of order by adoption of the McCall amendment?

The SPEAKER. The amendment is not out of order, but it would substantially replace the substance of the McCall amendment if adopted.

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

Mr. Speaker, I know we went through a very long and thorough debate on the provisions of the McCall amendment last night. In many aspects this particular amendment is similar to the provisions of the McCall amendment, particularly the issue of the tolling of certain roadways and the provision of bond financing to provide immediate cash assistance for road and bridge construction for the projects which are so desperately needed in many parts of Pennsylvania. There are a number of, however, very important and salient differences that I would like to bring to the attention of the members.

Initially, I would take note that the amount of money which is contributed towards both mass transit and road and bridge construction under this amendment is identical to what was offered under the McCall amendment in terms of State funding. In each situation a lease or management fee paid by the Pennsylvania Turnpike Commission to the Pennsylvania Department of Transportation for management of I-80 would be deposited in an account specifically for mass transit. Initially, that sum would be \$250 million in the coming fiscal year. That rises to \$300 million the following year, \$350 million after that. On the road and bridge side, there is an amount of \$450 million provided, which is primarily derived from the funds received from a bond issuance by the Turnpike Commission, and that fund as well continues to go up, as I will explain in a few minutes.

The differences, however, involve taxation. Within the McCall amendment, there was a mandatory requirement that municipalities consider the passage of various locally imposed taxes, and I think we did go through those in great detail last night – a sales and use tax, a hotel room tax of either .25 or .5 percent, another hotel room tax, and a vehicle rental tax of \$2 per day – all which could be imposed by counties. In addition, the McCall amendment allowed municipalities to impose an earned income tax and a vehicle rental tax. The amendment currently before the House does not include any local taxation; it does not include any mandate for local taxation. In fact, it is absent of any taxation at all, and I think the prime distinction between the Reichley amendment and the McCall amendment is this absence of any tax imposed by the State on the municipalities. I think all of us are very cognizant of the reaction that constituents had to Act 1 and to the reaction as well to the EMS (emergency and municipal services) tax in the last few years in which it was perceived that somehow or another an enabling act still was a taxation act passed by the General Assembly. So I would caution the members that if you truly want to be an advocate for providing more assistance to mass transit and road and bridge construction without any local taxation provisions, that you should vote for this amendment.

The second important aspect which is different from the McCall amendment is that this amendment before the House does not attempt in any way to reorganize or tinker or mess around with the representation on the SEPTA (Southeastern Pennsylvania Transportation Authority) Board. And quite frankly, I think it is fair to say that after the passage of the McCall amendment, it is sort of a dinner bell being clanged for SEPTA to say, come and get it from the State coffers. There is no provision which, in this amendment at least, allows for the SEPTA Board to be overly represented by members from the city of the first class, Philadelphia, to such a degree that Philadelphia could perpetually block fare increases, and we have seen too many times in this General Assembly an attitude from some agencies from the city of the first class to not address

their own financial needs from their own revenue sources and just to have an attitude they are going to go to the State to get bailed out. I think the time has come to end that practice, and this is a perfect opportunity to do that by leaving the SEPTA Board in the composition in which it currently is operating.

A third important difference – and I would bring this to the attention of those members from the central part of the State as well who are interested in the Corridor One project – is that within the allocation of funding for mass transit within this amendment, there are four different categories. One of those categories was called programs of statewide significance. These are grants for various programs currently funded by PENNDOT through the General Fund such as the Rural Shared Ride Program for persons with disabilities and intercity bus and rail programs. Within the language of this amendment, there is the authorization to provide funding for commuter rail, and that has become an important issue certainly in many communities throughout Pennsylvania but particularly here in the central part of the State. So if one is concerned about providing future funding sources toward the Corridor One project, this would be the amendment to vote on. The amendment that was voted through last night does not contain funding for the Corridor One project, and I think the members, particularly in this area of the State, should be very cognizant of that.

The other aspects of the amendment, Mr. Speaker, allow for the transition of I-80 to become a State toll roadway in much the same manner as was described by the gentleman from Carbon, Mr. McCall. It would use gantryway tolls sporadically placed along the length of I-80. It would not be a situation, as some of the members have raised as a concern, where local traffic would somehow now be paying a toll. Instead, I think the best way to draw an analogy is that the tolling system on I-80, as envisioned by the Turnpike Commission, would be more similar to that which you would find on the Garden State Parkway, where one pays as you are going through, not as you are getting off at every exit, as the gentleman from Carbon described last night. It is not like the New Jersey Turnpike where you are paying every time you get off. It is more so to capture the longer-term commuter traffic, and the gentleman from Carbon described last night that 72 or 73 percent of the traffic on I-80 is interstate traffic. It is not locally originating traffic.

In addition to I-80, we contemplate that there could be an application from PENNDOT to include I-95 within Pennsylvania for tolling provisions. We have chosen I-95 as the basis for the inclusion of this application because it is a heavily traveled roadway and it is also a road which is tolled in other States. I realize that a large portion of the funding for the I-95 construction in Pennsylvania came from Federal resources and therefore we need to gain Federal permission as opposed to the incorporation of I-95 into the turnpike systems of New Jersey, Delaware, and other States, but this is an active revenue source that we should be looking at. And again, the tolling figures that the gentleman from Carbon mentioned last night in terms of \$375 million, I think that is gross revenue off I-80, but that figure would be substantially increased if we were to put tolls on I-95 as well.

With that, Mr. Speaker, I will conclude my remarks – I am sure I have the rapt attention of the House at this point – and move to any questions they might have.

The SPEAKER. Representative Vitali.

Mr. VITALI. Would the gentleman stand for interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman is in order and may begin his interrogation.

Mr. VITALI. Maybe I will begin where you left off, because this was sounding pretty good for a while.

Talk to me about I-95. Is tolling that going to be studied, or just get into a little more detail about I-95 and tolling, if you could.

Mr. REICHLEY. Mr. Speaker, within the language of the TEA-21 (Transportation Equity Act for the 21st Century) Federal legislation, it appears that I-80 is a designated roadway for conversion to State tolling, even though it was a federally constructed, federally funded road project. The intention of this amendment is to require the Turnpike Commission to make simultaneous applications to the United States Department of Transportation for the tolling of I-80 and I-95, requesting the U.S. Department of Transportation to consider the two projects as one within the same application.

Mr. VITALI. Okay. So to get I-80, you would need also I-95 under this legislation. Would that be accurate?

Mr. REICHLEY. No, Mr. Speaker, it would not be accurate. It would be optimal if the United States Department of Transportation included a transfer of I-95 over to the Turnpike Commission for purposes of adding a couple of gantryway tolls, but the conversion of I-80 is not contingent upon the approval of I-95 converting over to a State-tolled roadway.

Mr. VITALI. How do you envision the tolling of I-95, because that, frankly, could be very controversial, because I know that there are a number of legislators who have constituents who would be subjected to that toll if it were done in a way that would pick up short-term commuter-type traffic and non-State pass-through traffic. So how do you envision or what does this bill provide with regard to tolling on I-95?

Mr. REICHLEY. Mr. Speaker, I am not an engineer – a traffic engineer, a civil engineer – of any type, and I certainly would defer to the experience and gained insight from some of the other members of the chamber who have worked on the Transportation Committee for many years.

However, I would suggest that the tolling of I-95 would be optimally on either end, the northern and southern ends of I-95, not to have, as I made reference to before, sort of like the New Jersey Turnpike where there is a toll at every exit off of I-95. I grew up in lower Bucks County, so I am familiar with the importance of I-95 to the commuter traffic through that area. It is not just, as with I-80, envisioned that we are going to try to be placing an additional burden on the local commuter traffic, residents from your district or from lower Bucks County traveling into Philadelphia. Ideally what we want to do is capture traffic which is coming from New Jersey from the north and east, however, up from Delaware to the south and capturing toll revenue off that.

Let me just add, one of the reasons we are adding on I-95, and I am very aware that this is a controversial piece of this, I think, as the gentleman from Carbon, though, referred to last night, the time has come to deal effectively with this situation. We can keep putting it off and putting it off, but if we are going to have a reliable funding source for many years to come, not just for mass transit but also for road and bridge construction, I believe that it was important to include the roadways which would yield the most productive revenue sources, and that was why I included I-95 in this particular amendment.

Mr. VITALI. What I am trying to ascertain is, would supporting this involve subjecting constituents of mine who use I-95 but simply stay entirely in Pennsylvania, would that subject them to tolls? That is what I am trying to get at.

Mr. REICHLEY. Mr. Speaker, I will admit to not knowing exactly where your district is or what exit of I-95 your constituents would gain access onto I-95, but—

Mr. VITALI. Just staying totally within, totally within Pennsylvania, maybe picking it up in southern Delaware County, and staying on it before it gets into New Jersey, up by Trenton or Morrisville or wherever.

Mr. REICHLEY. It would be my hope and I believe the Turnpike Commission's intention, Mr. Speaker, that a toll be placed somewhere up around the Scudder Falls Bridge to capture traffic coming across from New Jersey and then somewhere near the Delaware border to capture traffic coming in from the south, not to penalize your constituents who are commuting into South Philadelphia, going along the river, going to the airport, anything like that.

Mr. VITALI. Okay.

If I could move on to another area. The money generated by the McCall amendment versus the Reichley amendment, how do the two compare?

Mr. REICHLEY. They are very similar, Mr. Speaker, in terms of State funding. As I mentioned in the first part of my comment, the funding for mass transit in the first year would come from a \$250 million management fee or lease fee, if you will, that the Turnpike Commission will pay to the Department of Transportation, and that money is exclusively for use for mass transit funding. That goes up on an annual basis, and the second year it goes up to \$300 million, and the third year it goes up to \$350 million.

In a similar fashion on the road and bridge side, the funds which would be provided up front from the Turnpike Commission are based upon the issuance of \$4 billion worth of bonds over a 10-year period and roughly each year \$400 million coming back to the State, which would be exclusively used for additional funds for road and bridge construction, which we desperately need.

I want to add as well—

Mr. VITALI. Can I just say, just to get it clear in my own mind, can it be said that the money gained from your amendment versus the McCall amendment from increasing the tolls on the Pennsylvania Turnpike would be the same. Is that aspect of the bill the same?

Mr. REICHLEY. That would be the same except to the extent that you just stated an increase in tolls.

Based upon testimony provided by the Turnpike Commission last week to the Senate Democratic Policy Committee, the Turnpike Commission had stated that they would be able to fund the debt service on that \$4 billion worth of tolls within the currently existing toll structure or what they have already enacted, and there is going to be a 25-percent increase on the turnpike, regardless of what we do on mass transit in this bill, in 2010 with a 2-1/2 percent increase every year thereafter. The Turnpike Commission has said there would not be any toll increase which one would specifically identify with the debt service on the bond issue. So the tolls would be as they are now and going up as they are projected to be by the Turnpike Commission without reference to a necessary increase for debt service. There would not be any increase in the tolls solely for debt service.

There are two other sources of funding, Mr. Speaker, if you will allow me—

Mr. VITALI. So your piece and the McCall piece, as far as the turnpike goes, are the same.

Mr. REICHLEY. I think that is a fair statement. There are additional savings that come about, like when I-80 is effectively transferred over to the operation of the Turnpike Commission, there is roughly— In the first year of effective conversion of I-80 over to the Turnpike Commission, there will be \$116 million of savings to the Department of Transportation, which they could also utilize for other road and bridge projects, and the tolling revenue off of I-80 projected in 2011 – because it will take about 3 years from now to effectively get the tolls on I-80 built – the first year would be \$167 million net, and in the second year, as projected, that would go up to \$223 million. The gentleman from Carbon last night I think gave a figure of \$375 million. I think that is a gross figure of revenue off of I-80. You have to subtract out the maintenance cost for I-80 from that tolling revenue. Other aspects are for operation and maintenance of I-80 until you get to the net figure.

But in general, the income levels that the gentleman from Carbon and I are describing are very similar, substantially similar.

Mr. VITALI. Okay. You get the same from the turnpike, you get the same from I-80, and you pick up I-95 revenue. How much I-95 revenue is there?

Mr. REICHLEY. Mr. Speaker, I do not have any projected fiscal model which anybody has calculated upon a conversion of I-95. I think it is fair to say that even if we take 25 percent or 40 percent of the revenue which one would get off I-80, that would be a fair estimate of what you might get off I-95. So there is going to be even that much more money available for road and bridge projects.

Mr. VITALI. Okay. Now, again, you said this before; I apologize, but I just want to be clear about the difference between you and McCall as far as the local match issue, having the counties and the city jump from 13 to 20 percent in the McCall. How does that work in your amendment?

Mr. REICHLEY. Thank you, Mr. Speaker, for bringing this out.

Within this particular amendment, I want to emphasize, there is not any, any, any, any local taxation. Now, within this amendment what we do is require the convening of what we have referred to as regional intermodal transit authorities, which would be comprised of members from each county within PENNDOT engineering districts, and right now there are 11 PENNDOT engineering districts throughout Pennsylvania. There will be two members from each county on this advisory council. In addition, a city of the first class will get three appointees to the particular advisory council encompassing Philadelphia; the city of Pittsburgh will get two appointees to the regional advisory council encompassing Pittsburgh; and for any other city of the third class, that would get one appointee.

So I will put it into my own terms, Mr. Speaker. In the Lehigh Valley, District 5 comprises of Lehigh and Northampton Counties, so each of those will get two appointees. Then the cities of Allentown, Bethlehem, and Easton would each get a designee to this council. They would be charged with deciding by December 31 of this year how they would get up to the 20-percent local match, but there is not any requirement for consideration of taxes, how they must do that. They can come about with that from any particular mode and then refer back to

the legislature saying, this is what we have determined at the regional level, based upon discussion and hopefully inclusion of the State legislators from that area in that discussion, as to what we may need in terms of State legislation, but there is not any requirement for any legislation. A member of the House or Senate who discusses the local needs with these regional councils could quite correctly and appropriately say, you know what? I am not in favor of a realty transfer tax; I am not in favor of an earned income tax; I am not in favor of a hotel tax, a sales tax, a vehicle tax, nothing. You have got to find ways of saving expenditures within your own area – cutting costs, raising your own fares, redoing contracts.

Mr. VITALI. So this commission just makes a recommendation to the legislature without requiring any taxes?

Mr. REICHLEY. That is correct, Mr. Speaker.

That is I think one of the two or three most important differences between my amendment and the McCall amendment, that there is no provision of local taxation within this.

Mr. VITALI. Now, the amount of taxes that— The revenues your bill is not going to garner because you do not have this local match provision, do you pick that up with the I-95 additional revenues, because I am thinking you are saying the revenues are about the same? Is that where you make up for this shortfall?

Mr. REICHLEY. Mr. Speaker, I do not believe there will be a shortfall. What we are suggesting is—

Mr. VITALI. Well, a shortfall in the sense that assuming you and McCall get about the same revenue and assuming you do not get the revenue from the local match, making up— That is what I am calling the shortfall.

Mr. REICHLEY. Mr. Speaker, I do not have any particular designated purpose for the revenue off I-95, and I want to emphasize that the revenue off I-95 would not go to funding mass transit. That would be funding other road and bridge projects. If there is a determination at some point down the road, based upon discussions between the legislature and the executive branch, that there wants to be a designation of the revenue off I-95 towards some assistance towards mass transit, that is certainly conceivable, but within the language of this amendment, there is not a designation of the revenue off I-95 for mass transit. It is an open question, and I would hope that the local councils would see that the method towards reaching the 20-percent local match is not to aspire to the State finding other revenue sources to fill in that gap. The time has come for the local agencies to find ways of reaching their own level of 20 percent contribution rather than pushing this off to another day and hoping the State will somehow bail them out.

The SPEAKER. Will the gentleman cease temporarily.

The noise level in the House is entirely too loud. Caucuses will break up. If there is an important conversation, I ask the members to adjourn to the anterooms. Caucuses in the side aisles will please adjourn to the anteroom.

The Chair will also remind members of the House that during interrogation, the person asking the question will please wait until the person being interrogated responds to that question, and we will ask that the member responding limit his response to that question only and not to the remainder of the text of the amendment.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair will also use this opportunity to remind members that when you turn in your amendment copies to the clerk, please be certain you submit the copies provided to you by the Reference Bureau. Some members are submitting copies which are taken from their computer, and although the text from the computer-generated copies is identical to the original, the lines do not always correspond to the original, and this has caused our clerks difficulty when they transcribe the bill.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair would also recognize the presence of Representative True on the floor. Her name will be added to the master roll.

LEAVES OF ABSENCE

The SPEAKER. The Chair would also return to leaves of absence. The gentleman, Representative MAHER, will be placed on leave for the remainder of the day.

Also returning to request for leaves of absence, the gentleman, Representative STAIRS, will be placed on leave. Without objection, that leave will also be granted.

CONSIDERATION OF HB 1590 CONTINUED

The SPEAKER. The Chair returns the floor to Representative Vitali.

Mr. VITALI. Would I get that same—

The SPEAKER. Once again, once again, the Chair will ask the members to please— Members' conversations will cease. The Chair will ask members to be respectful of those engaged in debate.

Representative Vitali.

Mr. VITALI. Would I get that same applause if I were placed on leave?

Mr. REICHLEY. Yes; yes. Want to do one for one?

Mr. VITALI. Well, is this not fun?

If I can just return to the SEPTA issue, I just want to be – and you answered this I think before – but I just want to really be solid about this. The issue of how much money SEPTA and other mass transit would get – sure money, dedicated money – under McCall versus under Reichley, could you just sort of thresh that point out?

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Schroder on the floor. His name will be added to the master roll.

CONSIDERATION OF HB 1590 CONTINUED

Mr. REICHLEY. Thank you, Mr. Speaker. I apologize for the pause.

The new funding formula envisioned within my amendment would be reflective of ridership by any mass transit system, and

SEPTA, being the largest mass transit system in the Commonwealth, would therefore receive a proportionate share of that funding. Within my amendment, drawing upon turnpike revenue, currently existing funds that are provided out of the Lottery Fund, the designated portion of the sales tax, and the newly provided funds from the Transportation Assistance Fund and the General Fund will reach a total of \$905 million. There would not be any cutback of the State funds to the SEPTA system.

What, though, we are attempting to engender is an attitude, an approach, not only by the SEPTA system but all the mass transit systems, to find within their own locally derived resources ways to reach a 20-percent local contribution. Whether from refinancing, whether from renegotiation of contracts, whether from a reevaluation of benefit systems, or if they want to increase fares, anything they want to do on their own, that is up to them, but there, again, is not a mandate for any particular choice of how they reach the 20 percent, merely that they need to report back to the legislature how they purport to reach the 20-percent local match.

Mr. VITALI. Right. But I am still a little uncertain as to how SEPTA makes out under Reichley versus how SEPTA makes out under McCall; I mean, money they are getting if each of these approaches are taken. Just really lay that out for me if you could.

Mr. REICHLEY. The same formula for distribution of funds is present in both amendments so that there is not a decrease of funds available to the SEPTA system under my amendment as opposed to the gentleman from Carbon's amendment.

Mr. VITALI. How much SEPTA receives is really not a difference between the Reichley bill and the McCall bill. Is that a fair statement?

Mr. REICHLEY. That is correct. And what is also different is that we, within this amendment at least, do not require any local taxation towards getting to that local match.

Mr. VITALI. Does your bill require SEPTA to come up with more money to get this same amount, unlike McCall? Is that a difference, or are they the same requirements to get the money in both amendments? Do you know what I am getting at? You said something about a local match, and I am just wondering if even though under both bills they could potentially get the same money, is your bill saying, unlike McCall, to get that money, you have to raise fares or something else?

Mr. REICHLEY. The funding formula would be substantially similar, Mr. Speaker. There is not any articulated method for the arrival at the local match figure. That can be done by way of fare increases. It can be done by way of reduction of costs. I can say that there is definitively not any mandate for new taxes at the local level to get to the 20-percent local match, though.

Mr. VITALI. But the local match you are referring to is the same in both bills?

Mr. REICHLEY. Only up to the 20 percent. Then the 20-percent match is the same in both.

Mr. VITALI. The same in both.

Mr. REICHLEY. In both amendments; right.

Mr. VITALI. Okay. I am just getting pretty much out of questions, but have any groups like the Delaware County Chamber of Commerce and the Greater Philadelphia Chamber, have any groups weighed in on your amendment that you are aware of?

Mr. REICHLEY. No, Mr. Speaker. Unfortunately, with the haphazard way in which this all came up, we were pretty much sort of trying to pull this together on our own over the last week or so. So we do not have any groups either from the mass transit side, from the highway construction side, from the commuter side, from the business side on this. This was something which, for better or worse, was a collaborative effort within the House.

Mr. VITALI. I know I am beating this to death, but just to help me. I do not think we caucused on this, so I am going to take a little extra leeway.

You say both bills are getting the same amount of money. The turnpike revenue piece is the same, the I-80 piece is the same as far as revenue goes, but the McCall piece is getting more money from the local match. I just want to make sure. I am trying to account for both sides. If they are all the same and if the McCall piece is getting it from the local match, where is the counter under your bill? I suggested I-95, but you did not seem to jump on that. I am just trying to get at why you are saying they are the same.

Mr. REICHLEY. Well, I said actually they are different in four significant ways, Mr. Speaker. The first is that while both the McCall amendment and this amendment require an increase of the local contribution from its 13-percent level up to 20 percent, this amendment does not have any articulated tax increase within it. The McCall amendment said, at the local level, the counties would be able to impose a sales tax—Excuse me; I just want to get the figures right, because I do not want to misquote the McCall amendment here. The counties could enact a sales and use tax of .25 or .5 percent, a hotel room tax of .25 or .5 percent, an additional hotel room tax of up to 1 percent, a vehicle rental tax of \$2 per day. In addition to those four definitively articulated taxes which counties could pass, the municipalities could also pass an earned income tax increase of .25 percent or .5 percent and a vehicle rental tax of \$2 per day.

Mr. VITALI. What is McCall?

Mr. REICHLEY. This is the McCall amendment. And what is important that I think the gentleman from Delaware, Mr. Adolph, was raising last night was that counties if they wish to pursue those taxes, or the municipalities, that now frees up funds which they currently were designating for their mass transit contribution. There is no requirement that the counties will reduce property taxes in the counties because they have increased any of these other taxes to pay for more mass transit assistance. So what we are fearful of is not only that the amount of revenue raised from those taxes would exceed the additional income necessary to meet the 20-percent requirement, but that you have then freed up additional money currently received by the counties and municipalities without any contingent or concurrent requirement to reduce taxes. In other words, if the counties increased one set of taxes to raise more money to get to their 20-percent local match, there is nothing in the McCall amendment that says you have got to reduce other taxes. So there is a wash. It is not a financially even situation in the McCall amendment. There is more taxation within that at the local level.

The second difference is that the reorganization of the SEPTA Board for Bucks County, for Chester County, for Delaware County, for Montgomery County changes the playing field so that there is an effective veto power now provided under the language of the McCall amendment to the SEPTA Board members from Philadelphia such that, I think it is a fair statement to say, there will never be a fare increase on the

SEPTA system, because the Philadelphia city members will always be able to veto the wishes of the suburban county members. So that while the suburban designees on the SEPTA Board may think it is fiscally appropriate to raise fares to get to the 20-percent contribution level, the Philadelphia members could say, no, we are not going to do that; we are just going to continue to go to the State to get bailed out.

The third difference is that within the funding categories under mass transit, we provide language which would continue for funding of the Corridor One project and other commuter rail projects, which has been identified, not only in the Lehigh Valley but in other areas of Pennsylvania as well, as an important aspect towards meeting our infrastructure and transportation needs. We have the language in this amendment to continue funding for commuter rail; the McCall amendment does not.

The fourth aspect is inclusion of I-95 and the application to the U.S. Department of Transportation for conversion over. And yes, Mr. Speaker, the gentleman from Delaware whom I have been having this conversation with is correct that the language of this amendment does not specifically designate the revenue from I-95 to mass transit, but it does not preclude it from going to mass transit either, and that is a decision to be made at some point in the future should that be approved by this legislature in consultation with the executive branch.

Mr. VITALI. Does the amount of revenue in your bill that is going to mass transit and roads and bridges assume that the surrounding counties are going to come up to 20 percent contribution?

Mr. REICHLEY. I am sorry, Mr. Speaker. Could the gentleman repeat the question one more time. I think I understand.

Mr. VITALI. Do the revenue figures in your bill for mass transit and roads and bridges, does that assume that the surrounding counties like Delaware are going to increase their contribution rates from 13 percent to 20 percent?

Mr. REICHLEY. No, Mr. Speaker, and I will again articulate this very clearly for members from the southeastern area. There is not any punitive aspect within this amendment which would penalize the suburban counties, saying that the capital funding for other projects is contingent upon a local taxation increase or anything else like that. There is not any punitive aspect or requirement, and the funding levels provided to mass transit and road and bridge construction is not contingent upon any local tax increases. The formulas are as they are. The funding goes out regardless of whether a tax has been imposed at the local level.

What is important to understand is that within the McCall amendment there was language which – excuse me again; let me just refer to the exact language – that a candidate who fails to meet his required share of the local match would have all capital projects suspended, and the county's members of SEPTA would not be permitted to vote until the obligations are met. So if for some reason under the McCall amendment the Delaware County members – excuse me – Delaware County failed to meet its local match, all the capital projects – in Media, in Haverford, wherever it might be – would be cut from the funding and your county's members would not be allowed to vote on any question before the SEPTA Board until the local match obligations were met.

Mr. VITALI. Thank you. Thank you for your patience, and that concludes my questions.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Just a couple of observations about the Reichley amendment, and I will try to be brief on this, Mr. Speaker. I was heartened to listen that our numbers were very similar in a lot of the programs, or a lot of the applications in my language and his language were very similar, so maybe we will maybe get to some compromise on all of this. But I would submit to all the members that the Reichley amendment is fatally flawed, and I want to give you a couple of reasons why I say that.

First and foremost I would say to the gentleman, where is the local money, or where is the money for roads and bridges? And when I say local money, the difference between his amendment and my amendment is I drive \$35 million into the local road and bridge program. This amendment does not do that.

But the other, and I think the significance in the difference between our amendments and the fatal flaw is this: When the gentleman drives the money in his amendment, he drives it to transit only. The entire \$700 million goes to transit, and there is no mechanism in his language that drives the money to roads and bridges, and I would refer you to his amendment—

PARLIAMENTARY INQUIRY

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

Mr. REICHLEY. A point of parliamentary inquiry.

Is this a question, Mr. Speaker?

Mr. McCALL. No, it is not.

Mr. REICHLEY. Or is the gentleman on— Okay. I just want to understand if I was supposed to be preparing to respond to a question or not.

Mr. McCALL. No, I am just talking about your amendment.

Mr. REICHLEY. Okay. Thank you, Mr. Speaker.

Mr. McCALL. I would refer the members to page 7, and this is where we establish the special trust fund that gets this money, and if you read from line 1 all the way through line 7, "Establishment and deposits.—A special fund is established within the State Treasury to be known as the Public Transportation Trust Fund. The following shall be deposited into..." the trust fund, and then it gives you a whole schedule of the payments. Then I would refer you to page 39 of the gentleman's amendment where there is a schedule of the annual contributions. He drives all that money into the trust fund, and the problem with it is he does not disburse it between roads and bridges and transit. So all of the money is being driven into transit, and we could technically ask for a constitutional question on this because all of the money goes to transit and nothing for roads and bridges. It all goes to the public transit fund.

And again, there is no money whatsoever for our local programs. The \$302 million that the local governments currently receive, that is all they will receive under this amendment. We add an additional \$30 million to that program to take it up to \$332 million, as well as the bridge program, adding an additional \$5 million to the county bridge program.

Then the other thing, I listened to the gentleman, he is talking about, well, I do not do anything for requiring any new local taxes. Well, that is another fatal flaw in his argument, Mr. Speaker, because what he is doing is he is requiring the

20-percent match without a menu, so guess what tax he is going to increase? The only tax that they have, the property tax. My bill at least allowed them to drive it in at a 5-percent rate and gave a menu of other taxes for our local governments. Well, he took that entire menu away, so there is no menu whatsoever. He says, instead of under the McCall amendment where you could drive that money out 5 percent over what you contributed in the local match a year, which is substantially less than that 20 percent, he is saying you are going to do the full 20 percent next year; I am not going to give you any provisions to do any other local taxation. Well, guess what? The only other local taxation is increasing property taxes. So if you vote for this amendment, you are voting to increase local property taxes to pay for his local share.

The other thing that I would submit, he is asking that the application for I-80 and I-95 go in simultaneously. My amendment says, study it, look at it, and if it is warranted, come back to the legislature and we will decide whether or not we are going to toll another road. We are not just going to arbitrarily toll another road.

