

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JULY 2, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 53

HOUSE OF REPRESENTATIVES

The House convened at 12 m., e.d.t.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

PRAYER

The SPEAKER. The prayer will be offered today by Representative Art Hershey.

HON. ARTHUR D. HERSHEY, member of the House of Representatives, offered the following prayer:

Let us bow our heads:

Our kind, gracious Father, we come before You this morning thanking You for the beauty of the earth, thanking You for the great spring we have had, ample rainfall and sunshine to grow the crops and the flowers that we enjoy. Thank You for the privilege of being involved in this great experiment in the Commonwealth of Pennsylvania founded by William Penn where we could worship as we please.

For our deliberations today, we ask for wisdom and discernment as we discuss budget items, and today, Heavenly Father, if there is a member in distress, we ask You to provide a special blessing for that person at this time.

Help us to have a great session, and be with us as we travel over the holidays. Keep us safe.

In Your name we pray. 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 Tuesday, July 1, 2008, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

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

The Chair turns to the minority whip, who requests that Representative SCHRODER from Chester County and

Representative HENNESSEY from Chester County be placed on leave for the day. The Chair hears no objection. Those leaves will be granted.

Members will report to the floor.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Adolph	Freeman	Markosek	Rohrer
Argall	Gabig	Marshall	Ross
Baker	Galloway	Marsico	Rubley
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	Seip
Biancucci	Godshall	Micozzie	Shapiro
Bishop	Goodman	Millard	Shimkus
Blackwell	Grell	Miller	Siptroth
Boback	Grucela	Milne	Smith, K.
Boyd	Haluska	Moul	Smith, M.
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	Hershey	O'Brien, M.	Stevenson
Civera	Hess	O'Neill	Sturla
Clymer	Hickernell	Oliver	Surra
Cohen	Hornaman	Pallone	Swanger
Conklin	Hutchinson	Parker	Tangretti
Costa	James	Pashinski	Taylor, J.
Cox	Josephs	Payne	Taylor, R.
Creighton	Kauffman	Payton	Thomas
Cruz	Keller, M.K.	Peifer	True
Curry	Keller, W.	Perry	Turzai
Cutler	Kenney	Perzel	Vereb
Daley	Kessler	Petrarca	Vitali
Dally	Killion	Petri	Vulakovich
DeLuca	King	Petrone	Wagner
Denlinger	Kirkland	Phillips	Walko
DePasquale	Kortz	Pickett	Wansacz
Dermody	Kotik	Preston	Waters
DeWeese	Kula	Pyle	Watson
DiGirolamo	Leach	Quigley	Wheatley
Donatucci	Lentz	Quinn	White
Eachus	Levdansky	Ramaley	Williams

Ellis	Longietti	Rapp	Wojnaroski
Evans, D.	Mackereth	Raymond	Yewcic
Evans, J.	Maher	Readshaw	Youngblood
Everett	Mahoney	Reed	Yudichak
Fabrizio	Major	Reichley	
Fairchild	Manderino	Roae	O'Brien, D.,
Fleck	Mann	Rock	Speaker
Frankel	Mantz	Roebuck	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Hennessey	Schroder
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LEAVES ADDED—4

Benninghoff	Harper	Mackereth	Stairs
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LEAVES CANCELED—3

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

STATEMENTS BY MR. HARHAI

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

Mr. HARHAI. To speak under the provision of unanimous consent.

The SPEAKER. The gentleman may proceed.

Mr. HARHAI. Thank you, Mr. Speaker.

I want to thank you for affording me the opportunity to speak on three issues: one, SB 949 yesterday, I was tied up with another issue, and I did not have the opportunity to speak; secondly, the autism issue, which is near and dear to your heart and mine; and thirdly, the universal newborn screening issue.

So number one, SB 949, I know there were compromises made to the bill along the negotiating process, but I would like to thank Governor Rendell; Secretary Katie McGinty of DEP (Department of Environmental Protection); our majority leader, Bill DeWeese; the prime sponsor, Senator Kasunic, my Senator from Fayette County; Senator Mary Jo White; and also Representative Bud George, who spoke on the issue also. I think it is a large step in the safety of mining which will help us to continue with the longevity of mining in the State of Pennsylvania.

That said, my second thing is, I wanted to congratulate you on passing that amendment to, I believe it was HB 1150, if I am not mistaken? And I wanted to thank – let me digress back to SB 949 for the unanimous vote of 203 to zero – and also on your amendment to the autism bill and for your direction in the area of autism and your leadership, not only as leader but also in the Autism Caucus, and I appreciate that and I want to thank you.

And lastly, we had Jim Kelly, a native son from East Brady, PA, here several weeks ago about Hunter's Hope Foundation, of which I am going to be a very strong supporter of, as I know you are. And we need to look into in the State of Pennsylvania and this Commonwealth the universal newborn screening

methods, about 44 tests that can be issued to newborns to eliminate all of the hassles and aggravation and possibly their lives made short-lived due to the fact that we do not have this screening in place. So it is something I think going forward that we have to look into and be very supportive of. It is very minimal costs at that, but that is not the issue; we are talking about newborn lives here. And the fact is, if you look at the costs down the road and how many tens of millions or hundreds of millions of dollars that it will cost us to treat these diseases when we can locate these diseases early enough, as Jim Kelly told us in his speech, then I think that is the direction we want to move.

And I want to thank you for giving me the opportunity to speak about these three subjects. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

The gentleman had previously obtained permission from both leaders under that provision of unanimous consent, and the Chair thanks the gentleman.

EDUCATION COMMITTEE MEETING

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

Mr. ROEBUCK. Thank you, Mr. Speaker.

I want to make a committee announcement.

The SPEAKER. The gentleman is in order.

Mr. ROEBUCK. Thank you.

The Education Committee will meet off the floor at the break of session in room 60, East Wing – room 60, East Wing, at the break.

The SPEAKER. The Chair thanks the chairman.

The Education Committee will meet in 60 East Wing at the break.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 211**, **PN 244**, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for exemptions and special provisions relating to taxation.

On the question,

Will the House agree to the bill on second consideration?

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 211 be removed from the active calendar and placed on the tabled bill calendar.

On the question,

Will the House agree to the motion?

Motion was agreed to.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 211 be removed from the tabled bill calendar and placed on the active calendar.

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

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The House proceeded to second consideration of **SB 180, PN 216**, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for burial details for veterans.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 180 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 180 be removed from the tabled bill calendar and placed on the active calendar.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 356, PN 1098**, entitled:

An Act amending the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; and making editorial changes.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 356 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 356 be removed from the tabled bill calendar and placed on the active calendar.

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1020, PN 1871**, entitled:

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for declaration of policy, for the State Conservation Commission, for creation of conservation districts, for designation of district directors, for appointment, qualifications, compensation and tenure of directors, for organization of directors, for powers of districts and directors, for Commonwealth agencies to cooperate and for discontinuation of districts; and making a repeal.

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

BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1020 be removed from the active calendar and placed on the tabled bill calendar.

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

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1020 be removed from the tabled bill calendar and placed on the active calendar.

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

The SPEAKER. The House will be at ease.

The House will come to order.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Representative Cohen for an announcement.

Mr. COHEN. Mr. Speaker, I am pleased to announce there will be an immediate meeting of the House Democratic Caucus. We should be back on the floor around 1 o'clock.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at the call of the recess. That is, Republicans will caucus at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady. I hope her voice is repaired by that time.

Representative Maher. For what purpose does the gentleman rise?

Mr. MAHER. A simple inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state his inquiry.

Mr. MAHER. I had received e-mails indicating that there were going to be Appropriations and Urban Affairs Committee meetings at the recess. I am interested if someone can advise, will that be this recess or is that some future recess?

The SPEAKER. The Chair has no information on that. He will be advised there will be a requisite announcement if that is to take place.

Mr. MAHER. So is—

The SPEAKER. If the gentleman will suspend.

Mr. MAHER. Thank you.

The SPEAKER. If there is a meeting, for the gentleman's information and the members of the House, if there is a meeting, it will be announced.

Are there any other announcements?

RECESS

The SPEAKER. This House will stand in recess until 1 p.m., unless sooner recalled by the Speaker.

RECESS EXTENDED

The time of recess was extended until 2 p.m.

AFTER RECESS

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome, as the guests of Representative Everett, his daughter, Megan Everett, and her guest, Kevin Fox. They are visiting from Chapel Hill, North Carolina – soon to be Dr. Kevin Fox – and Megan, as I said, is the daughter of our wonderful Representative, and we welcome you to the House floor.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

HB 2681, PN 4101

By Rep. PRESTON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for definitions; prohibiting railroads from operating railroad locomotives in reverse in certain instances; and providing for provisions of counseling services and trauma leave after railroad accidents.

CONSUMER AFFAIRS.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 840 By Representatives FRANKEL, BENNINGTON, COSTA, DeLUCA, DERMODY, GERGELY, KORTZ, KOTIK, LEVDANSKY, MAHER, MARKOSEK, MUSTIO, PETRONE, PRESTON, RAMALEY, READSHAW, M. SMITH, TURZAI, VULAKOVICH, WAGNER, WALKO, WHEATLEY and J. WHITE

A Resolution recognizing the responsibility of the Commonwealth to examine and prescribe for governance of Allegheny County and units of government located therein; and establishing a select committee to consider the future of governance.

Referred to Committee on URBAN AFFAIRS, July 2, 2008.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2376 By Representatives PARKER, BENNINGTON, BRENNAN, DePASQUALE, EACHUS, FRANKEL, FREEMAN, GINGRICH, JAMES, KILLION, KIRKLAND, KULA, LONGIETTI, MANN, MARSHALL, McCALL, McILVAINE SMITH, MELIO, MOUL, MUNDY, MURT, MYERS, M. O'BRIEN, PAYTON, QUINN, READSHAW, RUBLEY, SAINATO, SHIMKUS, SIPTROTH, K. SMITH, SOLOBAY, SWANGER, THOMAS, WATERS, WHEATLEY, J. WHITE, WILLIAMS and YOUNGBLOOD

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for punishment for contempt for violation of order or agreement.

Referred to Committee on JUDICIARY, July 2, 2008.

No. 2688 By Representative R. MILLER

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for the offense of recklessly endangering another person.

Referred to Committee on JUDICIARY, July 2, 2008.

No. 2689 By Representative R. MILLER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for driving on right side of roadway, for overtaking vehicle on the left, for no-passing zones, for driving on roadways laned for traffic, for required position and method of turning and for minimum speed regulation.

Referred to Committee on TRANSPORTATION, July 2, 2008.

No. 2690 By Representatives MAHER and DeWEESE

An Act relating to the delivery of services and programs to persons with disabilities; conferring powers and duties on the Office of the Governor; and creating the Office for People with Disabilities and Advisory Committee for People with Disabilities; and providing for its powers, duties and funding.

Referred to Committee on STATE GOVERNMENT, July 2, 2008.

No. 2693 By Representatives GIBBONS, J. WHITE, BIANCUCCI, GEORGE, GRUCELA, HENNESSEY, HERSHEY, KULA, MAHONEY, MURT, K. SMITH, WALKO, YOUNGBLOOD and KORTZ

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

Referred to Committee on LOCAL GOVERNMENT, July 2, 2008.

No. 2694 By Representatives McGEEHAN, DALEY, BELFANTI, BISHOP, BRENNAN, CALTAGIRONE, CARROLL, DONATUCCI, FRANKEL, GEORGE, KORTZ, MAHONEY, McILVAINE SMITH, M. O'BRIEN, PASHINSKI, PAYTON, PETRONE, RAMALEY, READSHAW, ROEBUCK, SIPTROTH, K. SMITH, SWANGER, J. TAYLOR, THOMAS, WALKO, J. WHITE and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for original jurisdiction and venue of the courts of common pleas; and providing for mortgage foreclosures.

Referred to Committee on COMMERCE, July 2, 2008.

No. 2696 By Representatives MARSHALL, BEAR, CALTAGIRONE, CIVERA, CREIGHTON, EVERETT, HALUSKA, HERSHEY, MAJOR, MOUL, NAILOR, M. O'BRIEN, READSHAW, ROSS, STERN, SWANGER, J. TAYLOR, VULAKOVICH, YOUNGBLOOD, FAIRCHILD, PHILLIPS, ROCK, HENNESSEY and McILVAINE SMITH

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, in voting by qualified absentee electors, further providing for applications for official absentee ballots; providing for system of transmitting absentee ballots; further providing for delivering or mailing ballots, for voting by absentee electors and for canvassing of official absentee ballots; and making an appropriation.

Referred to Committee on STATE GOVERNMENT, July 2, 2008.

No. 2697 By Representatives KENNEY, OLIVER, SONNEY, REICHLEY, BENNINGHOFF, WATSON, McILHATTAN, ROSS, MYERS, PAYTON, SAYLOR, CALTAGIRONE, GEORGE, DePASQUALE, KILLION, THOMAS, BELFANTI, RUBLEY, YOUNGBLOOD, HENNESSEY, HARPER, K. SMITH, PYLE, JAMES, HESS,

PETRI, PRESTON, KORTZ, WANSACZ, GALLOWAY, COHEN, CAPPELLI, MANN, BLACKWELL, TURZAI, MAHER, PASHINSKI, McILVAINE SMITH, ADOLPH, BARRAR, MICOZZIE, RAYMOND, ROEBUCK and REED

An Act providing for the establishment of the transparent review of prescription drugs for utilization in the Fee for Service component of the Medical Assistance Program.

Referred to Committee on HEALTH AND HUMAN SERVICES, July 2, 2008.

SENATE BILLS FOR CONCURRENCE

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

SB 1497, PN 2212

Referred to Committee on HEALTH AND HUMAN SERVICES, July 2, 2008.

SB 1499, PN 2280

Referred to Committee on STATE GOVERNMENT, July 2, 2008.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House, as the guest of Representative John Maher, Sean Wall from Upper St. Clair. He attends California University. He will be graduating at the end of the summer. Would you please stand and be recognized. He is to the left of the Speaker.

The House will be at ease.

The House will come to order.

LEAVE OF ABSENCE CANCELED

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

SUPPLEMENTAL CALENDAR B

RESOLUTION PURSUANT TO RULE 35

Mr. REED called up **HR 842, PN 4135**, entitled:

A Resolution designating August 2008 as "Native American Awareness Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—202

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Rubley
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhatten	Santoni
Bennington	Gillespie	Melio	Saylor
Beyer	Gingrich	Mensch	Scavello
Biancucci	Godshall	Metcalf	Seip
Bishop	Goodman	Micozzie	Shapiro
Blackwell	Grell	Millard	Shimkus
Boback	Grucela	Miller	Siptroth
Boyd	Haluska	Milne	Smith, K.
Brennan	Hanna	Moul	Smith, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causar	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	True
Cutler	Keller, W.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Readshaw	Youngblood
Fabrizio	Mahoney	Reed	Yudichak
Fairchild	Major	Reichley	
Fleck	Manderino	Roae	O'Brien, D.,
Frankel	Mann	Rock	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Schroder

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guests of Representative Shapiro, members of Boy Scout Troop 33 in Edge Hill, Pennsylvania. Members of Boy Scout Troop 33 are seated to the left of the Speaker. They are Philip McCoy, Jelani McCoy, Hunter Campbell, John Paul McCollum, and Brendan Jenkin. Along with them are Maria McCoy and Julie Campbell. Would you please stand and be recognized.

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1297, PN 2232**, entitled:

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, further providing for the expiration of provisions relating to prudent investments; providing for investment policy, for annual investment report, for segregation of duties and for audit of securities deposited with State Treasurer; in disposition of abandoned and unclaimed property, further providing for judicial action upon determination; and making a related repeal.

On the question,

Will the House agree to the bill on second consideration?

Mr. **NICKOL** offered the following amendment No. **A08044**:

Amend Title, page 2, line 3, by inserting after "DUTIES"

, for limitations on investment relationships and campaign contributions

Amend Sec. 2, page 4, by inserting between lines 27 and 28

Section 311. Limitations on Investment Relationships and Campaign Contributions.—(a) (1) The Treasury Department shall not enter into an investment relationship with a person who has solicited any contribution on behalf of or made any contribution to a candidate committee or election fund of the State Treasurer or any candidate for State Treasurer. This prohibition shall apply to solicitations and contributions made by the person, by an individual representing the person or by a political action committee controlled by the person.

(2) No person who has agreed to or entered into an investment relationship with the Treasury Department shall knowingly solicit or make any contribution to a candidate committee or election fund of the State Treasurer or any candidate for State Treasurer. This prohibition shall apply to solicitations and contributions made by the person, by an individual representing the person or by a political action committee controlled by the person.

(b) Subsection (a) shall apply to the time period which begins two years prior to the following dates and ends upon the termination of the investment relationship:

(1) the date upon which the Treasury Department first announces a procurement or search process that could lead to an investment relationship which can reasonably be expected to generate at least \$25,000 annually in income, fees or other revenue to the person; or

(2) the date upon which a person approaches the Treasury Department with a proposal to enter into an investment relationship with the Treasury Department by discussing the specific facts and financial terms of a particular investment transaction or strategy.

(c) The State Ethics Commission shall cause an independent investigation to be performed for any reported violation of this section and report any documented violation to the State Treasurer for action within ten business days of the conclusion of the independent

investigation. Copies of this report shall also be submitted to the chairman of the Appropriations Committee of the Senate and the chairman of the Appropriations Committee of the House of Representatives within ten business days of the conclusion of the independent investigation. The State Ethics Commission shall submit the report to the Legislative Reference Bureau for publication in the next succeeding publication of the Pennsylvania Bulletin.

(d) If a person seeking an investment relationship with the Treasury Department is found to be in violation of this section, the person shall be prohibited from engaging in an investment relationship with the Treasury Department for a period of two years. A person who has an existing investment relationship with the Treasury Department and who is found to be in violation of the provisions of this section shall be prohibited from providing any additional investment services for the Treasury Department for a period of two years.

(e) If a person voluntarily reports a violation of this section to the State Ethics Commission within 90 days of the contribution's being made, and it is established pursuant to an independent investigation that the violation was inadvertently, unintentionally or unknowingly made and the contribution was returned, the provisions of subsection (d) shall not apply.

(f) As used in this section, the following words and phrases shall have the meaning given to them in this subsection:

"Contribution." A contribution reportably by the recipient under Article XVI of the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

"Investment relationship." A relationship between a person and the Treasury Department for the purpose of providing investment services such as legal services, investment banking services, investment advisory services, underwriting services, financial advisory services or brokerage firm services for brokerage, underwriting and financial advisory activities.

"Person." An individual, organization or partnership currently engaged in or seeking to engage in an investment relationship with the Treasury Department where the relationship can reasonably be expected to generate at least \$25,000 annually in income, fees or other revenue to the individual, organization or partnership and shall specifically include:

(1) Authorized or key personnel as defined or identified by a contracting party by being attached to the contract.

(2) Persons who expect to or do experience a material financial effect on their economic interests, including salary, bonuses, options or other financial incentives directly deriving from an investment relationship.

On the question,

Will the House agree to the amendment?

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

Mr. NICKOL. Thank you, Mr. Speaker.

A number of the members of the House of Representatives may have heard of Arthur Levitt. I have to give him credit, because basically this proposal has been drafted from language that he had proposed. He was the former Chairman of the Securities and Exchange Commission in Washington, DC, and as chair, he was one of the members of the Securities and Exchange Commission to crack down on bond underwriters and eliminate pay-to-play in that field.

Chairman Levitt, after he left the SEC (Securities and Exchange Commission), continued his crusade about extending these rules to investment professionals as well as the bond underwriters, and that is what my amendment does. Under my proposal, a person making a campaign contribution to the State Treasurer or a candidate for Treasurer on or after the

effective date of this bill cannot have an investment relationship with Treasury for a 2-year period.

I think we are at a unique point in time right now, Mr. Speaker, where we have an appointed State Treasurer who did not run for office and who is not running for reelection. This piece of legislation creates no advantage to either political party or either candidate for State Treasurer. If we are ever going to take a stab at closing the door for pay-to-play at Treasury, now is the time. After all, we want investment professionals chosen based on their performance, not their political connections.

I urge the members to support the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Rubley
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhatten	Santoni
Bennington	Gillespie	Melio	Saylor
Beyer	Gingrich	Mensch	Scavello
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, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causar	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla
Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	True
Cutler	Keller, W.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Readshaw	Youngblood
Fabrizio	Mahoney	Reed	Yudichak
Fairchild	Major	Reichley	
Fleck	Manderino	Roae	O'Brien, D.,
Frankel	Mann	Rock	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Schroder

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

On the question,

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

Mr. **NICKOL** offered the following amendment No. **A08054**:

Amend Sec. 2 (Sec. 301.3), page 4, line 1, by striking out "OF" and inserting

for

Amend Sec. 2 (Sec. 301.3), page 4, line 16, by striking out "VERSES" and inserting

as compared to

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Nickol on the amendment.

Mr. **NICKOL**. Thank you, Mr. Speaker.

This amendment is quite simple. It eliminates two Legislative Reference Bureau typos; it was an amendment added in the Finance Committee.