The gentleman admitted he does not have the data on I-95 and what the revenues collected from I-95 would be. We have that data on I-80. The application we are submitting under this, under the language in the McCall amendment and the bill, amends a section of the law, and last night we talked about Virginia and Missouri. I actually have the dates of the approvals. There are three pilot programs that have been authorized under ISTEA (Intermodal Surface Transportation Efficiency Act) or TEA-21. Section 1216(b) of TEA-21 authorizes the transition of our interstate system for reconstruction and rehabilitation. It is a pilot program. Virginia for I-81, it was approved on March 27, 2003; Missouri for I-70, it was approved July 26, 2005, and the significance of that is, the amendment that he is placing in the law, the pilot program that he is amending only allows for one more highway or interstate to be converted. So he could significantly delay the tolling of I-80 by, number one, saying that both applications have to go in simultaneously, but the caveat is, only one of them can get approval. I-80 is all ready to go. The studies have been done, the work has been done, we know what the tolling will be, and we will get the authorization because it has actually been authorized by ISTEA.

So, Mr. Speaker, for all of those reasons, including one of the problems that we have also noted on how his amendment limits any new initiatives money, we had a significant debate concerning Corridor One, the Greensburg rail system, Schuylkill Valley Metro, all of those systems that we talked about yesterday. The gentleman's amendment, referring to page 8, line 2, requires "Financial assistance to fund the local matching requirements on federally approved capital new start projects funded by the United States Department of Transportation pursuant to..." U.S. Code 49 "to be known as the 'new initiatives program.' An amount not greater than 4% of the fund shall be allocated to this program...." My amendment allows State funds to be used; the gentleman's amendment does not, which means that you may get some Federal money for the New Starts Program, but under the Reichley amendment, you will not get any of the money that we are driving, the \$50 million that we are driving in our amendment, you will not get one penny of State dollars for that initiative. So the Corridor One initiative that has been hotly debated, we authorize it; we allow it for both Federal and State money. Under the

Reichley amendment, you can use Federal money, but you are not going to be able to use any of the State money.

For all of those reasons, Mr. Speaker, I think the amendment truly is fatally flawed. It is property tax increases at the local level. It does not provide for any money for roads and bridges. All of the money, \$700 million, will go to transit. That is not what we are trying to do here today. We are about taking care of transit and roads and bridges.

I would ask the members to vote against the Reichley amendment.

The SPEAKER. Representative Tangretti.

Mr. TANGRETTI. Thank you, Mr. Speaker.

Mr. Speaker, Representative McCall just indicated in his last statement, the last part of his statement, of why I have a real difficult time with the Reichley amendment, among other things. As some people may know from western Pennsylvania, we have a tremendous difficulty from the eastern suburbs to get into the city of Pittsburgh because of the tunneling situation, and it is historic; it has been ongoing for a number of years. And we have been endeavoring to find a means by which we can somehow deal with that issue vis-à-vis transit, and after a pretty extensive eastern corridor study that was done and paid for by the Southwestern Pennsylvania Commission and the Heinz Foundation and a number of other public and private entities, they determined that one of the key issues, one of the ways that we can deal with this is a commuter rail line, a commuter rail line starting from the borough of Latrobe through the city of Greensburg, into Irwin, into Trafford, into Wilkensburg, and on into Pittsburgh using an existing right-of-way that is owned by Norfolk Southern but that hopefully would be negotiated and leased from them, and the irony of this is that this is a right-of-way that Norfolk Southern is not using right now. So it is a solution that we think is very viable.

What we do not want to do or what we would rather not do, and we are going to continue studying this and putting the final numbers together on this very shortly with an additional grant that has been provided to the Westmoreland County Transit Authority, what we do not want to do or would rather not do is go through the Federal New Starts Program because of the significant requirements which we do not believe that we have to or would have to comply with because we are using existing right-of-way that various parcels had already been required hundreds of years ago or a hundred years ago by Penn Central. And so those requirements would delay this project 2 or 3 or 4 years. What we think we can do and what the McCall amendment does is allow this project along with the Allegheny Valley project from the Arnold-New Kensington area into Pittsburgh from Westmoreland County, from the northern part of Westmoreland County into Pittsburgh, along with all of the other commuter rail lines is the possibility that we could fund this entirely with local and State moneys. What the Reichley amendment does, it effectively locks us out of that process. It says if you do not apply and get Federal New Starts moneys, you cannot have access or will not be funded by the State at all. I think that is a limitation that is a fatal flaw for all of us who think that commuter rail line, steel wheel on rails and light rails and every other, Colorado rail cars and every other kind of commuter rail line that you can possibly conceive of would be shut out of the process.

The Federal government has been going backwards instead of forward with respect to encouraging and paying for

commuter rail lines. We on the other hand, with the McCall amendment, are taking a giant step forward. We need to be able to look at rail as an option in the Pittsburgh area, and I guarantee you that those six or eight other commuter lines that are being discussed here would feel the same way that I do. For New Starts projects, we need to have the ability to fund these, if possible, with local and State moneys only, and I say if possible, but if you start from the get-go and say you cannot do that, you have to go to the Federal government, then we are completely shut out of the process.

So I would urge all members who have a commuter rail project, a commuter rail line that they want to extend, or are thinking about doing one in the future, this is not the way to go. Regardless of where you sit in this chamber, on which side of the aisle, if you are interested in commuter rail, this is not the way to go.

So I would ask you to oppose the Reichley amendment for a lot of reasons, but particularly as it relates to this section dealing with commuter rail line. Thank you.

The SPEAKER. Representative Killion.

Mr. KILLION. Thank you, Mr. Speaker.

Yesterday as we debated the McCall amendment, I think we made a lot of headway, really discussing the issue of mass transit and funding of mass transit. But there were two important pieces that forced me to vote "no," and the Reichley amendment resolves that.

The McCall amendment puts a gun to the head of county commissioners. It tells them, raise taxes or lose your vote or lose board seats. That is simply not right. More importantly, it changes the structure of the SEPTA Board, and I have already talked about that. But I spent 5 years on the SEPTA Board. In the 5 years, I think that maybe 99 percent we voted unanimously, so I do not understand the concept that Philadelphia is somehow disenfranchised on the SEPTA Board. The Reichley amendment resolves that. It puts the board back to where it should be, two from each county so no one county has all the power or all the say when it comes to mass transit in southeastern Pennsylvania. We need to pass the Reichley amendment to restore order to the board. Currently, as you heard in previous debate, there will be no fare increases in southeastern Pennsylvania for SEPTA if Philadelphia controls the board. It is only fair that all five counties have an equal say as well as the seats the legislature and the Governor puts. It is the only way the board will work.

As I said, 5 years on the board. We all got along. We all worked together to fund mass transit in southeastern Pennsylvania. The Reichley amendment is a long-term solution for mass transit and for our highways and bridges. It is important that we pass this amendment to correct a lot of good work done yesterday but some real flaws in the McCall amendment that was passed last night.

Please vote to support the Reichley amendment. Thank you.

The SPEAKER. Is there anyone else seeking recognition? Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise for interrogation, and perhaps I may want to interrogate both Representative McCall and Representative Reichley, but perhaps I can start with McCall first?

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

Mr. VITALI. What I am trying to do is I am trying to reconcile statements made by both speakers, one, the McCall statement saying that the Reichley amendment will mean you are voting for property tax increases, and the Reichley statement saying this does not require the counties to do anything and they will not be penalized for that. Could you, Mr. Speaker, sort of thresh out your statement that a vote for the Reichley amendment will mean you are voting for property tax increases?

Mr. McCALL. Mr. Speaker, the gentleman in his debate admitted and said to this House that he has no provisions for local taxation, yet he requires the 20-percent match by local jurisdictions that support mass transit. The only other mechanism that those local governments have at their disposal is to raise property taxes to meet that 20-percent match. Under the McCall amendment, there were a number of options between local municipalities and counties that they would have the option, not the requirement but the option, to impose an additional tax to help pay for the 20-percent matching requirement in this legislation. Under the McCall amendment, not only do we not require the 20-percent match right away, we give those local governments and counties a break in saying, we are not going to make you meet that local or 20-percent match up front right away; we will allow you to phase in that local match by increasing your requirement in matching those dollars by 5 percent a year.

And again, to just make it as simple as possible, under Reichley, your local commitment was \$100 last year. Well, next year it will be \$120. Under McCall, the local match, \$100 last year; it will be \$105. And then that grows and can be phased in. It will be 5 percent of \$105, and whatever that works out to, 5 percent of that number, until you get to the full 20-percent match. So it will take a number of years to actually meet that 20-percent match, just so they are not hit with that full 20 percent. And that was one of the issues that was proffered to us by the smaller transit agencies around the Commonwealth, saying you have to give us a little more time to meet that 20-percent matching requirement because it will be too much too soon for us. That is why we changed our language in the original amendment. We did have in fact the same language as Reichley, asking to meet that 20-percent matching requirement immediately, but we changed that to allow for the 5 percent over the course of 5, 6, 7 years to get to that 20-percent match and also gave a menu of other forms to raise that money, as opposed to under Reichley, since he readily admits that there is no local taxation provision, I completely disagree. The local taxation provision is increase property taxes.

Mr. VITALI. So it is your reading of Reichley that it somehow mandates that, let us say Delaware County will have to, if that becomes law, increase their contributions to SEPTA from 13 to 20? Is that how you read it?

Mr. McCALL. Well, the local match is determined by the five counties, including SEPTA. Their pot of money is 13 percent right now. That pot would have to be increased to 20 percent, which would require Delaware and all of the counties, including Philadelphia, to increase their local share to get that local share up to 20 percent to draw down the new State dollars in the legislation. So yes, there would be a requirement that the local matching requirement be escalated to 20 percent in the next fiscal year or immediately.

Mr. VITALI. Okay. Thank you.

If I could interrogate the Representative from, is it Bucks?

I just want to know if you could really maybe thresh out this one, because I think it is kind of an important point for suburban legislators here about whether our counties will have to pay more, and if they cannot rely on these other sources, will they have to come from increased property taxes.

The SPEAKER. For what purpose does the gentleman rise?

Mr. REICHLEY. He just asked me a question.

Mr. VITALI. Interrogation.

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

Mr. REICHLEY. Thank you, Mr. Speaker.

Mr. Speaker, with all due respect, in listening to the reply that you got from the gentleman from Carbon, it sort of made me think that ice cream day, which we had last week, should have been held today, because the McCall amendment is truly double-dipping. Now, let me explain this in very clear language so that all the members who voted last night for McCall exactly understand what they did.

The McCall amendment does not preclude property tax increases at all. In fact, what it does, it layers on yet another level of taxation, which the local county organizations and municipalities could impose on their residents and on the businesses. It does not say you have to reduce property taxes because we have increased this tax; it actually allows double levels of taxation for the same purpose.

And let me add as well that my amendment does not default to property tax increases. In fact, what it does is it leaves it open to regional advisory councils to come back to the legislature and say, this is what we are looking to do to meet our 20-percent match, which is not next year 20 percent; it gradually gets to the 20 percent, as the McCall amendment does. But there is a whole realm of options which the local agencies can look at to meet that 20 percent, and very innovative ones. We have talked, and I think the gentelady from Philadelphia has talked about naming rights, to be able to provide the licensing opportunities of various companies to have naming rights at various bus stations or terminals or subway platforms. We are taking a look at public-private partnerships. We are taking a look at cost refinancing and cost concessions and reduced expenditures, which is a message that I think many people throughout Pennsylvania have attempted to reply to the legislature in light of all the spending that has taken place that it is time to cut costs, and that is something that local agencies can do well.

So far from what was just provided to you in terms of an answer, there is not any requirement that property taxes be increased. There is not a requirement that any tax be increased. The McCall amendment has allowed for a double level of taxation, and what we do, we are trying to do, is to provide incentives to use public-private partnerships, naming rights, advertising, various other options, including reductions of costs, contract renegotiations to reduce local costs to get to the 20 percent.

Mr. VITALI. But your bill does require counties to find some source of revenue to get up to that 20-percent match? Would that be accurate?

Mr. REICHLEY. It is 5 percent more than this year that the counties must provide toward their local match. So it is not

going from 13 percent up to 20 percent in a single year; it is a 5-percent increase over the previous year's allocation.

But in addition, these are advisory councils. These are situations in which pulling together people from these regions to look at their own regional interests are able to address to us what they are going to suggest is the way they will eventually reach that 20 percent without any mandate that they raise taxes. This is a situation in which we have left them open to using nontax methods of raising the funds to meet the local match, either through cost consolidation, cost reductions, or through outside sources other than direct toll revenue, or fare revenue, I should say, with mass transit and through taxation. But there has really been a mischaracterization presented in the last response you got from the gentleman from Carbon about what is required from the language of this amendment. There is nothing that mandates that the 20-percent match be accomplished through any kind of property tax increase, far from that.

Mr. VITALI. It is really, it is difficult reconciling these two perspectives, and I am not sure if I am going to be able to do it. But I am really, and I was a little bit distracted, but the source of funding aside, you mentioned the bill going up 5 percent and you were sort of talking about a phase-in, and the previous speaker mentioned his has the phase-in and yours does not, and you are saying you have to phase in. So there are two issues, and I am less concerned with the phase-in. What I am concerned with is this: Is my county going to have to come up with some additional revenue source to contribute to SEPTA? Are we going to have to do that, yes or no?

Mr. REICHLEY. I am sorry. I apologize, Mr. Speaker. I was trying to hopefully start getting an answer for your question. Could you repeat the question one more time?

Mr. VITALI. I am not really concerned with the phase-in issue; that is too much for me right now. What I am really trying to get at is, if your legislation is enacted, will my county have to come up with more revenues for SEPTA, period?

Mr. REICHLEY. Mr. Speaker, in the way you have termed the question, every county would be required to raise more revenue, not taxes though, under my amendment. There is not a requirement that the counties or the municipalities raise taxes to get to the 20-percent match. As I mentioned before, there is a whole host of revenue options out there such as utilizing advertising, such as utilizing public-private partnerships, such as naming rights—

Mr. VITALI. So, so—

Mr. REICHLEY. —to reach the eventual match. And the match, and I think it is fair to say that under both amendments that it is not an immediate escalation from 13 percent to 20 percent. It goes up no greater than 5 percent of the previous year's contribution, so there is a gradual step up. And I should also hasten that these are advisory councils. They do not have, as we have within our amendment, they do not have the taxing ability which is provided under the McCall amendment. They are requesting back to us information, they will be requesting back to us what they may seek, but there is not any kind of tax increase envisioned either of the kind that is described in the McCall amendment or of a property tax that is currently utilized to raise revenue for a local county's contribution toward mass transit.

Mr. VITALI. Thank you. That concludes my questions.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Stairs on the floor. His name will be added to the master roll.

GUESTS INTRODUCED

The SPEAKER. The Chair would also recognize the presence of the American Legion's Keystone Boys State Program. They are in the balcony. They are the guests of various members of the House. Please welcome them to the chamber.

CONSIDERATION OF HB 1590 CONTINUED

The SPEAKER. Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate 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. MARKOSEK. Mr. Speaker, as I understand your amendment, it would create transit groups throughout the State of which they would match the PENNDOT engineering districts. Is that correct?

Mr. REICHLEY. Yes, Mr. Speaker. They would be based upon the current composition of the 11 PENNDOT engineering districts.

Mr. MARKOSEK. There has been some talk about the fact that there may be too many of these districts, and should the amount or number of these districts change, how would that affect your legislation?

Mr. REICHLEY. These councils, which would be composed of members from the areas merely for the purpose to study local options without the ability to mandate any new revenue increases, would be reflective of whatever is decided. If there is a decision in the future to consolidate the PENNDOT engineering districts, then I think that that would make sense to have these districts mirror that change by PENNDOT.

Mr. MARKOSEK. The setup as you propose—

Mr. REICHLEY. I should have said, Mr. Speaker, though, that because this amendment adds that the councils are supposed to respond back by December 31 of this year, unless PENNDOT anticipates a change in the description of the PENNDOT engineering districts in the next 6 months, then I do not believe any consolidation or alteration of the current district configurations would affect this amendment.

Mr. MARKOSEK. These transit study groups that are appropriated by engineering districts, I have a situation in my legislative district where I straddle two engineering districts. So we have folks there that use transit, and I guess I am trying to understand how a group set up by engineering districts would be relevant to the entire district. Some engineering districts have both urban and suburban and even rural. Some are strictly rural. There is certainly a great diversion of various transit forums in each engineering district, and it would seem to me that that would be a very cumbersome situation. At the end of the day, my constituents are interested in the transit being available and really do not care about the engineering district setups. So I guess I am trying to understand how such a diverse group, and

in some cases two diverse groups, would be able to make intelligent decisions relative to the transit needs for all parts of those engineering districts and in fact some of the neighboring districts as well.

Mr. REICHLEY. Mr. Speaker, I am aware that there may be, there is at least one and there may be other situations in which a county is located in more than one PENNDOT engineering district. I chose that as the basis for the development of these advisory councils, and I underscore advisory councils, for simplicity reasons. There is nothing which precludes the cooperation and consultation between adjoining districts, and I think the attempt was to make this a regional discussion of not just a matter, and I will take it again to the Lehigh Valley, not just a matter of Allentown, Bethlehem, and Easton figuring out how they are going to do something to support LANTA (Lehigh and Northampton Transportation Authority), but it has to encompass the entire regional level of governance to determine what is the best solution to reduce the burden on our road systems and try to enhance the greater utilization of mass transit.

The McCall amendment, by contrast, did not have any participation by the local officials or no collection of local input to develop what the revenue measures would be to gain up to the 20 percent. Instead, what the McCall amendment does is force down the throats of people in those areas to say, now we are going to increase taxes in order to meet the requirements for a local match without doing anything to reduce the anticipation of future property tax increases at the county level or the municipal level. So I think that the idea behind the local advisory councils was to do just that, to get advice, to try to work together to come up with a solution and then to respond back to the legislators saying, from the local level, whether it is from Elk County, whether it is from Westmoreland, whether it is from Cambria, whether it is from Bucks County, this is at the local level what we see as a possible solution toward reaching our local contribution; do you agree with us that this is a good idea? And there is not the ability for the local authorities to independently enact new taxes. They have to come back in consultation with the legislature if there is going to be some kind of new direct revenue measure that requires a tax increase.

So I would suggest that while this is certainly a new concept, it is based upon a set of principles which has been thoroughly discussed here for many sessions of enhancing regional cooperation.

Mr. MARKOSEK. Well, thank you, Mr. Speaker. That ends my interrogation, and I wish to make some comments on the amendment, please.

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

Mr. MARKOSEK. Thank you, Mr. Speaker.

I have to give the gentleman a great deal of credit. It is an innovative plan, and it is one that I know he spent a lot of time and effort on, and dealing with transit problems is always a very difficult situation. However, this particular amendment would cause problems, in my opinion, in my legislative district and I think in the legislative districts of a lot of other folks here who share different, more than one PENNDOT engineering district. I think the PENNDOT engineering districts are set up for that purpose, for engineering, and I know this is a separate body, but I think the idea of having such a decentralized, kind of a hodgepodge of these various planning agencies would create a great deal of mismanagement and miscommunication. I think we occasionally see that amongst the engineering districts as

they are now, and they have been in place for 37 years. The last time we changed engineering districts in PENNDOT in Pennsylvania was in 1970. We reapportion the legislature more often than that. So I think we cannot necessarily depend on setting up a system for transit, of all things, by the PENNDOT engineering districts. It really does not make a lot of sense in my mind.

So in all due respect, I have to get up and ask the members to please vote "no" on the Reichley amendment. Thank you.

The SPEAKER. The Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Two points, briefly.

The Reichley amendment provides an opportunity for the counties of Delaware, Montgomery, Bucks, and Chester to reestablish equity and fairness to the SEPTA Board. It is unconscionable that Philadelphia would seek to take control of this board, denying these four surrounding counties fair representation. Without question, this is an important vote for the members of the four-county area. I guarantee this vote will leave footprints for the voters. Secondly, the Reichley amendment plans no new taxes.

Mr. Speaker, I urge a "yes" vote on the Reichley amendment. Thank you.

The SPEAKER. Is there any other member seeking recognition?

Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I know that we have gone through literally hours of debate on this topic, and it is very controversial. I want to try to sum up the differences between the amendment that was passed last night by a single vote and the opportunity that the members have today with the enactment of this particular amendment. Let me first respond to some of the comments that were offered in what I do not describe as being malicious mischaracterizations but I think are more a lack of information.

There was some criticism that somehow this amendment does not provide funding for commuter rail systems, and I specifically would refer to page 15 of the amendment, starting at line 38: "Programs of Statewide significance...Money in the fund allocated for programs of Statewide significance shall be used by the department to support public transportation programs, activities and services not otherwise fully funded through the operating program, capital program or asset improvement.... These include the following:...Persons with Disabilities Program. (2) Intercity rail and bus services...Community transportation capital and service stabilization," and going down to number (7), "Commuter rail." I do not know how much more clearly it can be stated that the language of this amendment envisions funds from the programs of statewide significance being specifically provided for commuter rail projects, whether it is in Westmoreland County, whether it is in the center of the State here, whether it is in the Philadelphia suburban area. There is money available within this, which would be provided on an allocation for commuter rail.

And I also want to respond to the assertion somehow that passage of this amendment would require property taxes to go up. Far, far from that. The real solution here, Mr. Speaker, is whether you are going to stand before your constituents and say, I decided to vote for tax increases to be shoved down your throat in order to pay for mass transit. The message that should

have come clear to the people of this body is, it is time to cut costs. If you are worried about what is going on in Philadelphia, this is the amendment to vote for, because it says to the Philadelphia area, it is time to start paying for your own burdens; it is time to get off the State dole; it is time to have more of an assumption of cost on you. It does this by creating these regional advisory councils to ask the people from those areas, what are the solutions here? What are the ways that we can reduce the level of expenditure at the State level to help prop up this regional system, whether it is in Pittsburgh or whether it is in Philadelphia or anywhere else, and the way that that is done is looking at alternative revenue sources such as advertising, such as public-private partnerships, such as naming rights. And frankly, here is a novel idea, why do we not cut costs? Why do we not tell these systems that this is the way you get to your 20-percent match: You renegotiate contracts; you look at benefit programs; you look at ways to consolidate, maybe it is through reduction of routes, but there is a simple way of cutting the level of expenditures, and that is the best way of reaching that 20 percent.

I want to emphasize as well that, I think it was based upon the questions from the gentleman from Delaware, Mr. Adolph, he raised the issue that in fact what the McCall amendment does is allow for a double level of taxation. Let me explain this very clearly, especially for the members from the Philadelphia area.

Mr. Speaker, may I have a little bit of attention? Mr. Speaker, might you bring the chamber to order, please?

The SPEAKER. The gentleman is correct. Members will please take their seats. The gentleman is in order and may proceed.

Mr. REICHLEY. Thank you, Mr. Speaker.

Under the McCall amendment, which was passed last night, and let us just take the example of the sales tax which a county could impose, the McCall amendment says that you at the county level must impose a sales tax of either .25 or .5 percent. It does not say that a county can impose a sales tax of .1 percent, it does not say that it can do a .125 percent; it says it has to be either .25 or .5. Well, by limiting the levels of the taxation, it says to the counties, regardless of how much money you need to get to your 20-percent match, this is what you have to pitch the tax level at so that in fact more money would be coming into the counties than what they require to attain their 20-percent match. By passage of the McCall amendment by the single vote last night, you therefore said to the residents of Delaware, of Montgomery, of Chester, of Bucks County, and everywhere else in the Philadelphia SEPTA system, we are going to have you tax your residents and the businesses more than what we really need to reach that 20-percent level, and in addition, we do not have to cut the property taxes. So that all the money which we used to put towards mass transit from our current revenue system of property taxes, we can still collect that. We do not have to cut the taxes with this. We can continue to soak you for more and more money to pay for whatever we want to. And again, the message that should have come loud and clear from the recent referendum in Act 1 is that the method of finding the revenue sources to pay for programs is not through raising other taxes. Did not anybody listen to those referendum results, Mr. Speaker? Throughout Pennsylvania we saw that people said, do not raise other taxes; the way to go about this is to cut costs to make things and systems pay for themselves.

There was also an allegation that somehow there is not any funding available for local road and bridge projects. Again, Mr. Speaker, far, far from that mischaracterization. In reality, there is \$250 million provided for mass transit systems beginning next year, but almost double that amount goes for road and bridge construction, \$450 million, and that continues into the out-years. On top of that, once the tolling revenue comes in from I-80, you are receiving as much as \$163 million in the first year, going up to \$220 million the following year, and on top of that, there is a fourth revenue source of the savings that are accomplished from the transfer of I-80 over to the Turnpike Commission, and that accomplishes, I think, roughly about \$160 million. So we have four different ways of providing funding for mass transit and for roads and bridges. The bulk of that money goes for local road and bridge projects, which have been sorely neglected and for which we were able to get up to the requisite amount that we need to start addressing that desperate concern that we have, Mr. Speaker.

The funds that are to be coming back to the Commonwealth from the transfer of I-80 are not contingent on funding from the I-95 toll project. The I-95, I will acknowledge, is not something which was specifically designated within the Federal legislation now, but it does not mean that we cannot attempt to include 95. But I should say that this is not a house of cards that collapses if we do not get approval of the transfer of 95. Instead, what we need to emphasize is that the tolling revenue from I-80 will be a new productive line of revenue for us.

My last comment, Mr. Speaker, will be to the members outside the immediate Philadelphia area. If you are concerned and tired of trying to tell your constituents why you continue to have State tax dollars bailing out the SEPTA system, this is the amendment to vote for, because you are able to accomplish the message going back to the Philadelphia system, solve your own problems; find the means of raising your own funds up to a 20-percent level without increasing taxes. Again, there is no requirement within this amendment to increase taxes, not only in the Philadelphia area but throughout Pennsylvania in any particular area. We need to find other alternatives than going back to the public time and time and time again and saying, all we are going to do is increase taxes. The way to come to a solution on the mass transit situation is through this amendment, stressing fiscal austerity, conservation of resources, and having local contribution at a higher rate towards paying the cost of mass transit.

Thank you, Mr. Speaker.

The SPEAKER. Representative Youngblood.

Ms. YOUNGBLOOD. Mr. Speaker, I would like to publicly and personally thank Representative Reichley for expressing my efforts and my hard work that I accomplished with naming rights to try to eradicate the deficit with SEPTA and the whole entire Pennsylvania mass transit system. Thank you once again for acknowledging my efforts. I have reviewed every amendment that was attached to HB 1590 and read every—There are five other members that have utilized the issue of naming rights but did not have the courtesy to acknowledge my efforts.

Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—45

Adolph	Gingrich	Micozzie	Raymond
Argall	Godshall	Milne	Reichley
Beyer	Harper	Moyer	Roae
Cappelli	Hennessey	Murt	Ross
Civera	Hershey	Nailor	Schroder
Clymer	Hornaman	O'Neill	Smith, S.
Dally	Kenney	Payne	Steil
DiGirolamo	Killion	Perzel	Taylor, J.
Evans, J.	Mantz	Petri	Vereb
Everett	Marsico	Quigley	Watson
Gabig	Mensch	Quinn	Yewcic
Geist			

NAYS—156

Baker	Frankel	Mann	Samuelson
Barrar	Freeman	Markosek	Santoni
Bastian	Galloway	Marshall	Saylor
Bear	George	McCall	Scavello
Belfanti	Gerber	McGeehan	Seip
Benninghoff	Gergely	McI. Smith	Shapiro
Bennington	Gibbons	McIlhattan	Shimkus
Bianucci	Gillespie	Melio	Siptroth
Bishop	Goodman	Metcalf	Smith, K.
Blackwell	Grell	Millard	Smith, M.
Boback	Grucela	Miller	Solobay
Boyd	Haluska	Moul	Sonney
Brennan	Hanna	Mundy	Staback
Brooks	Harhai	Mustio	Stairs
Buxton	Harhart	Myers	Stern
Caltagirone	Harkins	Nickol	Stevenson
Carroll	Harris	O'Brien, M.	Sturla
Casorio	Helm	Oliver	Surra
Causar	Hess	Pallone	Swanger
Cohen	Hickernell	Parker	Tangretti
Conklin	Hutchinson	Pashinski	Taylor, R.
Costa	James	Payton	Thomas
Cox	Josephs	Peifer	True
Creighton	Kauffman	Perry	Turzai
Cruz	Keller, M.	Petrarca	Vitali
Curry	Keller, W.	Petrone	Vulakovich
Cutler	Kessler	Phillips	Wagner
Daley	King	Pickett	Walko
DeLuca	Kirkland	Preston	Wansacz
Denlinger	Kortz	Pyle	Waters
DePasquale	Kotik	Ramaley	Wheatley
Dermody	Kula	Rapp	White
DeWeese	Leach	Readshaw	Williams
Donatucci	Lentz	Reed	Wojnaroski
Eachus	Levdansky	Rock	Youngblood
Ellis	Longiotti	Roebuck	Yudichak
Evans, D.	Mackereth	Rohrer	
Fabrizio	Mahoney	Sabatina	O'Brien, D., Speaker
Fairchild	Major	Sainato	
Fleck	Manderino		

NOT VOTING—0

EXCUSED—2

Maher Rubley

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

YOUGH COUGAR ROCKETRY TEAM PRESENTED

The SPEAKER. The Chair recognizes Representative Harhai for the purpose of a presentation. If the gentleman would come forward.

Representative Harhai.

Mr. HARHAL. Thank you, Mr. Speaker.

It is my distinct pleasure to recognize and introduce a unique group of individuals that are with us today from the Yough School District in Westmoreland County.

The Yough Cougar Rocketry Team that stands behind me of Yough High School was the only team from Pennsylvania to qualify for and be selected to participate in the National Aeronautics and Space Administration, NASA, Student Launch Initiative and to display and launch a self-designed and self-constructed rocket, which is also behind me, during the 2007 SLI (Student Launch Initiative) Rocket Launch Event which took place and was held at Marshall Space Flight Center in Huntsville, Alabama, between April 25 and April 28. Again, this is the only program in the Commonwealth that was accepted by NASA to work with them in conducting scientific research regarding rocketry for weather-pattern studies. Also, this team was 1 of only 15 throughout the nation working on similar programs directed by NASA.

With us today we have their physics and math teacher, Mr. Donald Gilbert, who inspired the following students to build the rocket, and behind me are the four young individuals that were instrumental in doing so. First we have, and if you would just raise your hand so we know who you are, Amy Rene Bickerstaff, Alicia Rene Bowser, Anthony Steven Barbera, and Ashley Lynn Wiley, and I am going to present a citation to them for their efforts, and if you could give them a nice round of applause, I would certainly appreciate it.

And the Speaker has advised me that we are not allowed to launch the rocket, even though we had a lengthy debate last night that we were not all very happy with, so I will comply with his request.

Thank you, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, the gentleman from Allegheny County, Matt SMITH, will go on leave for the day.

The SPEAKER. The Chair thanks the gentleman.

2007 PIAA STATE CHAMPION BOYS BASEBALL TEAM PRESENTED

The SPEAKER. The Chair recognizes Representative Goodman for a presentation. The Chair recognizes Representative Goodman.

Mr. GOODMAN. Thank you, Mr. Speaker.

Mr. Speaker, it gives me great pleasure as a State Representative of the 123d Legislative District in Schuylkill County to present to the General Assembly the 2007 PIAA State Championship Boys Baseball Team, the Battling Miners from Minersville, Pennsylvania.

Led by a group of eight seniors, Minersville is the first Schuylkill League team to capture the State championship since 1996, and the championship in Minersville is their first in baseball, which finally gives the boys some bragging rights in Minersville, because as most of you know, the girls softball team is second to none, winning seven State championships.

To win the championship, the Battling Miners defeated the Johnsonburg Rams 4 to 1 in a classic battle of the bats and finished the season a very impressive 25 and 1. Their dedication and talent was exhibited early in the game when they scored three runs in the first inning, and Zach Fritz's arm pitched a tough game as he claimed his 12th win of the 2007 season.

With me on the dais are Zachary Fritz, Shane Ryan, Ben Mennig, Ryan Weachock, and Ryan Wynosky. Seated in the rear of the House is the remainder of the team, and I would like the House to recognize those members and ask them to stand, please.

Also here today are their coach, Del Hauck; Charlie Fritz, varsity assistant coach; and Steve Toth and Jonathon Marazas, junior varsity coaches. These men represent everything that is good about the coal region. The only thing they love more than baseball is the love that they share of coaching their own players.

Mr. Speaker, I would also like to call attention to Minersville High School Superintendent Joe Brady, High School Principal Carl McBreen, and also assistant principal Jim Yacobacci.

Mr. Speaker, it now gives me great pleasure, along with my colleagues, Representatives Tim Seip and Dave Argall, to present to the Minersville team House citations and to welcome them to Harrisburg. Thank you, Mr. Speaker.

GUESTS INTRODUCED

The SPEAKER. Representative Richard Grucela welcomes Amanda Ziegenfuss to the House of Representatives. Amanda is working as an intern in Representative Grucela's district office for the summer. She is seated on the floor to the left of the Speaker. Please welcome Amanda to the House of Representatives.

Please welcome as guests pages, sponsored by Representative Mario Scavello and Representative Shimkus, Noelle Rake and Laura Drapek. Noelle and Laura attend All Saints Academy in Scranton, Pennsylvania.

Also, please welcome Noelle's grandparents, Jay Sr. and Mary Rake, and her father, Jay Rake, who is a former councilman of Mount Pocono Borough in Monroe County. These are the guests that are seated in the gallery. Welcome to the halls of the House.

CONSIDERATION OF HB 1590 CONTINUED

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 1590 will go over temporarily.

**RESOLUTIONS REPORTED
FROM COMMITTEE**

HR 278, PN 1557 By Rep. THOMAS

A Resolution opposing any effort to implement a trinational political, governmental entity among the United States, Canada and Mexico; opposing the Security and Prosperity Partnership of North America and initiatives pursued in conjunction with the partnership that threaten the sovereignty of the United States; and opposing a North American Union.

INTERGOVERNMENTAL AFFAIRS.

HR 310, PN 1749 By Rep. THOMAS

A Resolution urging the United States Senate to adopt and the President of the United States to sign the Safe American Roads Act of 2007 (H.R. 1773).

INTERGOVERNMENTAL AFFAIRS.

HR 318, PN 1764 By Rep. THOMAS

A Resolution urging the Food and Drug Administration (FDA) to ban the importation of all wheat gluten products from China until China fully cooperates with the FDA's investigation into the adulteration of the food supply and opens all of its food processing plants for United States inspection.

INTERGOVERNMENTAL AFFAIRS.

HR 321, PN 1767 By Rep. THOMAS

A Resolution urging passage of the Employee Free Choice Act of 2007.

INTERGOVERNMENTAL AFFAIRS.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 43, PN 68**, entitled:

An Act amending Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for uniform environmental covenants.

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.

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer

Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhatten	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shinkus
Boback	Gruclera	Milne	Sipthroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil
Casorio	Helm	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longiotti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D., Speaker
Fleck	Mann	Rock	
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 606, PN 1917**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for responsible alcohol management.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Vitali.

Mr. VITALI. I am sorry, Mr. Speaker. That caught me a little flat-footed. Could the maker of the amendment just thresh that out a little bit just to—

The SPEAKER. It is not an amendment. It is final passage of the bill.

Mr. VITALI. Of the bill, the bill. Could the prime sponsor of the bill thresh out the explanation of the bill a bit?

The SPEAKER. Representative Waters indicates that he will. The Chair recognizes Representative Waters.

Mr. WATERS. Thank you, Mr. Speaker.

This bill, HB 606, will require that owners and managers of taverns will go and receive training for responsible alcohol management. It is important that they get this training so that it would help them identify visibly intoxicated people, underage people trying to buy alcohol, and identify false IDs (identifications).

The SPEAKER. Representative Vitali.

Mr. VITALI. Would the maker of the bill, prime sponsor of the bill, stand for a bit of interrogation?

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

Mr. VITALI. Is this done in other States, and if so, are there any statistics to demonstrate its efficacy?

Mr. WATERS. Yes, it is. It already exists in Pennsylvania, but it has been done on a volunteer basis. So what we want to do now is make sure that all tavern owners/managers, someone in the establishment will have the obligation of going to receive this training so that it would enhance the likelihood that people that work within the establishments, other employees, they could pass this information on to them and help them so that they will be able to be more responsible when serving alcoholic beverages.

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

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—188

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Sabatina
Barrar	Geist	McCall	Samuelson
Bastian	George	McGeehan	Santoni
Bear	Gerber	McI. Smith	Saylor
Belfanti	Gergely	McIlhattan	Scavello
Benninghoff	Gibbons	Melio	Schroder

Bennington	Gingrich	Mensch	Seip
Beyer	Godshall	Micozzie	Shapiro
Bianucci	Goodman	Millard	Shimkus
Bishop	Grell	Milne	Sipthoth
Blackwell	Grucela	Moul	Smith, K.
Boback	Haluska	Moyer	Smith, S.
Boyd	Hanna	Mundy	Solobay
Brennan	Harhai	Murt	Staback
Brooks	Harhart	Mustio	Stairs
Buxton	Harkins	Myers	Steil
Caltagirone	Harper	Nailor	Stern
Cappelli	Helm	Nickol	Stevenson
Carroll	Hennessey	O'Brien, M.	Sturla
Casorio	Hershey	O'Neill	Surra
Civera	Hess	Oliver	Swanger
Clymer	Hickernell	Pallone	Tangretti
Cohen	Hornaman	Parker	Taylor, J.
Conklin	Hutchinson	Pashinski	Taylor, R.
Costa	James	Payne	Thomas
Cox	Josephs	Payton	True
Creighton	Kauffman	Peifer	Turzai
Cruz	Keller, M.	Perzel	Vereb
Curry	Keller, W.	Petrarca	Vitali
Cutler	Kenney	Petri	Vulakovich
Daley	Kessler	Petrone	Wagner
Dally	Killion	Phillips	Walko
DeLuca	King	Pickett	Wansacz
Denlinger	Kirkland	Preston	Waters
DePasquale	Kortz	Pyle	Watson
Dermody	Kotik	Quigley	Wheatley
DeWeese	Kula	Quinn	White
DiGirolamo	Leach	Ramaley	Williams
Donatucci	Lentz	Raymond	Wojnaroski
Eachus	Levdansky	Readshaw	Yewcic
Evans, D.	Longietti	Reed	Youngblood
Evans, J.	Mahoney	Reichley	Yudichak
Everett	Major	Roae	
Fabrizio	Manderino	Rock	O'Brien, D., Speaker
Fleck	Mann	Roebuck	
Frankel	Mantz		

NAYS—12

Causar	Gillespie	Metcalfe	Rapp
Ellis	Harris	Miller	Sainato
Fairchild	Mackereth	Perry	Sonney

NOT VOTING—0

EXCUSED—3

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

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

GUESTS INTRODUCED

The SPEAKER. With us here today, as the guests of Representative Rob Kauffman, are several constituents. They are Sid Creager, Bonnie Creager, Jonathan Creager, and Nathanael Lyman. They are seated in the back of the House.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 966, PN 2016**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

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.

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil
Casorio	Helm	Nickol	Stern
Causar	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White

Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnarowski
Evans, D.	Longiotti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

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The House proceeded to third consideration of **HB 1093, PN 2014**, entitled:

An Act establishing the Physician Retention Loan Forgiveness Program in the Pennsylvania Higher Education Assistance Agency; and providing for powers and duties of the Pennsylvania Higher Education Assistance Agency.

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.

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—191

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Sabatina
Barrar	George	McGeehan	Sainato
Bastian	Gerber	McI. Smith	Samuelson
Bear	Gergely	McIlhattan	Santoni
Belfanti	Gibbons	Melio	Saylor
Benninghoff	Gillespie	Mensch	Scavello
Beyer	Gingrich	Micozzie	Schroder
Biancucci	Godshall	Millard	Seip
Bishop	Goodman	Miller	Shapiro
Blackwell	Grucela	Milne	Shimkus
Boback	Haluska	Moul	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay

Buxton	Harkins	Mustio	Sonney
Caltagirone	Harper	Myers	Staback
Cappelli	Harris	Nailor	Stairs
Carroll	Helm	Nickol	Steil
Casorio	Hennessey	O'Brien, M.	Stern
Causer	Hershey	O'Neill	Stevenson
Civera	Hess	Oliver	Sturla
Clymer	Hickernell	Pallone	Surra
Cohen	Hornaman	Parker	Swanger
Conklin	Hutchinson	Pashinski	Tangretti
Costa	James	Payne	Taylor, J.
Cox	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	Thomas
Curry	Keller, M.	Perzel	True
Cutler	Keller, W.	Petrarca	Turzai
Daley	Kenney	Petri	Vereb
Dally	Kessler	Petrone	Vitali
DeLuca	Killion	Phillips	Vulakovich
Denlinger	King	Pickett	Wagner
DePasquale	Kirkland	Preston	Walko
Dermody	Kortz	Pyle	Wansacz
DeWeese	Kotik	Quigley	Waters
DiGirolamo	Kula	Quinn	Watson
Donatucci	Leach	Ramaley	Wheatley
Eachus	Lentz	Rapp	Williams
Ellis	Levdansky	Raymond	Wojnaroski
Evans, D.	Longiotti	Readshaw	Yewcic
Evans, J.	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS-9

Bennington	Grell	Marshall	Perry
Creighton	Mackereth	Metcalfe	White
Everett			

NOT VOTING-0

EXCUSED-3

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

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

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The House proceeded to third consideration of **HB 1116, PN 1843**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, providing for vouchers for licenses.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Will the prime sponsor stand for brief interrogation?

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

Mr. VITALI. Thank you, Mr. Speaker.

Unfortunately, because of the crush of legislation, we are operating without a pre-session report right now, so it is a bit harder to follow the action, and please indulge me.

Mr. Speaker, could we just thresh out what this bill does again, just a quick description.

Mr. KORTZ. Mr. Speaker, this bill allows, HB 1116 allows for the purchase and redemption of hunting vouchers in this State. It is very similar to the fishing voucher which is currently available in Pennsylvania.

Mr. VITALI. Thank you. That concludes my questions.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS-200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil
Casorio	Helm	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White

Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

The SPEAKER. The House will be at ease.

GUESTS INTRODUCED

The SPEAKER. The Chair welcomes, as guests of Representative Gerber, Mia Fioravanti, Carolyn Burnett, Katheryn Banjeree, Shane Simon, and Michael Schlesinger. They are located in the back of the House. Please join the Chair in welcoming them to the House of Representatives.

CONSIDERATION OF HB 1590 CONTINUED

The SPEAKER. The Chair returns to second consideration of HB 1590.

On the question recurring,

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes Representative Civera, who moves that the rules be suspended for the immediate consideration of amendment 2235.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion to suspend, the Chair recognizes Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise today to ask for a suspension of the rules to allow amendment A2235. The amendment, what it does is it puts back the language to keep the SEPTA Board in its original state. It does not do anything else to HB 1590 other than to give the five-county areas equal representation.

I would hope that the members would vote to suspend the rules. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

For what purpose does Representative Gabig rise?

Mr. GABIG. Mr. Speaker, to call the previous question.

Let us go; previous question; let us go. We are busy. We cannot be waiting around all day long for these guys while they are having these—

The SPEAKER. The question before us is suspension of the rules.

Mr. D. EVANS. Mr. Speaker? Mr. Speaker, we have debated this issue, and I would be against the motion to suspend the rules.

The SPEAKER. Will the gentleman cease.

Was the gentleman serious about moving the previous question?

Mr. GABIG. I am talking about on the motion, on Representative Civera's motion to suspend.

The SPEAKER. Motion to suspend the rules?

Mr. GABIG. Because I do not know what they were doing over there, leadership; they were all gagging around, wasting time. I know we are very busy and have a lot of important people's business to do and we cannot waste time, and they are all over there wasting time. So I just thought we could get things rolling here, but it looks like now they are ready to finally do the people's business.

The SPEAKER. Will the gentleman suspend. The gentleman will suspend. Does the gentleman have a motion? The Chair thanks the gentleman.

The Chair recognizes Representative Evans.

Mr. D. EVANS. I would just say "no" on suspension, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—104

Adolph	Gabig	Mensch	Reed
Argall	Geist	Metcalfe	Reichley
Baker	Gillespie	Micozzie	Roae
Barrar	Gingrich	Millard	Rock
Bastian	Godshall	Miller	Rohrer
Bear	Grell	Milne	Ross
Benninghoff	Harhart	Moul	Saylor
Beyer	Harper	Moyer	Scavello
Boback	Harris	Murt	Schroder
Boyd	Helm	Mustio	Smith, S.
Brooks	Hennessey	Nailor	Sonney
Buxton	Hershey	Nickol	Stairs
Cappelli	Hess	O'Neill	Steil
Causar	Hickernell	Pallone	Stern
Civera	Hutchinson	Payne	Stevenson
Clymer	Kauffman	Peifer	Swanger
Cox	Keller, M.	Perry	Taylor, J.
Creighton	Kenney	Perzel	True
Cutler	Killion	Petri	Turzai
Dally	Leach	Phillips	Vereb
Denlinger	Mackereth	Pickett	Vitali
DiGirolamo	Major	Pyle	Vulakovich
Ellis	Mantz	Quigley	Watson
Evans, J.	Marshall	Quinn	
Everett	Marsico	Rapp	O'Brien, D.,
Fairchild	McI. Smith	Raymond	Speaker
Fleck	McIlhattan		

NAYS—96

Belfanti	Freeman	Longjetti	Santoni
Bennington	Galloway	Mahoney	Seip
Bianucci	George	Manderino	Shapiro
Bishop	Gerber	Mann	Shimkus
Blackwell	Gergely	Markosek	Siptroth
Brennan	Gibbons	McCall	Smith, K.
Caltagirone	Goodman	McGeehan	Solobay
Carroll	Grucela	Melio	Staback
Casorio	Haluska	Mundy	Sturla
Cohen	Hanna	Myers	Surra
Conklin	Harhai	O'Brien, M.	Tangretti
Costa	Harkins	Oliver	Taylor, R.
Cruz	Hornaman	Parker	Thomas
Curry	James	Pashinski	Wagner
Daley	Josephs	Payton	Walko
DeLuca	Keller, W.	Petrarca	Wansacz
DePasquale	Kessler	Petrone	Waters
Dermody	King	Preston	Wheatley
DeWeese	Kirkland	Ramaley	White
Donatucci	Kortz	Readshaw	Williams
Eachus	Kotik	Roebuck	Wojnaroski
Evans, D.	Kula	Sabatina	Yewcic
Fabrizio	Lentz	Sainato	Youngblood
Frankel	Levdansky	Samuelson	Yudichak

NOT VOTING—0

EXCUSED—3

Maher	Rubley	Smith, M.
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Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

On the question recurring,

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

Mr. PETRI offered the following amendment No. **A01950**:

Amend Bill, page 2, lines 1 and 2, by striking out all of said lines and inserting

Section 1.1. Title 74 is amended by adding a section to read:
§ 1102. Southeast Pennsylvania Regional Intermodal Transit Authority Study Commission.

(a) Commission.—The Southeast Pennsylvania Regional Intermodal Transit Authority Study Commission is hereby established. The commission shall be appointed as follows:

(1) In a county of the first class, one member by the mayor of the city of the first class duly elected in the 2007 general election and one member by city council.

(2) In other counties by the county commissioners with two members from each county.

(b) Purpose.—

(1) The purpose of the commission shall be to study the possibility and feasibility of replacing the current transit entities in southeast Pennsylvania with a regional system to make recommendations for dedicated funds from locally derived sources and to meet with the following organizations to coordinate planning for future expansion and use of transit systems and make recommendations for coordinating the activities of the following transportation systems:

(i) Southeastern Pennsylvania Transportation Authority.

(ii) Philadelphia Parking Authority.

(iii) Delaware River Port Authority.

(iv) Delaware River Joint Toll Bridge Commission.

(2) Among the sources the commission may consider are a levy to be imposed on parking facilities, including airport parking facilities, naming rights, advertising, bridge tolling, privatization of road systems, direct revenue sources derived from tolling of specific lanes or structures or surcharges for use of certain lanes by motorists at specified times during the day.

(3) Each commission is precluded from identifying any other local revenue derived from the imposition of a realty transfer tax, earned income tax or regional sales tax upon the residents or businesses located within the geographical boundaries of the district without public recommendation from a majority of the members of the commission for any other locally derived revenue which would require legislative enactment by the General Assembly.

(c) Staff and consultants.—

(1) The commission may employ professional, technical and clerical staff and engage the services of consultants as it deems necessary to carry out its responsibilities under this section. The Department of Transportation shall provide necessary office space and administrative support for the commission.

(2) Whenever possible, the commission shall utilize the services and expertise of existing personnel and staff of State government, and to this end the Governor is hereby directed to make personnel and staff available to the commission to the fullest extent commensurate with the performance of their other duties.

(3) The commission shall reimburse State agencies, including the Department of Transportation, for any expense incurred in providing to the commission the services as required by this section.

(d) Meetings.—

(1) The commission shall hold an organization meeting as soon as possible after the appointment of all its members. Thereafter, the commission shall hold meetings at the call of the chairman or of a majority of the members serving on the commission.

(2) The commission shall also hold public hearings on the matters to be considered by it at locations throughout southeast Pennsylvania, including specifically those areas most likely to be served by any system that may replace the existing transit entities in southeast Pennsylvania. All meetings and public hearings of the commission shall be deemed meetings for the purposes of and subject to 65 Pa.C.S. Ch. 7 (relating to open meetings).

(e) Reports.—The commission shall make a report of its activities and recommendations to the General Assembly and the Governor on March 31, 2008.

(f) Funding.—In addition to the moneys appropriated and other moneys as may be appropriated from time to time by the General Assembly for its work, the commission is authorized to make application for and expend such Federal grants as may be available and may also receive and expend contributions from other public, quasi-public or private sources as may become available.

(g) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Commission." The Southeast Pennsylvania Regional Intermodal Transit Authority (SPRITA) Study Commission established in subsection (a).

"Southeast Pennsylvania." The region of this Commonwealth consisting of the following counties: Bucks, Chester, Delaware, Northampton, Lehigh, Berks, Philadelphia and Montgomery.

Section 1.2. Chapter 13 of Title 74 is repealed:

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Petri on the amendment.

Mr. PETRI. Thank you, Mr. Speaker.

Mr. Speaker, my amendment creates a study commission consisting of the five-county suburban area around Philadelphia, so it includes members from Bucks County, Delaware County, Montgomery County, Chester County, and Philadelphia County, and the study commission is required to look at a number of issues.

You know, we have a very vibrant area, but the only way we can solve our transportation problems is with an intermodal approach. For far too long, these agencies and groups that meet about transit have not cooperated. It has led to a tremendous waste of taxpayer money, inappropriate decisions, and delays in implementing important measures that would make our region more vibrant.

The Greater Philadelphia Chamber of Commerce ranks the solving of the transportation issue as their number one priority. In order to do that, we need to have a discourse with our bridge commissions, with our parking authority, with our airport, and we need to come up with a collective plan. I do not believe it is sufficient for our taxpayers to pay for a system that is broken and has Band-Aids. Development has dramatically increased, and we need to come up with solutions for our traffic congestion that will help the whole region and make us more prosperous.

You know, it is interesting. Last year the bridge commissions had so much extra revenue, they decided to fund projects. Why did they not fund transit? Because they cannot right now. And this commission would give the commission members a list of options to come up with to fund our transit system and to improve our roads.

Let me just read a brief list of items that this commission would consider: parking facilities, including airport parking facilities, and we have adopted Representative Rosita Youngblood's idea of naming rights, advertising, bridge tolling, privatization of roads, public-private expansion of future roads, direct revenue from tolling of specific lanes. We believe, many of us in the southeast, that this is necessary in order to have a handle on where we go and the next steps to be taken. The commission is specifically not allowed to consider realty transfer taxes, earned income, or regional sales taxes.

I ask the members to support this amendment which would allow a study with a report back by March of next year so that when we are looking for local revenue to solve our problems in the southeast, we will have it. This amendment has the potential of saving the State a tremendous amount of money. We know that the problems in the southeast are the largest portion of our budget, and I do not believe it is fair to our rural members not to have this information available to them so that they can go to their taxpayers and their residents and say, you know, the southeast is really trying to solve their own problems. Look at the report they came up with, and we can then press upon our Congress to give us the solutions to solve our problems.

Thank you, Mr. Speaker. I ask the members to support this study commission.

The SPEAKER. Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

And I applaud the Representative for his interest in this issue and believe that he is onto something with some of these concerns. But the fact of the matter is, this thing has been studied over and over and over again, and we have the

expertise right up here in Harrisburg: Chairman Markosek; Chairman Geist, who has been working on transportation issues for, and I do not mean to date him, but for over 20 years; Whip McCall, who also has been championing these issues for years. We have the staff here in Harrisburg. We have the expertise in our membership. And in my estimation, because this is such a large region, this is an issue better resolved here in Harrisburg through our experts in Harrisburg, through the Transportation Committees where we have the authority to ultimately pass legislation. We do not need another study. I cannot tell you how many studies there have been on these issues.

I urge a "no" vote and encourage us to move forward to do what we really need to do, and that is fund mass transit for SEPTA, for the Port Authority, and for the rest of Pennsylvania. Thank you, Mr. Speaker.

The SPEAKER. Representative Preston.

Mr. PRESTON. Thank you, Mr. Speaker.

Will the gentleman stand for interrogation?

Mr. PETRI. Yes.

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

Mr. PRESTON. Currently right now for the southeastern, is there not an MPO (metropolitan planning organization) called the SPEC that we fund, basically that does the regional planning as far as the metropolitan planning organization, which deals with the intermodal transportation, not just for southeastern but also including Delaware and Maryland and New Jersey?

Mr. PETRI. There are three, Mr. Speaker, in this amendment.

Mr. PRESTON. What I am saying is, officially when the Governor makes his submission, a metropolitan planning organization, the Governor and we within the State help fund and recognize in the State that deals with all the intermodal transportation with his submission to the Federal government, is there not one now in the southeast?

Mr. PETRI. Yes. My bill covers three of them. I think the important point for the members to recognize, contrary to what the previous speaker had represented, I do not believe that there has ever been a cooperative study between the organizations. What we hear instead is that, oh, we are not allowed to tap into the airport revenues; oh, we are not allowed to tap into the bridge commission. No one has ever looked at these in an intermodal sense, connected. There is an expert from the University of Pennsylvania who says that half our problems in the southeast are because we do not encourage use of transit. The parking fees, for instance, are backwards of what you would want if you want to encourage people to use transit. This study would enable a list of recommendations to come out to deal with those problems.

Mr. PRESTON. Mr. Speaker, may I comment on the amendment?

The SPEAKER. The gentleman is in order.

Mr. PRESTON. Unfortunately, it is obvious that the gentleman is not aware of what a metropolitan planning organization is. There is only one in the southeastern and recognized by the Governor in this State that the Federal government recognizes. It is not about a bridge commission. This is not about a study. These are the structural organizations within each State. Out here in the southwest we also have one that covers about 10 different counties. It is the Governor's right to be able to choose who he recognizes in that, in that with their

submission to the Federal government, some of the metropolitan organizations are implemented and put together as he submits the intermodal transportation needs for the State.

It is a continuously working group. It deals with the other interstates. You know, perhaps maybe the gentleman is not aware of that and has not been involved in understanding that the county commissioners and everybody else has been involved, but the southeastern portion has always been able to be able to have that, and I have been able to work with him just as well in dealing with the State of Delaware and also with New Jersey. Now, to be able to duplicate ourselves and for us to be able to shell more money out for somebody who has already – not just doing study commissions, but continuously working with our congressional delegation. During the budget season the MPO that the Governor recognizes testifies even according to the appropriate committees in Washington, DC, to the House and to the Senate. But all he is asking us to do is to do another report for paper instead of being able to recognize a group that we have come to know, whether it has been a Democratic Governor or a Republican Governor, to effectively be able to deal with this. There is no point in going over the same ground twice. We should not even support the Petri amendment.

It is unfortunate that we are trying to be, as far as duplicity, but there is only so much money to go around. I would ask for a "no" vote.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, I would like to join my colleague from Montgomery County, Representative Gerber, and also indicate what he just said. You know, there is enough from studying, but also, Mr. Speaker, we see no appropriations listed in this particular initiative. Secondly, the last time I recall, Mr. Speaker, it talks about areas such as Northampton and other areas that I believe that are not in the southeast.

But I think, Mr. Speaker, this is not an amendment that is necessary, so I would ask my colleagues to vote "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. Is there any other member seeking recognition?

The Chair recognizes Representative Petri.

Mr. PETRI. Thank you, Mr. Speaker.

See, there we go again; here we go again. We do not want a study; we do not want to do something that has never been done before to look at this approach as a regional approach. Why are we afraid to leverage the assets we already have for the benefit of the entire region? We work and live together as a community. We will succeed as a community.

What my amendment will do is for the first time not give the authority to the MPOs, but our elected officials. Our commissioners will make the appointments to this group, which will then come out with a report in very quick fashion. The fiscal cost on this compared to what we are losing in opportunities in our communities in the suburbs is minuscule. It would be like a gnat jumping on the back of an elephant.

We need to look at this. I think it is highly unfair to the taxpayers that there are regional revenues that are not being used for transit to relieve all of you and the rest of the State of a tremendous financial burden. What my amendment will do, when the report comes out, is provide an approach whereby for the first time we can solve some of our own problems. It will increase substantially State support through a local effort, not in your neighborhoods, but in our neighborhoods, and the other thing it will do is allow us to grow the system. One of the

greatest assets that the regional transit system has in the suburban Philadelphia area is that it is underutilized. Well, it is time that it be fully utilized so that it can maximize its own efforts.

I encourage the members to support the amendment.