I urge the members' support for the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

Adolph	Freeman	Mantz	Roebuck
Argall	Gabig	Markosek	Rohrer
Baker	Galloway	Marshall	Ross
Barrar	Geist	Marsico	Rubley
Bastian	George	McCall	Sabatina
Bear	Gerber	McGeehan	Sainato
Belfanti	Gergely	McI. Smith	Samuelson
Benninghoff	Gibbons	McIlhattan	Santoni
Bennington	Gillespie	Melio	Saylor
Beyer	Gingrich	Mensch	Scavello
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, M.
Brooks	Harhai	Moyer	Smith, S.
Buxton	Harhart	Mundy	Solobay
Caltagirone	Harkins	Murt	Sonney
Cappelli	Harper	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causar	Hennessey	Nickol	Stern
Civera	Hershey	O'Brien, M.	Stevenson
Clymer	Hess	O'Neill	Sturla

Cohen	Hickernell	Oliver	Surra
Conklin	Hornaman	Pallone	Swanger
Costa	Hutchinson	Parker	Tangretti
Cox	James	Pashinski	Taylor, J.
Creighton	Josephs	Payne	Taylor, R.
Cruz	Kauffman	Payton	Thomas
Curry	Keller, M.K.	Peifer	True
Cutler	Keller, W.	Perry	Turzai
Daley	Kenney	Perzel	Vereb
Dally	Kessler	Petrarca	Vitali
DeLuca	Killion	Petri	Vulakovich
Denlinger	King	Petrone	Wagner
DePasquale	Kirkland	Phillips	Walko
Dermody	Kortz	Pickett	Wansacz
DeWeese	Kotik	Preston	Waters
DiGirolamo	Kula	Pyle	Watson
Donatucci	Leach	Quigley	Wheatley
Eachus	Lentz	Quinn	White
Ellis	Levdansky	Ramaley	Williams
Evans, D.	Longietti	Rapp	Wojnaroski
Evans, J.	Mackereth	Raymond	Yewcic
Everett	Maher	Readshaw	Youngblood
Fabrizio	Mahoney	Reed	Yudichak
Fairchild	Major	Reichley	
Fleck	Manderino	Roae	O'Brien, D., Speaker
Frankel	Mann	Rock	

NAYS—0

NOT VOTING—0

EXCUSED—1

Schroder

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

ANNOUNCEMENTS BY SPEAKER

The **SPEAKER**. The Chair would like to bring to the attention of the members that one of our key staff people is celebrating a birthday, and he is seated to the left of the Speaker. He does not know I am announcing this. Eric Fillman, happy birthday. Would you please stand and be recognized – for his 46th year. Oh, I am sorry; I was not supposed to say that.

The Chair would also like to extend its best wishes on behalf of the chamber to Representative Staback. Happy birthday, Representative Staback.

CONSIDERATION OF SB 1297 CONTINUED

On the question recurring,

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

Mr. **MAHER** offered the following amendment No. **A08156**:

Amend Sec. 1 (Sec. 301.1), page 2, line 18, by inserting a bracket before "exercise"

Amend Sec. 1 (Sec. 301.1), page 3, line 3, by inserting a bracket after "section." and inserting immediately thereafter

prudent investor standard.

(1.1) When investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, the Treasury

Department shall act as a fiduciary with care, skill, prudence and diligence under the circumstances then prevailing, specifically including, but not limited to, the general economic conditions and the anticipated needs of the funds, that a prudent person acting in a like capacity and with familiarity with those matters would use in the conduct of funds of a like character and with like objectives. The following shall apply:

(i) The primary objective of the Treasury Department shall be to safeguard the principal of the funds. The secondary objective shall be to meet the liquidity needs of the funds. The third objective shall be to achieve a return on the funds.

(ii) The prudent investor standard embraces the duty of loyalty whereby actions must be in accordance with the sole purpose doctrine to accomplish the prudent investor objectives and not in pursuit of other objectives except as otherwise provided by statute.

(iii) The prudent investor standard embraces the duty to monitor the ongoing circumstances of investments for ongoing appropriateness of investments to meet the prudent investor objectives.

(iv) The Treasury Department shall have the power and authority to invest in securities subject to the then prevailing standards that institutional investors employ in the context of investment decisions made with consideration of fiduciary standards.

(v) The Treasury Department shall maintain and publish a list of prohibited investments within its investment policy.

Amend Sec. 2 (Sec. 301.4), page 4, lines 21 through 27, by striking out "A PERSON THAT" in line 21 and all of lines 22 through 27 and inserting

(a) A person who provides financial services to the Treasury Department shall not benefit directly or indirectly from the investment actions of the Treasury Department except as provided in the contract for the provision of those services. No person providing financial services shall knowingly do indirectly that which is directly prohibited by this section.

(b) A violation of this section constitutes a misdemeanor of the third degree.

(c) For the purposes of this section, "financial services" shall include, but not be limited to, the providing of investment advice and management of investments.

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

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

Mr. MAHER. Thank you, Mr. Speaker.

This amendment serves to raise the standard of the prudence expected in statute of our Treasury Department.

Some years ago and several Treasurers ago, this concern about the breadth of permission was first brought to my attention by an investment professional whom some of you may know by the name of Craig Pepper, and in each successive renewal of the prudent-investor permission, it would come up at a stage in the legislative year where folks were too distracted by other issues to really sit down, roll up their sleeves, and do the hard work.

But this session, I particularly want to thank Chairman Dave Levdansky for setting up the hearings and allowing and really insisting that progress be accomplished. I want to thank Chairman Steve Nickol for having the consistent objective of improving the safeguards that are institutionally associated with the Treasurer. And perhaps most of all, I want to thank our current Treasurer, Robin Wiessmann, who personally participated in not just the hearings but in working to craft the language that you see before you. As a result, we have the opportunity today to have some true, enduring legacy that will

benefit Pennsylvanians by institutionalizing safeguards to protect the moneys from our constituents and taxpayers that are fiduciary responsibilities of the Treasurer.

So again, thank you, Representative Levdansky, Representative Nickol, Treasurer Wiessmann, and I encourage your support. I know of no one who has opposed or expressed any concerns about this language.

Thank you, Mr. Speaker.

The SPEAKER. Representative Levdansky, on the amendment.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this is an issue that Representative Maher first raised, I think a couple of years ago, when we extended the prudent-person doctrine as it applies to the Treasury Department.

He alluded to, a few months ago we had a hearing. Treasurer Wiessmann and her staff appeared to explain to the Finance Committee how they have applied the prudent-person doctrine, and I invited Representative Maher, even though he is not a member of the committee, to participate because he had some concerns relative to the definition of "securities" and other things.

What we ended up doing is fostering a good dialogue, a good bipartisan dialogue, and I want to commend Treasurer Wiessmann and her staff for working with, for working with us in a bipartisan fashion to come up, I think, with agreed-to language that really will strengthen and improve the applicability of the prudent-person doctrine.

In addition, in addition, Chairman Nickol, we incorporated some suggestions relative to reporting requirements for the Treasurer. Those were amendments incorporated of Representative Nickol's in committee. So I think now, with the addition of this amendment, we have got an extension on the prudent-person doctrine and other issues that we have, I think, addressed very well in a bipartisan fashion. So again I thank the gentlemen, Representative Maher and Chairman Nickol, for working to improve this legislation.

I urge the members' favorable vote on this amendment. Thank you.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you. And I neglected to thank Representative Jennifer Mann, who has been a consistent supporter of this endeavor.

And what a nice day it is in Pennsylvania when this chamber has the opportunity to do the right thing simply because it is the right thing. And you all will be due some credit for the enduring legacy that you will accomplish today.

Thank you, Mr. Speaker.

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 SB 1297 CONTINUED

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

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhatten	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnaroski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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. MAHER offered the following amendment No. A08311:

Amend Title, page 2, line 1, by inserting after "providing" for a biofuels production and distribution tax credit,

Amend Sec. 2, page 3, by inserting between lines 11 and 12

Section 215. Biodiesel Production and Distribution Tax Credit.—

(a) A biodiesel producer may claim a seventy-five cent (75¢) per gallon tax credit for biodiesel produced at a Pennsylvania facility during the taxable year if certified by the department as being eligible for a tax credit under this section. The tax credit may be applied against the taxpayer's tax liability under Article III, IV or VI of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," for the taxable year during which the tax credit is approved. The department shall determine the maximum amount of tax credit that a taxpayer is eligible to receive under this section.

(b) A retail distributor may claim a tax credit to be applied against the tax liability of the retail distributor under Article III, IV or VI of the "Tax Reform Code of 1971." The amount of tax credit for a retail distributor shall be calculated by multiplying a designated rate by the total number of gallons of each class of biodiesel fuel sold and dispensed by the retail distributor through all motor fuel pumps operated by the retail distributor during the retail distributor's tax year and approved by the department. The biodiesel must meet the standards provided for as follows:

(1) Three cents (3¢) for biodiesel fuel which is classified as B-2 or higher, but lower than B-5.

(2) Seven and one-half cents (7.5¢) for biodiesel fuel which is classified as B-5 or higher, but lower than B-10.

(3) Fifteen cents (15¢) for biodiesel fuel which is classified as B-10 or higher, but lower than B-20.

(4) Thirty cents (30¢) for biodiesel fuel which is classified as B-20 or higher.

(c) The total amount of credits that the department may grant to a taxpayer under this section is three million dollars (\$3,000,000) unless a greater amount of up to five million dollars (\$5,000,000) is approved by the department.

(d) This section shall apply to tax years beginning after December 31, 2008.

(e) As used in this section:

"Biodiesel." A renewable, biodegradable, mono-alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats that meets American Society for Testing and Materials specification D6751-03a Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

"Biodiesel producer." A producer in Pennsylvania manufacturing biodiesel.

"Department." The Department of Revenue of the Commonwealth.

"Pass-through entity." A partnership as defined under section 301(n.0) of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971," or a Pennsylvania S corporation as defined under section 301(n.1) of the "Tax Reform Code of 1971."

"Retail distributor." Any person engaged in the retail sale of liquid fuels or fuels.

"Taxpayer." An entity subject to taxes imposed by Article III, IV or VI of the act of March 4, 1971 (P.L.6, No.2), known as the "Tax Reform Code of 1971." The term shall include a pass-through entity.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates he is withdrawing the amendment. The Chair thanks the gentleman.

On the question recurring,

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

The SPEAKER. The Chair requests that Representative Nickol come to the rostrum, please.

GUEST INTRODUCED

The SPEAKER. The Chair would like to recognize, as the guest of Representative Gerber, Taylor Brown, who is a guest page. Would you please stand and be recognized.

CONSIDERATION OF SB 1297 CONTINUED

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.)

RESOLUTION

Mr. LENTZ called up **HR 803, PN 3975**, entitled:

A Resolution urging the Secretary of Education to direct the Commonwealth's school districts to provide training in the playing of Taps.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Bianucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causser	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson

Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnarowski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

The SPEAKER. The House will be at ease.

The House will come to order.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1412, PN 2285**, entitled:

An Act amending the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, defining "unoccupied parcel"; providing for extensions for unoccupied parcels, for additional keystone opportunity expansion zones, for substitution of parcels outside a subzone and for payments; prohibiting illegal alien labor in zones; and further providing for sales and use tax, for corporate net income tax and for local earned income net profits taxes, local sales and use tax and business privilege taxes.

On the question,

Will the House agree to the bill on second consideration?

Mr. **DiGIROLAMO** offered the following amendment No. **A08462**:

Amend Sec. 2 (Sec. 301.4), page 5, line 14, by striking out "15" and inserting

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

AMENDMENT WITHDRAWN

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

The gentleman withdraws. The Chair thanks the gentleman.

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

Mr. **McGEEHAN** offered the following amendment No. **A08488**:

Amend Title, page 1, line 17, by striking out "and" where it appears the first time

Amend Title, page 1, line 20, by removing the period after "taxes" and inserting

; and providing for work performed.

Amend Bill, page 16, by inserting between lines 26 and 27

Section 7. The act is amended by adding a section to read:

Section 1301.1. Work performed.

(a) General rule.—When a political subdivision has provided, approved or authorized a tax abatement or tax exemption for a property or project under this act, all construction, reconstruction, demolition, alteration and repair work other than maintenance work performed on a property shall be done in accordance with the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act. For purposes of this act, "maintenance work" means repair of existing facilities when the size, type or extent of the facilities is not thereby changed or increased.

(b) Applicability.—This section does not apply to a residential building.

(c) Definition.—As used in this section, the term "residential building" means a building used as a residence that is not more than three stories in height, not including any basement level, regardless of whether any portion of that basement is at grade level.

Amend Sec. 7, page 16, line 27, by striking out all of said line and inserting

Section 8. This act shall apply as follows:

(1) The amendment of sections 515 and 703 of the act

Amend Sec. 7, page 16, by inserting between lines 28 and 29

(2) The addition of section 1301.1 of the act shall apply to all contracts entered into on or after the effective date of this act.

Amend Sec. 8, page 16, line 29, by striking out "8" and inserting
9

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

AMENDMENT WITHDRAWN

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

The House will come to order. Members will take their seats. Representative McGeehan is in order and may proceed.

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

Mr. Speaker, I am reluctantly withdrawing amendment A08488, along with A08489.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative McGeehan, who offers amendment A08489, which the clerk— Withdrew that one, too? The Chair thanks the gentleman.

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

Mr. **CLYMER** offered the following amendment No. **A08490**:

Amend Title, page 1, line 17, by striking out "and" where it appears the first time

Amend Title, page 1, line 20, by removing the period after "taxes" and inserting

; and providing for licensed facilities within cities of first class.

Amend Bill, page 16, by inserting between lines 26 and 27

Section 908. Licensed facilities within cities of first class.

(a) General rule.—No person shall be eligible to apply for any tax exemption, deduction, abatement, credit or other tax benefit under this act or the act of December 1, 1977 (P.L.237, No.76), known as the Local Economic Revitalization Tax Assistance Act, for any parcel within a city of the first class that is contiguous with a navigable waterway, if the parcel is to be used in whole or in part for a licensed facility as defined in 4 Pa.C.S. § 1103 (relating to definitions) or any other similar type of facility authorized under the laws of this Commonwealth, unless the following conditions have been satisfied:

(1) the applicant has obtained an easement, right-of-way, license or lease pursuant to an act of the General Assembly, enacted following the effective date of this section, for the use, occupancy or development of the contiguous submerged lands; and

(2) the applicant has made payment to the Commonwealth for the use, occupancy or development of the contiguous submerged lands in an amount established by the General Assembly.

(b) Construction.—Nothing in this section shall be construed to:

(1) Invalidate a waiver of the exemptions, deductions, abatements or credits granted under the act of October 6, 1998 (P.L.705, No.92), known as the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act, pursuant to 4 Pa.C.S. § 1304 (relating to category 2 slot machine license) or 1305 (relating to category 3 slot machine license).

(2) Affect the provisions of 4 Pa.C.S. § 1507 (relating to inapplicability of Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act).

Amend Sec. 7, page 16, line 27, by striking out "7" and inserting
8

Amend Sec. 8, page 16, line 29, by striking out "8" and inserting
9

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

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to offer amendment A08490 as it deals with the issues of riparian rights and tax abatements for Philadelphia casinos. Here is the provision: Under my amendment, the Philadelphia casinos have to come before the General Assembly to provide fair compensation for these

riparian lands before there is any consideration of property tax abatement.

Mr. Speaker, may I have a sidebar with someone? I see someone trying to get my attention. May I have a sidebar?

The SPEAKER. The gentleman wants to go over this amendment temporarily?

Mr. CLYMER. No, no, no. May I have two minutes to have a sidebar? Someone is trying to get my—

The SPEAKER. The amendment will go over temporarily. The gentleman may have a sidebar.

(Conference held.)

The SPEAKER. Representative Clymer may resume his comments.

Mr. CLYMER. Thank you, Mr. Speaker.

Let me begin again. We resolved that situation.

Mr. Speaker, I rise to offer amendment A08490 on the issues of riparian rights and tax abatements for Philadelphia casinos.

Mr. Speaker, I wonder if I may have a little order because this is a very important amendment.

The SPEAKER. The House will come to order. Members will please take their seats. The gentleman is entitled to be heard.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, here is the provision: Under my amendment, the Philadelphia casinos have to come before the General Assembly to provide fair compensation for these riparian lands before there is any consideration of property tax abatement. Now, on the issue of property tax abatement, the Philadelphia casinos stand to get 10 years of tax abatement – no taxes. That is right; without this amendment, the Philadelphia casinos can receive 10 years of paying no taxes to the city of Philadelphia.

Mr. Speaker, consider this: If this amendment is approved, is approved, the Philadelphia board of assessment will be able to tax the land, land occupied with a full-fledged casino, hotel, and sprawling parking garage. This translates into millions of tax dollars for the city of Philadelphia, revenue needed to assist another administration with its program to revitalize the city and mitigate the negative effects of casino gambling.

Mr. Speaker, it was not that long ago that we were talking about the need to raise money, and we heard about people saying that their taxes that they pay are too high—

The SPEAKER. If the gentleman will suspend.

For what purpose does Representative Beyer rise?

Mrs. BEYER. Just a point of personal privilege.

Mr. Speaker, I cannot hear the chairman speak.

The SPEAKER. The Chair thanks the lady.

Mrs. BEYER. And could you please quiet the chamber?

The SPEAKER. The Chair thanks the lady.

Mrs. BEYER. Thank you.

The SPEAKER. The Sergeants at Arms will clear the aisles.

Members will take their seats. Conferences will break up. The Sergeants at Arms will clear the aisles behind the rail and in the center aisle. Conversations will be taken off the floor immediately.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, as I was saying, it was not that long ago that we were debating and talking about the issue of property tax reform, how important that was to our property owners that we represent back in our districts. Well, here is an issue that lies at the heart of it, and that is property taxes, that everyone pay their

fair share. Mr. Speaker, we are approaching 4 years since Act 71 of 2004, which legalized slots in Pennsylvania, and as I just mentioned, that was to provide tax relief for all Pennsylvanians, not tax relief for the casinos. Why should they be treated separately?

Mr. Speaker, I urge support for my amendment. Thank you.

The SPEAKER. Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I think late in 2006 there were two casino licenses awarded to the city of Philadelphia. There were numerous applicants for licenses around the State. They were selected by the Gaming Board as to where these locations should be – Allentown, Philadelphia, Bethlehem, Gettysburg, and so forth. A few months ago, what I did was put a bill out, it is in the Finance Committee, that said the city of Philadelphia, until their casinos are up and running, should not receive any kind of a discount on their wage tax until they start contributing to the school tax, Property Tax Relief Fund that is in place in the State.

We just got notice that we are going to be getting approximately \$150, \$175 per home. This could be more than double this when we get our casinos up and running, but Philadelphia has to do their share. Right now they are pulling money from the fund, but they are not contributing. This here is going to be another obstacle thrown in the way of Philadelphia, and I would ask for a "no" vote. I want to get the thing going in Philadelphia. I did not vote for this to start with, but it is in place now. It is in place today, and it is robbing the rest of us as far as property tax relief. So this is another obstacle. I ask for a "no" vote.

The SPEAKER. Representative Michael O'Brien.

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

You pay your property taxes. I pay my property taxes. Twelve of the proposed 14 casinos in this Commonwealth will pay their property taxes, and those casinos who pay property taxes and who generate revenue will do so, will do so, to reduce the property tax burden on the citizens of this Commonwealth. But, Mr. Speaker, the first and foremost and most generously compensated beneficiary of property tax relief will be the two gaming licenses in Philadelphia. For 10 years, Mr. Speaker, they will not pay property taxes. For 10 years, Mr. Speaker, the infrastructure improvements that need to be made because of their very existence on the banks of the Delaware River will be paid for by everyone except them.

Now, Mr. Speaker, there will be those who will rise in opposition to this amendment. There are those who will say that we need to return this important piece of legislation to the Senate exactly as it came to us, and, Mr. Speaker, I agree with them, I agree with them, because in SB 1412, PN 2266, which came to this chamber from the Senate, the language was in it, Mr. Speaker. The language was in it. I simply ask we return this bill back to the Senate the way it came to us by an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Chair recognizes Representative Wansacz.

Mr. WANSACZ. Thank you, Mr. Speaker.

I rise to reject this amendment. This year the people of Pennsylvania will be getting their property tax rebate checks, their first one. I wish it would be greater, but unfortunately it is not going to be. One of the reasons is because three of our largest casinos have yet to open up. If this amendment passes,

we are talking a further delay in getting that casino up and operational. We are talking the loss of thousands of jobs. We are talking millions of dollars of property tax relief. And my understanding of what is happening with this casino is, yes, it is in a property tax abatement zone, but the casino did strike a deal where they are paying extra money to the city in lieu of that. So this is being taken care of. This is something that needs to happen. It has been licensed. There has been a delay. If we go ahead and support this amendment, what we are doing is the rest of the State is going to go ahead and we are going to get punished because, guess what, Philadelphia is still getting their wage tax reduction. They still got their money for the convention center. The rest of the State is the one hurting. The rest of the State is the one pushing right now, that has their casinos up, has their casinos in operation, that is benefiting all of Pennsylvania, including those in Philadelphia.

I would just like to see Philadelphia come on board so that the entire State can benefit from greater property tax relief. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes Representative Perzel.

Mr. PERZEL. Thank you, Mr. Speaker.

The previous speaker was correct. If this is done, this amendment will do nothing but further delay the building of the casinos in the city of Philadelphia, which also means that the money that would be used for property tax reduction will not be there. I would urge a "no" vote on the amendment.

The SPEAKER. On the amendment, the Chair recognizes Representative Pyle. The gentleman waives off.

Representative Gabig, on the amendment.

Mr. GABIG. Mr. Speaker, may I interrogate the maker of the amendment, please?

The SPEAKER. The gentleman, Representative Clymer, indicates he will stand for interrogation. Representative Gabig is in order.

The Chair again will ask for the noise level to be reduced. Conferences on the side to the left of the Speaker and the rear of the House and the center aisle will be taken off the floor.

Mr. GABIG. Thank you, Mr. Speaker.

I sit right in front of Representative Beyer from the Lehigh Valley, so I also was having trouble hearing, Mr. Speaker, the chairman when he was explaining his amendment. So I just want to ask a couple of questions. After I heard some of the arguments here, I wanted to make sure I understood how I was voting.

Does your amendment preclude the casinos in Philadelphia from getting up and running and making money and giving out that money?

Mr. CLYMER. It does not.

Mr. GABIG. What does your amendment do?

Mr. CLYMER. Mr. Speaker, as I mentioned, the riparian-right lands that are under question right now, my bill would say that those casinos have to come before the General Assembly to get fair compensation. Secondly, and equally important, is the fact that under the present law, under the present bill, SB 1412, they get 10 years of tax abatement, which means they do not pay any taxes, and you heard the—

Mr. GABIG. Okay. I do not mean to interrupt the gentleman, but I know people are busy and we have other things. That is what I thought that you said, that there is going to be an

abatement. So if I may speak on the amendment, Mr. Speaker. That would conclude my interrogation.

The SPEAKER. The gentleman is in order.