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

The following roll call was recorded:

YEAS—97

Adolph	Fleck	McIlhattan	Rapp
Argall	Gabig	Mensch	Raymond
Baker	Geist	Metcalfe	Reed
Barrar	Gillespie	Micozzie	Reichley
Bastian	Gingrich	Millard	Roae
Bear	Godshall	Miller	Rock
Benninghoff	Grell	Milne	Rohrer
Beyer	Harhart	Moul	Ross
Boback	Harper	Moyer	Saylor
Boyd	Harris	Murt	Scavello
Brooks	Helm	Mustio	Schroder
Cappelli	Hennessey	Nailor	Smith, S.
Causer	Hershey	Nickol	Sonney
Civera	Hess	O'Neill	Stairs
Clymer	Hickernell	Payne	Steil
Cox	Hutchinson	Peifer	Stern
Creighton	Kauffman	Perry	Stevenson
Cutler	Keller, M.	Perzel	Swanger
Dally	Killion	Petri	Taylor, J.
Denlinger	Mackereth	Phillips	True
DiGirolo	Major	Pickett	Turzai
Ellis	Mantz	Pyle	Verub
Evans, J.	Marshall	Quigley	Vulakovich
Everett	Marsico	Quinn	Watson
Fairchild			

NAYS—103

Belfanti	George	Manderino	Shapiro
Bennington	Gerber	Mann	Shimkus
Bianucci	Gergely	Markosek	Siptroth
Bishop	Gibbons	McCall	Smith, K.
Blackwell	Goodman	McGeehan	Solobay
Brennan	Grucela	McI. Smith	Staback
Buxton	Haluska	Melio	Sturla
Caltagirone	Hanna	Mundy	Surra
Carroll	Harhai	Myers	Tangretti
Casorio	Harkins	O'Brien, M.	Taylor, R.
Cohen	Hornaman	Oliver	Thomas
Conklin	James	Pallone	Vitali
Costa	Josephs	Parker	Wagner
Cruz	Keller, W.	Pashinski	Walko
Curry	Kenney	Payton	Wansacz
Daley	Kessler	Petrarca	Waters
DeLuca	King	Petrone	Wheatley
DePasquale	Kirkland	Preston	White
Dermody	Kortz	Ramaley	Williams
DeWeese	Kotik	Readshaw	Wojnaroski
Donatucci	Kula	Roebuck	Yewcic
Eachus	Leach	Sabatina	Youngblood
Evans, D.	Lentz	Sainato	Yudichak
Fabrizio	Levdansky	Samuelson	
Frankel	Longietti	Santoni	O'Brien, D.,
Freeman	Mahoney	Seip	Speaker
Galloway			

NOT VOTING—0

EXCUSED—3

Maher Rubley Smith, M.

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 second consideration as amended?

Ms. **HARPER** offered the following amendment No. **A02059**:

Amend Sec. 1 (Sec. 8602), page 2, line 3 (A02073), by removing the period after "definitions" and inserting

or for costs related to the maintenance, repair, restoration or replacement of local roads and bridges.

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Harper on the amendment.

Ms. HARPER. Thank you, Mr. Speaker.

Mr. Speaker, I have a very modest amendment which I had drafted assuming that the McCall amendment would be adopted as it was. This just says that if local governments, if counties raise local taxes to help fund their mass transit systems and have extra money, that they should be able to use that money for roads and bridges. It is a very enabling thing to just allow our counties, if they go through and raise taxes to fund mass transit, to use any extra money for their own roads and bridges.

I would ask for the members' support. Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Philadelphia, Representative Evans.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, we obviously understand what the gentelady from Montgomery County is attempting to do, but if you look closely at the McCall amendment, we feel that this amendment is not necessary. We believe that the McCall amendment already provides money to local and county roads and bridges and that no one more than Mr. McCall was attempting to address that particular concern.

We believe that this amendment is something that just would not be necessary, and obviously, in our view, knowing the pot of money that we have available, there is only so much money available. So we believe already under the McCall amendment, we have accomplished this very same objective, and we believe that this is just not necessary.

So I would encourage our members to be "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Harper.

Ms. HARPER. May I ask a question of the gentleman from Philadelphia County?

My amendment is solely— Oh; I am sorry.

The SPEAKER. Will the gentleman stand for interrogation? The gentleman indicates that he will. The lady is in order.

Ms. HARPER. Thank you, Mr. Speaker.

My amendment is solely directed towards money which is raised locally and assumes that the county would pay its fair share of SEPTA or its mass transit system, whatever it is, but it just seeks to broaden the capacity of the county to also spend excess money on roads and bridges. And my question to the gentleman is, I did not perceive anywhere in the McCall amendment that locally raised funds could be used for roads and bridges, so I would like to know, where is that right protected in the McCall amendment?

Mr. D. EVANS. Mr. Speaker, you are correct in what you are saying. However, we believe, Mr. Speaker, that the \$35 million that we are setting aside particularly for local and county roads reach the same objective that you are talking about. That is why we do not believe the amendment that you have set aside will meet the same objective that you are talking about, Mr. Speaker.

Ms. HARPER. If I might respond, Mr. Speaker?

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

Ms. HARPER. The section that the gentleman refers to I believe refers to an increase in liquid fuels, which I applaud. It does not take the place of allowing counties who raise local money for mass transit to use any excess money for roads and bridges. In my county, Montgomery County, we have roads which are closed with orphan bridges that the townships cannot afford to fix and the county has no money to fix.

All I am asking is for a local option for counties that have met their mass transit obligations to be able to use excess locally raised revenues to repair bridges that are as important to them in the areas that do not have mass transit as mass transit is. It seems such a modest and small request.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Evans.

Mr. D. EVANS. Mr. Speaker, I understand the point that the maker of the amendment is attempting to describe to this House when she talks about the excess income. I would only say that I believe that the maker of the McCall amendment clearly was meeting that concern with the \$35 million. I do not believe, Mr. Speaker, that the excess income should be used in that particular direction. It is fundamentally a question of policy decision.

So, you know, where I differ and where Mr. McCall would differ is the fact that we believe this issue is being addressed. So I would still say "no" to this amendment, Mr. Speaker.

Ms. HARPER. Thank you, Mr. Speaker.

On the amendment?

The SPEAKER. The lady is in order.

Ms. HARPER. Thirty-five million, while an increase, is a drop in the bucket for the road and bridge problems that we have in Pennsylvania today. My amendment simply says that a county that raises local revenues and takes care of its obligation to mass transit should be able to make the choice at the county level to spend excess money on roads and bridges.

I would ask that the members think first of the people you represent back home in understanding the importance of mass transit and how the McCall amendment would take care of mass transit. Also allow your local county commissioners to make a decision about locally raised revenues to take care of local roads and bridges.

I would ask you to please vote "yes" on the Harper amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, throughout this debate there has been real concern about taxation. This amendment, Mr. Speaker, opens up the door in terms of the area of more taxation. I do not believe, Mr. Speaker, that that is the direction we wanted to go. We heard the message loud and clear. It is the reason we are using the strategies of using tolling. It is the reason we are fundamentally saying that we set some money aside. So we do not believe, Mr. Speaker, that we should move in the direction of opening up more taxation on the local level, and we basically believe we have attempted to deal with that issue of the \$35 million.

So I again would say it should be "no" to this amendment, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS-101

Adolph	Fleck	Mensch	Reichley
Argall	Gabig	Metcalfe	Roae
Baker	Geist	Micozzie	Rock
Barrar	Gillespie	Millard	Rohrer
Bastian	Gingrich	Miller	Ross
Bear	Godshall	Milne	Saylor
Benninghoff	Grell	Moul	Scavello
Beyer	Harhart	Moyer	Schroder
Boback	Harper	Murt	Smith, S.
Boyd	Harris	Mustio	Sonney
Brooks	Helm	Nailor	Stairs
Cappelli	Hennessey	Nickol	Steil
Carroll	Hershey	O'Neill	Stern
Causser	Hess	Payne	Stevenson
Civera	Hickernell	Peifer	Swanger
Clymer	Hutchinson	Perry	Taylor, J.
Cox	Kauffman	Perzel	True
Creighton	Keller, M.	Petri	Turzai
Cutler	Kenney	Phillips	Vereb
Dally	Killion	Pickett	Vitali
Denlinger	Mackereth	Pyle	Vulakovich
DiGirolando	Major	Quigley	Watson
Ellis	Mantz	Quinn	
Evans, J.	Marshall	Rapp	O'Brien, D.,
Everett	Marsico	Raymond	Speaker
Fairchild	McIlhattan	Reed	

NAYS-99

Belfanti	Galloway	Mahoney	Santoni
Bennington	George	Manderino	Seip
Bianucci	Gerber	Mann	Shapiro
Bishop	Gergely	Markosek	Shimkus
Blackwell	Gibbons	McCall	Siptroth
Brennan	Goodman	McGeehan	Smith, K.
Buxton	Grucela	McI. Smith	Solobay
Caltagirone	Haluska	Melio	Staback
Casorio	Hanna	Mundy	Sturla
Cohen	Harhai	Myers	Surra
Conklin	Harkins	O'Brien, M.	Tangretti
Costa	Hornaman	Oliver	Taylor, R.
Cruz	James	Pallone	Thomas
Curry	Josephs	Parker	Wagner
Daley	Keller, W.	Pashinski	Walko
DeLuca	Kessler	Payton	Wansacz
DePasquale	King	Petrarca	Waters
Dermody	Kirkland	Petrone	Wheatley

DeWeese	Kortz	Preston	White
Donatucci	Kotik	Ramaley	Williams
Eachus	Kula	Readshaw	Wojnaroski
Evans, D.	Leach	Roebuck	Yewcic
Fabrizio	Lentz	Sabatina	Youngblood
Frankel	Levdansky	Sainato	Yudichak
Freeman	Longiatti	Samuelson	

NOT VOTING-0

EXCUSED-3

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

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

Mr. SCHRODER offered the following amendment No. A02069:

Amend Sec. 1 (Sec. 8602), page 2, line 5 (A02073), by striking out "A" and inserting

Subject to subsection (c) and section 8603 (relating to binding referendum), a

Amend Sec. 1, page 2, by inserting between lines 51 and 52 (A02073)

(c) Resolution required.—The taxing authority may seek authority to impose a tax under subsection (a) by adopting a resolution to place a referendum on the ballot pursuant to section 8603 (relating to binding referendum). The taxing authority shall transmit a copy of the resolution to the appropriate election officials.
§ 8603. Binding referendum.

(a) Referendum to be held.—A taxing authority may impose a tax under subsection (a) only by obtaining the approval of the electorate of the affected municipality in a public referendum at the general or municipal election preceding the fiscal year when the tax will be imposed. The election officials shall cause a question to be placed on the ballot at the first general or municipal election occurring at least 90 days after their receipt of the resolution required in section 8602(c) (relating to local financial support).

(b) Contents of question.—The referendum question must state the rate of the tax under section 8602(a) and the proposed use of the additional revenue generated by the tax. The question shall be in clear language that is readily understandable by a layperson.

(c) Vote.—If a majority of the electors voting on the question vote "yes," then the taxing authority shall be authorized to impose the tax. If a majority of the electors voting on the question vote "no," the taxing authority shall have no authority to impose the tax.

(d) Voting proceedings.—Proceedings under this section shall be in accordance with the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

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

The SPEAKER. The Chair recognizes Representative Schroder on the amendment.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment will provide for local voter referendum on the menu of tax increase options that are contained in this bill as a result of the adoption of the

McCall amendment. So in other words, Mr. Speaker, instead of the local counties or municipalities implementing the tax increase options to get up to the local match for mass transit, it will be put in the hands of the voters of each county to make that decision.

Mr. Speaker, I think that is a proper and preferable way to handle this, for a couple reasons. One, I think if the voters are the ones that are allowed to decide, we will see once and for all what support mass transit truly has in different regions or different counties. But even more important, I think it will cause mass transit agencies to be much more accountable if they have to go directly to the people instead of politicians in order to get this local funding, because, Mr. Speaker, what is missing in this bill so far, as I see it, in the McCall amendment, you know, is any real incentive for mass transit agencies to change the way they do business, to try to find savings, or to, you know, make sure they are providing the best possible service to the individual communities.

Mr. Speaker, I think this amendment will go a long way in, you know, encouraging transit agencies to run a tighter ship, improve their service to our local communities, and I urge the adoption of the amendment.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, there is no question that this money belongs to the people, and local elected officials are elected by the people. What is said in Representative McCall's amendment is that an ordinance is passed by those elected officials. When the gentleman talks about requiring a referendum, in my view, Mr. Speaker, that flies in the opposite direction of our ability to fix this problem that we have relating to mass transit. That is one thing.

Secondly, Mr. Speaker, the costs of these various referendums. Who is paying for the burden of the costs of these referendums? I believe that the way it is in the McCall amendment is that you have to have a local ordinance in the first place. So I think that that accomplishes the same objective that the gentleman is attempting to accomplish in his amendment. It is something, in my view, not necessary because the local ordinance will accomplish the same objective. I do not believe that by our having this referendum mandate put upon these local governments, that it will accomplish that objective.

I think that the way Mr. McCall has it in his amendment is the way to go, and I believe that this is not necessary, and I would encourage members to vote "no" on this amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, in response, I would just like to mention a couple things.

I am informed that in many States across the country it is very common to have local referendums to pass increases in revenues and taxes for mass transit. This is something that is very common across the country, and in fact, most of those referendums do pass.

So, Mr. Speaker, I would ask you to consider that, and I would also, you know, just say that if this is not adopted, you know, I believe that the amendment that was put in, you know, can be and will be construed as, you know, a mandated tax increase because of the way the SEPTA, for instance, and the mass transit capital projects are, you know, withheld if funding does not come up to a certain level.

So, Mr. Speaker, I think this is a sensible move. I think it will empower our voters to get involved with mass transit, make a final decision, and like I said, I really do think it will bring more accountability to our mass transit systems. Thank you.

The SPEAKER. Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman mentioned the idea of these transit referendums passing. If you look at the record, and I do not have it here in front of me, but it usually takes in some cases two or three times for that referendum to pass. It may eventually pass, but it is not going to do any transit system any good if it does not pass right away. And under the McCall amendment, we have some immediacy here that we can get this money to our transit systems a lot faster.

So I would offer to the members, irregardless of how they feel about referendums, that if you really want to solve the transit problem now and if you are serious about it, this particular amendment will not do it any time soon and in fact will drag out the process, and I do not think any of us want to be dealing with this again any time soon.

So I would offer that the members vote "no" on this amendment for those reasons. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—89

Adolph	Gabig	Metcalfe	Raymond
Argall	Gillespie	Millard	Reed
Baker	Gingrich	Miller	Reichley
Barrar	Godshall	Milne	Roae
Bastian	Grell	Moul	Rock
Bear	Harhart	Moyer	Rohrer
Benninghoff	Harris	Murt	Ross
Beyer	Helm	Mustio	Saylor
Boback	Hennessey	Nailor	Scavello
Boyd	Hershey	Nickol	Schroder
Brooks	Hickernell	O'Neill	Smith, S.
Causar	Hutchinson	Payne	Sonney
Civera	Kauffman	Peifer	Stairs
Clymer	Keller, M.	Perry	Steil
Cox	Killion	Perzel	Stern
Creighton	Mackereth	Petri	Stevenson
Cutler	Major	Phillips	Swanger
Dally	Mantz	Pickett	True
DiGirolamo	Marshall	Pyle	Turzai
Ellis	Marsico	Quigley	Vereb
Everett	McIlhattan	Quinn	Vulakovich
Fairchild	Mensch	Rapp	Watson
Fleck			

NAYS—111

Belfanti	Galloway	Longiatti	Seip
Bennington	Geist	Mahoney	Shapiro
Bianucci	George	Manderino	Shimkus
Bishop	Gerber	Mann	Siprotho
Blackwell	Gergely	Markosek	Smith, K.
Brennan	Gibbons	McCall	Solobay
Buxton	Goodman	McGeehan	Staback
Caltagirone	Gruclera	McI. Smith	Sturla
Cappelli	Haluska	Melio	Surra
Carroll	Hanna	Micozzie	Tangretti
Casorio	Harhai	Mundy	Taylor, J.
Cohen	Harkins	Myers	Taylor, R.
Conklin	Harper	O'Brien, M.	Thomas

Costa	Hess	Oliver	Vitali
Cruz	Hornaman	Pallone	Wagner
Curry	James	Parker	Walko
Daley	Josephs	Pashinski	Wansacz
DeLuca	Keller, W.	Payton	Waters
Denlinger	Kenney	Petrarca	Wheatley
DePasquale	Kessler	Petrone	White
Dermody	King	Preston	Williams
DeWeese	Kirkland	Ramaley	Wojnaroski
Donatucci	Kortz	Readshaw	Yewcic
Eachus	Kotik	Roebuck	Youngblood
Evans, D.	Kula	Sabatina	Yudichak
Evans, J.	Leach	Sainato	O'Brien, D.,
Fabrizio	Lentz	Samuelson	Speaker
Frankel	Levdansky	Santoni	
Freeman			

NOT VOTING—0

EXCUSED—3

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

On the question recurring,

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

Mr. D. EVANS offered the following amendment No. A02099:

Amend Sec. 2.2 (Sec. 1713), page 22, line 26 (A02073), by inserting after "Budget"

shall be a nonvoting member

Amend Sec. 2.2 (Sec. 1713), page 22, line 28 (A02073), by striking out "nonvoting members" and inserting

a nonvoting member

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Evans.

Mr. D. EVANS. Mr. Speaker, throughout this conversation in terms of the McCall amendment, we have talked about the question of accountability and reform and change. The amendment that I am offering is a technical amendment to ensure that the Budget Secretary is a nonvoting member. By having the Budget Secretary there, we know, Mr. Speaker, we want to ensure that the dollars are used in the proper way, but in my view, Mr. Speaker, we are only asking him to be a nonvoting member on this board.

Thank you, Mr. Speaker. I ask you to support this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—191

Adolph	Galloway	Markosek	Rohrer
Argall	Geist	Marshall	Ross
Baker	George	Marsico	Sabatina
Barrar	Gerber	McCall	Sainato
Bastian	Gergely	McGeehan	Samuelson
Bear	Gibbons	McI. Smith	Santoni
Belfanti	Gillespie	McIlhattan	Saylor
Bennington	Gingrich	Melio	Scavello
Beyer	Godshall	Mensch	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siproth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil
Casorio	Helm	Nickol	Stern
Civera	Hennessey	O'Brien, M.	Stevenson
Clymer	Hershey	O'Neill	Sturla
Cohen	Hess	Oliver	Surra
Conklin	Hickernell	Pallone	Swanger
Costa	Hornaman	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Cruz	Josephs	Payne	Taylor, R.
Curry	Kauffman	Payton	Thomas
Cutler	Keller, M.	Peifer	True
Daley	Keller, W.	Perry	Turzai
Dally	Kenney	Perzel	Vereb
DeLuca	Kessler	Petrarca	Vitali
Denlinger	Killion	Petri	Vulakovich
DePasquale	King	Petrone	Wagner
Dermody	Kirkland	Phillips	Walko
DeWeese	Kortz	Pickett	Wansacz
DiGirolamo	Kotik	Preston	Waters
Donatucci	Kula	Pyle	Watson
Eachus	Leach	Quigley	Wheatley
Ellis	Lentz	Quinn	White
Evans, D.	Levdansky	Ramaley	Williams
Evans, J.	Longiotti	Raymond	Wojnaroski
Everett	Mackereth	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	
Frankel	Mann	Rock	O'Brien, D.,
Freeman	Mantz	Roebuck	Speaker
Gabig			

NAYS—9

Benninghoff	Creighton	Metcalfe	Rapp
Brooks	Hutchinson	Mustio	Sonney
Causar			

NOT VOTING—0

EXCUSED—3

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

On the question recurring,

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes Representative Buxton, who moves that the rules of the House be suspended for the immediate consideration of amendment 2230.

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

POINT OF ORDER

The SPEAKER. Representative Vitali.

Mr. VITALI. A point of order. I was momentarily distracted. If there was an explanation, I just missed that. Did I miss the explanation there?

The SPEAKER. The motion is on suspension of the rules. The amendment is not before the House.

The gentleman, Representative Buxton, will offer an explanation.

Mr. BUXTON. Thank you, Mr. Speaker.

What we are attempting to do is to change two definition references in the bill which would make it very clear that under any program that would qualify for funds, it would specifically state "commuter rail" within the legislation. There was debate last night as to whether Corridor One in central Pennsylvania as a commuter rail system would qualify under this legislation. This amendment only inserts the name, or the reference to commuter rail so there are no discrepancies as to whether that project qualifies for future funding.

The SPEAKER. On suspension of the rules, the Chair recognizes the gentleman from Philadelphia, Representative Evans.

Mr. D. EVANS. Mr. Speaker, I support the gentleman from Dauphin County, city of Harrisburg, on the suspension. Thank you.

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

The following roll call was recorded:

YEAS—195

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Sabatina
Barrar	Geist	Marsico	Sainato
Bastian	George	McCall	Samuelson
Bear	Gerber	McGeehan	Santoni
Belfanti	Gergely	McI. Smith	Saylor
Benninghoff	Gibbons	McIlhattan	Scavello
Bennington	Gillespie	Melio	Schroder
Beyer	Gingrich	Mensch	Seip
Bianucci	Godshall	Micozzie	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Miller	Siptroth
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, S.
Brennan	Hanna	Moyer	Solobay
Brooks	Harhai	Mundy	Sonney
Buxton	Harhart	Murt	Staback
Caltagirone	Harkins	Mustio	Stairs
Cappelli	Harper	Myers	Steil
Carroll	Harris	Nailor	Stern
Casorio	Helm	Nickol	Stevenson
Causer	Hennessey	O'Brien, M.	Sturla

Civera	Hershey	O'Neill	Surra
Clymer	Hess	Oliver	Swanger
Cohen	Hickernell	Pallone	Tangretti
Conklin	Hornaman	Parker	Taylor, J.
Costa	James	Pashinski	Taylor, R.
Cox	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longiotti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D., Speaker
Fleck	Mann	Rock	
Frankel			

NAYS—5

Creighton Hutchinson	Metcalfe	Perry	Ross
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NOT VOTING—0

EXCUSED—3

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

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

Mr. BUXTON offered the following amendment No. **A02230**:

Amend Sec. 2.1 (Sec. 1503), page 5, line 28 (A02073), by striking out "rather than" and inserting

, including

Amend Sec. 2.1 (Sec. 1516), page 17, line 40 (A02073), by inserting after "Intercity"
and commuter

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

The following roll call was recorded:

YEAS—196

Adolph	Frankel	Mantz	Roebuck
Argall	Freeman	Markosek	Rohrer
Baker	Gabig	Marshall	Ross
Barrar	Galloway	Marsico	Sabatina
Bastian	Geist	McCall	Sainato

Bear	George	McGeehan	Samuelson
Belfanti	Gerber	McI. Smith	Santoni
Benninghoff	Gergely	McIlhattan	Saylor
Bennington	Gibbons	Melio	Scavello
Beyer	Gillespie	Mensch	Schroder
Biancucci	Gingrich	Micozzie	Seip
Bishop	Godshall	Millard	Shapiro
Blackwell	Goodman	Miller	Shimkus
Boback	Grell	Milne	Siptroth
Boyd	Grucela	Moul	Smith, K.
Brennan	Haluska	Moyer	Smith, S.
Brooks	Hanna	Mundy	Solobay
Buxton	Harhai	Murt	Sonney
Caltagirone	Harhart	Mustio	Staback
Cappelli	Harkins	Myers	Stairs
Carroll	Harper	Nailor	Steil
Casorio	Harris	Nickol	Stern
Causer	Helm	O'Brien, M.	Stevenson
Civera	Hennessey	O'Neill	Sturla
Clymer	Hershey	Oliver	Surra
Cohen	Hess	Pallone	Swanger
Conklin	Hickernell	Parker	Tangretti
Costa	Hornaman	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perzel	Vereb
Cutler	Keller, W.	Petrarca	Vitali
Daley	Kenney	Petri	Vulakovich
Dally	Kessler	Petrone	Wagner
DeLuca	Killion	Phillips	Walko
Denlinger	King	Pickett	Wansacz
DePasquale	Kirkland	Preston	Waters
Dermody	Kortz	Pyle	Watson
DeWeese	Kotik	Quigley	Wheatley
DiGirolamo	Kula	Quinn	White
Donatucci	Leach	Ramaley	Williams
Eachus	Lentz	Rapp	Wojnaroski
Ellis	Levdansky	Raymond	Yewcic
Evans, D.	Longietti	Readshaw	Youngblood
Evans, J.	Mackereth	Reed	Yudichak
Everett	Mahoney	Reichley	
Fabrizio	Major	Roae	O'Brien, D.,
Fairchild	Manderino	Rock	Speaker
Fleck	Mann		

NAYS—4

Hutchinson	Metcalfe	Perry	Turzai
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NOT VOTING—0

EXCUSED—3

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

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, we are going to vote a few more bills on third consideration, break for lunch, and go to caucus.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1120, PN 1371**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining "licensing board" and "professional or occupational license"; and defining the offense of impersonating the holder of a professional or occupational license.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni
Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil
Casorio	Helm	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner

Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **HB 1420, PN 1918**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the definition of "distributor"; providing for the definition of "small manufacturer"; and further providing for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages alternating brewers' licenses, for distributors' and importing distributors' restrictions on sales, storage, etc., and for breweries.

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.

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Markosek	Roebuck
Argall	Gabig	Marshall	Rohrer
Baker	Galloway	Marsico	Ross
Barrar	Geist	McCall	Sabatina
Bastian	George	McGeehan	Sainato
Bear	Gerber	McI. Smith	Samuelson
Belfanti	Gergely	McIlhattan	Santoni

Benninghoff	Gibbons	Melio	Saylor
Bennington	Gillespie	Mensch	Scavello
Beyer	Gingrich	Metcalfe	Schroder
Biancucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siptroth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil
Casorio	Helm	Nickol	Stern
Causer	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz		

NAYS—0

NOT VOTING—0

EXCUSED—3

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

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman rise?
Mr. TURZAI. Mr. Speaker, for amendment 2230 to HB 1590, I would like to be marked in the affirmative. I inadvertently hit negative, and I would like to be marked in the affirmative.

The SPEAKER. The Chair will thank the gentleman. His remarks will be spread upon the record.

The Chair will ask other members to wait until the conclusion of today's business for those remarks.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1481, PN 1919**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for wine auction permits.

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.

(Bill analysis was read.)

The **SPEAKER**. 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—177

Adolph	Gerber	McGeehan	Ross
Argall	Gergely	McI. Smith	Sabatina
Baker	Gibbons	McIlhattan	Sainato
Barrar	Gillespie	Melio	Samuelson
Bastian	Gingrich	Mensch	Santoni
Belfanti	Godshall	Metcalfe	Saylor
Benninghoff	Goodman	Micozzie	Scavello
Bennington	Grell	Millard	Schroder
Beyer	Grucela	Miller	Seip
Biancucci	Haluska	Milne	Shapiro
Bishop	Hanna	Moul	Shimkus
Blackwell	Harhai	Moyer	Siptroth
Boback	Harhart	Mundy	Smith, K.
Brennan	Harkins	Murt	Smith, S.
Buxton	Harper	Mustio	Solobay
Caltagirone	Harris	Myers	Sonney
Cappelli	Helm	Nailor	Staback
Carroll	Hennessey	Nickol	Stairs
Casorio	Hornaman	O'Brien, M.	Steil
Causer	James	O'Neill	Sturla
Civera	Josephs	Oliver	Surra
Cohen	Keller, M.	Pallone	Tangretti
Conklin	Keller, W.	Parker	Taylor, J.
Costa	Kenney	Pashinski	Taylor, R.
Cruz	Kessler	Payne	Thomas
Curry	Killion	Payton	Turzai
Daley	King	Peifer	Vereb
Dally	Kirkland	Perry	Vitali
DeLuca	Kortz	Perzel	Vulakovich
DePasquale	Kotik	Petrarca	Wagner
Dermody	Kula	Petri	Walko
DeWeese	Leach	Petrone	Wansacz
DiGirolamo	Lentz	Pickett	Waters
Donatucci	Levdansky	Preston	Watson
Eachus	Longietti	Pyle	Wheatley
Ellis	Mackereth	Quigley	White
Evans, D.	Mahoney	Quinn	Williams
Evans, J.	Major	Ramaley	Wojnaroski
Everett	Manderino	Rapp	Yewcic
Fabrizio	Mann	Raymond	Youngblood
Fairchild	Mantz	Readshaw	Yudichak
Frankel	Markosek	Reed	
Freeman	Marshall	Reichley	O'Brien, D., Speaker
Galloway	Marsico	Roae	
George	McCall	Roebuck	

NAYS—23

Bear	Cutler	Hess	Rohrer
Boyd	Denlinger	Hickernell	Stern
Brooks	Fleck	Hutchinson	Stevenson
Clymer	Gabig	Kauffman	Swanger
Cox	Geist	Phillips	True
Creighton	Hershey	Rock	

NOT VOTING—0

EXCUSED—3

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

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

* * *

The House proceeded to third consideration of **SB 580, PN 625**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, permitting use of dogs in hunting for wild turkeys.

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.

(Bill analysis was read.)

The **SPEAKER**. The question is, shall the bill pass finally?

Representative Vitali.
Mr. VITALI. I just had a question for somebody who wants to field this.

The **SPEAKER**. Will the gentleman identify—
Representative Staback will stand for interrogation.
Mr. VITALI. The prime sponsor, if he is available, or someone else if they want to jump—

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

Mr. VITALI. I am looking for, A, a quick explanation; B, if any of the animal rights groups like PETA (People for the Ethical Treatment of Animals) or anyone else have weighed in on this one?

Mr. STABACK. No, not in any way, shape, or form.
Mr. VITALI. They do not care about this one?
Mr. STABACK. No.
Mr. VITALI. Then I do not. Thank you.