Mr. GABIG. I think that some of the comments that were made against this amendment missed the point. There have been many of us up here that have stood for and voted for and campaigned on property tax elimination for the property tax payers all across Pennsylvania—in my district, in your district. We are for that, many of us. But I do not think it is right that some people should have their property tax eliminated and others not. I certainly do not think it is right that I should not have my property tax eliminated and my constituents should not have their property tax eliminated or abated, I guess is the term they are using here, but some special interests should have this special treatment.

If we are going to tax people, we should tax everybody fairly, equally, and it should not be, well, I am special, do not tax me, but tax them. That is absurd. The whole idea is that they were going to pay all their fair share; it was not going to cost the taxpayers any money. I heard those arguments, and they are going to give us billions and billions of dollars. Well, I do not think that we should have property tax elimination for two special businesses in Philadelphia and all of the rest of us have our property taxes continue to go up and up and up and up.

I just got done paying my property tax. It went up from last year. I cannot tell you how much it has gone up in the last 6 years, since this Governor has been in office. It certainly has not gone down. It has not been reduced by 30 percent like he said he was going to do when he got here, in 6 months. But anyways, that is my humble—I am going to be very humble. I was told to be humble in caucus. That is my very humble opinion on this amendment. Thank you very much, Mr. Speaker.

The SPEAKER. Representative Dermody, on the amendment.

Mr. DERMODY. Thank you, Mr. Speaker.

Mr. Speaker, this bill is important for Pennsylvania, and it is particularly important for many projects throughout the State, particularly one in western Pennsylvania. We have the opportunity in Allegheny County to have almost a billion dollars invested in a new steel mill in western Pennsylvania, where one has not been built in years. This mill will employ several hundred people, and it will ensure that we maintain 2500 steelworker jobs in Brackenridge in Allegheny County; 500 to 600 steelworker jobs in Washington County, and Allegheny Technologies will be building this plant, making this investment. We will maintain thousands of jobs throughout Pennsylvania.

Without this bill, that mill will not be built. This bill needs to go to the Senate unamended. We need to get it to the Senate so they can vote on it, we get this passed, and we can create jobs and save jobs in Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Matt Baker.

Mr. BAKER. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Clymer amendment. I think it is important to understand that when this bill was passed in the Senate it contained the very language that Mr. Clymer is trying to put back into it. It was extricated, ripped out in the Commerce Committee, and now he is merely trying to put this language back into this legislation. This is a tax fairness

amendment, and it allows for the taxpayers to be protected. Without this amendment, the taxpayers are going to pay for a casino operation that could amount to a substantial amount of money over a 10-year tax abatement. It is a tax fairness issue, and I do not think your taxpayers back home want you to give a special tax break to gambling casino operators.

So, Mr. Speaker, I support enthusiastically the gentleman, Mr. Clymer's amendment and commend him for having a very, very pro-taxpayer piece of legislation to put back into the Senate bill that passed overwhelmingly.

Thank you very much, Mr. Speaker.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, I rise to be in opposition to the Clymer amendment, and the reason I rise is because two of my colleagues on the other side of the aisle, one from Montgomery County and the other one from Philadelphia, said something very, very appropriate. In the city of Philadelphia, and obviously I am a Philadelphian, those casinos should have been online. Even though there may be differences of opinion, we had the differences, we had the discussion, a law was passed, a Supreme Court decision came down, and the reality of it is, in my view, this amendment would further be an impediment to those casinos coming online. Every other location is moving online, contributing to the property tax reduction.

I just had someone in my office say that their mother just received her property tax reduction check. It is unfair, it is unfair that those casinos are not online. And that is not anybody's fault here, but if you pass this amendment, it will contribute to that impediment.

Now, I am the first one to stand up and be very proud of the city that I am from and the district that I represent, but I do not agree with what has occurred. Yes, there are some differences in placement in the city of Philadelphia, but I do not believe that we should stand in the way of property tax reduction, wage tax reduction, or any other kind of reduction for the people of the Commonwealth of Pennsylvania.

This amendment, Mr. Speaker, even though I just heard the gentleman talk about fairness, and I found that interesting. He was talking about fairness in the city of Philadelphia; I just heard that comment. So, Mr. Speaker, the fairest way would be for those casinos to come online, to generate the jobs directly, indirectly, put money in that fund and assure that Philadelphia does what it needs to do.

So, Mr. Speaker, I would hope this would be one time that Republicans and Democrats would send a resounding message and vote "no" on this amendment and recognize so we can make sure in the case of the city of Philadelphia it does what it needs to do to bring the casinos online, to make sure we get that money for property tax reduction and wage tax reduction so that the people of this Commonwealth of Pennsylvania can benefit from this.

So no matter where you were on the gaming issue, the reality of it is, it is a law. We need to make sure that the people get the reduction that they have asked for, and I am asking you to vote "no" on the Clymer amendment. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Godshall for the second time.

Mr. GODSHALL. Thank you, Mr. Speaker.

I could not agree more with what the Appropriations chairman just said. When I put that bill in a few months back, we were talking about how much property taxes we were going to be getting back around the State. We have two, supposedly,

large contributors to the Property Tax Relief Fund that should be coming out of a certain section of Pennsylvania, and that is Philadelphia. Philadelphia was also sharing in that Property Tax Relief Fund, though not contributing as was expected.

And I could say here we go again. I was here for a few years, and I do remember the stadium issue. I remember when we did stadiums, Pittsburgh was putting seats in their stadium before we found locations in Philadelphia. They have got to get their act together. If they are going to be drawing down from the fund, they have also got to be contributing.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Michael O'Brien for the second time.

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

I appreciate the rhetoric around the question, but let us take a moment and, for the second time today for me, take out Occam's razor and pare this down to the core issue. The issue today is not about casinos coming online in Philadelphia. The question today is, should those casinos in Philadelphia pay their fair share of the tax burden, and the answer is yes. The question today about sending the bill back to the Senate with the language that they sent to us, by a vote, by a vote of 50 to nothing, in PN 2266, the Senate sent the language to strike the property tax abatements from the casino to this House. It is time to vote in the affirmative and send it back to the Senate as they sent it to us. Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Curtis Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, may I interrogate the maker of the amendment?

The SPEAKER. Representative Clymer indicates he will stand for interrogation.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER. Representative Thomas is in order and may proceed.

The Chair again will ask the members to hold the level of conversation to a minimum.

Mr. THOMAS. Mr. Speaker, is it correct that your amendment deals with licensed facilities within Philadelphia County? Is that the intent of your amendment?

Mr. CLYMER. Yes, within the cities of the first class.

Mr. THOMAS. Are there any other first-class cities other than Philadelphia County?

Mr. CLYMER. Not that I know of, not that I know of.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I am trying to understand the gist of your amendment. As a general rule, it provides that no person shall be eligible to apply for any tax exemption, deduction, abatement, credit, or other tax benefit. Is that correct, Mr. Speaker?

Mr. CLYMER. That is part of the bill, yes.

Mr. THOMAS. Mr. Speaker, are there any current statutes in the Commonwealth of Pennsylvania that allow persons – and in this particular case, you are talking about legal entities – to be exempted from tax abatements without some circumstances?

Mr. CLYMER. Thank you.

Mr. Speaker, the Commonwealth has on its books certain allowances, abatements, given certain circumstances, yes, that is true.

Mr. THOMAS. Okay. But, Mr. Speaker, if we go to the second part of your amendment, it provides for certain

conditions under which exemptions will be allowed. Is that correct?

Mr. CLYMER. Yes; that is true. However, as I made in my opening statement, they have to purchase those riparian rights before they qualify for those tax abatements.

Mr. THOMAS. Well, Mr. Speaker, is it not settled law as it relates to Philadelphia County on who has jurisdiction over this issue of riparian rights?

Mr. CLYMER. Yes. Mr. Speaker, yes, the State has jurisdiction over these riparian rights as we consider them to be Commonwealth land.

Mr. THOMAS. But as it relates to this legal entity that you have identified, and I do not know whether you have identified a legal entity because I keep hearing speakers talk about two slot parlors in Philadelphia County, but I do not see anything in here that refers to that.

Mr. CLYMER. Mr. Speaker, beginning on line 14, if the parcel "...that is contiguous with a navigable waterway, if the parcel is to be used in whole or in part for a licensed facility..." as so defined, as a licensed facility, and that would define a casino.

Mr. THOMAS. But, Mr. Speaker, is there a request before the General Assembly from a licensed facility that is located in Philadelphia County to address the issue of riparian rights?

Mr. CLYMER. Mr. Speaker, there have been various proposals to transfer those riparian rights from the Commonwealth to another entity, as the Governor of Pennsylvania wanted to do that some months ago.

Mr. THOMAS. Well, Mr. Speaker, my question is, is there a request before the General Assembly on July 2, 2008, to address the issue of riparian rights as it relates to some nonidentifiable licensed facility in Philadelphia County?

Mr. CLYMER. Mr. Speaker, what we are doing is saying that before there is any tax abatement, those riparian rights have to be purchased by the licensed facility. So what we are doing is protecting the Commonwealth and the sale of land and we are protecting the city of Philadelphia with the taxes that would be generated from being there on the land, on the land that they now occupy, and if those riparian rights were to be sold to those licensed facilities.

Mr. THOMAS. Well, Mr. Speaker, I understand that, and I admire your tenacity and your determination as it relates to this issue, and I admire your supporters, but what I am trying to find out as I read SB 1412, which talks about keystone opportunity zones—

Mr. CLYMER. That is correct. My amendment does not—

Mr. THOMAS. —and there is, if I am not mistaken, abatement circumstances contained within the keystone opportunity zones, and your amendment seems to be talking about something that is not before this General Assembly or I do not want to say relevant to the whole issue of keystone opportunity zones.

Mr. CLYMER. Mr. Speaker, we are dealing with abatements and exemptions. That is what my amendment is about and the circumstances whereby the abatements can be provided. My bill is very clear on that. My amendment is very clear.

The SPEAKER. If the gentleman will suspend. Members will please take their seats.

The gentleman is in order.

Mr. THOMAS. Well, Mr. Speaker, the licensed facilities that you are talking about in Philadelphia County, have they been granted a location which is in a keystone opportunity zone?

Mr. CLYMER. Yes. Mr. Speaker, those licensed facilities are in areas whereby they could get an abatement, where they could be provided tax abatement, absolutely.

Mr. THOMAS. Well, Mr. Speaker, my question is, the licensed facilities, the licensees that have a license to do business in Philadelphia County, is the proposed location of their activity currently situated in a keystone opportunity zone that would then become relevant to the issue before us?

Mr. CLYMER. Mr. Speaker, all of Philadelphia has been declared a deteriorated area, so it is possible that the casinos could fall under a KOZ.

Mr. THOMAS. Mr. Speaker, it is possible that we are going to get this budget done before tomorrow night. That is within our not only range of possibility, but range of our utmost desire. So to that end, Mr. Speaker, has the current administration in Philadelphia County granted land and/or a KOZ designation to these licensed facilities in Philadelphia County?

Mr. CLYMER. Mr. Speaker, I am not aware that they have done that.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, comments.

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

Mr. THOMAS. Thank you.

First, let me say to the speaker, I admire you. When you get on something, you stay on it. But with respect to SB 1412, I think that your tenacity is out of time and out of line – out of line primarily because I have not seen any requests before the General Assembly asking for a designation or nondesignation of riparian rights. So to ask us to respond to something that is not before us, nor has come before us, I think, is out of line. Out of time in the sense that it is my understanding that the mayor, the current mayor of Philadelphia County, the current lawmaking body of Philadelphia County, has not collaboratively, collectively, or individually granted anyone, any licensed facility, any individual, a KOZ designation where these licensed facilities have been sited in Philadelphia County, nor have, to the best of my knowledge, have they approved the situs of these proposed facilities. The situs of these proposed facilities was granted by the Pennsylvania Gaming Commission, not the General Assembly, House or Senate, but there is a certain amount of local control that must be respected, honored, and supported.

And so to that end, it is important that my colleagues on both sides of the aisle understand that the current mayor, the current city council of Philadelphia County has not granted, nor denied, an opportunity for the two licensed facilities that the Pennsylvania Gaming Commission has designated for Philadelphia County. It is important for my colleagues to understand that the issue of riparian rights has not been before the Pennsylvania House, is not before the Pennsylvania House, and I am not aware of any circumstances that will give rise to that issue coming before the Pennsylvania House. And as we say sometimes in the community, the issue of riparian rights is not ripe for review. It is not timely for review. And there are no circumstances that give rise to an exception to that rule that will allow us to entertain a conversation on something that is not even before us.

So if we have concerns about keystone opportunity zones, its designation, its expansion, its productivity, let us deal with that issue, but for us to take time and reach into Philadelphia County and try to deal with an issue, I mean, how would it look? How would it look to my friends in Pittsburgh or Erie if I come

talking to you about something going on in Pittsburgh that is not even on the Pittsburgh agenda or the Allegheny County agenda or the Erie County agenda or the York County agenda?

It is not fair, it is out of time, and it is out of line. Vote "no" on the Clymer amendment. Thank you.

The SPEAKER. The Chair recognizes Representative Payton on the amendment. The gentleman waives off.

Representative Wansacz, for the second time.

Mr. WANSACZ. Thank you, Mr. Speaker.

I rise for the second time to just rebut some of the previous speaker's comments. This is not a tax giveaway. This is not in a KOZ zone. Let me make that clear, this is not in a KOZ zone. This is in a tax abatement zone just like it is in Pittsburgh, just like it is in the Lehigh Valley. What is going on is these casinos are paying taxes in lieu of to the cities on additional – payments, I should say, instead of taxes. Nobody is getting robbed. This is an antitax— If anything, this amendment is an antitaxpayer. Why? Because your people are not going to get a greater property tax reduction, and then today, today it is very important, we are going to be voting on a bill today that is coming over, SB 2, Earl's bill, and how is that getting funded? That is for projects that have to do with wastewater, sewer, flooding throughout the whole State, and that is getting funded through this fund. If we go ahead and keep delaying casinos getting up and operational, guess whose projects do not get funded? Those throughout the rest of the State besides Philadelphia, because why? Because Philadelphia already got their money. The rest of the State will not get their money.

So if you care about flooding, if you care about wastewater, if you care about sewer projects, you need these casinos up and operational. You care about revenue coming into the State; this is a thousand jobs we are talking about. This is what we are talking about. We are talking about economic development, revenue coming into the State. We are talking about making Pennsylvania better. So this is what it is about, property tax relief.

So I would urge my colleagues to do the right thing, to reject this amendment so we can get on and give our residents what they deserve.

The SPEAKER. Representative Daley.

Mr. DALEY. Thank you, Mr. Speaker.

I am never amazed by some people on the floor, how they can hold themselves out to support issues in a neighboring city when I do not hear the people from that neighboring city supporting the issues that they espouse to. I am never amazed by some of the demagoguery that we hear on this floor. I hear on the one hand how the speaker wants to help the city council of Philadelphia, how he wants to help the mayor of Philadelphia on taxation, but historically have we seen that come from the same person in Bucks County for the city of Philadelphia and for the mayor? I do not see the mayor giving us a support letter and telling us that he is for this amendment. Guess what? He is not. The city of Philadelphia, city council, they are not. The Building Trades Council, they are not, but we hear, we hear, query to this gentleman, the maker of this amendment, is this going to delay the casino being built in the city of Philadelphia? His answer was, and I think correctly reiterated, was no. Well, guess what? No, it is not going to delay it; it is going to kill it. It is going to kill it.

We are talking about \$1.2 billion of investment if this bill goes down, and if this amendment is in this bill, this bill goes down; \$1.2 billion worth of investment from Philadelphia to

Pittsburgh, from Erie down to Gettysburg. It is standing in the tubes. It is ready to go. Mr. Speaker, I vehemently oppose this amendment.

The SPEAKER. Does Representative Vereb seek recognition? The gentleman is in order.

Mr. VEREB. Mr. Speaker, it is with great reluctance that I stand up, but I definitely will stand up for the good Representative Clymer, and I do that because I keep hearing about direct shots at other members being taken on this floor, and just because any of our colleagues happen to stand for an issue, imagine that, they are consistently standing on issues. My good friend, the Representative, considers himself to be extremely cautious on the floor, and I have great respect for the gentleman. He stood on his issue and he was cautious. However, I do not think any amendment or any piece of legislation that comes before this House is out of line, and I stand to support this amendment and would sincerely wish that we listen to Representatives from Philadelphia who stand in support of this amendment, listen to their debate, and make an informed decision.

I do have one question of the maker of the amendment, Mr. Speaker. Are you aware—

The SPEAKER. The gentleman will suspend.

The gentleman, Representative Clymer, indicates he will stand for interrogation. The gentleman, Representative Vereb, is in order and may proceed.

Mr. VEREB. I am understanding from speakers that the amendment that you have filed is putting language back in that the Senate sent to us.

Mr. CLYMER. That is correct.

Mr. VEREB. Are we aware of any other language in this bill that was stripped in committee?

Mr. CLYMER. I understand there was other language that was stripped by the Appropriations Committee, but I am not aware of what that language was.

Mr. VEREB. Is there a chance, Mr. Speaker, is it an appropriate parliamentary inquiry if I may interrogate the chairman of the Appropriations Committee to elaborate on what else was stripped out of this bill if it was in fact in his committee?

The SPEAKER. The only issue before the House is the amendment.

Mr. VEREB. I assume that is no, Mr. Speaker?

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

Mr. VEREB. Thank you, Mr. Speaker.

I missed you the other morning, but I do have a question. What else, because I am not aware, what else was stripped out of this bill in committee that you know of?

Mr. D. EVANS. Nothing else, Mr. Speaker.

Mr. VEREB. Okay.

The SPEAKER. Does the gentleman want to return to the amendment?

Mr. VEREB. Okay. I will go back to the maker of the amendment.

The SPEAKER. The gentleman will return to his interrogation.

Mr. VEREB. I would like to, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. VEREB. May I ask where you got information that other language was stripped out of the bill, and could you just

double-check what committee that would have been done in, if in fact it was done?

Mr. CLYMER. The information I got that there may have been another provision stripped out of SB 1412 came from staff, and I think staff is trying to verify that at the present time.

Mr. VEREB. Okay. Again, I stand in favor of your amendment, Mr. Speaker. I thank you for offering it, and I certainly hope in a way that there were other issues and not just the gaming interest stripped out of this in committee. Thank you, Mr. Speaker.

The SPEAKER. Representative Dally. The gentleman waives off.

Representative Payton.

Mr. PAYTON. Thank you, Mr. Speaker.

It has been a very difficult decision for me, but this amendment I think is unrelated to the issue, and I have been promised that we will take up this issue with regard to casinos and paying property taxes in the city of Philadelphia. So I am going to urge all the members to vote in the negative for this amendment for a couple of reasons.

Number one, I have been assured that we will take this issue up at a later date; and number two, it is unrelated to this bill. And I think that we all, the consensus in this body is that we want to finish this budget, and from a pragmatic sense, we want to get this done and this is part of the deal, so vote in the negative on this amendment. Thank you very much, Mr. Speaker.

The SPEAKER. Representative Thomas, for the second time.

Mr. THOMAS. Very quickly. There are a lot of people from both sides, a lot of members from both sides of the aisle, that have had the pleasure of meeting the new mayor of Philadelphia, Mayor Michael Nutter, and I know that Mayor Nutter is working, developing relationships in southeastern Pennsylvania, and I only ask you this question: Do you think that Mayor Nutter is going to allow any entity, especially a licensed slot parlor, to operate in Philadelphia County for 10 years without paying any property taxes or without paying their fair share? That is not going to happen, and anybody that knows Mayor Nutter or knows city council or knows of other leadership in Philadelphia knows that that is not going to happen. And I am convinced, I have shared with the chairman, I have shared with the colleagues on my side, we are going to work together to make sure that that does not happen. We have too many challenges to have somebody operating a facility that does not pay any property taxes or pay their fair share. Thank you.

The SPEAKER. Representative Brooks.

Mrs. BROOKS. Thank you, Mr. Speaker.

I serve on the Commerce Committee that voted this bill out of committee. This language was in the bill when it was voted out of committee. The example that this bill is dead on arrival in the Senate if this amendment is put back in, I do not understand that argument since the Senate put it in in the first place.

Thank you, Mr. Speaker.

The SPEAKER. Is there any member seeking recognition before the Chair recognizes the prime sponsor of the amendment for the second time?

Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I am going to try to be brief, but I do want to respond to a couple of comments that were made. The gentleman, I believe from Allegheny County, indicated that

I am hypocritical because I vote against things against Philadelphia and now I am trying to do some good things for Philadelphia. I want the gentleman to know that for 13 years I lived in Philadelphia, in the Roxborough section, for those of you who are members of Philadelphia. I have voted consistently to fund the University of Pennsylvania, to fund Drexel University, to fund the Constitution Center, to fund Delaware River projects, to fund Jefferson Medical Center, to fund Temple University, to fund the Academy of Arts, and I put up a tough vote, I do not regret it, to fund the sports stadiums because I believe that it is important for the city of Philadelphia to prosper and grow. It is the center of culture and business in the Lehigh Valley – in the Delaware Valley.

So it is important that they thrive, that they grow, they prosper, not to mention my votes to help in some of the education projects that they have required as well. The question was raised that this amendment is parochial to the city of Philadelphia. That is not true, because Commonwealth land is land that all of us vote on. It is not just one or two people, but those riparian rights need the votes of every person here because they are Commonwealth lands.

Now, Mr. Speaker, the word "fairness" has been bantered around quite a bit, and I would like to make my closing remarks indeed on the word "fairness." Is it fair for the licensed facilities in the city of Philadelphia to get this 10-year abatement? Consider that the owner of SugarHouse is a Chicago billionaire. A Chicago billionaire owns SugarHouse. Foxwoods is the second casino, and in the State of Connecticut, it is the second largest casino in North America, making millions and millions of dollars for its owners.

Mr. Speaker, we have provided these casinos a monopoly. Hey, what other businesses do we say we are going to give you a monopoly? We did it for them. And we talked about the dollars involved here. They paid \$50 million for a license, and I am sure that license today is worth anywhere between \$600 and \$650 million, and they are talking about fairness, and all of the other things that they have been able to get that other industries have not been able to get, which I am not going to go into.