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.

(Members proceeded to vote.)

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair acknowledges the presence of Representative Maher on the floor. His name will be added to the master roll.

CONSIDERATION OF SB 580 CONTINUED

On the question recurring,
Shall the bill pass finally?

The following roll call was recorded:

YEAS—187

Adolph	Freeman	Manderino	Roae
Argall	Gabig	Mann	Rock
Baker	Galloway	Mantz	Roebuck
Barrar	Geist	Markosek	Rohrer
Bastian	George	Marshall	Ross
Bear	Gerber	Marsico	Sabatina
Belfanti	Gergely	McCall	Sainato
Benninghoff	Gibbons	McGeehan	Samuelson
Beyer	Gillespie	McI. Smith	Santoni
Biancucci	Gingrich	McIlhattan	Saylor
Bishop	Godshall	Melio	Scavello
Blackwell	Goodman	Mensch	Schroder
Boback	Grell	Metcalfe	Seip
Boyd	Grucela	Micozzie	Shapiro
Brennan	Haluska	Millard	Shimkus
Brooks	Hanna	Miller	Siptroth
Buxton	Harhai	Milne	Smith, K.
Caltagirone	Harhart	Moul	Smith, S.
Cappelli	Harkins	Moyer	Solobay
Carroll	Harper	Mundy	Sonney
Casorio	Harris	Murt	Staback
Causar	Helm	Mustio	Stairs
Civera	Hennessey	Myers	Stern
Cohen	Hershey	Nickol	Stevenson
Conklin	Hess	O'Brien, M.	Sturla
Costa	Hickernell	Oliver	Surra
Cox	Hornaman	Pallone	Swanger
Creighton	Hutchinson	Parker	Tangretti
Cruz	James	Pashinski	Taylor, J.
Curry	Josephs	Payton	Thomas
Cutler	Kauffman	Peifer	True
Daley	Keller, M.	Perry	Turzai
Dally	Keller, W.	Perzel	Vereb
DeLuca	Kenney	Petrarca	Vitali
Denlinger	Kessler	Petrone	Vulakovich
DePasquale	Killion	Phillips	Wagner
Dermody	King	Pickett	Walko
DeWeese	Kirkland	Preston	Wansacz
Donatucci	Kortz	Pyle	Waters
Eachus	Kotik	Quigley	Wheatley
Ellis	Kula	Quinn	White
Evans, D.	Lentz	Ramaley	Wojnaroski
Evans, J.	Levdansky	Rapp	Yewcic
Everett	Longietti	Raymond	Yudichak
Fabrizio	Mackereth	Readshaw	
Fairchild	Maher	Reed	O'Brien, D.,
Fleck	Major	Reichley	Speaker
Frankel			

NAYS—14

Bennington	Mahoney	Petri	Watson
Clymer	Nailor	Steil	Williams
DiGirolamo	O'Neill	Taylor, R.	Youngblood
Leach	Payne		

NOT VOTING—0

EXCUSED—2

Rubley

Smith, M.

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.

STATEMENT BY MR. MAHER

The SPEAKER. For what purpose does the gentleman, Representative Maher, rise?

Mr. MAHER. For a brief point of personal privilege, Mr. Speaker.

You know, from my neck of the woods, we do not often get folks from the district who are interested in making the 440-mile round trip to come visit us in the Capitol, and usually when they do, the beauty of the rotunda, the murals, the tiles, the whole thing is pretty impressive. But I want to thank my friends on the side of the aisle that governs, even when they do not have the votes, for making an indelible impression on my visitors. I really do appreciate that. You made their visit to the Capitol something very special when my leave was announced.

Thank you, Mr. Speaker.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 755, PN 831**, entitled:

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Vitali.

Mr. VITALI. Mr. Speaker, I decline. I do not need to interrogate him.

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—179

Adolph	Galloway	Markosek	Roebuck
Argall	Geist	Marshall	Ross
Baker	George	Marsico	Sabatina
Barrar	Gerber	McCall	Sainato
Bastian	Gergely	McGeehan	Samuelson
Belfanti	Gibbons	McI. Smith	Santoni
Benninghoff	Gillespie	McIlhattan	Saylor
Bennington	Gingrich	Melio	Scavello
Beyer	Godshall	Mensch	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moyer	Smith, K.
Brennan	Harhai	Mundy	Smith, S.
Brooks	Harhart	Murt	Solobay
Buxton	Harkins	Mustio	Staback
Caltagirone	Harper	Myers	Stairs
Cappelli	Harris	Nailor	Steil
Carroll	Helm	Nickol	Stevenson
Casorio	Hennessey	O'Brien, M.	Sturla
Causer	Hershey	O'Neill	Surra
Civera	Hess	Oliver	Tangretti
Clymer	Hornaman	Pallone	Taylor, J.
Cohen	James	Parker	Taylor, R.
Conklin	Josephs	Pashinski	Thomas
Costa	Keller, W.	Payne	Turzai
Cruz	Kenney	Payton	Vereb
Curry	Kessler	Peifer	Vitali
Daley	Killion	Perzel	Vulakovich
Dally	King	Petrarca	Wagner
DeLuca	Kirkland	Petri	Walko
DePasquale	Kortz	Petrone	Wansacz
Dermody	Kotik	Phillips	Waters
DeWeese	Kula	Pickett	Watson
DiGiolamo	Leach	Preston	Wheatley
Donatucci	Lentz	Pyle	White
Eachus	Levdansky	Quigley	Williams
Ellis	Longiatti	Quinn	Wojnaroski
Evans, D.	Maher	Ramaley	Yewcic
Evans, J.	Mahoney	Raymond	Youngblood
Fabrizio	Major	Readshaw	Yudichak
Fairchild	Manderino	Reed	
Frankel	Mann	Reichley	O'Brien, D., Speaker
Freeman	Mantz	Roae	
Gabig			

NAYS—22

Bear	Fleck	Metcalf	Rohrer
Cox	Hickernell	Moul	Sonney
Creighton	Hutchinson	Perry	Stern
Cutler	Kauffman	Rapp	Swanger
Denlinger	Keller, M.	Rock	True
Everett	Mackereth		

NOT VOTING—0

EXCUSED—2

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

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

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The House proceeded to third consideration of **HB 614, PN 680**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Drug and Alcohol Programs; repealing related provisions of the Pennsylvania Drug and Alcohol Abuse and Control Act; and making editorial changes.

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.

(Bill analysis was read.)

The SPEAKER. 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	Freeman	Mantz	Rohrer
Argall	Galloway	Markosek	Ross
Baker	Geist	Marshall	Sabatina
Barrar	George	Marsico	Sainato
Bastian	Gerber	McCall	Samuelson
Bear	Gergely	McGeehan	Santoni
Belfanti	Gibbons	McI. Smith	Saylor
Benninghoff	Gillespie	McIlhattan	Scavello
Bennington	Gingrich	Melio	Schroder
Beyer	Godshall	Mensch	Seip
Biancucci	Goodman	Micozzie	Shapiro
Bishop	Grell	Millard	Shimkus
Blackwell	Grucela	Miller	Siptroth
Boback	Haluska	Milne	Smith, K.
Boyd	Hanna	Moul	Smith, S.
Brennan	Harhai	Moyer	Solobay
Brooks	Harhart	Mundy	Sonney
Buxton	Harkins	Murt	Staback
Caltagirone	Harper	Mustio	Stairs
Cappelli	Harris	Myers	Steil
Carroll	Helm	Nailor	Stern
Casorio	Hennessey	O'Brien, M.	Stevenson
Causer	Hershey	O'Neill	Sturla
Civera	Hess	Oliver	Surra
Clymer	Hickernell	Pallone	Swanger
Cohen	Hornaman	Parker	Tangretti
Conklin	Hutchinson	Pashinski	Taylor, J.
Costa	James	Payne	Taylor, R.
Cox	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters

DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	

NAYS—4

Creighton	Gabig	Metcalf	Nickol
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NOT VOTING—0

EXCUSED—2

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

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

QUESTION OF PERSONAL PRIVILEGE

The SPEAKER. The Chair recognizes Representative Bud George.

Mr. GEORGE. Mr. Speaker, may I have a personal inquiry, please?

The SPEAKER. The gentleman will state it.

Mr. GEORGE. I would like to know why I stood here four times for the simple purpose of announcing a meeting in that I was concerned that at the time that the Speaker asked for a recess, some of my members would be gone. I think that was bad treatment, and if it ever happens again, I am going to do something about it.

The SPEAKER. For the information of the gentleman, the Chair usually waits until the moment of recess and asks if there are any announcements before the break, before the announcement for recess is declared.

The Chair recognizes the gentleman—

Mr. GEORGE. Well, then, Mr. Speaker, in my 34 years—

The SPEAKER. Will the clerk turn the gentleman's microphone on, please.

Mr. GEORGE. Mr. Speaker, this is between you and me and not these fellows and gals out here.

I am simply stating that I wish I had a nickel for every time the Speaker looked around and asked an individual why he stood and then the individual will respond that he wanted to make an announcement. I apologize, but I thought it was necessary that I get your attention so that these members who have already been canceled at a meeting this morning, and we are attempting to hold this meeting in a room where there is another committee that has been assigned.

Now, I take my job pretty seriously. I apologize if I have embarrassed you in any way, but I am sure it will happen again.

The SPEAKER. The Chair thanks the gentleman.

Did the gentleman make his announcement?

Mr. GEORGE. That is what I have been waiting for you to do.

The SPEAKER. The gentleman is in order.

ENVIRONMENTAL RESOURCES AND ENERGY COMMITTEE MEETING

Mr. GEORGE. There will be a meeting of the Environmental and Energy Committee in room 39. We have downgraded the agenda so that we can allow another committee to take over. I would ask every member to be there immediately on the Speaker's call for a recess.

The SPEAKER. The Environmental Resources and Energy Committee will meet in room 39.

Are there any other announcements?

TRANSPORTATION COMMITTEE MEETING

The SPEAKER. Representative Markosek.

Mr. MARKOSEK. All I want to do is make an announcement, Mr. Speaker, and we will not downgrade our agenda here.

We have a Transportation Committee meeting tomorrow, Wednesday, June 27, in room G-50 at the call of the Chair. We are going to consider HB 684, HB 281, HR 352, and HR 353.

Thank you, Mr. Speaker.

The SPEAKER. The Transportation Committee will meet tomorrow in room G-50 at the call of the Chair.

CHILDREN AND YOUTH COMMITTEE MEETING

The SPEAKER. Representative Louise Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I would like to announce that the Children and Youth Committee will convene after the committee convenes of the Environmental Resources and Energy. About 45 minutes later we should follow him and them for the Children and Youth in room 39. Thank you. That is 39, East Wing.

The SPEAKER. The Children and Youth Committee will meet at the break in room 39, East Wing.

ANNOUNCEMENT BY MR. VITALI

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

If my recordkeeping system is correct, I would like to announce that it is representative Louise Bishop's birthday today. Louise, is that right? Is it your birthday today?

The SPEAKER. The Chair congratulates the lady.

JUDICIARY COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Caltagirone.

Mr. CALTAGIRONE. Thank you, Mr. Speaker.

Just a reminder to the Judiciary Committee members, we are going to meet in room 205, Ryan Office Building.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet in room 205, Ryan Office Building.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. I would like to thank the membership for arriving early and doing a worthy job of making certain that our calendar progressed.

Relative to the schedule, Mr. Speaker, we will recess immediately. We will ask for a caucus at 1 o'clock, a Rules Committee meeting at 2:15 in the majority caucus room, and return to the floor at 2:30. It is our goal to push on and hopefully to leave the chamber after an afternoon's business at approximately 7 p.m. That is a goal that we look forward to. It is certainly not definitive, but it is our aspiration to leave here at approximately 7 p.m.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

Any other announcements?

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to announce that for the Autism Caucus, there is a public policy education seminar in room 60, East Wing, at 1 p.m. Dr. Nancy Minshew, Dr. John McGonigle, Dr. David Mandell, and Nina Wall-Coté will be there as a panel educating individuals on the issue of autism.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce that the Republicans will also caucus at 1 p.m. in our caucus room; that is, Republicans will caucus at 1 p.m. Thank you.

The SPEAKER. The Chair thanks the lady.

Any other announcements?

ANNOUNCEMENT BY MS. BISHOP

The SPEAKER. The Chair recognizes Representative Bishop.

Ms. BISHOP. Thank you, Mr. Speaker.

I would just like to say thanks for all of those who are wishing me a happy birthday, but it is tomorrow. Thank you.

The SPEAKER. We will wish you a happy birthday again tomorrow.

Any other announcements?

RECESS

The SPEAKER. This House will stand in recess until 2:30 p.m.

RECESS EXTENDED

The time of recess was extended until 3:30 p.m.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (JOSEPH A. PETRARCA) PRESIDING

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

HB 27, PN 52

By Rep. CALTAGIRONE

An Act amending Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes, providing for witness relocation.

JUDICIARY.

HB 823, PN 2097 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing, in child protective services, for definitions, for immunity from liability, for release of information in confidential reports, for studies of data in records, for investigating performance of county agencies, for citizen review panels, for child abuse services and for reporting.

JUDICIARY.

HB 913, PN 1063

By Rep. GEORGE

An Act providing for the Low-Income Weatherization Assistance Program and for an evaluation of the program; and authorizing additional funding for the program through interfund transfers.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 1230, PN 2098 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for publication of delinquent support obligors.

JUDICIARY.

HB 1235, PN 2099 (Amended)

By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for challenge to criminal history records, for review of challenge and for appeals.

JUDICIARY.

SB 34, PN 1045

By Rep. BISHOP

An Act permitting a mother the freedom to nurse her child in public; and providing that breastfeeding may not be considered a nuisance, indecent exposure, sexual conduct or obscenity.

CHILDREN AND YOUTH.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 94, PN 2100 (Amended) By Rep. BISHOP

A Resolution directing the Joint State Government Commission to establish a task force to investigate the effects of violent interactive video games in context with all other media forms children are exposed to in this Commonwealth.

CHILDREN AND YOUTH.

BILLS REREPORTED FROM COMMITTEE

HB 1408, PN 1788 By Rep. DeWEESE

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 appropriation for and limitation on redevelopment assistance capital projects.

RULES.

HB 1589, PN 1970 By Rep. DeWEESE

An Act providing for the capital budget for the fiscal year 2007-2008; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects, for special provisions for certain redevelopment assistance capital projects and for preemption of local ordinances for Department of Corrections projects; and making appropriations.

RULES.

HB 1631, PN 2055 By Rep. DeWEESE

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007-2008; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

RULES.

The SPEAKER pro tempore. Those bills will be placed on the supplemental calendar.

BILLS REREPORTED FROM COMMITTEE

HB 289, PN 2053 By Rep. DeWEESE

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for the date of the general primary.

RULES.

HB 432, PN 500 By Rep. DeWEESE

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

RULES.

The SPEAKER pro tempore. Those bills will be placed on the active calendar.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 1632 By Representative DiGIROLAMO

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Bensalem Township, certain lands situate in Bensalem Township, Bucks County.

Referred to Committee on STATE GOVERNMENT, June 26, 2007.

No. 1633 By Representatives CRUZ, YOUNGBLOOD, BLACKWELL, JAMES and THOMAS

An Act relating to firearm registration in cities of the first class; providing for duties of the Pennsylvania State Police; and imposing penalties.

Referred to Committee on JUDICIARY, June 26, 2007.

No. 1634 By Representatives ROSS, CALTAGIRONE, CLYMER, CREIGHTON, DALLY, FABRIZIO, GEIST, GEORGE, GINGRICH, GRELL, HARRIS, HENNESSEY, HERSHEY, M. KELLER, KENNEY, KIRKLAND, R. MILLER, MILNE, MOUL, McILVAINE SMITH, THOMAS and YOUNGBLOOD

An Act prohibiting municipal corporations from requiring municipal registration of deeds prior to recordation by recorders of deeds; providing for the transfer and transmission of copies of deeds for registration; and making related repeals.

Referred to Committee on LOCAL GOVERNMENT, June 26, 2007.

No. 1635 By Representatives DePASQUALE, STURLA, GEIST, McCALL, KORTZ, McGEEHAN, R. MILLER, MOUL, MURT, PETRONE, SCAVELLO, SHIMKUS, SWANGER, TANGRETTI and VULAKOVICH

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for surrender of registration plates and cards upon suspension or revocation, for suspension of registration upon sixth unpaid parking violation and for reinstatement of operating privilege or vehicle registration.

Referred to Committee on TRANSPORTATION, June 26, 2007.

No. 1636 By Representatives DALEY, HESS, MANN, REED, McCALL, BAKER, GIBBONS, GINGRICH, KORTZ, KOTIK, LONGIETTI, R. MILLER, MUSTIO, NICKOL, PETRI, SIPTROTH, SOLOBAY, STERN, PICKETT and TURZAI

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 bank and trust company shares tax, for ascertainment of taxable amount and exclusion of United States obligations.

Referred to Committee on FINANCE, June 26, 2007.

No. 1637 By Representatives BLACKWELL, CASORIO, HARKINS, BRENNAN, MYERS, CREIGHTON, EVERETT, YOUNGBLOOD and PARKER

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for issuance, transfer or extension of hotel, restaurant and club liquor licenses, for sale of malt or brewed beverages by liquor licensees, for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses and for malt and brewed beverages retail licenses.

Referred to Committee on LIQUOR CONTROL, June 26, 2007.

No. 1638 By Representatives GALLOWAY, SCAVELLO, JOSEPHS, ADOLPH, BRENNAN, BUXTON, CALTAGIRONE, CARROLL, CLYMER, COHEN, CONKLIN, DePASQUALE, DiGIROLAMO, GERBER, GERGELY, HARKINS, W. KELLER, KENNEY, KESSLER, KILLION, KING, KORTZ, KULA, LENTZ, LEVDANSKY, MAHONEY, MANDERINO, MANN, MELIO, MICOZZIE, O'NEILL, PETRI, QUINN, RAYMOND, SABATINA, SANTONI, SHAPIRO, STEIL, J. TAYLOR, R. TAYLOR, WATSON, YUDICHAK and YOUNGBLOOD

An Act amending the act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, regulating sale and use of fireworks.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 26, 2007.

No. 1639 By Representatives JAMES, KIRKLAND, BLACKWELL, BISHOP, COHEN, CRUZ, JOSEPHS, M. O'BRIEN, PARKER, SIPTROTH, WHEATLEY, WILLIAMS and YOUNGBLOOD

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for appointment of board members.

Referred to Committee on URBAN AFFAIRS, June 26, 2007.

SENATE MESSAGE

HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 892, PN 1045**, with information that the Senate has passed the same without amendment.

CALENDAR CONTINUED

RESOLUTIONS PURSUANT TO RULE 35

Mr. ROEBUCK called up **HR 345, PN 2054**, entitled:

A Resolution urging the Congress of the United States to enact improvements to the No Child Left Behind Act of 2001 (NCLB).

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood

Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rublely Smith, M.

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

* * *

Mr. RAMALEY called up **HR 350, PN 2064**, entitled:

A Resolution recognizing the Pennsylvania American Legion Keystone Girls State (KGS) program to be held during the week of June 17 through 23, 2007, at Shippensburg University for its contributions to the development of the citizenship skills and understanding of promising young Pennsylvanians and to strengthening the future of our American form of government.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causser	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali

Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longiotti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rublely Smith, M.

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

* * *

Mr. RAMALEY called up **HR 351, PN 2065**, entitled:

A Resolution recognizing the Pennsylvania American Legion Keystone Boys State (KBS) program to be held during the week of June 24 through 29, 2007, at Shippensburg University for its contributions to the development of the citizenship skills and understanding of promising young Pennsylvanians and to strengthening the future of our American form of government.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern

Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D., Speaker
Fleck	Manderino	Roae	
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—2

Rubley Smith, M.

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

* * *

The SPEAKER pro tempore. Will members please take their seats. We are about to take up a condolence resolution. Members will please take their seats.

Mr. WANSACZ called up **HR 338, PN 1933**, entitled:

A Resolution honoring the life and service of United States Marine Corps Reserve (USMCR) Lance Corporal Dennis Veater, who paid the supreme sacrifice in Iraq on March 9, 2007.

On the question,
Will the House adopt the resolution?

The SPEAKER pro tempore. On the resolution, the Chair recognizes Representative Staback.

Mr. STABACK. Thank you, Mr. Speaker.

Mr. Speaker, I join Representative Wansacz in offering this resolution in recognizing Lance Cpl. Dennis Veater of Jessup Borough, Lackawanna County, our neighbor.

Dennis was a young man who proudly served his country and community and who sadly lost his life in action on March 9 of this year in Iraq. This special young man is deserving of this body's special recognition because of his sacrifice and example of service.

Lance Corporal Veater served with honor as a member of the Marine Corps Reserve Marine Wing Support Squadron 472. On what was to be his last patrol in Iraq before returning home, Lance Corporal Veater was killed in combat in the Al Anbar Province of Iraq. He leaves behind a fiancée, Angelene Snipes; family; friends; and an infant son, all who will share in the memory of Dennis's service to his country and in the sadness of a life cut too short.

The SPEAKER pro tempore. On the resolution, the Chair recognizes Representative Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

I rise, along with Representative Staback, to recognize Lance Corporal Veater, who exemplified the qualities that combine to make up an American soldier – dedication of spirit, commitment to cause, and self-sacrifice.

Dennis's example of patriotic valor leaves behind a testament of service that will serve as a source of pride for his loved ones: his parents, Sgt. Maj. Donald J. Veater and Donna Veater of Clarks Summit; his sisters, Karen Walker of Old Forge and Patti Henry of Fayetteville, North Carolina; his brothers, Donald of Scranton, Gregory and his twin brother, Adam, both of Clarks Summit. In addition, his memory will be cherished by his grandparents, Donald and Betty Veater of Clarks Summit; his grandmother, Albina Haight of Watertown, South Dakota; and his great-grandmother, Violet Veater of Uniontown, Pennsylvania. Dennis leaves behind nieces, nephews, and countless friends in whose memory he will always remain young, strong, determined, and a proud Pennsylvania patriot.

It is a sad duty for us to present this resolution today, and yet it is a duty that gives all of us an opportunity to express gratitude for a young man who answered the call of his country with the ultimate sacrifice.

Lance Cpl. Dennis Veater joins a growing list of men from our area who have died in service to their country. To them this House expresses its gratitude.

For the passing of Dennis Veater, I, along with my colleague, Representative Staback, along with this entire House, express our deepest sorrow and our profound appreciation for his life of service to our country.

Thank you, Mr. Speaker.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay

Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rubley Smith, M.

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

**THE SPEAKER (DENNIS M. O'BRIEN)
PRESIDING**

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 49, PN 74**, entitled:

An Act providing for medical assistance to certain eligible women for breast and cervical cancer treatment and follow-up care and for the powers and duties of the Department of Public Welfare.

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

* * *

The House proceeded to second consideration of **HB 883, PN 1037**, entitled:

An Act amending the act of September 9, 1965 (P.L.497, No.251), known as the Newborn Child Testing Act, further providing for newborn child screening and testing; and making editorial changes.

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

* * *

The House proceeded to second consideration of **HB 1264, PN 1999**, entitled:

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for definitions.

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

* * *

The House proceeded to second consideration of **SB 431, PN 162**, entitled:

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Commonwealth of Pennsylvania, Pennsylvania Game Commission, being conveyed by the Pennsylvania Game Commission in return for the imposition of Project 70 restrictions on certain lands being conveyed to the Commonwealth of Pennsylvania, solely for the use of the Pennsylvania Game Commission in Adams County.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1251, PN 1984**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants.

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.

(Bill analysis was read.)

The SPEAKER. 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—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D., Speaker
Fleck	Manderino	Roae	
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—2

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

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

* * *

The House proceeded to third consideration of **HB 1252, PN 1985**, entitled:

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants.

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.

(Bill analysis was read.)

The SPEAKER. 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—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic

Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rubley Smith, M.

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 1253, PN 2019**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for scope of practice for certified registered nurse practitioners; and providing for professional liability.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, will the distinguished gentleman from Delaware County, Mr. Adolph, kindly submit to a brief period of interrogation?

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

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, while the language does not appear to obligate health-care facilities to require C.R.N.P.s (certified registered nurse practitioners) to perform any one of the following functions enumerated on page 4, lines 2, 3, 5, one could presume that it is somewhat open-ended, and for purposes of legislative intent, to clarify for the record what that section means, I just need to make sure that it does not permit the health-care facility to expand the scope of practice to the C.R.N.P.s in that a health-care facility could potentially determine the scope of practice instead of the scope of law. For legislative purposes will the distinguished gentleman from Delaware please, for legislative intent purposes, clarify that for me?

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I can assure you that this section is not intended to enable a health-care facility to expand the scope of practice.

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

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-201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longiatti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rubleby Smith, M.

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 1254, PN 1994**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Gibbons.
Mr. GIBBONS. Thank you, Mr. Speaker.

Mr. Speaker, this bill is meant to provide title recognition for our clinical nurse specialists. What it does is set aside the educational requirements and creates a title in statute. The bill we are voting on today is the result of a negotiation and a lot of work between the Medical Society, the Nurses Association, the Hospital Association, and both the Republican and Democratic staffs in the House Professional Licensure Committee, and I would urge the members to vote "yes" on this bill.

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-201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro

Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siproth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longiatti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rubleby Smith, M.

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 1255, PN 1987**, entitled:

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for nurse-midwife license.

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.

(Bill analysis was read.)

The SPEAKER. 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—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causser	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longiatti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D., Speaker
Fleck	Manderino	Roae	
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—2

Rubley Smith, M.

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

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

BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1287, PN 1544**, entitled:

An Act making appropriations from restricted revenue accounts within the State Gaming Fund to the Pennsylvania Gaming Control Board, the Department of Revenue, the Pennsylvania State Police and the Attorney General.

On the question recurring,
Shall the bill pass finally?

(Bill analysis was read.)

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—148

Adolph	Geist	Marsico	Ross
Argall	George	McCall	Sabatina
Belfanti	Gerber	McGeehan	Sainato
Bennington	Gergely	McI. Smith	Samuelson
Beyer	Gibbons	McIlhattan	Santoni
Biancucci	Godshall	Melio	Scavello
Bishop	Goodman	Mensch	Schroder
Blackwell	Grucela	Micozzie	Seip
Brennan	Haluska	Millard	Shapiro
Brooks	Hanna	Miller	Shimkus
Buxton	Harhai	Moul	Siptroth
Caltagirone	Harkins	Moyer	Smith, K.
Cappelli	Harper	Mundy	Smith, S.
Carroll	Helm	Murt	Solobay
Casorio	Hennessey	Mustio	Staback
Civera	Hershey	Myers	Stairs
Cohen	Hess	Nickol	Sturla
Conklin	Hornaman	O'Brien, M.	Surra
Costa	James	Oliver	Tangretti
Cruz	Josephs	Pallone	Taylor, J.
Curry	Keller, W.	Parker	Taylor, R.
Daley	Kenney	Pashinski	Thomas
Dally	Kessler	Payne	Vitali
DeLuca	Killion	Payton	Wagner
DePasquale	King	Perzel	Walko
Dermody	Kirkland	Petrarca	Wansacz
DeWeese	Kortz	Petri	Waters
DiGirolamo	Kotik	Petrone	Wheatley
Donatucci	Kula	Phillips	White
Eachus	Leach	Preston	Williams
Ellis	Lentz	Pyle	Wojnaroski
Evans, D.	Levdansky	Ramaley	Yewcic
Evans, J.	Longiatti	Raymond	Youngblood
Fabrizio	Mahoney	Readshaw	Yudichak
Fairchild	Manderino	Reichley	
Frankel	Mann	Roae	O'Brien, D., Speaker
Freeman	Markosek	Roebuck	
Galloway	Marshall		

NAYS—53

Baker	Fleck	Major	Rock
Barrar	Gabig	Mantz	Rohrer
Bastian	Gillespie	Metcalfe	Saylor
Bear	Gingrich	Milne	Sonney
Benninghoff	Grell	Nailor	Steil
Boback	Harhart	O'Neill	Stern
Boyd	Harris	Peifer	Stevenson
Causar	Hickernell	Perry	Swanger
Clymer	Hutchinson	Pickett	True
Cox	Kauffman	Quigley	Turzai
Creighton	Keller, M.	Quinn	Vereb
Cutler	Mackereth	Rapp	Vulakovich
Denlinger	Maher	Reed	Watson
Everett			

NOT VOTING—0

EXCUSED—2

Rubleby Smith, M.

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

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1295, PN 1600**, entitled:

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for allocation from the Keystone Recreation, Park and Conservation Fund.

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.

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Harper.
Ms. HARPER. May I ask a question of the sponsor?
The SPEAKER. Representative Hanna indicates he will stand for interrogation. The lady may begin her interrogation.

Ms. HARPER. Thank you.
I understand there has been some question raised about moving money from the Keystone Park and Recreation Fund and putting it in the State System of Higher Education. Would the gentleman please be able to explain why this bill proposes to do that.

Mr. HANNA. Thank you, Mr. Speaker.
Yes. What we are really doing is correcting an error that was made during last year's budget process. It does not in any way transfer any more money to the State System than they would

have received under prior years. It just corrects an error that was made during last year's budget process.

I can share with you a letter from the Executive Deputy Secretary of the Budget and Chief Financial Officer of the Commonwealth that explains in detail how the error was made and what this legislation does to correct it.

Ms. HARPER. Thank you, Mr. Speaker.
As a follow-up, this will not reduce the amount of money available for open space preservation projects?

Mr. HANNA. It will not.
Ms. HARPER. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?
The SPEAKER. Agreeable to the provisions of the Constitution, the yeas and nays will now be taken.

The following roll call was recorded:

YEAS—200

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Micozzie	Seip
Bishop	Goodman	Millard	Shapiro
Blackwell	Grell	Miller	Shimkus
Boback	Grucela	Milne	Siproth
Boyd	Haluska	Moul	Smith, K.
Brennan	Hanna	Moyer	Smith, S.
Brooks	Harhai	Mundy	Solobay
Buxton	Harhart	Murt	Sonney
Caltagirone	Harkins	Mustio	Staback
Cappelli	Harper	Myers	Stairs
Carroll	Harris	Nailor	Steil
Casorio	Helm	Nickol	Stern
Causar	Hennessey	O'Brien, M.	Stevenson
Civera	Hershey	O'Neill	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann		

NAYS—1

Metcalf

NOT VOTING—0

EXCUSED—2

Rubley

Smith, M.

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.

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1408, PN 1788**, 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 appropriation for and limitation on redevelopment assistance capital projects.

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

* * *

The House proceeded to second consideration of **HB 1589, PN 1970**, entitled:

An Act providing for the capital budget for the fiscal year 2007-2008; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects, for special provisions for certain redevelopment assistance capital projects and for preemption of local ordinances for Department of Corrections projects; and making appropriations.

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

Mr. **LEVDANSKY** offered the following amendment No. **A02129**:

Amend Sec. 6, page 36, line 29, by striking out all of said line and inserting

(63) Washington County

(i) County projects (Reserved)

(ii) Union Township

(A) Phoenix Business Park,
environmental remediation,
site preparation and
infrastructure for development
of a 58-acre business park

1,000,000

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

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. This amendment will go over temporarily.

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

Mr. **SANTONI** offered the following amendment No. **A02151**:

Amend Sec. 6, page 36, line 29, by striking out all of said line and inserting

(6) Berks County

(i) County Projects

(A) Carpenter Technology,
expansion project, for
construction, infrastructure
improvements and other
related costs for a
manufacturing and economic
development project

27,000,000

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

* * *

The House proceeded to second consideration of **HB 1631, PN 2055**, entitled:

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007-2008; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

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

The SPEAKER. The Chair recognizes the gentleman from Berks County, Mr. Santoni, who makes a motion to suspend the rules to offer amendment A02178, which the clerk will read.

The Chair has been informed the gentleman wishes to withdraw this amendment.

The Chair is not aware of any further amendments to this bill.

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 929**, **PN 1112**, 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 second consideration?

Mr. **DeWEESE** offered the following amendment No. **A01799**:

Amend Sec. 2, page 2, line 13, by removing the period after "year" and inserting
and shall be conditioned on continuing authority for inclusion on the Board of Trustees of The Pennsylvania State University of four persons who are not elected officials and who are appointed, one each, by the President pro tempore of the Senate, the Minority Leader of the Senate, the Majority Leader of the House of Representatives and the Minority Leader of the House of Representatives for terms of office coterminous with that of the respective appointing authority.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman, Representative DeWeese, on the amendment.
The gentleman withdraws the amendment.

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

* * *

The House proceeded to second consideration of **SB 930**, **PN 1113**, entitled:

A Supplement to the act of July 28, 1966 (3rd Sp.Sess., P.L.87, No.3), known as the University of Pittsburgh-Commonwealth Act,

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 second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 931**, **PN 1114**, entitled:

A Supplement to the act of November 30, 1965 (P.L.843, No.355), known as the Temple University-Commonwealth Act, 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 second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 932**, **PN 1115**, 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 second consideration?
Bill was agreed to.

* * *

The House proceeded to second consideration of **SB 933**, **PN 1116**, entitled:

An Act making an appropriation to the Trustees of Drexel University, Philadelphia.

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

BILL PASSED OVER

The SPEAKER. This bill is over for today.

* * *

The House proceeded to second consideration of **SB 935**, **PN 1118**, entitled:

An Act making appropriations to the Philadelphia Health and Education Corporation for the Colleges of Medicine, Public Health, Nursing and Health Professions and for continuation of pediatric services.

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

* * *

The House proceeded to second consideration of **SB 936, PN 1119**, entitled:

An Act making appropriations to the Thomas Jefferson University, Philadelphia.

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

* * *

The House proceeded to second consideration of **SB 937, PN 1120**, entitled:

An Act making an appropriation to the Philadelphia College of Osteopathic Medicine, Philadelphia.

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

* * *

The House proceeded to second consideration of **SB 938, PN 1121**, entitled:

An Act making an appropriation to the Pennsylvania College of Optometry, Philadelphia.

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

* * *

The House proceeded to second consideration of **SB 939, PN 1122**, entitled:

An Act making an appropriation to the University of the Arts, Philadelphia, for instruction and student aid.

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

* * *

The House proceeded to second consideration of **SB 940, PN 1123**, entitled:

An Act making appropriations to the Trustees of the Berean Training and Industrial School at Philadelphia for operation and maintenance expenses.

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

* * *

The House proceeded to second consideration of **SB 941, PN 1124**, entitled:

An Act making an appropriation to the Johnson Technical Institute of Scranton for operation and maintenance expenses.

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

* * *

The House proceeded to second consideration of **SB 942, PN 1125**, entitled:

An Act making an appropriation to the Williamson Free School of Mechanical Trades in Delaware County for operation and maintenance expenses.

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

* * *

The House proceeded to second consideration of **SB 943, PN 1126**, entitled:

An Act making an appropriation to the Lake Erie College of Osteopathic Medicine, Erie.

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

* * *

The House proceeded to second consideration of **SB 944, PN 1127**, entitled:

An Act making an appropriation to the Fox Chase Institute for Cancer Research, Philadelphia, for the operation and maintenance of the cancer research program.

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

* * *

The House proceeded to second consideration of **SB 945, PN 1128**, entitled:

An Act making an appropriation to the Wistar Institute, Philadelphia, for operation and maintenance expenses and for AIDS research.

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

* * *

The House proceeded to second consideration of **SB 946, PN 1129**, entitled:

An Act making an appropriation to the Central Penn Oncology Group.

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

* * *

The House proceeded to second consideration of **SB 947, PN 1130**, entitled:

An Act making an appropriation to the Lancaster Cleft Palate for outpatient-inpatient treatment.

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

* * *

The House proceeded to second consideration of **SB 948, PN 1131**, entitled:

An Act making an appropriation to the Burn Foundation, Philadelphia, for outpatient and inpatient treatment.

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

* * *

The House proceeded to second consideration of **SB 950, PN 1132**, entitled:

An Act making an appropriation to The Children's Institute, Pittsburgh, for treatment and rehabilitation of certain persons with disabling diseases.

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

* * *

The House proceeded to second consideration of **SB 951, PN 1133**, entitled:

An Act making an appropriation to The Children's Hospital of Philadelphia for comprehensive patient care and general maintenance and operation of the hospital.

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

* * *

The House proceeded to second consideration of **SB 952, PN 1134**, entitled:

An Act making an appropriation to the Beacon Lodge Camp.

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

* * *

The House proceeded to second consideration of **SB 953, PN 1135**, entitled:

An Act making appropriations to the Carnegie Museums of Pittsburgh for operations and maintenance expenses and the purchase of apparatus, supplies and equipment.

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

* * *

The House proceeded to second consideration of **SB 954, PN 1136**, entitled:

An Act making an appropriation to the Franklin Institute Science Museum for maintenance expenses.

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

* * *

The House proceeded to second consideration of **SB 955, PN 1137**, entitled:

An Act making an appropriation to the Academy of Natural Sciences for maintenance expenses.

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

* * *

The House proceeded to second consideration of **SB 956, PN 1138**, entitled:

An Act making an appropriation to the African-American Museum in Philadelphia for operating expenses.

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

* * *

The House proceeded to second consideration of **SB 957, PN 1139**, entitled:

An Act making an appropriation to the Everhart Museum in Scranton for operating expenses.

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

* * *

The House proceeded to second consideration of **SB 958, PN 1140**, entitled:

An Act making an appropriation to the Mercer Museum in Doylestown, Pennsylvania, for operating expenses.

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

* * *

The House proceeded to second consideration of **SB 959, PN 1141**, entitled:

An Act making an appropriation to the Whitaker Center for Science and the Arts in Harrisburg, Pennsylvania, for operating expenses.

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

SUPPLEMENTAL CALENDAR A CONTINUED

CONSIDERATION OF HB 1589 CONTINUED

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

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1552, PN 1972**, entitled:

An Act establishing the Pennsylvania Infection Control Advisory Committee; providing for duties of the committee, the Department of Health, the Pennsylvania Health Care Cost Containment Council and the Patient Safety Authority; requiring health care facilities to develop and implement infection control plans; and imposing penalties.

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

Mr. **BOYD** offered the following amendment No. **A02023**:

Amend Table of Contents, page 2, line 1, by striking out all of said line and inserting
Section 11. Payments.
Section 12. Incentive payments.
Section 13. Machinery and Equipment Loan Fund eligibility.
Section 14. Expiration.
Section 15. Effective date.

Amend Sec. 2, page 2, by inserting between lines 17 and 18
"Best practices." Nationally recognized standards developed by organizations specializing in the control of infectious diseases such as the Society for Healthcare Epidemiology of America (SHEA), the Association for Infection Control and Epidemiology and the Infectious Diseases Society of America and the professionals in methods recommendations and guidelines developed by the Centers for Disease Control and Prevention and its National Healthcare Safety Network that should be used by health care providers to reduce the risk of harm to patients.

Amend Sec. 2, page 4, line 16, by inserting after ""facility."
For the purposes of reporting, the term shall only apply to hospitals and nursing homes.

Amend Sec. 2, page 4, by inserting between lines 16 and 17
"Health payor." An individual or entity providing a group or individual health, sickness or accident policy, subscriber contract or program issued or provided by an entity subject to any one of the following:

(1) The act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

(2) Section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(3) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(4) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.

(5) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

Amend Sec. 2, page 4, by inserting between lines 19 and 20
"Medicaid." The program established under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.).

Amend Sec. 2, page 4, lines 26 through 28, by striking out all of said lines

Amend Sec. 3, page 5, by inserting after line 30

(ix) One individual from a list of two recommended by the Pennsylvania Chamber of Business and Industry chosen from the business community representatives appointed to the council under section 4(b)(4) of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act.

(x) One individual from a list of two recommended by the Pennsylvania AFL-CIO chosen from the organized labor representatives appointed to the council under section 4(b)(5) of the Health Care Cost Containment Act.

Amend Sec. 3, page 6, lines 12 and 13, by striking out "and promoting those" and inserting

which include implementing nationally recognized standards that promote

Amend Sec. 3, page 6, line 13, by striking out "that" and inserting

to

Amend Sec. 3, page 6, line 29, by inserting a period after "MDROO"

Amend Sec. 3, page 6, lines 29 and 30; page 7, lines 1 through 14, by striking out "upon" in line 29 and all of line 30, page 6 and all of lines 1 through 14, page 7 and inserting

(7) Recommend a methodology and a defined process using nationally recognized standards for determining and assessing the rate of health care-associated infections that occur in health care facilities in this Commonwealth. The process shall include establishment of benchmarks to measure health care facilities' management of health care-associated infections, which the department may use during licensure or inspection of a health care facility. Methodology, process and benchmarks shall be reviewed and updated annually.

Amend Sec. 3, page 7, by inserting between lines 20 and 21

(11) Recommend system requirements and elements for health care-associated infection electronic surveillance systems to be used by health care facilities. Consideration should be given to elements which provide:

(i) Extraction of existing electronic clinical data from health care facilities systems on an ongoing basis.

(ii) Translation of nonstandardized laboratory, pharmacy and/or radiology data into uniform information that can be analyzed on a population-wide basis.

(iii) Clinical support, educational tools and training to ensure that information provided under this subsection will lead to change.

(iv) Clinical improvement measurement and the structure to provide ongoing positive and negative feedback to health care facilities staff who implement change.

(12) Recommend uniform reporting requirements for health care facilities to report health care-associated infections to the department, the council and the authority. The recommendation shall include the form and content of the required reports.

Amend Sec. 4, page 7, line 22, by striking out "shall" and inserting

may

Amend Sec. 4, page 8, line 21, by inserting after "on" methodology, process and

Amend Sec. 4, page 9, by inserting between lines 1 and 2

(10) Publish a notice in the Pennsylvania Bulletin stating the uniform reporting requirements, including both form and content, for health care-associated infections based on recommendations made by the committee. The uniform reporting requirements shall apply and be utilized for reports made to the department, the council and the authority. The effective date for the commencement of required reporting by health care facilities consistent with this act, at a minimum, shall begin no later than 120 days after publication of the notice. Reporting requirements contained in section 6 of the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act, as they relate to health care-associated infections shall remain in effect until 120 days after publication of the notice.

Amend Sec. 6, page 10, line 17, by inserting after "following" if applicable to that particular health care facility

Amend Sec. 6, page 10, line 29, by striking out all of said line and inserting

(2) Health care facilities shall adopt:

Amend Sec. 6, page 11, line 12, by inserting after "facilities" based on recommendations made by the committee

Amend Sec. 6, page 11, lines 29 and 30, by striking out all of said lines

Amend Sec. 8, page 13, line 7, by striking out all of said line and inserting

(a) Reporting.—

(1) Nursing homes shall report to the council

Amend Sec. 8, page 13, by inserting between lines 15 and 16

(2) No later than 120 days following the date the department publishes the uniform reporting requirements in the

Pennsylvania Bulletin, pursuant to section 7(a)(1), nursing homes shall report information pertaining to hospital-associated infections to the authority in the form so required by the authority. For the purposes of the reporting requirements contained in this section, the confidentiality protections contained in section 311 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, shall apply to nursing homes.

Amend Sec. 8, page 13, line 17, by striking out "board" and inserting

committee

Amend Sec. 8, page 13, lines 20 through 22, by striking out all of said lines and inserting

to the department, the council and the authority by nursing homes.

Amend Sec. 8, page 14, by inserting between lines 8 and 9

(2) The annual assessment amount paid by a nursing facility shall be a reimbursable cost under the medical assistance program. The Department of Public Welfare shall pay each nursing facility, as a separate, pass-through payment, an amount equal to the assessment paid by a nursing facility multiplied by the facility's medical assistance occupancy as reported in its annual cost report.

Amend Sec. 8, page 14, line 9, by striking out "(2)" and inserting (3)

Amend Sec. 8, page 14, line 11, by striking out "(3)" and inserting

(4)

Amend Sec. 8, page 14, line 17, by striking out "(4)" and inserting

(5)

Amend Sec. 9, page 14, line 23, by inserting after "shall"

, based on recommendations of the committee,

Amend Sec. 9, page 14, line 24, by striking out "systems" and inserting

system components and elements

Amend Sec. 9, page 14, line 25, by inserting a period after "2008"

Amend Sec. 9, page 14, lines 25 through 30; page 15, lines 1 through 27, by striking out "to report health care-associated infections to the" in line 25 and all of lines 26 through 30, page 14 and all of lines 1 through 27, page 15

Amend Sec. 9, page 15, line 28, by striking out "(c)" and inserting

(b)

Amend Sec. 9, page 15, lines 28 through 30, by striking out "The department shall establish reasonable" in line 28 and all of line 29 and "facilities to reduce health care-associated infections." in line 30

Amend Sec. 9, page 15, line 30, by inserting after "All"

health care

Amend Sec. 9, page 16, line 1, by inserting after "benchmarks" established by the department pursuant to recommendations of the committee

Amend Bill, page 17, by inserting between lines 2 and 3

Section 11. Payments.

(a) Payment for performing routine cultures and screenings in hospitals.—The cost of routine cultures and screenings performed on patients in hospitals in compliance with the health care facility's infection control plan shall be considered a reimbursable cost to be paid by health payors and Medicaid, subject to any copayment, coinsurance or deductible amounts imposed in any applicable policy or benefit issued by a health payor or provided by Medicaid and to any agreements between a health care facility and a payor or Medicaid.

(b) Payment for performing routine cultures and screenings in nursing homes.—The full cost of routine cultures and screenings performed on patients in nursing homes in compliance with a health care facility's infection control plan shall be paid by health payors and Medicaid.

Section 12. Incentive payments.

(a) General rule.—Commencing January 1, 2009, a health care facility that exceeds the benchmark published by the department shall be eligible for an incentive payment. For calendar year 2010 and thereafter, the Department of Public Welfare shall consult with the department to establish appropriate percentage benchmarks for the reduction of health care-associated infections in health care facilities.

(b) Distribution of funds.—Funds for the purpose of implementing this section shall be appropriated to the Department of Public Welfare and distributed to eligible health care facilities as set forth in this section. Incentive payments to health care facilities shall be limited to funds available for this purpose.

(c) Funds separate.—Funds appropriated for incentive payments shall be separate from and not otherwise utilize, rely on or diminish funds necessary for payments to be made to long-term care facilities for the provision of nursing facility services and shall be paid in addition to such other payments.

Section 13. Machinery and Equipment Loan Fund eligibility.

(a) Funds available.—Up to \$25,000,000 of the funds appropriated by the General Assembly for the Machinery and Equipment Loan Fund shall be made available for loan to health care facilities to assist in acquiring systems or technologies that assist the facility in reducing health care-associated infections. Loans shall not exceed 50% of a health care facility's cost, which shall be approved by the Department of Community and Economic Development.

(b) Criteria.—The Department of Community and Economic Development shall develop criteria for evaluating applications for loans that consider the fiscal condition of the health care facility, the ability of the health care facility to implement the technology and the potential savings through avoided costs and reduced health care facility-acquired infection rates. The criteria shall be forwarded by the Department of Community and Economic Development to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

(c) Eligibility.—Additionally, to be eligible for a loan, a health care facility must be in compliance with health care-associated infection reporting requirements contained in this act, the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, and the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act.

Section 14. Expiration.

This act expires December 31, 2012.

Amend Sec. 11, page 17, line 3, by striking out "11" and inserting

15

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

The SPEAKER. On the amendment, the Chair recognizes Representative Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. We worked with the prime sponsor on this piece of legislation that just really seeks to clarify and streamline the language in HB 1552 and try and help to make getting our arms around hospital-acquired infections a little bit easier.

I personally want to commend the maker of the bill for allowing us to work with him on this. It has been a great experience, and I also want to commend staff on both the Democratic and the Republican sides for some really yeoman's work working together and pulling together what I believe is a total – that would be a good bill. So I believe it is an agreed-to amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

As the previous speaker says, it is an agreed-to amendment.

But just let me say to the membership that I want to commend the Representative for the fine job he has done in making this bill, HB 1552, better, and it shows you what we can do on a bipartisan effort to accomplish things. Representative Boyd is to be commended and the Insurance Committee as a whole. I can say that, as the majority chairman, I am very proud of both sides of the aisle. We have worked together; we have forged together to come up with a compromise to attack hospital-acquired infections, and to Representative Boyd, I want to thank him very much for his support and the fine work he has done, both staffs have done in this effort.

Thank you very much.

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siproth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	

Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—2

Rubley Smith, M.

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 second consideration as amended?

Mr. DeLUCA offered the following amendment No. **A01754**:

Amend Sec. 9, page 14, line 26, by inserting after "COUNCIL." No later than December 30, 2008, hospitals must have in place a qualified system for the electronic surveillance of health care-associated infections.

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

What this amendment does, in the bill we did not have a date certain. There could have been ongoing situations. So what we have done in this amendment is put a date certain when the hospitals must have in place a qualified system for electronic surveillance.

The SPEAKER. Will the gentleman speak into the microphone, please.

Mr. DeLUCA. We put a date certain so that the hospitals would have in place a qualified system for electronic surveillance of hospital-acquired infections. The bill did not have it, and all this does is specify that on December 30, 2008, they should have this system in place, and I would appreciate an affirmative vote on this.

The SPEAKER. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

If I may, I would like to interrogate the maker of the amendment.

Mr. DeLUCA. Sure.

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

Mr. CUTLER. Thank you. I will try to be very brief.

I would like to first say that I do support the overall concept of this bill, and I just have some questions regarding the computerized surveillance system that you are proposing. Who would make the final determination as to what is a qualified system?

Mr. DeLUCA. If you look in the bill, the Infection Control Committee that we establish will set up the criteria for that part.

Mr. CUTLER. Okay. And from reading the bill, it seemed that the majority of the criteria were outlined there. Is that correct?

Mr. DeLUCA. That is right.

Mr. CUTLER. Okay.

Mr. DeLUCA. It is in the bill.

Mr. CUTLER. So do these systems already exist and already are being sold in the Commonwealth?

Mr. DeLUCA. Mr. Speaker, at least 15 hospitals do have these systems in place, and where they have put these systems in place, the hospital infection rates have substantially reduced.

Mr. CUTLER. Thank you.

Mr. Speaker, do we have an idea of what the estimated cost per system or perhaps the overall cost to the Commonwealth would be?

Mr. DeLUCA. Mr. Speaker, the Hospital Association estimates it would cost \$30 to \$50 million for all the hospitals to initiate this, and as we just voted on Representative Boyd's amendment, there is a fund established to help them secure these systems.

Mr. CUTLER. All right. Thank you. And do we know how many vendors currently exist that would be able to sell these products?

Mr. DeLUCA. Mr. Speaker, we know of two. We do not know if there are any more. We have not looked at it there, but I am sure there are more vendors than two out there.

Mr. CUTLER. Okay. Thank you. And would a hospital that currently has zero infections still be required to implement this computer system?

Mr. DeLUCA. You know what, Mr. Speaker? If a hospital has zero infections, then we need to find their best practices to find out how they accomplished zero infections in the Commonwealth of Pennsylvania. When two to four people die every day from a hospital-acquired infection, I certainly want to see them on that. So I do not know. I doubt if any hospital, from our understanding working with the different hospitals and the testimony we have heard throughout the State. We have taken testimony, 10 meetings out there, 10 hearings, and we have heard of no hospital that does not have any hospital infection rates. As a matter of fact, we heard the opposite.

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

May I speak on the amendment, sir?

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

Mr. CUTLER. Thank you, Mr. Speaker.

I rise in general support of the overall bill. However, I do have some concerns about this amendment, particularly because I believe that it is a mandate from the government regarding the computerized systems. My main concern is this. Through the Health Care Task Force, we heard testimony from Wellsboro Soldiers + Sailors Hospital which last year reported zero infections, utilizing an older system, primarily paper based, and my concern is this, Mr. Speaker: They would be required to purchase this system, which would be nothing more than an added cost to their current process that they already have in place.

Additionally, my research has indicated that there are approximately six vendors that would be available in the State that could supply such a product. In addition to that, the proposed deadline is a period of only 18 months. As a former systems administrator in a hospital on computer systems in radiology, I can tell you that that deadline, I believe, is short.

We had several projects that I believe were much smaller in scope than this, and the planning alone would take 6 to 9 months, let alone the uptime in preparing for this.

So I respectfully urge a "no" vote on this amendment as an unfunded mandate, and I would hope that my colleagues would join me on that. Thank you.

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

The following roll call was recorded:

YEAS—114

Argall	Gerber	Marsico	Seip
Belfanti	Gergely	McCall	Shapiro
Biancucci	Gibbons	McGeehan	Shimkus
Bishop	Goodman	McI. Smith	Siptroth
Blackwell	Grucela	Melio	Smith, K.
Boyd	Haluska	Micozzie	Solobay
Brennan	Hanna	Moul	Staback
Buxton	Harhai	Mundy	Steil
Caltagirone	Harkins	Mustio	Sturla
Carroll	Hornaman	Myers	Surra
Casorio	James	O'Brien, M.	Tangretti
Cohen	Josephs	Oliver	Taylor, R.
Conklin	Keller, W.	Pallone	Thomas
Costa	Kessler	Parker	Vitali
Cruz	Killion	Pashinski	Wagner
Curry	King	Payton	Walko
Daley	Kirkland	Petrarca	Wansacz
DeLuca	Kortz	Petri	Waters
DePasquale	Kotik	Petrone	Watson
Dermody	Kula	Preston	Wheatley
DeWeese	Leach	Quinn	White
DiGrolamo	Lentz	Ramaley	Williams
Donatucci	Levdansky	Raymond	Wojnaroski
Eachus	Longietti	Readshaw	Yewcic
Evans, D.	Maher	Roebuck	Youngblood
Fabrizio	Mahoney	Sabatina	Yudichak
Frankel	Manderino	Sainato	
Freeman	Mann	Samuelson	O'Brien, D.,
George	Markosek	Santoni	Speaker

NAYS—87

Adolph	Fairchild	Major	Rapp
Baker	Fleck	Mantz	Reed
Barrar	Gabig	Marshall	Reichley
Bastian	Galloway	McIlhattan	Roe
Bear	Geist	Mensch	Rock
Benninghoff	Gillespie	Metcalfe	Rohrer
Bennington	Gingrich	Millard	Ross
Beyer	Godshall	Miller	Saylor
Boback	Grell	Milne	Scavello
Brooks	Harhart	Moyer	Schroder
Cappelli	Harper	Murt	Smith, S.
Causar	Harris	Nailor	Sonney
Civera	Helm	Nickol	Stairs
Clymer	Hennessey	O'Neill	Stern
Cox	Hershey	Payne	Stevenson
Creighton	Hess	Peifer	Swanger
Cutler	Hickernell	Perry	Taylor, J.
Dally	Hutchinson	Perzel	True
Denlinger	Kauffman	Phillips	Turzai
Ellis	Keller, M.	Pickett	Vereb
Evans, J.	Kenney	Pyle	Vulakovich
Everett	Mackereth	Quigley	

NOT VOTING—0

EXCUSED—2

Rubleby Smith, M.

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 second consideration as amended?

Mr. DeLUCA offered the following amendment No. **A01760**:

Amend Sec. 9, page 16, by inserting between lines 13 and 14
(e) Payor.—A payor may reduce all payments to a facility which fails to meet the established benchmarks for a given year by 2% for each payment owed to a facility for services provided until the department certifies the facility has met the benchmarks for that year.

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

The SPEAKER. The Chair recognizes Representative DeLuca on the amendment.

Mr. DeLUCA. Thank you, Mr. Speaker.

What this amendment does, in working with Representative Boyd, in his amendment he has a carrot; we in this amendment use a stick. In the bill there are benchmarks to be met. If these benchmarks are not met in reducing hospital-acquired infections for any given year, then we say that the facilities which failed to meet the established benchmarks for a given year, we reduce their payments by 2 percent each year until they meet this benchmark. It is like a stick to force them to do a better job, do better practice, to use the best practices.

And, Mr. Speaker, let me just say this to you. I want to read something that just came out in the paper the other day pertaining to health, and I just would like to read this so you understand what we are dealing with: New figures; this study, drug-resistant staph may hit more than 5 percent in hospitals. New figures that came out showed that the rate might be 10 times the previous estimates. Mr. Speaker, we are dealing with something here that if we had an illness that was harming people or had a disease that is killing people two to four every day, we would try to find a cure for it. Fortunately, we do not need to do that; all we need to do is put systems in place.

We have testimony coming from the University of Pennsylvania Health System: States can play an important role in reducing hospital-acquired infections; hospitals should be held accountable for implementing best practices to reduce hospital-acquired infections; and yes, hospitals should be able to implement an electronic surveillance system to reduce hospital infection rates. So we even had testimony coming from universities who are putting these systems in place, and we have a lot more testimony, very critical testimony, supporting this legislation in how we can reduce these hospital-acquired infections, not only save the costs of health care, and whether you believe it is \$3.2 billion last year or whether we cut that in half, it is still quite a substantial amount of money in the health-care system, and if we are going to address health care,

we need to take the costs out of this system, and this is one of the ways that we can reduce the costs, by reducing health-care infection rates.