So, Mr. Speaker, talk about fairness, and now this General Assembly has before them this amendment, and it says that you have to purchase the riparian rights before you get the abatement, and that abatement for 10 years is no taxes in the city of Philadelphia. And I heard colleagues stand up on the other side of the aisle, my good friends, and say, well, Mayor Nutter and his administration have not sounded any noise about wanting this legislation. Consider this: We are talking about these two casinos not paying any city taxes. That is ridiculous; that is absurd.

We are here today, and this is a very important amendment. I know many of the freshmen that came here came with the intent of making a difference, that they were not going to play the game as usual, but their witness on the floor of this House was to show that they were not going to be influenced by the powerful and for those who have great influence in government.

So, Mr. Speaker, I conclude my remarks and I ask the members – this is a very important amendment; it does no irreparable harm to SB 1412 – I ask for a positive vote.

Thank you very much.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—90

Argall	Gabig	McIlhattan	Roae
Baker	Galloway	Mensch	Rock
Barrar	Geist	Metcalfe	Rohrer
Bastian	Gerber	Millard	Sabatina
Bear	Gillespie	Milne	Saylor
Benninghoff	Gingrich	Moul	Scavello
Beyer	Harper	Murt	Schroder
Boback	Harris	Mustio	Shapiro
Boyd	Helm	Nailor	Smith, M.
Brooks	Hennessey	O'Brien, M.	Smith, S.
Causer	Hershey	O'Neill	Sonney
Clymer	Hess	Peifer	Stairs
Costa	Hickernell	Perry	Stern
Cox	Hutchinson	Petri	Swanger
Creighton	Josephs	Phillips	Taylor, J.
Cruz	Kauffman	Pickett	True
Cutler	Keller, M.K.	Pyle	Turzai
Dally	Keller, W.	Quigley	Vereb
Denlinger	Mackereth	Quinn	Vitali
Everett	Maher	Rapp	Vulakovich
Fairchild	Major	Reed	Watson
Fleck	Mantz	Reichley	Youngblood
Freeman	Marsico		

NAYS—113

Adolph	George	Markosek	Samuelson
Belfanti	Gergely	Marshall	Santoni
Bennington	Gibbons	McCall	Seip
Bianucci	Godshall	McGeehan	Shimkus
Bishop	Goodman	McI. Smith	Siptroth
Blackwell	Grell	Melio	Smith, K.
Brennan	Grucela	Micozzie	Solobay
Buxton	Haluska	Miller	Staback
Caltagirone	Hanna	Moyer	Steil
Cappelli	Harhai	Mundy	Stevenson
Carroll	Harhart	Myers	Sturla
Casorio	Harkins	Nickol	Surra
Civera	Hornaman	Oliver	Tangretti
Cohen	James	Pallone	Taylor, R.
Conklin	Kenney	Parker	Thomas
Curry	Kessler	Pashinski	Wagner
Daley	Killion	Payne	Walko
DeLuca	King	Payton	Wansacz
DePasquale	Kirkland	Perzel	Waters
Dermody	Kortz	Petrarca	Wheatley
DeWeese	Kotik	Petrone	White
DiGirolamo	Kula	Preston	Williams
Donatucci	Leach	Ramaley	Wojnarowski
Eachus	Lentz	Raymond	Yewcic
Ellis	Levdansky	Readshaw	Yudichak
Evans, D.	Longietti	Roebuck	
Evans, J.	Mahoney	Ross	O'Brien, D., Speaker
Fabrizio	Manderino	Rubley	
Frankel	Mann	Sainato	

NOT VOTING—0

EXCUSED—0

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?

Mr. **REICHLEY** offered the following amendment No. **A08492**:

Amend Title, page 1, line 17, by inserting after "zones;"
providing for cap and trade;

Amend Sec. 2, page 12, by inserting between lines 29 and 30
Section 312. Cap and trade.

The department shall provide a method by which a county which has acreage in a subzone or a keystone opportunity improvement zone that remains unused may transfer the designation of the amount of acreage as a subzone or a keystone opportunity improvement zone to another county to utilize in an area within the county in which there is deteriorated property for the purposes of designating the deteriorated property as a subzone or a keystone opportunity zone. The department shall allow for the purchase of the acreage as a transfer under this section. A transfer under this section shall first be approved by all affected political subdivisions within each county, including each county. Any transfer under this section shall be subject to approval by the department.

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.

This amendment is actually an identical amendment to A06963, which the House approved by a vote of 192 to 5 on May 6 of 2008. When we considered this bill, I think at that time it was a House bill which had been introduced by Representative Parker.

The provisions of this amendment would allow for the trade and purchase of unused KOZ acreage. I think, as I explained on the floor back in May, this is a concept called cap and trade where if a county had used up all the available KOZ acreage in a brownfield area, a developer could go to another county where there is available KOZ acreage, purchase that land, and with the permission of the local municipal officials, bring it back to expand on the KOZ acreage and the other location. Political subdivisions must consent to this, and DCED (Department of Community and Economic Development) must approve a plan or a method by which a county with such acreage in a keystone opportunity zone could provide for more acreage.

I understand the members have said the Senate wants this bill clean, but as was just mentioned last discussion, we have already altered the way the Senate bill was. So I would ask members, you voted for this once in the past. The gentleman from Washington actually allowed us to refile this amendment, after there was a gut-and-replace back in May, to allow for consideration of this, and I think at that point he extolled this as a great idea, and I would ask the members to approve it once again.

Thank you.

The **SPEAKER**. Representative Daley, on the amendment.

Mr. **DALEY**. Thank you, Mr. Speaker.

I rise to oppose this amendment. In discussion with the Department of Community and Economic Development, they had indicated to me that similar language was rejected by the Senate, and there is a significant allowance in the existing bill for new designations and for limited expansion of existing zones up to 15 acres. This provision was added by the Senate to provide local governments and locals in the county some level

of flexibility to target new and deteriorating acreage, similar to the swap proposal that we had, and I ask for a negative vote.

The SPEAKER. Will the House agree to the amendment?

Mr. DALEY. No, no.

The SPEAKER. The Chair thanks the gentleman, but the Chair would like to take a vote.

Mr. DALEY. He asked me a question, Mr. Speaker.

The SPEAKER. On the question, will the House agree to the amendment? Those in favor will vote "aye"—

Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I am just a little confused by this amendment, although, frankly, I do not know enough about it to fashion a really good question, but are you suggesting a situation where you can move KOZ zones around and trade from one geographic area to another? Is that what this would do?

The SPEAKER. Will the gentleman identify whom he seeks to interrogate?

Mr. VITALI. I apologize; Mr. Reichley. Will the gentleman, Mr. Reichley, stand for a brief interrogation?

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

Mr. VITALI. Is this amendment suggesting a system whereby you can actually shift, move KOZ zones around and shift from one geographic area to another?

Mr. REICHLEY. Mr. Speaker, I think you and I actually had this same kind of a dialogue back in May when the amendment was originally approved. The concept gets sort of the moniker of cap and trade, and more or less what it would say is in Delaware County, if all of the available KOZ acreage has been developed, is being utilized, and a developer says, you know what? I still want to be able to build a project in Media or Chester, wherever it might be, but there is KOZ land that has not been used in Greene County, that same developer can go and, with the permission of the Greene County officials, purchase that KOZ-designated acreage. So the Greene County officials get money for land which is currently lying idle, bring that same amount of acreage back to Delaware County, and with the permission of all the local officials, augment or add on to a designated existing KOZ area. So that it is all done with local approval, nobody is trying to pull anything over on officials either in the selling county or the receiving county, and really, it is just an attempt to facilitate continued growth in those areas which have tapped out all the identified KOZ acreage and take advantage of giving money, giving value, to a county where nobody is trying to develop KOZ-designated land.

Mr. VITALI. What would be the criteria in the area where you would be trading to? In other words, in your example you had mentioned Delaware County. Let us say there is a very desirable area in Delaware County, let us say Edgmont, that really does not need any help in developing. It would develop on its own because it is very developable. Could you shift that KOZ into there if all sides agreed?

Mr. REICHLEY. I will just read right from the language of the amendment, Mr. Speaker. It says, "The department shall provide a method by which a county which has acreage in a subzone or a keystone opportunity improvement zone that remains unused may transfer the designation of the amount of acreage as a subzone or a keystone opportunity improvement zone to another county to utilize in an area within the county in which there is deteriorated property for the purposes of

designating the deteriorated property as a subzone or a keystone opportunity zone."

So you essentially could purchase the acreage from an existing KOZ in a county where there is no activity – it is not moving; it is not getting developed – bring that acreage over to a county where there is burgeoning economic activity, but the developer says, you know what? I cannot make a go of this project unless I can get it qualified as being in a keystone opportunity zone, and if you do this with the permission and consent of the local officials, the local officials would have to sign on to this additional acreage being brought in to their county and receiving such a status. So it is county, school district, municipal officials would all have to sign off. Nobody gets pushed to the side; nobody has anything pulled over on them. It is just an attempt to facilitate continued economic development in areas which want to keep the process going. And certainly, there are portions of Philadelphia, maybe some of our other major urban areas, where all the currently designated KOZ land is under development and people still want to come in, but they need that extra little incentive. And again, you are giving value, you are giving cash value to the county which, although it has KOZ-designated land, there is no economic development activity taking place. So both sides win out.

Mr. VITALI. Okay. Thank you.

Mr. REICHLEY. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—60

Argall	Fairchild	Major	Phillips
Baker	Geist	Mantz	Pickett
Bastian	Gillespie	Marsico	Quigley
Bear	Gingrich	Mensch	Reed
Beyer	Godshall	Millard	Reichley
Boback	Harhart	Milne	Roae
Boyd	Harris	Moul	Ross
Brooks	Helm	Murt	Rubley
Causar	Hennessey	Mustio	Saylor
Civera	Hershey	Nickol	Swanger
Clymer	Hess	O'Neill	Taylor, J.
Creighton	Hickernell	Payne	True
Cutler	Hutchinson	Peifer	Turzai
Dally	Mackereth	Perry	Vereb
Everett	Maher	Petri	Vulakovich

NAYS—143

Adolph	Galloway	McCall	Schroder
Barrar	George	McGeehan	Seip
Belfanti	Gerber	McI. Smith	Shapiro
Benninghoff	Gergely	McIlhattan	Shimkus
Bennington	Gibbons	Melio	Siptroth
Biancucci	Goodman	Metcalfe	Smith, K.
Bishop	Grell	Micozzie	Smith, M.
Blackwell	Grucela	Miller	Smith, S.
Brennan	Haluska	Moyer	Solobay
Buxton	Hanna	Mundy	Sonney
Caltagirone	Harhai	Myers	Staback
Cappelli	Harkins	Nailor	Stairs
Carroll	Harper	O'Brien, M.	Steil
Casorio	Hornaman	Oliver	Stern
Cohen	James	Pallone	Stevenson
Conklin	Josephs	Parker	Sturla

Costa	Kauffman	Pashinski	Surra
Cox	Keller, M.K.	Payton	Tangretti
Cruz	Keller, W.	Perzel	Taylor, R.
Curry	Kenney	Petrarca	Thomas
Daley	Kessler	Petrone	Vitali
DeLuca	Killion	Preston	Wagner
Denlinger	King	Pyle	Walko
DePasquale	Kirkland	Quinn	Wansacz
Dermody	Kortz	Ramaley	Waters
DeWeese	Kotik	Rapp	Watson
DiGirolamo	Kula	Raymond	Wheatley
Donatucci	Leach	Readshaw	White
Eachus	Lentz	Rock	Williams
Ellis	Levdansky	Roebuck	Wojnarowski
Evans, D.	Longietti	Rohrer	Yewcic
Evans, J.	Mahoney	Sabatina	Youngblood
Fabrizio	Manderino	Sainato	Yudichak
Fleck	Mann	Samuelson	
Frankel	Markosek	Santoni	O'Brien, D.,
Freeman	Marshall	Scavello	Speaker
Gabig			

NOT VOTING—0

EXCUSED—0

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?

Mr. **QUIGLEY** offered the following amendment No. **A08498**:

Amend Title, page 1, line 15, by removing the comma after "zones" and inserting
and

Amend Title, page 1, line 16, by striking out "and" and inserting
; further providing for qualified businesses;
providing

Amend Bill, page 9, by inserting between lines 24 and 25

Section 2.1. Section 307 of the act, amended December 9, 2002 (P.L.1727, No.217) and December 23, 2003 (P.L.360, No.51), is amended to read:

Section 307. Qualified businesses.

(a) Qualifications.—In order to qualify each year for a tax exemption, deduction, abatement or credit under this act, a business shall do all of the following:

(1) [own] Own or lease real property in a subzone, improvement subzone or expansion subzone from which the business actively conducts a trade, profession or business.
[The qualified]

(2) Be current in its contractually defined payment obligations with any of its contractors or subcontractors. The requirement of this paragraph may be satisfied if the business meets the requirements of the act of February 17, 1994 (P.L.73, No.7), known as the Contractor and Subcontractor Payment Act.

(a.1) Certification.—If a business satisfies the requirements of subsection (a) for that year, the business shall receive certification from the department that the business is [located and is in the active conduct of a trade, profession or business, within the subzone, improvement subzone or expansion subzone. The] a qualified business for that year. Each year a business shall obtain [annual] renewal of the certification from the department to continue to qualify for the exemptions, deductions, abatements or credits under this [section] act.

(b) Relocation.—Any business that relocates from outside a subzone, improvement subzone or expansion subzone into a subzone, improvement subzone or expansion subzone shall not receive any of the exemptions, deductions, abatements or credits set forth in this act unless that business does one of the following:

(1) increases full-time employment by at least 20% in the first full year of operation within the subzone, improvement subzone or expansion subzone;

(2) makes a capital investment in the property located within the subzone, improvement subzone or expansion subzone at least equivalent to 10% of the gross revenues of that business in the immediately preceding calendar or fiscal year; or

(3) enters into a lease agreement for property located within the subzone, improvement subzone or expansion subzone:

(i) for a term at least equivalent to the duration of the subzone, improvement subzone or expansion subzone; and

(ii) with aggregate payment under the lease agreement at least equivalent to 5% of the gross revenues of that business in the immediately preceding calendar or fiscal year.

The department, in consultation with the Department of Revenue, may waive or modify the requirements of this subsection, as appropriate.

Section 2.2. The act is amended by adding sections to read:

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

The **SPEAKER**. The Chair recognizes Representative Quigley on the amendment.

Mr. **QUIGLEY**. Thank you, Mr. Speaker.

This amendment requires that businesses located in the KOZs to ensure that they are current with any defined payment obligation to contractors and subcontractors before they would receive their annual certification.

The **SPEAKER**. Representative Daley.

Mr. **DALEY**. Mr. Speaker, I ask for a negative vote.

This amendment, particularly, Mr. Speaker, in the existing Contractor and Subcontractor Payment Act, is already in there and already applies to such contract obligations, and the amendment provides no practical way for a nonjudicial determination that payments are in fact due. The amendment would require an administrative determination of liability prior to and a judicial determination which raises due process, constitutional issues, and is absolutely unworkable according to the Department of Community and Economic Development.

I ask for a negative vote. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—58

Argall	Gingrich	Metcalfe	Reichley
Baker	Godshall	Millard	Roae
Bastian	Harper	Miller	Rohrer
Bear	Harris	Milne	Ross
Beyer	Helm	Moul	Rubley
Boyd	Hennessey	Murt	Saylor
Brooks	Hershey	Mustio	Steil
Causar	Hickernell	Nickol	Swanger
Clymer	Hutchinson	O'Neill	Taylor, J.
Creighton	Mackereth	Petri	True
Cutler	Maher	Pickett	Turzai

Dally	Major	Quigley	Vereb
Ellis	Mantz	Quinn	Vulakovich
Everett	Marsico	Reed	Watson
Gillespie	Mensch		

NAYS—145

Adolph	Freeman	Mann	Santoni
Barrar	Gabig	Markosek	Scavello
Belfanti	Galloway	Marshall	Schroder
Benninghoff	Geist	McCall	Seip
Bennington	George	McGeehan	Shapiro
Biancucci	Gerber	McI. Smith	Shimkus
Bishop	Gergely	McIlhattan	Siptroth
Blackwell	Gibbons	Melio	Smith, K.
Boback	Goodman	Micozzie	Smith, M.
Brennan	Grell	Moyer	Smith, S.
Buxton	Grucela	Mundy	Solobay
Caltagirone	Haluska	Myers	Sonney
Cappelli	Hanna	Nailor	Staback
Carroll	Harhai	O'Brien, M.	Stairs
Casorio	Harhart	Oliver	Stern
Civera	Harkins	Pallone	Stevenson
Cohen	Hess	Parker	Sturla
Conklin	Hornaman	Pashinski	Surra
Costa	James	Payne	Tangretti
Cox	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	Thomas
Curry	Keller, M.K.	Perry	Vitali
Daley	Keller, W.	Perzel	Wagner
DeLuca	Kenney	Petrarca	Walko
Denlinger	Kessler	Petrone	Wansacz
DePasquale	Killion	Phillips	Waters
Dermody	King	Preston	Wheatley
DeWeese	Kirkland	Pyle	White
DiGirolamo	Kortz	Ramaley	Williams
Donatucci	Kotik	Rapp	Wojnaroski
Eachus	Kula	Raymond	Yewcic
Evans, D.	Leach	Readshaw	Youngblood
Evans, J.	Lentz	Rock	Yudichak
Fabrizio	Levdansky	Roebuck	
Fairchild	Longietti	Sabatina	O'Brien, D.,
Fleck	Mahoney	Sainato	Speaker
Frankel	Manderino	Samuelson	

NOT VOTING—0

EXCUSED—0

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

ANNOUNCEMENTS BY SPEAKER

The SPEAKER. The Chair would like to acknowledge that today is also the birthday of Representative Pashinski. Happy birthday, Representative.

The Chair would also like to take this opportunity to extend a happy anniversary to Representative Seip and his wife, Mrs. Starr Seip. Happy anniversary.

STATEMENT BY MR. SEIP

The SPEAKER. Representative Seip.

Mr. SEIP. Mr. Speaker, if I could speak under unanimous consent?

The SPEAKER. The Chair sees no objection.

Mr. SEIP. Thank you, Mr. Speaker.

I just would like to wish my wife a happy 14th wedding anniversary, and as soon as we get things wrapped up here, I will be home. I love you, honey.

The SPEAKER. The Chair thanks the gentleman.

They all wish they had your courage.

CONSIDERATION OF SB 1412 CONTINUED

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. PETRI offered the following amendment No. A08499:

Amend Title, page 1, line 15, by removing the comma after "zones" and inserting

and

Amend Title, page 1, line 16, by striking out "and" and inserting
; further providing for qualified businesses;
providing

Amend Bill, page 9, by inserting between lines 24 and 25

Section 2.1. Section 307(b) of the act, amended December 23, 2003 (P.L.360, No.51), is amended and the section is amended by adding a subsection to read:

Section 307. Qualified businesses.

* * *

(b) Relocation.—[Any] Except as provided in subsection (c), any business that relocates from outside a subzone, improvement subzone or expansion subzone into a subzone, improvement subzone or expansion subzone shall not receive any of the exemptions, deductions, abatements or credits set forth in this act unless that business does one of the following:

(1) increases full-time employment by at least 20% in the first full year of operation within the subzone, improvement subzone or expansion subzone;

(2) makes a capital investment in the property located within the subzone, improvement subzone or expansion subzone at least equivalent to 10% of the gross revenues of that business in the immediately preceding calendar or fiscal year; or

(3) enters into a lease agreement for property located within the subzone, improvement subzone or expansion subzone:

(i) for a term at least equivalent to the duration of the subzone, improvement subzone or expansion subzone; and

(ii) with aggregate payment under the lease agreement at least equivalent to 5% of the gross revenues of that business in the immediately preceding calendar or fiscal year.

The department, in consultation with the Department of Revenue, may waive or modify the requirements of this subsection, as appropriate.

(c) Cities of the first class.—If a business located in this Commonwealth relocates from outside a subzone, improvement subzone or expansion subzone located within a city of the first class into a subzone, improvement subzone or expansion subzone located within a city of the first class, the business shall not receive the exemptions, deductions, abatements or credits provided under this act unless the business increases full-time employment by at least 20% in the first full year of operation within the subzone, improvement subzone or expansion subzone.

Section 2.2. The act is amended by adding sections to read:

On the question,

Will the House agree to the amendment?

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

The House will be at ease; the House will be at ease.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. The House will come to order.

Amendment A08499 will be passed over temporarily.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. The Chair recognizes Representative Argall. Mr. ARGALL. Thank you, Mr. Speaker.

Mr. Speaker, earlier it had been my intent to offer several amendments to this bill, but I have withdrawn each of those. I have a letter from DCED's Secretary, Dennis Yablonsky, which I would like to submit for the record. Secretary Yablonsky's letter is a commitment that the department will expand its mandated reporting regarding the KOZs as respected in one of the amendments that I have worked with, and Representative Eachus has been active on this issue as well.

The following data will now be collected in regard to the KOZs: information on the types of jobs created and average hourly wages; identification of companies as new business startups, businesses relocating to KOZ subzones from within Pennsylvania, businesses relocating from out of State, and expansion of existing Pennsylvania businesses. We will also know more about the State and local program costs including estimates of county, local, and school tax abatements as well as identify other economic development programs which are providing assistance to KOZ companies, including the type and the amount of additional assistance.

Secretary Yablonsky has also agreed that DCED representatives and I will continue to meet to draft future amendments to the KOZ law to focus more attention upon truly blighted sites, additional aid for rural areas, and to close a loophole, which many of you have talked to me about, which allows certain high-income individuals a tax break which was never intended by the law's original sponsors.

Mr. Speaker, if I were to insist upon inserting my amendments today, that action could have the highly unfortunate effect of blocking several thousand much-needed new jobs from coming to Pennsylvania. I agree with the Secretary that those jobs are too important to be jeopardized in any way, and that is why I have agreed to withdraw my amendments and to continue to work with his staff on future legislation to return the KOZ program to its original intent.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

REMARKS AND LETTER SUBMITTED FOR THE RECORD

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

I am withdrawing each of my amendments, and I have a letter from DCED Secretary Dennis Yablonsky which I would like to submit for the record.