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

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

The following roll call was recorded:

YEAS—107

Adolph	Galloway	Mann	Seip
Belfanti	George	Markosek	Shapiro
Bianucci	Gerber	Marsico	Shimkus
Bishop	Gergely	McCall	Siptroth
Blackwell	Gibbons	McGeehan	Smith, K.
Boback	Goodman	McI. Smith	Solobay
Brennan	Grucela	Melio	Staback
Buxton	Haluska	Micozzie	Sturla
Caltagirone	Hanna	Mundy	Surra
Carroll	Harhai	Myers	Tangretti
Casorio	Harkins	O'Brien, M.	Taylor, R.
Cohen	Hornaman	Oliver	Thomas
Conklin	James	Pallone	Vitali
Costa	Josephs	Parker	Wagner
Cruz	Keller, W.	Pashinski	Walko
Curry	Kessler	Payton	Wansacz
Daley	Killion	Petrarca	Waters
DeLuca	King	Petrone	Wheatley
DePasquale	Kirkland	Preston	White
Dermody	Kortz	Ramaley	Williams
DeWeese	Kotik	Raymond	Wojnaroski
Donatucci	Kula	Readshaw	Yewcic
Eachus	Leach	Roebuck	Youngblood
Evans, D.	Levdansky	Sabatina	Yudichak
Evans, J.	Longjetti	Sainato	
Fabrizio	Mahoney	Samuelson	O'Brien, D., Speaker
Frankel	Manderino	Santoni	
Freeman			

NAYS—94

Argall	Gabig	McIlhattan	Rapp
Baker	Geist	Mensch	Reed
Barrar	Gillespie	Metcalfe	Reichley
Bastian	Gingrich	Millard	Roae
Bear	Godshall	Miller	Rock
Benninghoff	Grell	Milne	Rohrer
Bennington	Harhart	Moul	Ross
Beyer	Harper	Moyer	Saylor
Boyd	Harris	Murt	Scavello
Brooks	Helm	Mustio	Schroder
Cappelli	Hennessey	Nailor	Smith, S.
Causer	Hershey	Nickol	Sonney
Civera	Hess	O'Neill	Stairs
Clymer	Hickernell	Payne	Steil
Cox	Hutchinson	Peifer	Stern
Creighton	Kauffman	Perry	Stevenson
Cutler	Keller, M.	Perzel	Swanger
Dally	Kenney	Petri	Taylor, J.
Denlinger	Lentz	Phillips	True
DiGirolamo	Mackereth	Pickett	Turzai
Ellis	Maher	Pyle	Vereb
Everett	Major	Quigley	Vulakovich
Fairchild	Mantz	Quinn	Watson
Fleck	Marshall		

NOT VOTING—0

EXCUSED—2

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

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

Mr. **BOYD** offered the following amendment No. **A01791**:

Amend Table of Contents, page 2, line 1, by striking out all of said line and inserting
Section 11. Payments.
Section 12. Incentive payments.
Section 13. Machinery and Equipment Loan Fund eligibility.
Section 14. Expiration.
Section 15. Effective date.

Amend Sec. 2, page 2, by inserting between lines 17 and 18
"Best practices." Nationally recognized standards developed by organizations specializing in the control of infectious diseases such as the Society for Healthcare Epidemiology of America (SHEA), the Association for Infection Control and Epidemiology and the Infectious Diseases Society of America and the professionals in methods recommendations and guidelines developed by the Centers for Disease Control and Prevention and its National Healthcare Safety Network that should be used by health care providers to reduce the risk of harm to patients.

Amend Sec. 2, page 4, line 16, by inserting after " "facility."
For the purposes of reporting, the term shall only apply to hospitals and nursing homes.

Amend Sec. 2, page 4, by inserting between lines 16 and 17
"Health payor." An individual or entity providing a group or individual health, sickness or accident policy, subscriber contract or program issued or provided by an entity subject to any one of the following:

- (1) The act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.
- (2) Section 630 of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.
- (3) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.
- (4) The act of May 18, 1976 (P.L.123, No.54), known as the Individual Accident and Sickness Insurance Minimum Standards Act.
- (5) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

Amend Sec. 2, page 4, by inserting between lines 19 and 20
"Medicaid." The program established under Title XIX of the Social Security Act (49 Stat. 620, 42 U.S.C. § 1396 et seq.).

Amend Sec. 2, page 4, lines 26 through 28, by striking out all of said lines

Amend Sec. 3, page 6, lines 12 and 13, by striking out "and promoting those" and inserting
which include implementing nationally recognized standards that promote

Amend Sec. 3, page 6, line 13, by striking out "that" and inserting

to
Amend Sec. 3, page 6, line 29, by inserting a period after "MDROO"

Amend Sec. 3, page 6, lines 29 and 30; page 7, lines 1 through 14, by striking out "upon" in line 29 and all of line 30, page 6 and all of lines 1 through 14, page 7 and inserting

- (7) Recommend a methodology and a defined process using nationally recognized standards for determining and assessing the rate of health care-associated infections that occur

in health care facilities in this Commonwealth. The process shall include establishment of benchmarks to measure health care facilities' management of health care-associated infections, which the department may use during licensure or inspection of a health care facility. Methodology, process and benchmarks shall be reviewed and updated annually.

Amend Sec. 3, page 7, by inserting between lines 20 and 21

(11) Recommend system requirements and elements for health care-associated infection electronic surveillance systems to be used by health care facilities. Consideration should be given to elements which provide:

(i) Extraction of existing electronic clinical data from health care facilities systems on an ongoing basis.

(ii) Translation of nonstandardized laboratory, pharmacy and/or radiology data into uniform information that can be analyzed on a population-wide basis.

(iii) Clinical support, educational tools and training to ensure that information provided under this subsection will lead to change.

(iv) Clinical improvement measurement and the structure to provide ongoing positive and negative feedback to health care facilities staff who implement change.

(12) Recommend uniform reporting requirements for health care facilities to report health care-associated infections to the department, the council and the authority. The recommendation shall include the form and content of the required reports.

Amend Sec. 4, page 7, line 22, by striking out "shall" and inserting

may

Amend Sec. 4, page 8, line 21, by inserting after "on" methodology, process and

Amend Sec. 4, page 9, by inserting between lines 1 and 2

(10) Publish a notice in the Pennsylvania Bulletin stating the uniform reporting requirements, including both form and content, for health care-associated infections based on recommendations made by the committee. The uniform reporting requirements shall apply and be utilized for reports made to the department, the council and the authority. The effective date for the commencement of required reporting by health care facilities consistent with this act, at a minimum, shall begin no later than 120 days after publication of the notice.

Amend Sec. 6, page 10, line 17, by inserting after "following" if applicable to that particular health care facility

Amend Sec. 6, page 10, line 29, by striking out all of said line and inserting

(2) Health care facilities shall adopt:

Amend Sec. 6, page 11, line 12, by inserting after "facilities" based on recommendations made by the committee

Amend Sec. 6, page 11, lines 29 and 30, by striking out all of said lines

Amend Sec. 8, page 13, line 7, by striking out all of said line and inserting

(a) Reporting.—

(1) Nursing homes shall report to the council

Amend Sec. 8, page 13, by inserting between lines 15 and 16

(2) No later than 120 days following the date the department publishes the uniform reporting requirements in the Pennsylvania Bulletin, pursuant to section 7(a)(1), nursing homes shall report information pertaining to hospital-associated infections to the authority in the form so required by the authority. For the purposes of the reporting requirements contained in this section, the confidentiality protections contained in section 311 of the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, shall apply to nursing homes.

Amend Sec. 8, page 13, line 17, by striking out "board" and inserting

committee

Amend Sec. 8, page 13, lines 20 through 22, by striking out all of said lines and inserting

to the department, the council and the authority by nursing homes.

Amend Sec. 8, page 14, by inserting between lines 8 and 9

(2) The annual assessment amount paid by a nursing facility shall be a reimbursable cost under the medical assistance program. The Department of Public Welfare shall pay each nursing facility, as a separate, pass-through payment, an amount equal to the assessment paid by a nursing facility multiplied by the facility's medical assistance occupancy as reported in its annual cost report.

Amend Sec. 8, page 14, line 9, by striking out "(2)" and inserting (3)

Amend Sec. 8, page 14, line 11, by striking out "(3)" and inserting

(4)

Amend Sec. 8, page 14, line 17, by striking out "(4)" and inserting

(5)

Amend Sec. 9, page 14, line 23, by inserting after "shall"

, based on recommendations of the committee,

Amend Sec. 9, page 14, line 24, by striking out "systems" and inserting

system components and elements

Amend Sec. 9, page 14, line 25, by inserting a period after "2008"

Amend Sec. 9, page 14, lines 25 through 30; page 15, lines 1 through 27, by striking out "to report health care-associated infections to the" in line 25 and all of lines 26 through 30, page 14 and all of lines 1 through 27, page 15

Amend Sec. 9, page 15, line 28, by striking out "(c)" and inserting

(b)

Amend Sec. 9, page 15, lines 28 through 30, by striking out "The department shall establish reasonable" in line 28 and all of line 29 and "facilities to reduce health care-associated infections." in line 30

Amend Sec. 9, page 15, line 30, by inserting after "All" health care

Amend Sec. 9, page 16, line 1, by inserting after "benchmarks" established by the department pursuant to recommendations of the committee

Amend Bill, page 17, by inserting between lines 2 and 3 Section 11. Payments.

(a) Payment for performing routine cultures and screenings in hospitals.—The cost of routine cultures and screenings performed on patients in hospitals in compliance with the health care facility's infection control plan shall be considered a reimbursable cost to be paid by health payors and Medicaid, subject to any copayment, coinsurance or deductible amounts imposed in any applicable policy or benefit issued by a health payor or provided by Medicaid and to any agreements between a health care facility and a payor or Medicaid.

(b) Payment for performing routine cultures and screenings in nursing homes.—The full cost of routine cultures and screenings performed on patients in nursing homes in compliance with a health care facility's infection control plan shall be paid by health payors and Medicaid.

Section 12. Incentive payments.

(a) General rule.—Commencing January 1, 2009, a health care facility that exceeds the benchmark published by the department shall be eligible for an incentive payment. For calendar year 2010 and thereafter, the Department of Public Welfare shall consult with the department to establish appropriate percentage benchmarks for the reduction of health care-associated infections in health care facilities.

(b) Distribution of funds.—Funds for the purpose of implementing this section shall be appropriated to the Department of Public Welfare and distributed to eligible health care facilities as set forth in this section. Incentive payments to health care facilities shall be limited to funds available for this purpose.

(c) Funds separate.—Funds appropriated for incentive payments shall be separate from and not otherwise utilize, rely on or diminish funds necessary for payments to be made to long-term care facilities for the provision of nursing facility services and shall be paid in addition to such other payments.

Section 13. Machinery and Equipment Loan Fund eligibility.

(a) Funds available.—Up to \$25,000,000 of the funds appropriated by the General Assembly for the Machinery and Equipment Loan Fund shall be made available for loan to health care facilities to assist in acquiring systems or technologies that assist the facility in reducing health care-associated infections. Loans shall not exceed 50% of a health care facility's cost, which shall be approved by the Department of Community and Economic Development.

(b) Criteria.—The Department of Community and Economic Development shall develop criteria for evaluating applications for loans that consider the fiscal condition of the health care facility, the ability of the health care facility to implement the technology and the potential savings through avoided costs and reduced health care facility-acquired infection rates. The criteria shall be forwarded by the Department of Community and Economic Development to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.

(c) Eligibility.—Additionally, to be eligible for a loan, a health care facility must be in compliance with health care-associated infection reporting requirements contained in this act, the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, and the act of July 8, 1986 (P.L.408, No.89), known as the Health Care Cost Containment Act.

Section 14. Expiration.

This act expires December 31, 2012.

Amend Sec. 11, page 17, line 3, by striking out "11" and inserting

15

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair is informed the gentleman withdraws this amendment. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 647, PN 1528**, entitled:

An Act relating to crane operator licensure; establishing the State Board of Crane Operators; conferring powers and imposing duties relative to regulating the practice of crane operation; making an appropriation; and imposing penalties.

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

Mr. **CIVERA** offered the following amendment No. **A01456**:

Amend Sec. 102, page 2, lines 29 and 30; page 3, lines 1 through 9, by striking out all of said lines on said pages and inserting

"Certification." Certification from the National Commission for the Certification of Crane Operators or another organization found by the State Board of Crane Operators to offer an equivalent testing and certification program meeting the applicable requirements of the American Society of Mechanical Engineers ASME B30.5 as relating to mobile cranes, ASME B30.3 or the requirements of ASME B30.4 as relating to tower cranes, and the accreditation requirements of the National Commission for Certifying Agencies or the American National Standards Institute.

Amend Sec. 102, page 3, lines 14 through 23, by striking out all of said lines and inserting

"Crane." A power-operated hoisting machine that has a power-operated winch, load line and boom moving laterally by the rotation of the machine on a carrier or base which has a manufacturer's rated maximum lifting capacity of 15 tons or more as specified in ASME B30.5, and includes a derrick, crawler crane and wheel-mounted crane of both truck and self-propelled wheel type. The term includes a tower crane, which has a manufacturer's rated maximum lifting capacity of ten meter tons or more, as specified in ASME B30.3 and ASME B30.4. The term does not include a forklift, digger derrick truck, aircraft, bucket truck, vehicle or machine not having a power-operated winch, tow truck or wrecking crane when used for towing or vehicle recovery, locomotive crane, load line or crane used in longshore or other intermodal operations, or a crane used in manufacturing applications.

Amend Sec. 504, page 12, line 2, by inserting after "board" in consultation with the commissioner

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

The SPEAKER. The Chair recognizes Representative Civera on the amendment.

Mr. **CIVERA**. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment by the other side of the aisle. It clarifies the certification tests that are offered on specific cranes through the American Society of Mechanical Engineers. It clarifies the definition of "crane" to exclude overhead cranes that would be used in manufacturing operations. It clarifies the definition of "crane" to exempt longshore and similar intermodal operations which operate under separate OSHA (Occupational Safety and Health Administration) standards.

The Federal Longshore and Harbor Workers' Compensation Act makes it difficult for Pennsylvanians to regulate the professional activities of these types of activities. It also clarifies that tow trucks are not considered cranes. It increases the load capacity for which an operator must be licensed to 15 tons.

The SPEAKER. The House will come to order. Conferences in the aisles will break up. Members will take their seats. Members will please take their conversations to the anterooms if they are necessary.

Representative Civera.

Mr. **CIVERA**. Thank you, Mr. Speaker.

I would hope that the members would support this amendment.

Representative Sturla is on the floor, and I am sure he is going to say a few remarks. Thank you.

The SPEAKER. The Chair recognizes Representative Sturla. Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment. We have worked on this a little bit since it has come out of committee, cleaned up a few technical changes in the language, and it is an agreed-to amendment.

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causser	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—2

Rubley Smith, M.

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 second consideration as amended?

The SPEAKER. Does the gentleman, Representative Civera, intend to offer amendment A01327?

Mr. CIVERA. Mr. Speaker, this amendment is being withdrawn.

The SPEAKER. The Chair thanks the gentleman.

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

Mr. YUDICHAK offered the following amendment No. **A01374**:

Amend Sec. 102, page 3, by inserting after line 30
"Scrap processor." A person who, from a fixed location, utilizes machinery and equipment for processing and manufacturing ferrous or nonferrous scrap, paper scrap, plastic scrap, rubber scrap or glass scrap into prepared grades and whose principal product is sold as a raw material in the manufacture of new products.

Amend Sec. 501, page 8, line 14, by inserting after "board."
An individual who operates a crane in a scrap processor facility and has at least one year of experience operating a crane as established by employment records is exempt from all licensure provisions of this act.

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

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Yudichak on the amendment.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I am going to withdraw this amendment, and if I could speak on the bill.

The SPEAKER. The Chair will recognize the gentleman after the other amendments are considered.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the minority leader, Representative Smith, who moves to suspend the rules for the purpose of offering amendment A02243, which the clerk will read.

Mr. S. SMITH. Mr. Speaker, I am not sure if that is the right amendment. We have two different ones drafted to two different, the same amendment, just drafted to two different amendments. Just please let me clarify if that is the correct one.

The SPEAKER. The Chair recognizes the minority leader, Mr. Smith, who moves to suspend the rules for the purpose of offering amendment A02245, which the clerk will read.

The clerk read the following amendment No. **A02245**:

Amend Sec. 102, page 1, line 25 (A01456), by inserting after "a" crane or drag line used in coal mining operations,

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

The SPEAKER. The Chair recognizes the gentleman on the motion to suspend.

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

Mr. Speaker, this amendment fundamentally would create an exemption for cranes or drag lines used in coal mining operations, and I would appreciate the suspension of the rules.

Thank you, Mr. Speaker.

The SPEAKER. On the motion to suspend, the Chair recognizes the majority leader, Representative DeWeese.

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

I am told by staff that the United Mine Workers, the Pennsylvania Coal Association, and the Department of Environmental Protection, Bureau of Mine Safety, have no objections. I join my colleague in asking for a suspension of the rules.

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Veréb
Daley	Kenney	Perzel	Vitali

Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longiotti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D., Speaker
Fleck	Manderino	Roae	
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—2

Rubley Smith, M.

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 second consideration as amended:

Mr. S. SMITH offered the following amendment No. **A02245**:

Amend Sec. 102, page 1, line 25 (A01456), by inserting after "a" crane or drag line used in coal mining operations,

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson

Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—2

Rubleby Smith, M.

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 second consideration as amended?

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will go over temporarily.

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 892, PN 1045

An Act designating a portion of State Route 74 in Perry County as the Marine Lance Corporal Jason L. Frye Memorial Highway.

SB 580, PN 625

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, permitting use of dogs in hunting for wild turkeys.

SB 755, PN 831

An Act amending the act of May 11, 1889 (P.L.188, No.210), entitled "A further supplement to an act, entitled 'An act to establish a board of wardens for the Port of Philadelphia, and for the regulation of pilots and pilotage, and for other purposes,' approved March twenty-ninth, one thousand eight hundred and three, and for regulating the rates of pilotage and number of pilots," further providing for certain charges.

SB 791, PN 883

An Act making an appropriation from the State Employees' Retirement Fund to provide for expenses of the State Employees' Retirement Board for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

SB 792, PN 884

An Act making an appropriation from the Public School Employees' Retirement Fund to provide for expenses of the Public School Employees' Retirement Board for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

SB 793, PN 885

An Act making appropriations from the Professional Licensure Augmentation Account and from restricted revenue accounts within the General Fund to the Department of State for use by the Bureau of Professional and Occupational Affairs in support of the professional licensure boards assigned thereto.

SB 794, PN 886

An Act making appropriations from the Workmen's Compensation Administration Fund to the Department of Labor and Industry and the Department of Community and Economic Development to provide for the expenses of administering the Workers' Compensation Act, The Pennsylvania Occupational Disease Act and the Office of Small Business Advocate for the fiscal year July 1, 2007, to June 30, 2008, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2007.

SB 795, PN 887

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

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

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome Chris Nauss, who is the guest page of Representative Louise Bishop. He is sitting on the bench in the front of the House. Please join the Speaker in welcoming Chris to the floor of the House.

CONSIDERATION OF HB 647 CONTINUED

The SPEAKER. The Chair returns to HB 647.

Would the gentleman, Representative Miller, inform the Chair which amendment number the gentleman intends to offer? 2285 or 2286?

Mr. MILLER. Why do we not just take them in order, Mr. Speaker – 2285.

On the question recurring,

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

Mr. MILLER offered the following amendment No. A02285:

Amend Sec. 102, page 1, line 19 (A01456), by striking out "15" and inserting

50

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Miller on the amendment.

Mr. MILLER. Thank you, Mr. Speaker.

I believe that the 15-ton limit is too low and it would be very appropriate to raise the tonnage limit to 50 tons, and that is what this amendment does. Thank you.

I would appreciate a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Civera on the amendment.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the amendment. In the States that are licensed that we are talking about today, there are no States in the United States that raise the level to 50 tons. Most States are between 7 1/2 to 15 tons, and I believe that the amendment would be harmful to the consumers and the citizens of Pennsylvania. Therefore, I ask that a "no" vote be cast on this amendment.

Thank you.

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I rise to oppose the amendment also. We ask for a negative vote.

As was pointed out by Representative Civera, we have already in the previous amendments raised this to 15 tons, which puts us at the top limit of where anybody else is, and for the safety of our citizens in Pennsylvania, I would ask for a "no" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-75

Argall	Everett	Maher	Pyle
Baker	Fairchild	Major	Rapp
Bastian	Fleck	Mantz	Reed
Bear	Gabig	Marsico	Roae
Benninghoff	Geist	McIlhattan	Rock

Boback	Gillespie	Mensch	Rohrer
Boyd	Gingrich	Metcalfe	Saylor
Brooks	Grell	Micozzie	Scavello
Cappelli	Haluska	Millard	Schroder
Causar	Harris	Miller	Smith, S.
Clymer	Helm	Moul	Sonney
Conklin	Hennessey	Mustio	Stairs
Cox	Hershey	Nailor	Stern
Creighton	Hess	Nickol	Stevenson
Cutler	Hickernell	Payne	True
Daley	Hutchinson	Peifer	Turzai
Denlinger	Kauffman	Perry	Vulakovich
Ellis	Keller, M.	Phillips	Yewcic
Evans, J.	Mackereth	Pickett	

NAYS-126

Adolph	Gerber	McCall	Santoni
Barrar	Gergely	McGeehan	Seip
Belfanti	Gibbons	McI. Smith	Shapiro
Bennington	Godshall	Melio	Shimkus
Beyer	Goodman	Milne	Sip troth
Biancucci	Grucela	Moyer	Smith, K.
Bishop	Hanna	Mundy	Solobay
Blackwell	Harhai	Murt	Staback
Brennan	Harhart	Myers	Steil
Buxton	Harkins	O'Brien, M.	Sturla
Caltagirone	Harper	O'Neill	Surra
Carroll	Hornaman	Oliver	Swanger
Casorio	James	Pallone	Tangretti
Civera	Josephs	Parker	Taylor, J.
Cohen	Keller, W.	Pashinski	Taylor, R.
Costa	Kenney	Payton	Thomas
Cruz	Kessler	Perzel	Vereb
Curry	Killion	Petrarca	Vitali
Dally	King	Petri	Wagner
DeLuca	Kirkland	Petrone	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Quigley	Waters
DeWeese	Kula	Quinn	Watson
DiGirolo	Leach	Ramaley	Wheatley
Donatucci	Lentz	Raymond	White
Eachus	Levdansky	Readshaw	Williams
Evans, D.	Longiotti	Reichley	Wojnaroski
Fabrizio	Mahoney	Roebuck	Youngblood
Frankel	Manderino	Ross	Yudichak
Freeman	Mann	Sabatina	
Galloway	Markosek	Sainato	O'Brien, D.,
George	Marshall	Samuelson	Speaker

NOT VOTING-0

EXCUSED-2

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

On the question recurring,

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

Mr. MILLER offered the following amendment No. A02286:

Amend Sec. 102, page 1, line 29 (A01456), by inserting after "longshore" , residential construction

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

The SPEAKER. The Chair recognizes Representative Miller on the amendment.

Mr. MILLER. Thank you, Mr. Speaker.

I understand to some degree the reluctance of my colleagues to agree to the last amendment. It was quite a significant increase in the tonnage, even though I thought it was reasonable. But one of my major concerns is for those that operate cranes only on residential construction. I do not believe that people that are engaged in just residential construction should be required to be licensed and certified under this bill, and this would exempt them from being included. If we are going to exempt longshore cranes, it only makes sense that we would exempt the residential construction, and I would ask for an affirmative vote.

The SPEAKER. Representative Civera, on the amendment.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I understand what the gentleman is saying about residential and the residential community should be exempt. Unfortunately, if you put a crane that is 15 tons or more in a residential community – okay? – some of these homes are anywhere between 5,000, 6,000, 7,000, 8,000 square feet, wherever the crane goes, whether it be a residential community, whether it be a commercial community, these were the requirements that we have set forth in HB 647. If that crane is 15 tons, you are going to be licensed to protect the safety and the residents that live in that residential community. So I therefore oppose this amendment.

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

I also oppose this amendment. If there is ever a place where we need it, it would be in these types of settings. As was pointed out by Representative Civera, this would only affect cranes of more than 15 tons, so it would not affect sort of standard deliveries that are coming to most residential sites. But in the event that there are larger cranes showing up at these sites, what we do not want and what apparently was happening in some of the industry was that people were renting these cranes, having no previous experience, and simply taking them out to a job and setting up shop, and that is what this amendment would allow and that is what we are trying to prevent. So I would ask for a negative vote.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Could I interrogate the last speaker?

The SPEAKER. That would be Representative Sturla?

Mr. FAIRCHILD. Yes.

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

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Mr. Speaker, you made two remarks that I would like to ask you a few questions on. One, you indicated that in residential construction, you indicated that there were a lot of accidents or there were likely to be a lot of accidents in the future. Do you have any statistics to back that up?

Mr. STURLA. Mr. Speaker, what I said was we wanted to prevent accidents from happening by crane operators that were renting cranes and were not licensed or experienced in operating those cranes, and there have been occurrences in the past in Pennsylvania. We at the committee level saw pictures of a

couple of events that occurred this year where cranes toppled, yes.

Mr. FAIRCHILD. But you do not have any statistics as far as the difference between crane accidents in residential construction versus those crane accidents in commercial construction?

Mr. STURLA. No, Mr. Speaker.

Mr. FAIRCHILD. Okay. My second issue, are you aware of the OSHA requirements for operating a crane?

Mr. STURLA. No, Mr. Speaker.

Mr. FAIRCHILD. Do you know that the situation that you described, that operator would be in direct violation of OSHA requirements and is prohibited from operating that crane without any experience.

Mr. STURLA. Mr. Speaker, then I would assume that there would be no problem with not exempting residential construction.

Mr. FAIRCHILD. But you can have all the certification you want. If somebody is going to do something— May I speak on the amendment, please?

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

Mr. FAIRCHILD. Mr. Speaker, you can require anything you want in this State. We found out, whether it was speed limit laws or stop sign laws or whatever, if somebody is going to go out and violate the law, in this case it is a Federal law, a very stringent Federal law, I cannot believe that we bring these things to the floor without doing some research, and if you look at the OSHA laws, you will see exactly what is required of an operator to be able to operate these types of cranes. If somebody wants to go out and rent a crane and if the business is stupid enough to rent it to them without any experience, shame on them, shame on the law, shame on the government for not enforcing the law, and that person should be arrested, probably never allowed to operate a crane again in his career, although that may not stop them if he is going to do something illegal.

But the point is, we already have these types of things in existence, and I believe it is unfair to portray our construction employees as blatant lawbreakers, because I bet if you have been on a construction site and you ask a crane operator or you ask a bulldozer operator or ask the guy, just the laborer, do you know anything about OSHA laws, they will be able to tell you a heck of a lot more than most of us will ever know about it.

Thank you, Mr. Speaker. I think it is a good amendment.

The SPEAKER. Representative Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, let me just make some brief comments.

If you operate a crane – and it was brought out in the question; I do not remember if it was Representative Fairchild or Representative Miller – if you operate a crane and you are a longshoreman, why are you exempt and why is it different from residential property, and the answer, to make that very clear, because a lot of members are confused about that, the answer is this: If you are a longshoreman and you operate a crane, you are exempt because you come under OSHA standards, and you also come under the Federal workers' compensation act, which is different than what the State is. So you come under different and you come under higher standards than having no license at all.

Now, if you operate a crane and if you want to operate a crane in Pennsylvania today, you can go and get a crane and operate it. Nobody says that you cannot. So in the residential community, you could have workers that are not familiar with

the crane; you could have workers that are familiar with the crane and have done it for maybe 5 or 6 or 7 years. You do not know; you really do not know. And so what we are trying to say here today is we are trying to close that, because there has, what my understanding is, maybe not fatalities, but there have been, just like in any other industries, there have been some hardships and accidents, and that is why I would ask for this amendment to be voted down, because whether it is residential, whether it is commercial, a crane is a crane and that is it.

Thank you.

The SPEAKER. Representative Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

I never thought my experience down on the waterfront would come onto the floor of the House, but I have operated cranes, and to my good friend, Representative Miller, probably the hardest pick to operate is the least amount of weight. So a 50-ton pick is a lot easier to operate than a ton pick or a 2-ton pick. So the least amount of weight that we put on this, I believe it would be more safe for the residents of Pennsylvania.

You really have to operate a crane with more skill with the least amount of weight, so I believe it would be better for us to vote against this amendment. Unfortunately to my good friend, Representative Miller, this amendment, we should vote against this amendment, Mr. Speaker. Thank you.

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, it has been 17 years since I have been on a job site, but that is what I used to do for a living, so I do have a little bit of experience on those job sites. But it has also been brought to my attention that OSHA standards have not been updated to reflect the 1982 American Society of Mechanical Engineers standards. And as was pointed out by the gentleman who made the argument about OSHA, there is currently, as he pointed out, nothing that prevents someone from going and renting one of those cranes, and he said if somebody rents one of those cranes and then takes it out and tips it over, no one should ever allow them to rent a crane again. Well, that is precisely why we want this legislation, so that when they go to rent a crane, somebody says, do you have an operator's license? And when the answer is no, they do not get the crane rented to them because they are not allowed to drive it off the site. So what this does is protect those types of things from happening, and if somebody says that the reason you do not need this is so that somebody who does not have a license can go out and operate in one of these areas and then will just leave it up to whoever is in charge there to try and figure out whether that person ever operates a crane again or not, that is precisely why we are doing the legislation here today.

So again, I would ask for a negative vote on this amendment. Thank you.

The SPEAKER. Representative Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, I have no experience on a job site; however, in listening to testimony at a public hearing in Philadelphia, it is really a public safety matter. In looking at the statistics from, say, Toronto, who license crane operators, casualties went way down after licensing. So we are really talking about licensing a crane operator.

If you have an opportunity, just go outside. You do not have to look too far; look down Second Street, Fourth Street. You will see the size of these pieces of equipment that we are talking about, and I really believe that we need to license these folks for

their safety, for their fellow employees' safety, and for the surrounding community.