Secretary Yablonsky's letter is a commitment that the department will expand its mandated reporting regarding the KOZs, as requested in one of my amendments, to include the following data:

1. Information on the types of jobs created and average hourly wages;
2. Identification of companies as new business startups, businesses relocating to KOZ subzones from within Pennsylvania, businesses relocating from out of State, or expansion of existing Pennsylvania businesses;
3. State and local program costs including estimates of county, local, and school tax abatement;
4. Identification of other economic development program assistance provided by the department to KOZ companies, including type and amount of additional assistance, as well as other important information.

Secretary Yablonsky has also agreed that DCED representatives and I will continue to meet to draft future amendments to the KOZ law to focus more attention upon truly blighted sites, additional aid for rural areas, and to close a loophole which allows certain high-income individuals a tax break which was never intended by the law's original sponsors.

If I were to insist upon inserting my amendments today, that action could have the highly unfortunate effect of blocking several thousand much-needed new jobs from coming to Pennsylvania. I agree with Secretary Yablonsky that those jobs are too important to be jeopardized in any way, and that is why I have agreed to withdraw my amendments and to continue to work with his staff on future legislation to return the KOZ program to its original intent.

* * *

(For letter, see Appendix.)

The SPEAKER. The House will be at ease.

The House will come to order.

On the question recurring,

Will the House agree to the bill on second consideration?

The SPEAKER. The Chair recognizes Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Just to report that I will be withdrawing the amendment that I have to this bill.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease.

The House will come to order.

CONSIDERATION OF AMENDMENT A08499 CONTINUED

On the question recurring,

Will the House agree to the bill on second consideration?

The clerk read the following amendment No. **A08499**:

Amend Title, page 1, line 15, by removing the comma after "zones" and inserting

and

Amend Title, page 1, line 16, by striking out "and" and inserting
; further providing for qualified businesses;
providing

Amend Bill, page 9, by inserting between lines 24 and 25

Section 2.1. Section 307(b) of the act, amended December 23, 2003 (P.L.360, No.51), is amended and the section is amended by adding a subsection to read:

Section 307. Qualified businesses.

* * *

(b) Relocation.—[Any] Except as provided in subsection (c), any business that relocates from outside a subzone, improvement subzone or expansion subzone into a subzone, improvement subzone or expansion subzone shall not receive any of the exemptions, deductions, abatements or credits set forth in this act unless that business does one of the following:

(1) increases full-time employment by at least 20% in the first full year of operation within the subzone, improvement subzone or expansion subzone;

(2) makes a capital investment in the property located within the subzone, improvement subzone or expansion subzone at least equivalent to 10% of the gross revenues of that business in the immediately preceding calendar or fiscal year; or

(3) enters into a lease agreement for property located within the subzone, improvement subzone or expansion subzone:

(i) for a term at least equivalent to the duration of the subzone, improvement subzone or expansion subzone; and

(ii) with aggregate payment under the lease agreement at least equivalent to 5% of the gross revenues of that business in the immediately preceding calendar or fiscal year.

The department, in consultation with the Department of Revenue, may waive or modify the requirements of this subsection, as appropriate.

(c) Cities of the first class.—If a business located in this Commonwealth relocates from outside a subzone, improvement subzone or expansion subzone located within a city of the first class into a subzone, improvement subzone or expansion subzone located within a city of the first class, the business shall not receive the exemptions, deductions, abatements or credits provided under this act unless the business increases full-time employment by at least 20% in the first full year of operation within the subzone, improvement subzone or expansion subzone.

Section 2.2. The act is amended by adding sections to read:

On the question recurring,

Will the House agree to the amendment?

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

Mr. PETRI. Thank you, Mr. Speaker.

I am going to withdraw this amendment, but before I do so, I would like to interrogate Representative Daley for legislative intent.

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

Mr. PETRI. Mr. Speaker, it is my understanding that when an application comes in under this law that we are enacting today, that it starts with local approval first and then ultimately has to go to the Secretary of the Department of Community and Economic Development. Is that correct?

Mr. DALEY. That is correct, Mr. Speaker. The way the process is, that the application is submitted at the local level, it is approved, and then it is moved on to the Department of Community and Economic Development, wherein the Secretary will have discretion in terms of approving those applications.

Mr. PETRI. And, Mr. Speaker, we just completed a meeting with the Secretary, Secretary Yablonsky, and it is my

understanding and I want to confirm for the record that his number one priority in establishing and reviewing an application is actually job creation. What he does is he benchmarks for a 20-percent job creation, which is what the amendment would have done, and then only looks at the other criteria for purposes of imposing exceptions where he deems it appropriate to do so.

Mr. DALEY. That is absolutely correct, Mr. Speaker. The Secretary outlined those exact words to you and me and other members of the legislature 5 minutes ago.

Mr. PETRI. Mr. Speaker, he committed to us to draft some guidelines in that regard and provide it to the General Assembly.

Mr. DALEY. Yes. The Secretary had indicated, so there will be no misunderstanding or someone misconstruing what he is saying in terms of what he wants to do with this matter, that he would render that opinion into guidelines that will be able to be used by the department in determination of these applications.

Mr. PETRI. Thank you.

On the amendment, Mr. Speaker.

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

Mr. PETRI. Mr. Speaker, this has been a very difficult amendment to work through, but I want to assure the members that our State government, both in the administration and within the House and the Senate, has a goal of ensuring the taxpayer moneys are used appropriately on these KOZ programs and that there be actual job creation. The benchmark, according to Secretary Yablonsky, is a 20-percent job growth. That is what he is looking to obtain, and that is what my amendment, had I offered it, would have done.

So for those members who support this concept, and I know that is a majority, if not all of our members, I want you to be assured that that is the commitment we have from the administration on this program and in reviewing applications. We will, as a result, be able to protect taxpayer dollars.

The whole concern I had was that we not have a firm move from one location in the city of Philadelphia to another, receive tax dollars, and create no new jobs. That is not appropriate. That is not something anyone in this House would ever want to stand for, and so we had to go through a difficult process.

Mr. Speaker, I also want to indicate that I have the same commitment from Mayor Nutter. Mayor Nutter called me today and asked for some assistance. He was concerned that this amendment would block certain projects that city council has already committed to, and he has assured me that city council has an ordinance requirement for job growth. So I think between the commitment of the local government, in this case the city of Philadelphia, the mayor, and DCED, we have some assurances that the growth intention is to reach a 20-percent mark.

AMENDMENT WITHDRAWN

Mr. PETRI. Lastly, I want to thank Senator McIlhinney for his help, certainly both Representatives – the Appropriations leader, my leader – for working this out, and with that, I will withdraw my amendment.

The SPEAKER. The Chair thanks the gentleman.

Are there any members seeking to offer any other amendments to this bill? The Chair sees no member rise.

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 1389, PN 2283**, entitled:

An Act to provide from the General Fund for the expenses of the Executive, Legislative and Judicial Departments of the Commonwealth, the public debt and the public schools for the fiscal year July 1, 2008, to June 30, 2009, for certain institutions and organizations, and for the payment of bills incurred and remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide appropriations from the State Lottery Fund, the Energy Conservation and Assistance Fund, the Hazardous Material Response Fund, The State Stores Fund, the Milk Marketing Fund, the Home Investment Trust Fund, the Emergency Medical Services Operating Fund, the Tuition Payment Fund, the Banking Department Fund, the Firearm Records Check Fund, the Ben Franklin Technology Development Authority Fund and the Tobacco Settlement Fund to the Executive Department; to provide appropriations from the Judicial Computer System Augmentation Account to the Judicial Department for the fiscal year July 1, 2008, to June 30, 2009; to provide appropriations from the Motor License Fund for the fiscal year July 1, 2008, to June 30, 2009, for the proper operation of the several departments of the Commonwealth and the Pennsylvania State Police authorized to spend Motor License Fund moneys; to provide for the appropriation of Federal funds to the Executive Department of the Commonwealth and for the payment of bills remaining unpaid at the close of the fiscal year ending June 30, 2008; to provide for the additional appropriation of Federal and State funds from the General Fund for the Executive and Judicial Departments of the Commonwealth 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.

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?

On the question, the Chair recognizes Representative Civera.
Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, this is the budget that will go over, the Senate bill that we amended in Appropriations. It has the Governor's budget, the old budget, and Representative Evans' budget.

For the remarks that I made yesterday, and I am not going to repeat myself today in that this budget is out of balance, I would ask, especially the Republican members, to cast a "no" vote.

Thank you.

The SPEAKER. Representative Evans.

Mr. D. EVANS. Mr. Speaker, this is SB 1389, which is the budget vehicle. Remember I said to you we would like to leave here by Thursday. The Senate is being more than cooperative. We get this over there; we amend it in a conference committee. We are shooting for Thursday so you can be home for the Fourth of July. So we need you to get this vehicle across.

So I ask that you vote "yes" on this bill to get it to the Senate right away.

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—107

Belfanti	George	Manderino	Shapiro
Bennington	Gerber	Mann	Shimkus
Bianucci	Gergely	Markosek	Siptroth
Bishop	Gibbons	McCall	Smith, K.
Blackwell	Godshall	McGeehan	Smith, M.
Brennan	Goodman	McI. Smith	Solobay
Buxton	Grucela	Melio	Staback
Caltagirone	Haluska	Moyer	Sturla
Cappelli	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	Wojnarowski
Donatucci	Kula	Roebuck	Yewcic
Eachus	Leach	Sabatina	Youngblood
Evans, D.	Lentz	Sainato	Yudichak
Fabrizio	Levdansky	Samuelson	
Frankel	Longietti	Santoni	O'Brien, D., Speaker
Freeman	Mahoney	Seip	
Galloway			

NAYS—96

Adolph	Fleck	McIlhattan	Raymond
Argall	Gabig	Mensch	Reed
Baker	Geist	Metcalfe	Reichley
Barrar	Gillespie	Micozzie	Roae
Bastian	Gingrich	Millard	Rock
Bear	Grell	Miller	Rohrer
Benninghoff	Harhart	Milne	Ross
Beyer	Harper	Moul	Rubley
Boback	Harris	Murt	Saylor
Boyd	Helm	Mustio	Scavello
Brooks	Hennessey	Nailor	Schroder
Causer	Hershey	Nickol	Smith, S.
Civera	Hess	O'Neill	Sonney
Clymer	Hickernell	Payne	Stairs
Cox	Hutchinson	Peifer	Steil
Creighton	Kauffman	Perry	Stern
Cutler	Keller, M.K.	Perzel	Stevenson
Dally	Killion	Petri	Swanger
Denlinger	Mackereth	Phillips	Taylor, J.
DiGirolamo	Maher	Pickett	True
Ellis	Major	Pyle	Turzai
Evans, J.	Mantz	Quigley	Vereb
Everett	Marshall	Quinn	Vulakovich
Fairchild	Marsico	Rapp	Watson

NOT VOTING—0

EXCUSED—0

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

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

BILL REREPORTED FROM COMMITTEE

HB 2525, PN 4068

By Rep. DeWEESE

An Act amending the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, further providing for definitions, for issuance of dog licenses, for applications for dog licenses, for license certificates, for kennels, for requirements for kennels, for out-of-State dealer license, for bills of sale, for revocation, suspension or refusal of kennel licenses, for transportation of dogs, for health certificates for importation, for inspections of premises and dogs and for additional duties of department; providing for refusal of entry; further providing for seizure and detention of dogs, for confinement of dogs, for dog bites, for registration, for certain requirements, for control of dangerous dogs, for public safety, for selling, bartering or trading dogs, for damages caused by coyotes, for burdens of proof, for enforcement, for rules and regulations and for violations; providing for exemption; further defining "releasing agency"; and making editorial changes.

RULES.

The SPEAKER. The bill will be placed on the active calendar.

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 2525 be removed from the active calendar and recommitted to the Committee on Appropriations.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of Appropriations, Representative Evans, for an announcement.

Mr. D. EVANS. Thank you, Mr. Speaker.

Mr. Speaker, I would like to call for a House Appropriations Committee meeting in the majority caucus room immediately.

Thank you, Mr. Speaker.

The SPEAKER. The Appropriations Committee will meet immediately in the majority caucus room.

FINANCE COMMITTEE MEETING

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

Mr. LEVDANSKY. Mr. Speaker, at the recess of the House, we will have an immediate meeting of the House Finance Committee in 205 Ryan Office Building. Again, immediately upon the recess here, a meeting of the House Finance Committee in room 205, Ryan Office Building.

Thank you.

The SPEAKER. The Finance Committee will meet immediately in room 205, Ryan Office Building.

AGING AND OLDER ADULT SERVICES COMMITTEE MEETING

The SPEAKER. For what purpose does the lady, Representative Mundy, rise?

Ms. MUNDY. Thank you, Mr. Speaker.

The House Aging and Older Adult Services Committee will meet at the break in room 39E. The House Aging Committee will meet at the break in room 39E. I appreciate all the members' attendance.

Thank you.

The SPEAKER. The House Aging and Older Adult Services Committee will meet in room 39E at the break.

JUDICIARY COMMITTEE MEETING

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

Mr. CALTAGIRONE. Mr. Speaker, I would like to call a meeting of the House Judiciary Committee in room G-50, Irvis Office Building.

The SPEAKER. The Chair thanks the gentleman.

Would Representative Caltagirone please repeat that announcement again for the benefit of the members?

Mr. CALTAGIRONE. Yes, Mr. Speaker. It is room G-50, Irvis Office Building, Judiciary Committee meeting, one bill.

The SPEAKER. Immediately?

Mr. CALTAGIRONE. Immediately, sir; compliments of the Senate.

The SPEAKER. The Chair thanks the gentleman.

The Judiciary Committee will meet immediately in room G-50, Irvis Office Building.

VOTE CORRECTIONS

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

Mr. GODSHALL. Thank you, Mr. Speaker.

On SB 1389 I wanted to vote in the negative. I was recorded in the affirmative. I would like to change it to the negative. Thank you.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Representative Moyer. For what purpose does the gentleman rise?

Mr. MOYER. Mr. Speaker, on SB 1389 I voted "yes." I meant to vote "no."

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

DEMOCRATIC CAUCUS

The SPEAKER. The Chair recognizes Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I would like to announce a Democratic caucus at 5:15 p.m., 25 minutes from now; Democratic caucus, 5:15 p.m. Our goal is to be back on the floor at 6 o'clock.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to call a Republican caucus also for 5:15, and we would be prepared to be back on the floor at 6. That is, Republicans will caucus at 5:15. I would ask all Republican members to please attend.

Thank you.

The SPEAKER. The Chair thanks the lady.

Are there any other announcements?

The Chair requests that the members remain on the floor.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese, for an announcement.

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

Just one more time for clarification. Several committees have announced their meetings including the Appropriations Committee immediately. At 5:15 both Democrats and Republicans will report to caucus, and at 6 o'clock we shall return to the floor.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. This House will stand in recess to the call of the Chair, with the anticipation that we will resume at 6 p.m.

AFTER RECESS

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

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 2698 By Representatives J. EVANS, GEIST, CALTAGIRONE, DALEY, EVERETT, FAIRCHILD, FLECK, HARKINS, JAMES, M. KELLER, KORTZ, KOTIK, KULA, LONGIETTI, MARSHALL, R. MILLER, MURT, MYERS, PAYNE, READSHAW, SAYLOR, SIPTROTH, K. SMITH, SONNEY, SURRA and VULAKOVICH

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

Referred to Committee on TRANSPORTATION, July 2, 2008.

No. 2699 By Representatives HARHART, PHILLIPS, MAJOR, REICHLEY, R. STEVENSON, BRENNAN, BEYER, MANN, BEAR, BOYD, CALTAGIRONE, CAUSER, CREIGHTON, DALEY, DiGIROLAMO, EVERETT, FAIRCHILD, FLECK, FRANKEL, GEORGE, GIBBONS, GOODMAN, GRUCELA, HENNESSEY, HERSHEY, HESS, KENNEY, KOTIK, KULA, MAHONEY, McILHATTAN,

MILLARD, MOYER, MUSTIO, MYERS, PALLONE, PAYNE, PICKETT, RAPP, REED, ROCK, ROSS, RUBLEY, SAINATO, SIPTROTH, K. SMITH, SWANGER, THOMAS, VULAKOVICH, WOJNAROSKI and YOUNGBLOOD

An Act designating the bridge carrying State Route 946 over the Lehigh River in the Borough of Walnutport, Northampton County, as the Ted S. Miller Memorial Bridge.

Referred to Committee on TRANSPORTATION, July 2, 2008.

No. 2700 By Representatives KULA, EACHUS, MAHONEY, McILVAINE SMITH, BELFANTI, BENNINGTON, BOBACK, BOYD, BRENNAN, CARROLL, CASORIO, COHEN, DePASQUALE, FAIRCHILD, FRANKEL, GOODMAN, GRELL, GRUCELA, HARHAI, HENNESSEY, KESSLER, KOTIK, MANDERINO, MELIO, MUNDY, MYERS, M. O'BRIEN, PASHINSKI, PETRARCA, ROCK, SHIMKUS, SIPTROTH, K. SMITH, SOLOBAY, SWANGER, THOMAS, VULAKOVICH, YOUNGBLOOD and YUDICHAK

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

Referred to Committee on JUDICIARY, July 2, 2008.

No. 2701 By Representatives ARGALL, ADOLPH, BOYD, BRENNAN, CARROLL, CUTLER, DePASQUALE, EVERETT, FRANKEL, GEIST, GINGRICH, GOODMAN, HARHART, HENNESSEY, HERSHEY, HESS, KORTZ, KOTIK, MANDERINO, MANN, MARSICO, MICOZZIE, R. MILLER, MOYER, MYERS, READSHAW, ROSS, SCAVELLO, SIPTROTH, STURLA, SWANGER, J. TAYLOR, WALKO, WATSON and YOUNGBLOOD

An Act providing for the establishment of cooperative community development programs throughout this Commonwealth utilizing the resources of the Commonwealth, local municipalities and employers to encourage employees to locate near and reside in communities located close to employer worksites; establishing a tax credit program to encourage employer participation; and imposing additional powers and duties on the Department of Community and Economic Development and the Department of Revenue.

Referred to Committee on COMMERCE, July 2, 2008.

No. 2702 By Representatives PETRI, EVERETT, GOODMAN, HERSHEY, HESS, M. KELLER, KOTIK, MAJOR, MILLARD, MOUL, MOYER, MURT, PAYNE, PERZEL, PHILLIPS, RAPP, READSHAW, SAYLOR, SCAVELLO, SOLOBAY, J. TAYLOR, TRUE, VEREB, VULAKOVICH and BOYD

An Act amending the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, further providing for power to parole.

Referred to Committee on JUDICIARY, July 2, 2008.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 4, PN 2235

By Rep. MUNDY

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for PACE and PACENET eligibility.

AGING AND OLDER ADULT SERVICES.

BILLS REREPORTED FROM COMMITTEE

SB 2, PN 2281

By Rep. D. EVANS

An Act providing for the allocation of money in the Pennsylvania Gaming Economic Development and Tourism Fund and for funding of water or sewer projects, storm water projects, flood control projects and high hazard dam projects.

APPROPRIATIONS.

SB 266, PN 1554

By Rep. D. EVANS

An Act providing for a report on potential climate change impacts and economic opportunities for this Commonwealth, for duties of the Department of Environmental Protection, for an inventory of greenhouse gases, for establishment of Climate Change Advisory Committee, for a voluntary registry of greenhouse gas emissions and for a climate change action plan.

APPROPRIATIONS.

SB 1341, PN 2282

By Rep. D. EVANS

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$400,000,000 for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems; and providing for the powers and duties of the Pennsylvania Infrastructure Investment Authority.

APPROPRIATIONS.

SB 1332, PN 1866

By Rep. D. EVANS

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in general provisions, providing for form of oaths of office.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on the supplemental calendar.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 4 be removed from the tabled bill calendar.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 4 be recommitted to the Committee on Appropriations.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Thank you, Mr. Speaker.

I would just like to announce an Appropriations Committee meeting at 6:30 in the majority caucus room; an Appropriations meeting tonight, 6:30, majority caucus room.

Thank you.

The SPEAKER. The Appropriations Committee will meet at 6:30 in the majority caucus room.

RECESS

The SPEAKER. The House will stand in recess to the call of the Chair.

AFTER RECESS

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

BILL REREPORTED FROM COMMITTEE

SB 4, PN 2235

By Rep. D. EVANS

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, further providing for PACE and PACENET eligibility.

APPROPRIATIONS.

The SPEAKER. The bill will be placed on the active calendar.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 397, PN 749

By Rep. CALTAGIRONE

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, imposing a central or regional booking fee on criminal convictions to fund the start-up, operation or maintenance of a central or regional booking center; and providing for a countywide booking center plan.

JUDICIARY.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 949, PN 2275

An Act providing for bituminous coal mines; and making a repeal.

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

CALENDAR CONTINUED**RESOLUTION PURSUANT TO RULE 35**

Mr. CURRY called up **HR 838, PN 4122**, entitled:

A Resolution observing July 4, 2008, as "Let Freedom Ring Day" and encouraging Pennsylvania to participate in the National Bell Ringing Ceremony that will occur on that day.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—203

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters

DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longiotti	Rapp	Williams
Evans, D.	Mackereth	Raymond	Wojnarowski
Evans, J.	Maher	Readshaw	Yewcic
Everett	Mahoney	Reed	Youngblood
Fabrizio	Major	Reichley	Yudichak
Fairchild	Manderino	Roae	
Fleck	Mann	Rock	O'Brien, D.,
Frankel	Mantz	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—0

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair announces its intention to recess regular session and go into special session at 6:44.

RECESS

The SPEAKER. The regular session of the House is now in recess.

AFTER RECESS

The time of recess having expired, the House will come to order.

BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 1247, PN 1690

By Rep. LEVDANSKY

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

FINANCE.

The SPEAKER. The House will be at ease.

The House will come to order.

BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1247 be removed from the tabled bill calendar.

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

BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1247 be recommitted to the Committee on Appropriations.

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

CALENDAR CONTINUED**BILLS ON CONCURRENCE
IN SENATE AMENDMENTS**

The House proceeded to consideration of concurrence in Senate amendments to **HB 239, PN 4106**, entitled:

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for liens for assessments and for connection to water system.

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

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Gruclera	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz

DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnarowski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D., Speaker
Frankel	Markosek	Roebuck	
Freeman			

NAYS—0**NOT VOTING—0****EXCUSED—4**

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 1329, PN 3192**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for optional notice of ordinance or decision and procedural validity challenges; further providing for ordinance provisions and for jurisdiction of the zoning hearing board and the court of common pleas in challenges to the validity of an ordinance for procedural defects in the process of enactment; and providing for time for appeal and procedural defects of decisions.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Gruclera	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney

Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendment to **HB 1330, PN 3193**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals generally and for appeals from ordinances, resolutions, maps, etc.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Ruble
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson

Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalf	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Gruclera	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

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The House proceeded to consideration of concurrence in Senate amendments to **HB 1612, PN 4084**, entitled:

An Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers' sale to other states or foreign countries and for regulations and preemptions.

On the question,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

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

Ordered, That the clerk inform the Senate accordingly.

* * *

The House proceeded to consideration of concurrence in Senate amendments to **HB 2295, PN 3999**, entitled:

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in management of condominiums, further providing for application of subpart relating to condominiums created by prior statutory law and for lien for assessments.

On the question,

Will the House concur in Senate amendments?

The SPEAKER. The Chair recognizes Representative Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

As approved by the House, HB 2295 amended the Uniform Condominium Act relative to the payment of unpaid assessments for common expenses that are owed to a condominium association upon a judicial sale of a unit. The bill was amended in the Senate Urban Affairs and Housing Committee to lower the threshold at which an association, which was created prior to the enactment of the Uniform Condominium Act, may adopt the provisions of the act as its governing law. Presently section 3102 of the Uniform Condominium Act stipulates that an association that was created pursuant to the Unit Property Act of 1963 may adopt the Uniform Condominium Act as its governing law if all of its members approve the change. The Senate amendment would amend that section to permit an association to adopt the Uniform Condominium Act as its governing law if 67 percent of an association's members approve the change. The amendment would make it easier for older associations to avail themselves of the more up-to-date provisions of the Uniform Condominium Act and is supported by the Community Associations Institute of PA, which represents condominium associations in the Commonwealth.

Therefore, I urge an affirmative vote on concurrence of this bill. And I just felt, Mr. Speaker, that we needed a little levity at this moment, and I think that would make everybody feel a little more relaxed.

Thank you very much. Thank you.

The SPEAKER. Thank you, Representative Petrone.

On the question recurring,

Will the House concur in Senate amendments?

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro

Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnaroski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff Harper Mackereth Stairs

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

Ordered, That the clerk inform the Senate accordingly.

BILLS 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 239, PN 4106

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for liens for assessments and for connection to water system.

HB 1329, PN 3192

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, providing for optional notice of ordinance or decision and procedural validity

challenges; further providing for ordinance provisions and for jurisdiction of the zoning hearing board and the court of common pleas in challenges to the validity of an ordinance for procedural defects in the process of enactment; and providing for time for appeal and procedural defects of decisions.

HB 1330, PN 3193

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for appeals generally and for appeals from ordinances, resolutions, maps, etc.

HB 1612, PN 4084

An Act providing for testing standards for cigarette fire safety, for certification of compliance by manufacturers, for package markings and for enforcement and penalties; establishing special funds; and providing for sale of existing inventory, for manufacturers' sale to other states or foreign countries and for regulations and preemptions.

HB 2295, PN 3999

An Act amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, in management of condominiums, further providing for application of subpart relating to condominiums created by prior statutory law and for lien for assessments.

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

SUPPLEMENTAL CALENDAR A

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 266, PN 1554**, entitled:

An Act providing for a report on potential climate change impacts and economic opportunities for this Commonwealth, for duties of the Department of Environmental Protection, for an inventory of greenhouse gases, for establishment of Climate Change Advisory Committee, for a voluntary registry of greenhouse gas emissions and for a climate change action plan.

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

The SPEAKER. The House will be at ease.

The House will come to order.

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 356, PN 1098**, entitled:

An Act amending the act of June 22, 1993 (P.L.105, No.24), known as the Environmental Education Act, providing for the establishment of the Pennsylvania Center for Environmental Education and the Pennsylvania Center for Environmental Education Board; 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—
The House will be at ease.

The House will come to order.

BILL PASSED OVER TEMPORARILY

The SPEAKER. This bill will be over temporarily.

* * *

The House proceeded to third consideration of **SB 1424, PN 2209**, entitled:

An Act amending the act of December 22, 1983 (P.L.306, No.84), known as the Board of Vehicles Act, providing for licensing cost.

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—199

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

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

NAYS—0

NOT VOTING—0

EXCUSED—4

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

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

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1020, PN 1871**, entitled:

An Act amending the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law, further providing for declaration of policy, for the State Conservation Commission, for creation of conservation districts, for designation of district directors, for appointment, qualifications, compensation and tenure of directors, for organization of directors, for powers of districts and directors, for Commonwealth agencies to cooperate and for discontinuation of districts; and making a repeal.

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

The SPEAKER. The House will be at ease.

The House will come to order.

SB 1424 RECONSIDERED

The SPEAKER. The Chair is in receipt of a motion to reconsider the vote by which SB 1424, PN 2209, was passed on the second day of July, that it be reconsidered. It has been filed by Representative Smith and Representative Argall.

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

The following roll call was recorded:

YEAS—193

Adolph	Freeman	Marsico	Ross
Argall	Gabig	McCall	Rubley
Baker	Galloway	McGeehan	Sabatina
Barrar	Geist	McI. Smith	Sainato
Bastian	George	McIlhattan	Samuelson
Bear	Gerber	Melio	Santoni
Belfanti	Gergely	Mensch	Saylor
Bennington	Gibbons	Metcalfe	Scavello
Beyer	Gillespie	Micozzie	Schroder
Biancucci	Gingrich	Millard	Seip
Bishop	Godshall	Miller	Shapiro
Blackwell	Goodman	Milne	Shimkus
Boback	Grell	Moul	Siptroth
Boyd	Grucela	Moyer	Smith, K.
Brennan	Haluska	Mundy	Smith, M.
Brooks	Hanna	Murt	Smith, S.
Buxton	Harhai	Mustio	Solobay
Caltagirone	Harhart	Myers	Sonney
Cappelli	Harkins	Nailor	Staback
Carroll	Harris	Nickol	Steil
Causar	Helm	O'Brien, M.	Stern
Civera	Hennessey	O'Neill	Stevenson
Clymer	Hershey	Oliver	Sturla
Cohen	Hess	Pallone	Surra
Conklin	Hickernell	Parker	Swanger
Costa	Hutchinson	Pashinski	Tangretti
Cox	James	Payne	Taylor, J.
Creighton	Josephs	Payton	Taylor, R.
Cruz	Kauffman	Peifer	Thomas
Curry	Keller, M.K.	Perry	True
Cutler	Keller, W.	Perzel	Turzai
Daley	Kenney	Petrarca	Vereb
Dally	Kessler	Petri	Vitali
DeLuca	Killion	Petrone	Vulakovich
Denlinger	King	Phillips	Wagner
DePasquale	Kirkland	Pickett	Walko
Dermody	Kula	Preston	Wansacz
DeWeese	Leach	Pyle	Waters
DiGirolamo	Lentz	Quigley	Watson
Donatucci	Levdansky	Quinn	Wheatley
Eachus	Longietti	Ramaley	White
Ellis	Maher	Rapp	Williams
Evans, D.	Mahoney	Raymond	Yewcic
Evans, J.	Major	Reed	Youngblood
Everett	Manderino	Reichley	Yudichak
Fabrizio	Mann	Roae	
Fairchild	Mantz	Rock	O'Brien, D.,
Fleck	Markosek	Roebuck	Speaker
Frankel	Marshall	Rohrer	

NAYS—6

Casorio	Kortz	Readshaw	Wojnaroski
Hornaman	Kotik		

NOT VOTING—0

EXCUSED—4

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

On the question recurring,
Shall the bill pass finally?

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Ellis.

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

I believe that I have a conflict with this particular piece of legislation, and I would like to abstain from voting on this issue.

The SPEAKER. The Chair thanks the gentleman.

Mr. ELLIS. Thank you very much, 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—198

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Evans, D.	Longietti	Rapp	Williams
Evans, J.	Maher	Raymond	Wojnaroski
Everett	Mahoney	Readshaw	Yewcic
Fabrizio	Major	Reed	Youngblood
Fairchild	Manderino	Reichley	Yudichak
Fleck	Mann	Roae	

Frankel Mantz Rock O'Brien, D.,
Freeman Markosek Roebuck Speaker

NAYS—0

NOT VOTING—1

Ellis

EXCUSED—4

Benninghoff Harper Mackereth Stairs

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

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

The SPEAKER. The House will be at ease.

The House will come to order.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2289, PN 3307**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for desecration or sale of venerated objects.

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

Mr. **SEIP** offered the following amendment No. **A07531**:

Amend Sec. 1 (Sec. 5509), page 1, line 11, by striking out "removes" and inserting
unlawfully removes or exercises unlawful control
over

Amend Sec. 1 (Sec. 5509), page 1, line 12; page 2, line 1, by striking out "with the intent to sell the" in line 12, page 1 and "item" in line 1, page 2

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

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

Mr. SEIP. Thank you, Mr. Speaker.

This is a very small change in language. It tries to clarify the bill, just makes it so that as opposed to making it with intent to sale a crime, it makes just the act of taking the object a crime. So I would urge the members to support the amendment.

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Gruclera	Milne	Shinkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnarowski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff Harper Mackereth Stairs

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. The Chair would like to correct the record. This bill was called up by Representative Mantz.

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

Mr. **MANTZ** offered the following amendment No. **A07582**:

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

Section 1. Section 5509(a) of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

Amend Sec. 1 (Sec. 5509), page 1, lines 9 through 12; page 2, lines 1 and 2, by striking out all of said lines on said pages and inserting

(a) Offense defined.—[A]

(1) Except as provided in paragraph (2), a person commits a misdemeanor of the second degree if he:

[(1)] (i) intentionally desecrates any public monument or structure, or place of worship or burial;

[(2)] (ii) if he intentionally desecrates any other object of veneration by the public or a substantial segment thereof in any public place; or

[(3)] (iii) sells [or], attempts to sell or removes, with intent to sell, a veteran's marker as described in section 1913 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code. This paragraph shall not apply to the sale of veterans' markers authorized by statute.

(2) A second or subsequent offense under paragraph (1)(iii) shall constitute a misdemeanor of the first degree.

Amend Sec. 2, page 2, line 4, by striking out "addition of 18 Pa.C.S. § 5509(a.2)" and inserting
amendment of 18 Pa.C.S. § 5509(a)

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

The **SPEAKER**. The Chair recognizes Representative Mantz on the amendment.

Mr. **MANTZ**. Thank you, Mr. Speaker.

This amendment is offered to reduce the penalties in view of the adverse consequences relating to handguns or firearms possessions imposed under prevailing Federal law on those individuals who are convicted of an M1 (misdemeanor 1) or a felony criminal offense under the Pennsylvania Crimes Code. And what it does is reduces the first offense from an M3 (misdemeanor 3) to an M2 (misdemeanor 2), and for a second and subsequent offense, to an M1 instead of a felony 3.

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

The **SPEAKER**. The House will be at ease.

The House will come to order.

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

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Biancucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Grucela	Milne	Shinkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.K.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
Dally	Killion	Petri	Vitali
DeLuca	King	Petrone	Vulakovich
Denlinger	Kirkland	Phillips	Wagner
DePasquale	Kortz	Pickett	Walko
Dermody	Kotik	Preston	Wansacz
DeWeese	Kula	Pyle	Waters
DiGirolamo	Leach	Quigley	Watson
Donatucci	Lentz	Quinn	Wheatley
Eachus	Levdansky	Ramaley	White
Ellis	Longietti	Rapp	Williams
Evans, D.	Maher	Raymond	Wojnarowski
Evans, J.	Mahoney	Readshaw	Yewcic
Everett	Major	Reed	Youngblood
Fabrizio	Manderino	Reichley	Yudichak
Fairchild	Mann	Roae	
Fleck	Mantz	Rock	O'Brien, D.,
Frankel	Markosek	Roebuck	Speaker
Freeman			

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff Harper Mackereth Stairs

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. **PAYNE** offered the following amendment No. **A07615**:

Amend Sec. 1 (Sec. 5509), page 1, line 13 (A07582), by striking out "] (ii)"

Amend Sec. 1 (Sec. 5509), page 1, line 13 (A07582), by inserting after "he"

] (ii)

Amend Sec. 1 (Sec. 5509), page 1, line 15 (A07582), by inserting brackets before and after "or"

Amend Sec. 1 (Sec. 5509), page 1, line 19 (A07582), by inserting brackets before and after "paragraph" and inserting immediately thereafter

subparagraph

Amend Sec. 1 (Sec. 5509), page 1, line 21 (A07582), by inserting brackets before and after the period after "statute" and inserting immediately thereafter

; or

(iv) accepts or purchases the veteran's marker or item decorating a veteran's grave, with the intent of marketing or destroying the marker or item. A marker no longer wanted by the veteran's family or a marker that has been damaged or destroyed shall be turned over to the county for proper disposal in order to stop people from stealing and selling grave markers for financial gain.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative Payne on the amendment. If the gentleman will offer a brief explanation.

Mr. **PAYNE**. Thank you, Mr. Speaker.

Basically, this goes to the recipient of the stolen property, to prohibit a scrap yard from taking veterans' markers for sale or meltdown. Thank you for an affirmative vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Gabig	Marshall	Rohrer
Argall	Galloway	Marsico	Ross
Baker	Geist	McCall	Rubley
Barrar	George	McGeehan	Sabatina
Bastian	Gerber	McI. Smith	Sainato
Bear	Gergely	McIlhattan	Samuelson
Belfanti	Gibbons	Melio	Santoni
Bennington	Gillespie	Mensch	Saylor
Beyer	Gingrich	Metcalfe	Scavello
Bianucci	Godshall	Micozzie	Schroder
Bishop	Goodman	Millard	Seip
Blackwell	Grell	Miller	Shapiro
Boback	Gruela	Milne	Shimkus
Boyd	Haluska	Moul	Siptroth
Brennan	Hanna	Moyer	Smith, K.
Brooks	Harhai	Mundy	Smith, M.
Buxton	Harhart	Murt	Smith, S.
Caltagirone	Harkins	Mustio	Solobay
Cappelli	Harris	Myers	Sonney
Carroll	Helm	Nailor	Staback
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra

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

NAYS—0

NOT VOTING—0

EXCUSED—4

Benninghoff	Harper	Mackereth	Stairs
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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. **CLYMER** offered the following amendment No. **A06702**:

Amend Title, page 1, line 2, by inserting after "for"
arson and related offenses and for

Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting

Section 1. Section 3301(h) and (j) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding subsections to read:

§ 3301. Arson and related offenses.

* * *

(a.1) Arson of historic resource.—A person commits a felony of the second degree if the person, with the intent of destroying or damaging a historic resource of another, does any of the following:

(1) Intentionally starts a fire or causes an explosion, whether on the person's own property or that of another.

(2) Aids, counsels, pays or agrees to pay another to cause a fire or explosion.

* * *

(b.1) Sentence for arson of a historic resource.—

(1) Any person who commits a violation of subsection (a.1) shall be sentenced to a minimum sentence of at least one year of total confinement.

(2) Provisions of this subsection shall not be an element of the crime, and notice of the provisions of this subsection to the

defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this subsection shall be provided after conviction and before sentencing. The applicability of this subsection shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this subsection is applicable.

(3) There shall be no authority in any court to impose on an offender to which this subsection is applicable any lesser sentence than provided for in paragraph (1) or to place the offender on probation or to suspend sentence. Nothing in this subsection shall prevent the sentencing court from imposing a sentence greater than that provided in this subsection. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided under this subsection.

(4) If a sentencing court refuses to apply this subsection where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the sentencing court for imposition of a sentence in accordance with this subsection if it finds that the sentence was imposed in violation of this subsection.

* * *

(h) Limitations on liability.—The provisions of subsections (a), (a.1), (b), (c), (d), (d.1) and (e) shall not be construed to establish criminal liability upon any volunteer or paid firefighter or volunteer or paid firefighting company or association if said company or association endangers a participating firefighter or real or personal property in the course of an approved, controlled fire training program or fire evolution, provided that said company or association has complied with the following:

(1) a sworn statement from the owner of any real or personal property involved in such program or evolution that there is no fire insurance policy or no lien or encumbrance exists which applies to such real or personal property;

(2) approval or permits from the appropriate local government or State officials, if necessary, to conduct such program or exercise have been received;

(3) precautions have been taken so that the program or evolution does not affect any other persons or real or personal property; and

(4) participation of firefighters in the program or exercise if voluntary.

* * *

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

"Historic resource." A building or structure, including a covered bridge, which meets any of the following:

(1) Has been in existence for more than 100 years, including partial or complete reconstructions of a building or structure originally erected at least 100 years ago.

(2) Has been listed on the National Register of Historic Places or the Pennsylvania Register of Historic Places.

"Occupied structure." Any structure, vehicle or place adapted for overnight accommodation of persons or for carrying on business therein, whether or not a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an occupied structure of another.

"Property of another." A building or other property, whether real or personal, in which a person other than the actor has an interest which the actor has no authority to defeat or impair, even though the actor may also have an interest in the building or property.

Section 2. Section 5509 of Title 18 is amended by adding a subsection to read:

Amend Sec. 2, page 2, line 4, by striking out all of said line and inserting

Section 3. The amendment or addition of 18 Pa.C.S. §§ 3301(a.1), (b.1), (h) and (j) and 5509(a.2) shall

Amend Sec. 3, page 2, line 7, by striking out "3" and inserting
4

On the question,

Will the House agree to the amendment?

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

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is to provide penalties for those who arson or destroy historic resources such as a building, a structure, including a covered bridge. And it would be defined as historic if it has been listed on the National Register of Historic Places or the Pennsylvania Register of Historic Places. Mr. Speaker, I was going to offer this because I had the unfortunate situation during my tenure in Upper Bucks to have two beautiful covered bridges arsoned. One questions the motives of those who would want to destroy something so historic as a historic covered bridge, which has such tradition and legacy in the community, but there are those people who have no sensitivity or value for such structures.

AMENDMENT WITHDRAWN

Mr. CLYMER. In deference to my good friend, Representative Mantz, I am going to withdraw my amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The gentleman has one other amendment that is listed, A07587. The gentleman withdraws that as well. The Chair thanks the gentleman.

The Chair is informed that there are no other amendments pending to this bill. Is there any member seeking recognition at this time? The Chair sees none.

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.)

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1341, PN 2282**, entitled:

An Act authorizing the incurring of indebtedness, with the approval of the electors, of \$400,000,000 for the acquisition, repair, construction, reconstruction, rehabilitation, extension, expansion and improvement of water supply and sewage treatment systems; and providing for the powers and duties of the Pennsylvania Infrastructure Investment Authority.

On the question,

Will the House agree to the bill on second consideration?

Mr. **McCALL** offered the following amendment No. **A08542**:

Amend Sec. 3, page 3, line 12, by striking out "EXPECTED" and inserting

required

Amend Sec. 3, page 4, by inserting between lines 17 and 18

(8) The consolidation or regionalization of two or more water supply systems, sewage disposal systems or storm water systems managed or operated as an integrated system, regardless of whether the system is physically interconnected.

Amend Sec. 6, page 5, line 7, by inserting after "municipalities" and public utilities

Amend Sec. 6, page 5, line 14, by inserting after "system" , storm water, nonpoint source projects, nutrient credits

Amend Sec. 8, page 5, lines 24 and 25, by striking out "drinking water system and wastewater treatment system"

Amend Sec. 8, page 8, lines 3 through 5, by striking out all of said lines

Amend Sec. 9, page 8, line 28, by inserting after "BONDS" , notes or other obligations

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes the majority whip, Representative **McCall**.

Mr. **McCALL**. Thank you, Mr. Speaker.

Mr. Speaker, I have an amendment that does a couple of things. Some of the amendments here work in conjunction with SB 2, making SB 2 a complete grant program and making SB 1341 a grant and loan program. And we change the definition of grants in this amendment. We also add a definition to promote regionalization and incent those facilities that will consolidate and regionalize and place incentives in the bill for them to do that. We allow public utilities the possibility to be recipients of grants or loans under this amendment. We add nutrient credits so you can actually purchase nutrient credits under this amendment. We delete the cap on the proceeds, the \$50 million that a system may be required under the funding mechanism. We also add an addition of notes and other obligations to allow PENNVEST (Pennsylvania Infrastructure Investment Authority) to use short-term debt to manage their cash flow, basically bridge financing.

I would ask the members to approve the amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—180

Adolph	Galloway	Markosek	Sabatina
Argall	Geist	Marshall	Sainato
Barrar	George	Marsico	Samuelson
Bastian	Gerber	McCall	Santoni
Bear	Gergely	McGeehan	Saylor
Belfanti	Gibbons	McI. Smith	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	Moyer	Smith, M.
Brennan	Hanna	Mundy	Smith, S.
Brooks	Harhai	Murt	Solobay
Buxton	Harhart	Mustio	Staback
Caltagirone	Harkins	Myers	Steil
Cappelli	Harris	Nailor	Stern
Carroll	Helm	Nickol	Stevenson
Casorio	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.
Cruz	Josephs	Payne	Thomas
Curry	Keller, M.K.	Payton	True
Cutler	Keller, W.	Peifer	Vereb
Daley	Kenney	Perzel	Vitali
Dally	Kessler	Petrarca	Vulakovich
DeLuca	Killion	Petri	Wagner
Denlinger	King	Petrone	Walko
DePasquale	Kirkland	Phillips	Wansacz
Dermody	Kortz	Preston	Waters
DeWeese	Kotik	Pyle	Watson
DiGirolamo	Kula	Quigley	Wheatley
Donatucci	Leach	Quinn	White
Eachus	Lentz	Ramaley	Williams
Evans, D.	Levdansky	Raymond	Wojnaroski
Evans, J.	Longietti	Readshaw	Yewcic
Fabrizio	Maher	Reed	Youngblood
Fairchild	Mahoney	Reichley	Yudichak
Fleck	Major	Roebuck	
Frankel	Manderino	Ross	O'Brien, D., Speaker
Freeman	Mann	Rubley	
Gabig	Mantz		

NAYS—19

Baker	Everett	Moul	Rock
Causar	Hutchinson	Perry	Rohrer
Cox	Kauffman	Pickett	Sonney
Creighton	McIlhattan	Rapp	Turzai
Ellis	Metcalf	Roae	

NOT VOTING—0

EXCUSED—4

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

On the question,

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

Mr. **BARRAR** offered the following amendment No. **A08391**:

Amend Title, page 1, line 6, by removing the period after "Authority" and inserting

and for fluoridation of public water.