So with all due respect to my good friend, Representative Miller, I rise to oppose his amendment. Thank you.

The SPEAKER. Representative Miller.

Mr. MILLER. Mr. Speaker, there is no demonstrated need for crane operator licensure for residential construction in this State. We have been given no statistics on accidents at residential construction sites, and I believe that in good faith, the people are talking about these huge cranes but they are not talking true residential construction. When you are talking a high-rise in a city, that would not fall under this exemption of residential construction. That is a totally different project. I do not believe there is a need to subject the hardworking people out there in our communities that operate these small cranes, lifting fairly light loads to move roofing material, shingles, roof trusses, and things like that, to a licensure requirement.

I would ask for support of this amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—76

Baker	Geist	Mantz	Reed
Bastian	Gillespie	Marsico	Roae
Bear	Gingrich	McIlhattan	Rock
Benninghoff	Godshall	Mensch	Rohrer
Boyd	Grell	Metcalfe	Saylor
Brooks	Harkins	Millard	Scavello
Cappelli	Harris	Miller	Schroder
Causar	Helm	Milne	Smith, S.
Conklin	Hennessey	Moul	Sonney
Cox	Hershey	Mustio	Stairs
Creighton	Hess	Nailor	Stern
Cutler	Hickernell	Nickol	Stevenson
Denlinger	Hutchinson	Payne	Swanger
Ellis	Kauffman	Peifer	Taylor, J.
Evans, J.	Keller, M.	Perry	True
Everett	Kenney	Phillips	Turzai
Fairchild	Mackereth	Pickett	Vitali
Fleck	Maher	Pyle	Vulakovich
Gabig	Major	Rapp	Yewcic

NAYS—125

Adolph	Frankel	Markosek	Sainato
Argall	Freeman	Marshall	Samuelson
Barrar	Galloway	McCall	Santoni
Belfanti	George	McGeehan	Seip
Bennington	Gerber	McI. Smith	Shapiro
Beyer	Gergely	Melio	Shimkus
Bianucci	Gibbons	Micozzie	Siptroth
Bishop	Goodman	Moyer	Smith, K.
Blackwell	Grucela	Mundy	Solobay
Boback	Haluska	Murt	Staback
Brennan	Hanna	Myers	Steil
Buxton	Harhai	O'Brien, M.	Sturla
Caltagirone	Harhart	O'Neill	Surra
Carroll	Harper	Oliver	Tangretti
Casorio	Hornaman	Pallone	Taylor, R.
Civera	James	Parker	Thomas
Clymer	Josephs	Pashinski	Vereb
Cohen	Keller, W.	Payton	Wagner
Costa	Kessler	Perzel	Walko
Cruz	Killion	Petrarca	Wansacz
Curry	King	Petri	Waters
Daley	Kirkland	Petrone	Watson

Dally	Kortz	Preston	Wheatley
DeLuca	Kotik	Quigley	White
DePasquale	Kula	Quinn	Williams
Dermody	Leach	Ramaley	Wojnaroski
DeWeese	Lentz	Raymond	Youngblood
DiGirolamo	Levdansky	Readshaw	Yudichak
Donatucci	Longiatti	Reichley	
Eachus	Mahoney	Roebuck	O'Brien, D.,
Evans, D.	Manderino	Ross	Speaker
Fabrizio	Mann	Sabatina	

NOT VOTING—0

EXCUSED—2

Rubleby Smith, M.

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 second consideration as amended?

Mr. **MILLER** offered the following amendment No. **A01380**:

Amend Sec. 501, page 8, line 11, by striking out "subsection (c)" and inserting

subsections (c) and (h)

Amend Sec. 501, page 9, by inserting between lines 23 and 24

(h) Exemption.—Any individual with five years or more experience as a crane operator as of the effective date of this act shall be permanently exempt from the licensure requirement of this section.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Miller on the amendment.

Mr. **MILLER**. Mr. Speaker, this is an exemption for those people that have long-term experience operating cranes. Many of the people that we are trying to license, we are trying to require to take these tests, have been operating cranes for many, many years. I have a family in my district of several boys in the family that grew up in their father's yard, moving in his yard; I mean his equipment yard where they moved large pieces of equipment around. These boys operated cranes before they could drive a car. They did not drive on the road; they learned at their father's business. Many of the people out there that operate cranes in your district have been operating cranes for many years. They should be grandfathered in to this bill. They should not have to take a test. We picked 5 years as a good level of experience, of on-the-job experience.

Okay, we are going to pass this bill; the writing is on the wall right now. We could not exempt those that only do small jobs in residential construction, but please, let us at least allow those people that have many years' experience on the job to be grandfathered, and that is what this amendment does, and I would appreciate the support of my colleagues. Thank you.

The **SPEAKER**. Representative Civera.

Mr. **CIVERA**. Thank you, Mr. Speaker.

Mr. Speaker, when we looked at the idea of doing HB 647, it was an idea to protect the public welfare of the Commonwealth of Pennsylvania, the people, the innocent people that walk our streets. Now, I understand what the Representative is saying, that gentlemen or ladies that have experience, 5 or more years in this type of a profession, should be exempt. I chaired the Licensure Committee for many years, and we had these types of issues come before us. If we were to go in that direction, we would not need licensure.

Now, a lot of these people that the gentleman is referring to are certified by State certification, and they could take an examination and they could go on. But if we were to go back and look at this, what the amendment says, 5 years or more, this would then cut the entire legislation, and as far as the legislation and what it means to protect the health and welfare of the people of Pennsylvania would be in jeopardy. So I would therefore oppose the amendment.

Thank you.

The **SPEAKER**. Representative Sturla.

Mr. **STURLA**. Mr. Speaker, I rise in opposition to this amendment also. This is not about how long someone has sat in an operator's chair. Given the changing technology of cranes, as we have been told, most of these new cranes require extensive training in terms of computer-aided crane operation, and so what we are trying to do here is to bring everyone up to speed. This bill would not take effect for 60 days and then there is a 2-year regulatory period, so this gives— And then on top of that a time period for training. So anyone who is currently operating a crane would have close to 3 years in order to bring themselves up to speed and be able to operate one of these new cranes.

What we are trying to do is make sure that simply because, if I have a license to drive a car right now and the technology is such that everyone is flying a plane, it does not mean that I should be able to fly a plane tomorrow. So I would ask that we get a negative vote with regard to this grandfathering clause. Thank you.

The **SPEAKER**. Representative Fairchild.

Mr. **FAIRCHILD**. Thank you, Mr. Speaker.

You know, ironically, the last amendment, we heard everybody speak about crane operators without any experience getting into trouble, whether it was making a lift, whether it was going to a rental operation and renting a crane. This amendment basically takes care of those problems. What we are saying is that if you have the experience in operating the equipment, and let us face it, not everybody is as young as we would like to be, and there are an awful lot of people out there who spent their entire lives operating these heavy cranes, heavy pieces of equipment. I worked in construction a lot of my working career, and I can tell you, they are some of the most gifted, talented people that you ever want to meet. And some of them have more abilities than others. Some of them can really literally crack an egg with a crane on a 100-foot lift. Others are going to have problems taking a test. Why would we require somebody with all the requisite skills to give up their career that they have made their livelihood when they are at the top of the field?

And let me tell you, if anybody in this room, if anybody in this room buys the argument that somebody is going to go out and purchase a half-million-dollar or a million-dollar crane and say, just get on it and go, boys or girls, that is not the way the business works. That is not the way the business works. First of

all, the manufacturer will probably offer a certification course or a course of instruction just for the upgrade of that experienced operator. If you really think that you are going to put that new person in the job, maybe your grandson or your son or your daughter, and he or she is going to go out on the first day and operate that crane, then you are going to Mars tomorrow, because it is not that way. The owners have a stake. They want to protect that asset. Obviously they want to be able to operate the business as best they can, and that operator that spent their career learning the trade, taking care of the pieces of machinery, learning how they operate, learning what wind does, learning what soft ground does, learning what the overhead hazards are, they know it a heck of a lot better than anyone else.

And this simply, I think what we doing here is sending a message, and let us find a way to reward these people who worked in this industry and did one heck of a job. It is going to be a shame to take their livelihood away, and shame on us if we do that because somebody simply cannot pass a written test. And be that as it may, there are going to be criticisms: Well, if they cannot pass the written test, they cannot read the manual. Well, I have seen some amazing people that can cite word for word out of manuals. They may not be able to read the encyclopedia, but they can talk turkey to you about a piece of equipment, how to maintain it, how to operate it, and how to do it safely.

This is a good amendment, and I ask not only on behalf of the sponsor of the amendment but certainly on behalf of all the valued employees out there who have a heck of a lot of experience. Thank you very much, Mr. Speaker.

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I would ask the members to take a couple moments and think about this amendment. To me, I believe this is really a bill about the working men. We oftentimes hear about them, and they are really the bread and butter of our communities. I think Representative Fairchild spoke very eloquently on, what do they mean to our communities? If we are going to ask people that have been doing a job for 20, 30 years to now go back and prove that they can do the job that they have been doing, I look at that as an insult. I think Representative Miller is asking for a very reasonable amendment that we should all significantly think about.

I thought Representative Fairchild brought up a significant issue there. Some of these people might not be academic scholars, but I think they do their job very, very well. I, too, was in the construction business for a while, and I remember a well driller who would not subscribe to the new high-speed drill wells and continued to use the impact style, and ironically, with the new technology, they are very popular, they are very nice looking, and they are painted very well, but this man through the use of witching sticks, if you know what they are, could still locate a water source and could tap into a water source just as well and just as successfully as somebody with a high-speed drill. Newer technology does not necessarily make a better product, and those operators, with their experience, in my opinion, a word that each and every one of us in this room has run on and tried to convince our voters of why we should be here, because we bring experience to the job, is exactly what you are being asked to vote against. Why would we want to turn our back on our experienced crane operators in our communities? These are the people that are working from sunup

to sundown to pay our salaries and to pay their taxes in the local community.

I would ask for your sincere consideration to this reasonable, in my opinion, working-man-type amendment that says, great job; great work you have done in our communities; we respect the small business owners and the hard workers, and we want to be there to honor them. This is about honoring these hardworking people and the work that they have done and not chastise them by forcing them to prove themselves through some silly test and try to prove their competency for something they have been doing throughout our communities. To me, that is a disgrace.

I would like you to support Representative Miller's amendment. Thank you.

The SPEAKER. Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker. Just a couple of quick things.

I, too, came from the construction-related industry, and because I had already owned trucks over 27,500 pounds, when CDLs (commercial driver's licenses) first came about, the State saw it to send me an exemption form, because they figured since I owned these trucks and drove these trucks, that I really did not need to go prove myself to someone else that I could drive the trucks that I have owned and driven for years. So they gave me an exemption; they grandfathered me in. That is what we are asking to do today.

I would be hard pressed to believe that there is more than a handful of legislators sitting in this room right now that have the first clue as to what operating crane equipment or construction equipment is all about, but yet you are going to press a button and make a decision on whether these guys that have been doing it for years can do it without taking a test. I would think that you would insult your constituents greatly who have been doing this for years if you ask them to take a test to prove that they can do something that you cannot. I do not think safety comes into factor here when we are talking about grandfathering people in who have been doing this job for 5 years or more. I would not want to face that constituent that has been doing this for 40 or 50 years, let alone 5 years, that says, Dan, what are you doing? I can run this crane, I have been running this crane for 40 or 50 years, and now you are telling me I have to go back to school? I think we need to think that through very seriously before we make a decision on this. You need to pass this and grandfather these old-timers in. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—92

Baker	Fleck	Mahoney	Rapp
Barrar	Gabig	Major	Readshaw
Bastian	Geist	Mantz	Reed
Bear	Gillespie	Marsico	Reichley
Benninghoff	Gingrich	McIlhattan	Roae
Boback	Grell	Mensch	Rock
Boyd	Harhart	Metcalfe	Rohrer
Brennan	Harper	Millard	Saylor
Brooks	Harris	Miller	Scavello
Buxton	Helm	Milne	Schroder
Cappelli	Hennessey	Moul	Seip

Causer	Hershey	Mundy	Siptroth
Clymer	Hess	Murt	Smith, S.
Cox	Hickernell	Nailor	Sonney
Creighton	Hornaman	Nickol	Stairs
Cutler	Hutchinson	Pallone	Stern
Dally	Kauffman	Pashinski	Stevenson
Denlinger	Keller, M.	Payne	Swanger
DePasquale	Kessler	Peifer	True
Ellis	King	Perry	Turzai
Evans, J.	Kortz	Phillips	Vulakovich
Everett	Mackereth	Pickett	Yewcic
Fairchild	Maher	Pyle	Yudichak

NAYS—109

Adolph	Galloway	McCall	Shapiro
Argall	George	McGeehan	Shimkus
Belfanti	Gerber	McI. Smith	Smith, K.
Bennington	Gergely	Melio	Solobay
Beyer	Gibbons	Micozzie	Staback
Biancucci	Godshall	Moyer	Steil
Bishop	Goodman	Mustio	Sturla
Blackwell	Grucela	Myers	Surra
Caltagirone	Haluska	O'Brien, M.	Tangretti
Carroll	Hanna	O'Neill	Taylor, J.
Casorio	Harhai	Oliver	Taylor, R.
Civera	Harkins	Parker	Thomas
Cohen	James	Payton	Verbe
Conklin	Josephs	Perzel	Vitali
Costa	Keller, W.	Petrarca	Wagner
Cruz	Kenney	Petri	Walko
Curry	Killion	Petrone	Wansacz
Daley	Kirkland	Preston	Waters
DeLuca	Kotik	Quigley	Watson
Dermody	Kula	Quinn	Wheatley
DeWeese	Leach	Ramaley	White
DiGirolamo	Lentz	Raymond	Williams
Donatucci	Levdansky	Roebuck	Wojnaroski
Eachus	Longietti	Ross	Youngblood
Evans, D.	Manderino	Sabatina	
Fabrizio	Mann	Sainato	O'Brien, D., Speaker
Frankel	Markosek	Samuelson	
Freeman	Marshall	Santoni	

NOT VOTING—0

EXCUSED—2

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

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

VOTE CORRECTION

The SPEAKER. The Chair recognizes Representative Harkins.

Mr. HARKINS. Thank you, Mr. Speaker.

I would just like the record to reflect that on HB 647, amendment 1379, I was registered in the positive and I would just like the record to reflect that as a negative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.
Mr. HARKINS. Thank you, Mr. Speaker.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1556, PN 2020**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; and providing for health insurance coverage for certain children of insured parents.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman from Adams County, Mr. Moul, who makes a motion to suspend the rules to offer amendment A01911, which the clerk will read.

The clerk read the following amendment No. **A01911**:

Amend Sec. 2 (Sec. 617.1), page 3, lines 20 and 21, by striking out "in this Commonwealth"

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

The SPEAKER. The Chair recognizes the gentleman, Representative Moul, on the motion to suspend.

Mr. MOUL. Thank you, Mr. Speaker.

I would like to make a motion to suspend the rules to offer amendment 1911 to this to improve this bill. This is an agreed-upon amendment.

The SPEAKER. Representative Longietti.

Mr. LONGIETTI. Yes, Mr. Speaker, this is an agreed-upon technical amendment. I will also have an agreed-upon technical amendment to present after this one, and I would appreciate the members voting to suspend the rules.

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

The following roll call was recorded:

YEAS—201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson
Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Gillespie	Melio	Scavello
Beyer	Gingrich	Mensch	Schroder
Biancucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.

Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rubley Smith, M.

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. **MOUL** offered the following amendment No. **A01911**:

Amend Sec. 2 (Sec. 617.1), page 3, lines 20 and 21, by striking out "in this Commonwealth"

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

The following roll call was recorded:

YEAS-201

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Sabatina
Bastian	George	McCall	Sainato
Bear	Gerber	McGeehan	Samuelson

Belfanti	Gergely	McI. Smith	Santoni
Benninghoff	Gibbons	McIlhattan	Saylor
Bennington	Melio	Gillespie	Scavello
Beyer	Gingrich	Mensch	Schroder
Bianucci	Godshall	Metcalfe	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	O'Neill	Surra
Cohen	Hickernell	Oliver	Swanger
Conklin	Hornaman	Pallone	Tangretti
Costa	Hutchinson	Parker	Taylor, J.
Cox	James	Pashinski	Taylor, R.
Creighton	Josephs	Payne	Thomas
Cruz	Kauffman	Payton	True
Curry	Keller, M.	Peifer	Turzai
Cutler	Keller, W.	Perry	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Pickett	Waters
DeWeese	Kotik	Preston	Watson
DiGirolamo	Kula	Pyle	Wheatley
Donatucci	Leach	Quigley	White
Eachus	Lentz	Quinn	Williams
Ellis	Levdansky	Ramaley	Wojnaroski
Evans, D.	Longietti	Rapp	Yewcic
Evans, J.	Mackereth	Raymond	Youngblood
Everett	Maher	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roae	Speaker
Frankel	Mann	Rock	

NAYS-0

NOT VOTING-0

EXCUSED-2

Rubley Smith, M.

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?

RULES SUSPENDED

The **SPEAKER**. The Chair recognizes the gentleman from Mercer County, Mr. Longietti, who makes a motion to suspend the rules to offer amendment A01967.

The clerk read the following amendment No. **A01967**:

Amend Sec. 1 (Sec. 617), page 2, line 17, by striking out "twenty-nine" and inserting thirty

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

The SPEAKER. On the motion to suspend the rules, the Chair recognizes Representative Longietti.

Mr. LONGIETTI. Mr. Speaker, this is a request to suspend the rules for a technical amendment. The bill extends optional health-care coverage to age 30. There is one point in the bill that says 29 and needs to be changed to 30.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Adolph	Freeman	Mann	Roebuck
Argall	Gabig	Mantz	Rohrer
Baker	Galloway	Markosek	Ross
Barrar	Geist	Marshall	Sabatina
Bastian	George	Marsico	Sainato
Bear	Gerber	McCall	Samuelson
Belfanti	Gergely	McGeehan	Santoni
Benninghoff	Gibbons	McI. Smith	Saylor
Bennington	Gillespie	McIlhattan	Scavello
Beyer	Gingrich	Melio	Schroder
Bianucci	Godshall	Mensch	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai
Cutler	Keller, W.	Perzel	Verbe
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnarowski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak

Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D.,
Fleck	Manderino	Rock	Speaker
Frankel			

NAYS—2

Metcalf	O'Neill
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NOT VOTING—0

EXCUSED—2

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

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

Mr. LONGIETTI offered the following amendment No. **A01967**:

Amend Sec. 1 (Sec. 617), page 2, line 17, by striking out "twenty-nine" and inserting thirty

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

The following roll call was recorded:

YEAS—199

Adolph	Freeman	Mann	Roebuck
Argall	Gabig	Mantz	Rohrer
Baker	Galloway	Markosek	Ross
Barrar	Geist	Marshall	Sabatina
Bastian	George	Marsico	Sainato
Bear	Gerber	McCall	Samuelson
Belfanti	Gergely	McGeehan	Santoni
Benninghoff	Gibbons	McI. Smith	Saylor
Bennington	Gillespie	McIlhattan	Scavello
Beyer	Gingrich	Melio	Schroder
Bianucci	Godshall	Mensch	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, S.
Brooks	Harhai	Moyer	Solobay
Buxton	Harhart	Mundy	Sonney
Caltagirone	Harkins	Murt	Staback
Cappelli	Harper	Mustio	Stairs
Carroll	Harris	Myers	Steil
Casorio	Helm	Nailor	Stern
Causer	Hennessey	Nickol	Stevenson
Civera	Hershey	O'Brien, M.	Sturla
Clymer	Hess	Oliver	Surra
Cohen	Hickernell	Pallone	Swanger
Conklin	Hornaman	Parker	Tangretti
Costa	Hutchinson	Pashinski	Taylor, J.
Cox	James	Payne	Taylor, R.
Creighton	Josephs	Payton	Thomas
Cruz	Kauffman	Peifer	True
Curry	Keller, M.	Perry	Turzai

Cutler	Keller, W.	Perzel	Vereb
Daley	Kenney	Petrarca	Vitali
Dally	Kessler	Petri	Vulakovich
DeLuca	Killion	Petrone	Wagner
Denlinger	King	Phillips	Walko
DePasquale	Kirkland	Pickett	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Ellis	Levdansky	Rapp	Wojnaroski
Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D.,
Fleck	Manderino	Rock	Speaker
Frankel			

NAYS-2

Metcalfe O'Neill

NOT VOTING-0

EXCUSED-2

Rubley Smith, M.

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.

(Bill as amended will be reprinted.)

MOTION TO RECONSIDER HB 1287

The SPEAKER. Representative Doug Reichley and Representative Craig Dally move that the vote by which HB 1287, PN 1544, passed on the 26th day of June be reconsidered.

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

The following roll call was recorded:

YEAS-100

Adolph	Gabig	Mensch	Reed
Argall	Geist	Metcalfe	Reichley
Baker	Gillespie	Micozzie	Roae
Barrar	Gingrich	Millard	Rock
Bastian	Godshall	Miller	Rohrer
Bear	Grell	Milne	Ross
Benninghoff	Harhart	Moul	Saylor
Beyer	Harper	Moyer	Scavello
Boback	Harris	Murt	Schroder
Boyd	Helm	Mustio	Smith, S.
Brooks	Hennessey	Nailor	Sonney
Cappelli	Hershey	Nickol	Stairs
Causar	Hess	O'Neill	Steil

Civera	Hickernell	Payne	Stern
Clymer	Hutchinson	Peifer	Stevenson
Cox	Kauffman	Perry	Swanger
Creighton	Keller, M.	Perzel	Taylor, J.
Cutler	Kenney	Petri	True
Dally	Killion	Phillips	Turzai
Denlinger	Mackereth	Pickett	Vereb
DiGirolamo	Maher	Pyle	Vulakovich
Ellis	Major	Quigley	Watson
Evans, J.	Mantz	Quinn	
Everett	Marshall	Rapp	O'Brien, D.,
Fairchild	Marsico	Raymond	Speaker
Fleck	McIlhattan		

NAYS-101

Belfanti	Galloway	Mahoney	Santoni
Bennington	George	Manderino	Seip
Biancucci	Gerber	Mann	Shapiro
Bishop	Gergely	Markosek	Shimkus
Blackwell	Gibbons	McCall	Sipthroth
Brennan	Goodman	McGeehan	Smith, K.
Buxton	Grucela	McI. Smith	Solobay
Caltagirone	Haluska	Melio	Staback
Carroll	Hanna	Mundy	Sturla
Casorio	Harhai	Myers	Surra
Cohen	Harkins	O'Brien, M.	Tangretti
Conklin	Hornaman	Oliver	Taylor, R.
Costa	James	Pallone	Thomas
Cruz	Josephs	Parker	Vitali
Curry	Keller, W.	Pashinski	Wagner
Daley	Kessler	Payton	Walko
DeLuca	King	Petrarca	Wansacz
DePasquale	Kirkland	Petrone	Waters
Dermody	Kortz	Preston	Wheatley
DeWeese	Kotik	Ramaley	White
Donatucci	Kula	Readshaw	Williams
Eachus	Leach	Roebuck	Wojnaroski
Evans, D.	Lentz	Sabatina	Yewcic
Fabrizio	Levdansky	Sainato	Youngblood
Frankel	Longietti	Samuelson	Yudichak
Freeman			

NOT VOTING-0

EXCUSED-2

Rubley Smith, M.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

- HB 49;
- HB 883;
- HB 1264;
- HB 1408;
- HB 1552;
- HB 1589;
- HB 1631;
- SB 431;
- SB 929;
- SB 930;

SB 931;
 SB 932;
 SB 935;
 SB 936;
 SB 937;
 SB 938;
 SB 939;
 SB 940;
 SB 941;
 SB 942;
 SB 943;
 SB 944;
 SB 945;
 SB 946;
 SB 947;
 SB 948;
 SB 950;
 SB 951;
 SB 952;
 SB 953;
 SB 954;
 SB 955;
 SB 956;
 SB 957;
 SB 958; and
 SB 959.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative Evans.

Mr. D. EVANS. Mr. Speaker, I would like to call the House Appropriations Committee meeting right before the adjournment in the majority caucus room, Mr. Speaker; immediately, right, at the break of the House. Thank you.

The SPEAKER. The Appropriations Committee will meet at the break in the majority caucus room.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes the majority whip, Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

For the schedule tomorrow, the Democrats will caucus tomorrow at 10 a.m.; on the floor at 11 o'clock.

The SPEAKER. For the information of the members, there will be no more roll-call votes today.

VOTE CORRECTIONS

The SPEAKER. Representative Ken Smith.

Mr. K. SMITH. Mr. Speaker, on HB 1552, amendment 1754, I wish to change my vote from the affirmative to the negative. And also on HB 1552, amendment 1760, I also want to change my vote from the affirmative to the negative.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

COMMITTEE MEETING CANCELED

The SPEAKER. Representative Melio.

Mr. MELIO. Thank you, Mr. Speaker.

The Veteran Affairs and Emergency Preparedness Committee was supposed to hold a meeting tomorrow morning at 9 a.m. in room 60 East Wing. That meeting has been canceled. I repeat, that meeting has been canceled. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

For the information of the Republican members, there will be a caucus tomorrow morning at 10 a.m.; that is, there is a Republican caucus tomorrow morning at 10 a.m. Thank you.

VOTE CORRECTIONS

The SPEAKER. Representative Brooks.

Mrs. BROOKS. Mr. Speaker, on HB 1287 there was a switch malfunction. It cast a vote in an affirmative, and it should have been a negative.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

Mrs. BROOKS. Thank you, Mr. Speaker.

The SPEAKER. Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

On HB 1287, final passage, I was incorrectly recorded as being in the affirmative. I wish to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Are there any other announcements?

STATEMENT BY MR. METCALFE

The SPEAKER. The Chair recognizes the gentleman, Representative Metcalfe, under the provision of unanimous consent. The Chair sees no objection. The gentleman is recognized.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I have been working with several of my colleagues here today – Representatives Mustio, Creighton, Perry – and we have been discussing National Security Begins at Home, which is a package of bills that deals with the issue of illegal immigration and its impact here in Pennsylvania, trying to fill the gap where the Federal government has failed to address the issue sufficiently to protect our citizens.

We have drafted a letter that we have all signed to send to the majority leader to ask for his help in moving forward with

protecting Pennsylvania citizens from the effects of the illegal alien invasion here on Pennsylvania soil. We will be giving that letter to the majority leader and wanted to inform the membership of that.

Thank you, Mr. Speaker.

RECESS

The SPEAKER. The House will stand in recess till the call of the Chair.

AFTER RECESS

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

THE SPEAKER PRO TEMPORE (JOSEPH A. PETRARCA) PRESIDING

BILLS REREPORTED FROM COMMITTEE

HB 221, PN 1260 By Rep. D. EVANS

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

APPROPRIATIONS.

HB 1408, PN 2106 (Amended) By Rep. D. EVANS

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 appropriation for and limitation on redevelopment assistance capital projects.

APPROPRIATIONS.

HB 1589, PN 2107 (Amended) By Rep. D. EVANS

An Act providing for the capital budget for the fiscal year 2007-2008; itemizing public improvement projects, furniture and equipment projects, transportation assistance projects, redevelopment assistance capital projects, flood control projects, Keystone Recreation, Park and Conservation Fund projects, Environmental Stewardship Fund projects, Motor License Fund projects, State forestry bridge projects, Manufacturing Fund projects and federally funded projects to be constructed or acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection and the Department of Transportation, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services, the Department of Community and Economic Development, the Department of Conservation and Natural Resources, the Department of Environmental Protection or the Department of Transportation; stating the estimated useful life of the projects; providing an exemption; providing for limitation on certain capital projects, for special provisions for certain redevelopment assistance capital projects and for preemption of local ordinances for Department of Corrections projects; and making appropriations.

APPROPRIATIONS.

HB 1631, PN 2108 (Amended) By Rep. D. EVANS

An Act providing for the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget for 2007-2008; itemizing projects to be assisted by the Department of Community and Economic Development, together with their estimated financial costs; authorizing recurring payments for certain projects; and making appropriations.

APPROPRIATIONS.

SB 798, PN 1244 (Amended) By Rep. D. EVANS

An Act providing for the capital budget for the fiscal year 2007-2008; itemizing public improvement projects and furniture and equipment projects to be constructed or acquired or assisted by the Department of General Services, together with their estimated financial costs; authorizing the incurring of debt without the approval of the electors for the purpose of financing the projects to be constructed, acquired or assisted by the Department of General Services; stating the estimated useful life of the projects; providing for special provisions for certain projects; and making appropriations.

APPROPRIATIONS.

SB 815, PN 909 By Rep. D. EVANS

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for underground storage tank environmental cleanup program and for underground storage tank pollution prevention program.

APPROPRIATIONS.

The SPEAKER pro tempore. Those bills will be placed on the active calendar.

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.

Any other announcements? Any further business?

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes the gentlelady, Ms. McIlvaine Smith, from Chester County, who moves that the House do adjourn until Wednesday, June 27, 2007, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 6:35 p.m., e.d.t., the House adjourned.