Amend Bill, page 9, by inserting between lines 5 and 6

Section 10. Fluoride content of water.

(a) Duty to add fluoride.—Whenever the fluoride content of water served by public water suppliers to 500 domestic water connections or more is less than 0.7 milligrams per liter of fluoride, the person, association, firm, corporation, authority or municipality having jurisdiction over the supply shall add a measured amount of fluoride to

the water so as to maintain a fluoride content of between 0.7 milligrams per liter and 1.2 milligrams per liter, in accordance with regulations adopted by the Department of Environmental Protection in consultation with the Department of Health, and at a level recommended by the United States Public Health Service and the Environmental Protection Agency.

(b) Enforcement.—The Department of Environmental Protection shall enforce this section commencing one year after the effective date of this section.

Amend Sec. 10, page 9, line 6, by striking out "10" and inserting 11

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

AMENDMENT WITHDRAWN

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

Mr. BARRAR. Thank you, Mr. Speaker.

I am going to pull that amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **PERRY** offered the following amendment No. **A08387**:

Amend Title, page 1, line 5, by striking out "and" where it appears the first time

Amend Title, page 1, line 6, by removing the period after "Authority" and inserting

and for the Nutrient Reduction Credit Trading Program; and establishing the Nutrient Reduction Credit Trading Program Board.

Amend Sec. 3, page 2, by inserting after line 30

"Department." The Department of Environmental Protection of the Commonwealth.

Amend Bill, page 9, by inserting between lines 5 and 6 Section 10. Nutrient Reduction Credit Trading Program.

(a) Establishment.—The department shall establish the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed and shall administer it in accordance with this section.

(b) Program board.—

(1) The Nutrient Reduction Credit Trading Program Board is established. The purpose of the board shall be to manage and provide oversight to the Nutrient Reduction Credit Trading Program.

(2) The board shall consist of:

(i) The Secretary of Environmental Protection, or a designee.

(ii) The Secretary of Agriculture, or a designee.

(iii) The Executive Director of the authority, or a designee.

(iv) One representative from county conservation districts appointed by the State Conservation Commission.

(v) One representative from municipal authorities representing wastewater treatment facilities chosen by the Pennsylvania Municipal Authorities Association.

(vi) One representative of the housing industry chosen by the Pennsylvania Builders Association.

(vii) One water quality engineer appointed by the chairman of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

(viii) One representative from the agricultural sector appointed by the Secretary of Agriculture.

(ix) One representative from an environmental organization representing an environmental organization related to the Chesapeake Bay appointed by the Secretary of Environmental Protection.

(x) Three representatives of local government, one representing boroughs, one representing townships and one representing cities. These representatives shall be chosen by their respective Statewide organizations.

(xi) One representative from the Pennsylvania delegation to the Chesapeake Bay Commission appointed by members of the Pennsylvania delegation to the commission.

(xii) One representative from the United States Department of Agriculture Natural Resources Conservation Service appointed by the service's State conservationist for Pennsylvania.

(c) Chairperson.—The board shall elect a chairperson from among its members.

(d) Powers and duties.—The board will adopt policies and implement programs necessary to manage the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed. The board shall have the following specific duties and responsibilities:

(1) To purchase nutrient reduction credits from wastewater treatment facilities or agricultural or other sources. The board shall utilize \$50,000,000 in funds provided by the Environmental Protection Agency and previously approved by the authority board of directors for use in the establishment of a nutrient credit trading program. Credits shall be available for purchase only after department certification that nutrient and sediment reductions have occurred or will occur upon implementation of the proposed nutrient reduction project. The board shall cooperate with the department and the Department of Agriculture or their agents to verify credits from wastewater treatment facilities and agricultural and other sources.

(2) To offer for sale nutrient reduction credits to wastewater treatment facilities, developers, municipalities, nonpoint source entities and others required to meet nutrient reductions.

(3) (i) To establish a nutrient reduction credit bank to provide for the purchase and sale of credits within the Nutrient Reduction Credit Trading Program. The board will establish procedures and set monetary assessments to generate a system of nutrient credits that can be used by wastewater treatment facilities and others to reach compliance with nutrient reduction requirements identified by the department and to allow for new growth.

(ii) Nothing in this subsection shall be construed to prohibit the private purchase and sale of credits within the trading market.

(4) For wastewater treatment facilities, to establish phased payment schedules, provided the payment amounts will fund all annual reductions that are necessary to meet nutrient reduction requirements identified by the department as follows:

(i) The payment amounts for new facilities shall be sufficient to fund all necessary annual reductions given the facilities' anticipated design flow and connections schedule so that zero net discharge requirements are met.

(ii) The bank shall use these funds to provide grants to the agricultural sector to support projects that will implement the highest value nutrient reduction best management practices.

(iii) Preference shall be given to those nutrient reduction best management practices that provide the greatest nutrient reductions for the least amount of cost and that, once implemented, generate credits on a continuing annual basis.

(iv) Excess credits generated from the transactions shall be made available for purchase by wastewater treatment facilities, upon request, if needed to meet nutrient effluent limits.

(5) To offer for sale excess credits held by the bank identified under paragraph (3), but shall hold a minimum percentage of credits as a reserve balance to offset any failures or loss of nutrient reduction credits within the bank. In addition to this reserve, the board shall hold a minimum percentage of credits in reserve for new growth. The board shall set these reserves at percentages it deems necessary, but in no instance shall the reserve for new growth be lower than 5% of all credits held by the bank.

(6) To process credits on a continual basis. The board shall establish and update as necessary the selling price of nutrient reduction credits and post the information regarding cost and methods of purchasing and selling credits on the Internet website of the authority. The board shall post on the Internet website of the authority a list of those projects that have been certified to generate credits by the department.

(7) To establish overall time frames for the use of nutrient reduction credits purchased through the bank necessary to meet the compliance requirements established by the department. The board shall develop and implement a process that allows credits to be purchased in advance of when they may be needed to ensure compliance with the requirements established by the department.

(8) To establish a subcommittee to provide technical assistance to entities proposing credit-generating projects. Members of the subcommittee shall be appointed by the board and shall have appropriate technical training and experience. The subcommittee shall conduct a technical review of credit proposals consistent with the department's existing guidance on credit proposal reviews and make a recommendation regarding credit certification. Proposals that have undergone technical review by the subcommittee and are recommended by the subcommittee for certification shall be submitted by the board to the department for review. The department shall render a decision on the proposal within 60 days of receipt of the submission from the board. A proposal on which the department fails to act within this time period shall be deemed approved.

(9) To establish procedures to allow the nutrient reduction credit bank to act as a clearinghouse and make available information on the availability of nutrient reduction credits from public and private sector organizations other than the nutrient reduction credit bank.

(e) Regulations.—The authority, the department and the Department of Agriculture may jointly develop regulations as necessary to implement the provisions of this act. The regulations shall be promulgated in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(f) Administration.—The authority shall provide all necessary administrative and technical support for the operation of the Nutrient Reduction Credit Trading Program and the Nutrient Reduction Credit Trading Board. The authority may enter into contracts to assist in administration of the bank, provide technical assistance to entities proposing credit-generating projects and provide all other necessary technical and administrative support to the board.

(g) Definition.—As used in this section, the term "board" means the Nutrient Reduction Credit Trading Program Board.

Amend Sec. 10, page 9, line 6, by striking out "10" and inserting

On the question,

Will the House agree to the amendment?

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

Mr. PERRY. Thank you, Mr. Speaker.

This amendment would insert provisions of the Nutrient Reduction Credit Trading Program that can be found in HB 2441, which was the compilation of efforts of many stakeholders, including the Chesapeake Bay Foundation, conservation districts, Municipal Authorities Association, the Pennsylvania Builders and the ag community. Currently, the trading program that is in place is ad hoc at best. I think to date we have three trades across Pennsylvania and, effectively, it is ineffective. This amendment would place the trading policy from 2441 into the bill and thereby enact an effective trading credit policy for the Chesapeake Bay area and those affected regions.

Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?
Representative McCall.

Mr. McCALL. Mr. Speaker, I would ask that the House not approve the Perry amendment, that they vote "no." This is already a program that is currently in operation in the Department of Environmental Protection. It is contained in department regulations, and being that it is a new program — actually EPA (Environmental Protection Agency) mandates point-source and non-point-source limits. This flexibility in the regulations that is currently in the regulations is precisely the kind of flexibility that PENNVEST needs in promoting their program. I would ask that the members vote against the Perry amendment.

The SPEAKER. Will the House agree to the amendment?
Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

I would just like to say that there is indeed a program in place; there is indeed. It is currently run by the DEP. Again, I want to tell you since 2005, we are in 2008 right now, three active trades in place, three. How effective can it be? And it does not affect the whole State, it only affects those in the Chesapeake Bay area. This does not cost anybody a dime. It does not cost a cent. And what it does is it effectively enacts a viable trading board and trading policy and trading bank. I urge, very strenuously, the adoption of this amendment.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

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.

CONSIDERATION OF SB 1341 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—96

Adolph	Everett	Marshall	Rapp
Argall	Fairchild	Marsico	Raymond
Baker	Fleck	McIlhattan	Reed
Barrar	Gabig	Mensch	Reichley
Bastian	Geist	Metcalfe	Roae
Bear	Gillespie	Micozzie	Rock
Beyer	Gingrich	Millard	Rohrer
Boback	Godshall	Miller	Ross
Boyd	Grell	Milne	Rubley
Brooks	Harhart	Moul	Saylor
Buxton	Harris	Murt	Scavello
Cappelli	Helm	Mustio	Schroder
Causer	Hennessey	Nailor	Sonney
Civera	Hershey	Nickol	Stairs
Clymer	Hess	O'Neill	Steil
Cox	Hickernell	Peifer	Stern
Creighton	Hutchinson	Perry	Stevenson
Cutler	Kauffman	Perzel	Swanger
Dally	Keller, M.K.	Petri	Taylor, J.
Denlinger	Kenney	Phillips	True
DePasquale	Killion	Pickett	Turzai
DiGirolamo	Maher	Pyle	Veréb
Ellis	Major	Quigley	Vulakovich
Evans, J.	Mantz	Quinn	Watson

NAYS—104

Belfanti	Gergely	McGeehan	Siptroth
Bennington	Gibbons	McI. Smith	Smith, K.
Bianucci	Goodman	Melio	Smith, M.
Bishop	Gruela	Moyer	Smith, S.
Blackwell	Haluska	Mundy	Solobay
Brennan	Hanna	Myers	Staback
Caltagirone	Harhai	O'Brien, M.	Sturla
Carroll	Harkins	Oliver	Surra
Casorio	Hornaman	Pallone	Tangretti
Cohen	James	Parker	Taylor, R.
Conklin	Josephs	Pashinski	Thomas
Costa	Keller, W.	Payne	Vitali
Cruz	Kessler	Payton	Wagner
Curry	King	Petrarca	Walko
Daley	Kirkland	Petrone	Wansacz
DeLuca	Kortz	Preston	Waters
Dermody	Kotik	Ramaley	Wheatley
DeWeese	Kula	Readshaw	White
Donatucci	Leach	Roebuck	Williams
Eachus	Lentz	Sabatina	Wojnarowski
Evans, D.	Levdansky	Sainato	Yewcic
Fabrizio	Longietti	Samuelson	Youngblood
Frankel	Mahoney	Santoni	Yudichak
Freeman	Manderino	Seip	
Galloway	Mann	Shapiro	O'Brien, D.,
George	Markosek	Shimkus	Speaker
Gerber	McCall		

NOT VOTING—0

EXCUSED—3

Benninghoff	Harper	Mackereth
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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. **PERRY** offered the following amendment No. **A08388**:

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

Establishing the Chesapeake Bay Watershed Nutrient Reduction Infrastructure Program; providing for certain indebtedness by the Commonwealth; establishing the Chesapeake Bay Watershed Nutrient Reduction Fund; providing for a resource enhancement and protection tax credit; establishing the Resource Enhancement and Protection Program, the Resource Enhancement and Protection Tax Credit Fund, the Nutrient Credit Trading Program, the Nutrient Credit Trading Program Board and the Chesapeake Bay Advisory Council; and providing for their powers and duties.

Amend Bill, page 1, lines 9 through 17; pages 2 through 8, lines 1 through 30; page 9, lines 1 through 7, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Chesapeake Bay and Watershed Improvement Act.

Section 2. Legislative findings.

The General Assembly finds that:

(1) The Chesapeake Bay and its tributaries are an important natural resource. The Chesapeake Bay watershed encompasses more than 14,000,000 acres within this Commonwealth which represents 35% of the total area of the watershed.

(2) The Commonwealth is a party, along with Maryland, Virginia, Washington, D.C., the Chesapeake Bay Commission and the United States Environmental Protection Agency, to the Chesapeake Bay Program, whose duty it is to restore the environmental integrity of the Chesapeake Bay.

(3) The Commonwealth has entered into several multistate agreements, most recently in 2000, to set standards and goals to curtail nutrient and sediment pollution into the Chesapeake Bay from various sources in this Commonwealth.

(4) Many of these standards were based on the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) requirements necessary to remove the Chesapeake Bay from the Federal list of "impaired" waters and to avoid the United States Environmental Protection Agency's development of a total maximum daily load for the Chesapeake Bay.

(5) The 2000 Bay Agreement resulted in the preparation of the Pennsylvania Chesapeake Bay Tributary Strategy by the Department of Environmental Protection. This document released in 2005 sets standards and goals for nutrient and sediment reduction from Pennsylvania point and nonpoint sources.

(6) The Chesapeake Bay Tributary Strategy was further refined in 2006, to include a nutrient credit trading program and a phased approach for point source dischargers to meet nutrient reduction goals.

(7) The capital cost of these projects, at 184 identified sewage treatment plants, is estimated to be between \$620,000,000 and \$1,000,000,000, and with more than 40,000 farm properties in the Chesapeake Bay watershed drainage area of this Commonwealth, aggressive steps must also be taken to control nutrient and sediment runoff from agricultural operations, and a series of financial incentives will be necessary to engage farmers in nutrient reduction techniques and methods.

(8) Funding and technical assistance is needed to facilitate the implementation of upgrades to wastewater treatment facilities and to install agricultural best management practices to reduce the level of nutrients and sediments entering Commonwealth waterways and making their way to the Chesapeake Bay.

(9) There is a need to ensure the implementation and availability of a viable nutrient credit trading program to serve as

an alternative to wastewater treatment plant upgrades and to allow for continuing economic growth and development within the Commonwealth's portion of the bay watershed.

(10) Additional accountability and oversight is necessary to ensure the methods used to attain the standards and goals are implemented in a fair and cost-effective manner so that meeting the strategy standards and goals does not place an unrealistic financial burden on Commonwealth taxpayers and does not inhibit economic growth and development by limiting future wastewater capacity.

(11) Legacy sediments eroded from behind old breached mill dams have been documented as a substantial source of the sediment impacting the Chesapeake Bay.

(12) Recent research conducted in this Commonwealth calls into question existing stream restoration practices throughout the Mid-Atlantic region and contends that future stream restoration must consider the widespread impact of 17th to 19th century mill dams and the degree to which they altered stream forms and functions from their presettlement conditions.

Section 3. Definitions.

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

"Agricultural nutrient and sediment reduction project." A project undertaken by a person operating an agricultural operation to establish, implement or improve a best management practice recognized by the department or by the Environmental Protection Agency as reducing the levels of nitrogen, phosphorus or sediment entering surface water or groundwater from Pennsylvania farms. The term includes design, construction, reconstruction, erection, equipping, expansion, improvement, installation, rehabilitation, renovation or repair of infrastructure, buildings, structures, equipment and fixtures to facilitate nutrient or sediment reduction.

"Applicant." A municipality or municipal authority.

"Authority." The Pennsylvania Infrastructure Investment Authority.

"Best management practice." A practice or combination of practices recognized as effective and practical in the management or reduction of nutrients or sediment to protect surface water or groundwater, considering technological, economic and institutional factors.

"Chesapeake Bay tributary strategy." A state-specific plan outlining a combination of actions that can be utilized to address nutrient reductions entering the Chesapeake Bay and its tributaries from various sources.

"Commission." The State Conservation Commission established by the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Conservation district." A public body as defined in and created under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Cost of a nutrient reduction project." Any of the following:

(1) Costs and expenses of acquisition of interests in land, infrastructure, buildings, structures, equipment, furnishings, fixtures and other tangible property which comprise a nutrient reduction project.

(2) Costs and expenses of construction, reconstruction, erection, equipping, expansion, improvement, installation, rehabilitation, renovation or repair of infrastructure, buildings, structures, equipment and fixtures which comprise a nutrient reduction project.

"Department." The Department of Environmental Protection of the Commonwealth.

"Fund." The Chesapeake Bay Watershed Nutrient Reduction Fund established under section 5.

"Legacy sediment." Sediment that meets all of the following conditions:

(1) Was eroded from upland areas after the arrival of early Pennsylvania settlers and during centuries of intensive land use.

(2) Was deposited in valley bottoms along stream corridors behind mill race dams or other similar-type dams located along the Susquehanna River and its tributaries, burying presettlement streams, floodplains, wetlands and valley bottoms.

(3) Altered and continues to impair the hydrologic, biologic, aquatic, riparian and water quality functions of presettlement and modern environments.

"Municipal authority." A public authority established under 53 Pa.C.S. Ch. 56 (relating to municipal authorities) or the former act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, which supplies water or provides wastewater services to the public for a fee.

"NPDES." The National Pollutant Discharge Elimination System.

"Nutrient reduction credit." A pound of reduction of discharge of nitrogen, phosphorus or sediment to the Chesapeake Bay watershed as recognized by the Nutrient Reduction Credit Trading Program Board.

"Nutrient Reduction Credit Trading Program." A program designed to improve water quality using public and private market mechanisms and which permits entities exceeding certain statutory and regulatory requirements to generate credits for nutrient reduction strategies that can be purchased and used by other entities to produce nutrient reductions and to meet regulatory requirements.

"Nutrient reduction project." A project undertaken by a publicly owned wastewater treatment plant to remove either nitrogen or phosphorus during the treatment process to meet nutrient reduction goals established to reduce the levels of these nutrients that enter the Chesapeake Bay and its tributaries.

"Wastewater system." A system for the collection, treatment or disposal of wastewater, including industrial waste.

"Wastewater treatment facility." A facility designed and operated for the sole purpose of treating wastewater for discharge into the environment. The term includes a wastewater treatment plant and any part thereof, including an expansion, addition and modification to an existing wastewater treatment facility.

Section 4. Chesapeake Bay Watershed Nutrient Reduction Infrastructure Program.

(a) Establishment.—The Chesapeake Bay Watershed Nutrient Reduction Infrastructure program is established to provide financial assistance in the form of single-year or multiyear grants to municipalities or municipal authorities to construct, expand or improve the nutrient reduction capabilities of wastewater infrastructure and which are subject to the requirements to reduce nutrient levels in wastewater being discharged into the waters of the Chesapeake Bay watershed.

(b) Application.—A municipality or municipal authority may submit an application to the authority requesting financial assistance for a nutrient reduction project. The nutrient reduction project may be a proposed project, a project currently under construction or a project completed within three years prior to the effective date of this section. The application must be on the form required by the authority and include or demonstrate all of the following:

(1) The name and address of the applicant.

(2) A statement of the type and amount of financial assistance sought, provided that the amount does not exceed 50% of the cost of the nutrient reduction project.

(3) A statement describing the nutrient reduction project, including a detailed statement of the cost of the nutrient reduction project.

(4) A financial commitment from a responsible source for any cost of the nutrient reduction project in excess of the amount requested. The financial commitment may not be in the form of a grant from a Commonwealth agency.

(5) Proof that the wastewater system is required by the department to reduce nutrients to the Chesapeake Bay and that

the wastewater system has a current NPDES permit limiting pounds of nitrogen or phosphorus in its discharge.

(6) Confirmation through plans certified by a professional engineer registered in this Commonwealth that the wastewater system is designed for the necessary upgrades to remove nutrients.

(7) Information regarding current user rates and a projection of how rates may be impacted as a result of the addition of the nutrient reduction project.

(8) Any other information required by the authority.

(c) Review and approval of grant applications.—

(1) The authority, in conjunction with the department, shall review the application to determine all of the conditions under subsection (b) are met.

(2) The authority shall conduct, as part of the application review, an affordability analysis to determine if current and future user rates meet affordability criteria established by the authority.

(3) Upon being satisfied that all program requirements have been met, the authority may approve the application consistent with all of the following:

(i) The grant may not exceed \$10,000,000 per nutrient reduction project.

(ii) The aggregate amount of grants awarded under this subsection shall not exceed \$500,000,000 over a seven-year period.

(iii) The authority has received notice from the Secretary of the Budget that the nutrient reduction project satisfies the Federal tax status requirements of any bonds used to fund the grant.

(4) The authority shall make a determination of the completeness of an application within 30 days of its receipt. If the authority deems the application complete, it shall render a decision on funding the application within 60 days of the receipt of the completed application.

(5) An applicant shall, within 30 days of a determination by the authority that the application was deficient, provide to the authority the necessary information to complete the application. The authority shall not be required to make a determination under paragraph (3) if the applicant fails to provide the required information.

(6) If the authority approves the application, the authority shall notify the applicant of the amount approved and enter into a contract with the applicant.

Section 5. Indebtedness.

(a) General rule.—In order to facilitate the implementation of nutrient reduction projects, the Commonwealth shall, by December 31, 2008, incur:

(1) Not less than \$50,000,000 nor more than \$120,000,000 of the debt authorized under the act of February 12, 2004 (P.L.72, No.10), known as the Water and Wastewater Treatment Project Bond Act.

(2) Not less than \$5,000,000 nor more than \$12,000,000 from the debt authorized under the act of March 16, 1992 (P.L.10, No.5), known as the Small Water Systems Assistance Act.

(3) Not more than \$152,000,000 from the debt authorized under section 17 of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(b) Transfer of bond proceeds.—

(1) Proceeds from the sale of bonds required under subsection (a) shall be transferred to the authority.

(2) The authority shall use the proceeds from the sale of bonds required under subsection (a) to finance projects in accordance with section 4, and the use of the proceeds shall be consistent with the provisions of section 10(e) and (f) of the

act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(c) Chesapeake Bay Watershed Nutrient Reduction Fund.—

(1) The Chesapeake Bay Watershed Nutrient Reduction Fund is established as a restricted fund in the State Treasury.

(2) The fund shall be used to construct wastewater infrastructure utilizing nutrient reduction technology.

(d) Interfund transfers from the State Stores Fund and State Gaming Fund.—

(1) The Secretary of the Budget shall transfer from the State Stores Fund to the authority the amount of \$41,000,000 annually for fiscal year 2008-2009 through fiscal year 2014-2015.

(2) The Secretary of the Budget shall transfer from the State Gaming Fund and the authority the amount of \$41,000,000 annually for fiscal year 2008-2009 through fiscal year 2014-2015. These funds shall be from the balance in the State Gaming Fund remaining after all other statutorily mandated requirements for the use of these funds are met.

(3) (i) In any year in which the balance in the State Stores Fund is insufficient to make the transfer required under paragraph (1) and the transfer required under section 6(b)(1), then the balance in the State Stores Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Stores Fund.

(ii) In any year in which the balance in the State Gaming Fund is insufficient to make the transfer required under paragraph (2) and the transfer required under section 6(b)(2), then the balance in the State Gaming Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Gaming Fund.

(4) The funds transferred under this subsection shall be used to support the construction of wastewater treatment infrastructure utilizing nutrient reduction technology.

(5) The General Assembly may transfer additional appropriations to the fund as deemed necessary, but in no event shall the funds be reduced from the amounts specified in paragraph (1).

(e) Disbursement schedule.—The program funds provided for under subsections (c) and (d) shall be allocated under the following schedule:

(1) For each fiscal year 2008-2009, 2009-2010 and 2010-2011, a total of \$100,000,000.

(2) For each fiscal year 2011-2012 through and including fiscal year 2014-2015, a total of \$50,000,000.

Section 6. Resource enhancement and protection tax credit.

(a) Resource enhancement and protection tax credit program.—For fiscal years 2008-2009 through and including fiscal year 2012-2013, a total of \$50,000,000 annually shall be made available for use under Article XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing the Resource Enhancement and Protection Tax Credit for best management practices.

(b) Proportionate share of funds.—

(1) (i) The tax credits authorized under subsection (a) shall be administered in such a manner so as to provide at least 60% but not more than 70% of total annual amount of tax credits authorized for agricultural nutrient and sediment reduction projects and legacy sediment remediation projects in the Chesapeake Bay watershed.

(ii) The requirements of this subsection shall not apply for any year in which the commission determines proportionate share of tax credits prescribed in this subsection cannot be feasibly met.

(2) A total of 10% of these funds shall be transferred to the Conservation District Fund and shall be made available to county conservation districts through the State Conservation Commission to assist in the implementation of the provisions of this act.

(c) Legacy sediments.—Projects which:

(1) remove legacy sediments and restore floodplains and which provide environmental benefits, including, but not limited to: groundwater recharge, reduction of local impacts due to storm water runoff and flooding; and

(2) demonstrate multiple economic benefits;

shall be eligible for tax credits under the resource enhancement and protection tax credit program.

(d) Controlling sediment releases.—The department shall develop a process for identifying the positive and negative effects of the existence of mill race dams in controlling sediment and nutrient releases into the Chesapeake Bay and its tributaries. The department may not demolish or direct the removal of any mill race dam until such time as the effects of mill race dams are fully realized and there are procedures in place to address the appropriate disposition of the sediments behind mill race dams.

(e) Interfund transfers from the State Stores Fund and State Gaming Fund.—

(1) The Secretary of the Budget shall transfer from the State Stores Fund to the Resource Enhancement and Protection Tax Credit Fund, which is hereby established in the State Treasury, an amount of \$25,000,000 annually for fiscal year 2008-2009 through fiscal year 2012-2013.

(2) The Secretary of the Budget shall transfer from the State Gaming Fund to the Resource Enhancement and Protection Tax Credit Fund, which is hereby established in the State Treasury, the amount of \$25,000,000 annually for fiscal year 2008-2009 through fiscal year 2012-2013. These funds shall be from the balance in the State Gaming Fund remaining after all other statutorily mandated requirements for the use of these funds are met.

(3) (i) In any year in which the balance in the State Stores Fund is insufficient to make the transfer required under paragraph (1) and the transfer required under section 5(d)(1), then the balance in the State Stores Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Stores Fund.

(ii) In any year in which the balance in the State Gaming Fund is insufficient to make the transfer required under paragraph (2) and the transfer required under section 5(d)(2), then the balance in the State Gaming Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Gaming Fund.

(4) The funds transferred under this subsection shall be used to support the activities required under subsections (a) and (c).

Section 7. Phase-in schedule.

(a) Establishment.—The department shall establish a multiphased nutrient reduction compliance schedule for wastewater treatment facilities required to reduce nutrient levels within the Chesapeake Bay watershed.

(b) Procedures and requirements.—

(1) The department shall, at a minimum, develop a program for wastewater treatment facilities to reduce nutrient levels within the Chesapeake Bay watershed in the following manner:

(i) All plants identified by the department with flows over 400,000 gallons per day which are not presently under annual nutrient load limits as part of their operating permit shall be given annual nutrient load limits based upon an average of 6 mg/l of total nitrogen

and 0.8mg/l of total phosphorous at the annual average design flow of each wastewater facility.

(ii) In an effort to achieve nutrient reduction compliance levels, a three-tiered compliance schedule shall be used. The department shall place each wastewater treatment plant in one of three tiers to ensure all facilities will be deemed in compliance over a seven-year period beginning on July 1, 2008, and ending June 31, 2015.

(2) Nothing in this subsection shall be construed to prohibit the right of appeal to NPDES permit conditions by a permittee.

(c) New construction.—

(1) A new wastewater treatment facility at which construction commences on or after January 1, 2008, shall meet nutrient load limits based upon an average of 4 mg/l total nitrogen and 0.3 mg/l total phosphorus at the annual average design flow. A new system constructed to the limits in this section shall make a one-time monetary assessment to the nutrient reduction credit bank identified under section 8(d)(3). The assessment contribution shall be determined by the Nutrient Credit Trading Program Board established under section 8(b). The assessment shall, at a minimum, be based upon the difference in treatment level between 4 mg/l of nitrogen and 0.3 mg/l of phosphorus and the zero net discharge limit applied to new facilities through the department under the strategy.

(2) The purchase of nutrient credits shall be recognized as an alternative method to meet the zero net discharge limit applied to new facilities that do not meet the criteria in paragraph (1). The purchase of nutrient credits shall also be recognized as an alternative method to meet the zero net discharge limit applied to expansion of existing plants.

(3) In the event of an addition, expansion or modification to a wastewater facility, the mass discharge limits contained in this subsection shall apply only to the increase in the annual average design flow, resulting from the addition, expansion or modification.

Section 8. Nutrient Reduction Credit Trading Program.

(a) Establishment.—The department shall establish the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed and shall administer it in accordance with this section.

(b) Program board.—

(1) The Nutrient Reduction Credit Trading Program Board is established. The purpose of the board shall be to manage and provide oversight to the Nutrient Reduction Credit Trading Program.

(2) The board shall consist of:

(i) The Secretary of Environmental Protection, or a designee.

(ii) The Secretary of Agriculture, or a designee.

(iii) The Executive Director of the authority, or a designee.

(iv) One representative from county conservation districts appointed by the State Conservation Commission.

(v) One representative from municipal authorities representing wastewater treatment facilities chosen by the Pennsylvania Municipal Authorities Association.

(vi) One representative of the housing industry chosen by the Pennsylvania Builders Association.

(vii) One water quality engineer appointed by the chairman of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

(viii) One representative from the agricultural sector appointed by the Secretary of Agriculture.

(ix) One representative from an environmental organization representing an environmental organization

related to the Chesapeake Bay appointed by the Secretary of Environmental Protection.

(x) Three representatives of local government, one representing boroughs, one representing townships and one representing cities. These representatives shall be chosen by their respective Statewide organizations.

(xi) One representative from the Pennsylvania delegation to the Chesapeake Bay Commission appointed by members of the Pennsylvania delegation to the commission.

(xii) One representative from the United States Department of Agriculture Natural Resources Conservation Service appointed by the service's State conservationist for Pennsylvania.

(c) Chairperson.—The board shall elect a chairperson from among its members.

(d) Powers and duties.—The board will adopt policies and implement programs necessary to manage the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed. The board shall have the following specific duties and responsibilities:

(1) To purchase nutrient reduction credits from wastewater treatment facilities or agricultural or other sources. The board shall utilize \$50,000,000 in funds provided by the Environmental Protection Agency and previously approved by the authority board of directors for use in the establishment of a nutrient credit trading program. Credits shall be available for purchase only after department certification that nutrient and sediment reductions have occurred or will occur upon implementation of the proposed nutrient reduction project. The board shall cooperate with the department and the Department of Agriculture or their agents to verify credits from wastewater treatment facilities and agricultural and other sources.

(2) To offer for sale nutrient reduction credits to wastewater treatment facilities, developers, municipalities, nonpoint source entities and others required to meet nutrient reductions.

(3) (i) To establish a nutrient reduction credit bank to provide for the purchase and sale of credits within the Nutrient Reduction Credit Trading Program. The board will establish procedures and set monetary assessments to generate a system of nutrient credits that can be used by wastewater treatment facilities and others to reach compliance with nutrient reduction requirements identified by the department and to allow for new growth.

(ii) Nothing in this subsection shall be construed to prohibit the private purchase and sale of credits within the trading market.

(4) For wastewater treatment facilities, to establish phased payment schedules, provided the payment amounts will fund all annual reductions that are necessary to meet nutrient reduction requirements identified by the department as follows:

(i) The payment amounts for new facilities shall be sufficient to fund all necessary annual reductions given the facilities' anticipated design flow and connections schedule so that zero net discharge requirements are met.

(ii) The bank shall use these funds to provide grants to the agricultural sector to support projects that will implement the highest value nutrient reduction best management practices.

(iii) Preference shall be given to those nutrient reduction best management practices that provide the greatest nutrient reductions for the least amount of cost and that, once implemented, generate credits on a continuing annual basis.

(iv) Excess credits generated from the transactions shall be made available for purchase by

wastewater treatment facilities, upon request, if needed to meet nutrient effluent limits.

(5) To offer for sale excess credits held by the bank identified under paragraph (3), but shall hold a minimum percentage of credits as a reserve balance to offset any failures or loss of nutrient reduction credits within the bank. In addition to this reserve, the board shall hold a minimum percentage of credits in reserve for new growth. The board shall set these reserves at percentages it deems necessary, but in no instance shall the reserve for new growth be lower than 5% of all credits held by the bank.

(6) To process credits on a continual basis. The board shall establish and update as necessary the selling price of nutrient reduction credits and post the information regarding cost and methods of purchasing and selling credits on the Internet website of the authority. The board shall post on the Internet website of the authority a list of those projects that have been certified to generate credits by the department.

(7) To establish overall time frames for the use of nutrient reduction credits purchased through the bank necessary to meet the compliance requirements established by the department. The board shall develop and implement a process that allows credits to be purchased in advance of when they may be needed to ensure compliance with the requirements established by the department.

(8) To establish a subcommittee to provide technical assistance to entities proposing credit-generating projects. Members of the subcommittee shall be appointed by the board and shall have appropriate technical training and experience. The subcommittee shall conduct a technical review of credit proposals consistent with the department's existing guidance on credit proposal reviews and make a recommendation regarding credit certification. Proposals that have undergone technical review by the subcommittee and are recommended by the subcommittee for certification shall be submitted by the board to the department for review. The department shall render a decision on the proposal within 60 days of receipt of the submission from the board. A proposal on which the department fails to act within this time period shall be deemed approved.

(9) To establish procedures to allow the nutrient reduction credit bank to act as a clearinghouse and make available information on the availability of nutrient reduction credits from public and private sector organizations other than the nutrient reduction credit bank.

(e) Regulations.—The authority, the department and the Department of Agriculture may jointly develop regulations as necessary to implement the provisions of this act. The regulations shall be promulgated in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(f) Administration.—The authority shall provide all necessary administrative and technical support for the operation of the Nutrient Reduction Credit Trading Program and the Nutrient Reduction Credit Trading Board. The authority may enter into contracts to assist in administration of the bank, provide technical assistance to entities proposing credit-generating projects and provide all other necessary technical and administrative support to the board.

Section 9. Accountability.

(a) Evaluation.—The department shall annually evaluate progress toward meeting the needed reductions in nutrients and sediments entering the Chesapeake Bay watershed. This evaluation shall consist of a quantitative and qualitative analysis on the progress made in reaching the nutrient reduction goals for all point and nonpoint sources delineated in the Chesapeake Bay tributary strategy. In conducting the evaluation, the department shall annually review and estimate the costs and benefits related to compliance with the Chesapeake Bay tributary strategy by all affected economic sectors.

(b) Contents of evaluation.—The evaluation shall include, but may not be limited to:

(1) The number and type of nutrient reduction credit transactions.

(2) A description of the methods that have been implemented by the various sectors toward achieving compliance with the established nutrient reduction goals.

(3) A review of any changes to the financial resources and regulatory requirements that other states in the Chesapeake Bay watershed have implemented in regard to the nutrient reduction goals.

(c) Submittal of evaluation.—The evaluation shall be submitted with the annual report required under section 11.

(d) Program changes.—The department shall identify any and all substantive changes that may be necessary to ensure compliance with the nutrient reduction requirements needed. The department shall present recommendations to the General Assembly for any substantive changes needed to the nutrient and sediment reduction requirements, storm water management reduction requirements, stream loading or other requirements as deemed necessary.

Section 10. Chesapeake Bay Advisory Council.

(a) Establishment.—The Chesapeake Bay Advisory Council is established as an advisory body to the department.

(b) Composition.—The advisory council shall be composed of individuals representing the State Conservation Commission, local governments, environmental organizations, county conservation districts, Federal and State agencies, educational institutions, agricultural organizations, businesses, watershed organizations and other groups as deemed appropriate by the Secretary of Environmental Protection. Advisory council membership shall not be limited to a specific number, but shall be determined by the department.

(c) Duties.—The advisory council shall:

(1) Advise the department in all matters relating to the Chesapeake Bay and its tributaries and in the implementation of methods designed to provide for nutrient reductions entering the bay and its tributaries.

(2) Provide citizen input to the department on the Commonwealth's efforts to meet its commitments in the Chesapeake 2000 Agreement, as well as future agreements.

(3) Advise the department and provide input on the Commonwealth's tributary strategies.

(4) Advise the department on agricultural and other appropriate nonpoint source issues within the Chesapeake Bay watershed.

(5) Advise the department on the implementation of programs under the Chesapeake Bay Nonpoint Source Pollution Abatement Program.

(6) Provide recommendations to the department for communicating with watershed groups, Federal and State agencies, local governments and others in an effort to build further support for the Chesapeake Bay Program.

(7) Provide input, comments and recommendations to the department on educational strategies targeted to the needs of local citizens, businesses, schools, communities, local governments and watershed groups.

(8) Report to and advise the department on emerging issues and trends pertinent to the Chesapeake 2000 Agreement and other issues relating to the Chesapeake Bay and its tributaries and offer recommendations to the department to enhance or modify program activities.

(9) Provide general comment to the department and remain apprised of water quality and resource management issues that are addressed by the Chesapeake Bay Program task forces and committees.

(10) Provide input to the department on the overall implementation of the Chesapeake Bay tributary strategy, including assistance in annually evaluating the costs, benefits and specific implementation methods used to meet the nutrient reduction goals.

(d) Evaluation.—

(1) The advisory council, in conjunction with the citizens advisory council to the department, shall review the results of the department's evaluation of the progress toward meeting the needed reductions of nutrients and sediments entering the Chesapeake Bay and its tributaries.

(2) The department shall forward all information for review to the advisory council and the citizens advisory council within 30 days of the department's finalization of the results.

(3) The advisory council and the citizens advisory council shall issue the results of their findings in an annual report to the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate and the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives no later than March 15 of each year.

Section 11. Report to standing committees.

(a) Content.—

(1) The authority and the department shall submit a joint annual report to the chairman and the minority chairman of the Environmental Resources and Energy Committee of the Senate, the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives and the Pennsylvania delegation of the Chesapeake Bay Commission no later than July 1 following the first fiscal year or any portion thereof in which the program is in effect and no later than July 1 for all succeeding fiscal years in which the program is in effect.

(2) The report shall include:

(i) A list of all of the recipients of loans or grants awarded by the authority in the previous fiscal year.

(ii) The amount of the loans or grants awarded.

(iii) A description of the nutrient reduction project and the public purposes that it advances.

(iv) The documentation submitted by the applicant demonstrating that the nutrient reduction project met at least one of the criteria under section 9(b). The report shall include the results of the evaluation and recommendations required under section 9.

(v) A description of all activities conducted by the Nutrient Reduction Credit Trading Board for that reporting period.

(b) Publication.—The authority shall post a copy of the report to the standing committees on the Internet websites of the authority and the department. The reports shall remain on the sites until the reports for the next year are posted.

Section 12. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

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

Mr. PERRY. Thank you, Mr. Speaker.

Those who live in the Chesapeake Bay watershed have been under an onerous requirement of an agreement since 2000 and a strategy promulgated by the DEP since 2005. This was a Christmas present in December of 2005 that is estimated to cost those who live in this area about a billion dollars or maybe a little more. Shortly thereafter, Senator Vance and Representative Nailor started a fight, so to speak, for fairness and reason in this regard, and I decided to enjoin that effort.

I worked with many stakeholders and we crafted HB 2441 with the cooperation of all those stakeholders, not the least of which are the taxpayers and the ratepayers. Instead of spending

a billion dollars to fix 14 percent of a problem, we came up with a solution to effectively deal with all aspects of the issue.

Now, Mr. Speaker, if you live or if you have taxpayers and constituents that live in the following counties, you are affected – Schuylkill, Tioga, Somerset, Lancaster, Northumberland, Centre, Luzerne, Dauphin, Lycoming, McKean, Berks, York, Union, Huntingdon, Cumberland, Blair, Clearfield, Lebanon, Cambria, Clinton, Juniata, Chester, Bedford, Venango, Perry, Fayette, Susquehanna, Columbia, Franklin, Bradford, Lackawanna, and Elk. That is half the State, Mr. Speaker, affected by this regulation.

This bill and this amendment would provide funding for upgrades to point sources, point emissions of nitrogen and phosphorous, provides funding for ag, for best management practices, provides funding for conservation districts, creates a viable nutrient credit trading board and credit bank, provides for education, a progress towards meeting the Federal EPA goals, provides for reporting to the General Assembly on how we are doing in meeting those goals, and establishes the Chesapeake Bay Advisory Council, all without increasing taxes.

It has the support of the Pennsylvania Builders, the ag community, the Municipal Authorities Association, the conservation districts, and the Chesapeake Bay Foundation.

For all of you who have enjoined the fight, I want to say, thank you for recognizing the need, thank you for recognizing this burden. And for those who came up with the Fair Share Act, I want to say, thank you for using HB 2441 to come up with the Fair Share Act and half of SB 2. I appreciate the interest.

We want to say, thank you for joining the fight, and for those of you who are not in the Chesapeake Bay watershed, I want to say, buckle up because it is coming your way; the same restrictions and the same amounts of money are coming to you at home as well at your sewer plants, and I know it is not sexy.

AMENDMENT WITHDRAWN

Mr. PERRY. And with that, Mr. Speaker, I ask to withdraw the amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Mr. **PERRY** offered the following amendment No. **A08389**:

Amend Sec. 8, page 8, by inserting between lines 11 and 12

(e) Applicability of other law to projects.—The provisions of the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, shall not apply to any project that receives a grant under this act for a water system or sewage treatment system.

Amend Sec. 8, page 8, line 12, by striking out "(E)" and inserting (f)

On the question,

Will the House agree to the amendment?

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

Mr. PERRY. Thank you, Mr. Speaker.

This amendment would exempt water and wastewater sewer projects, just water and wastewater sewer projects handled under this bill, and exempt them from the prevailing wage provisions.

Now, this is expensive; we are talking a billion dollars. We are talking a billion dollars of work, and if you want to support your local municipalities and have the taxpayers and the ratepayers get the most for their money and meet these standards and not jack-up their rates 30, 50, 75 percent, here is a way; right here is a way. You can vote "yes" right now and reduce their cost by 30 percent.

I urge passage of the amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Surra, on the amendment.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise in opposition to amendment 8389.

Prevailing wage, Mr. Speaker, has been a long-standing issue and it is one of the things that we fight for every day in a bipartisan effort. We have members on both sides of the aisle that have supported prevailing wage. In the recent KOZ (keystone opportunity zone) legislation, it was this House that put prevailing wage in that legislation to try to protect it and the Senate took it out, and I am disappointed that we were not able to get it back in.

I think we should ensure that our working people, the people that get in the trench and the people that put in the water and sewer lines and work there every day, should be entitled to a living wage. Prevailing wage has worked over the years. In States where they have eliminated it, they have found that it has not been any savings to the taxpayers, and in fact, it just drives more money into the pockets of the developers.

So, Mr. Speaker, if you really want to stand up for working people and working families and you think the people should have a living wage, I urge you to defeat the Perry amendment. Thank you.

The SPEAKER. Representative Pyle.

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

I stand in support of my colleague, Representative Perry's bill. I have a personal experience with this. Although I agree with the gentleman from Elk County that we have to take care of our working people, it is those same working people that are going to be paying higher costs on storm water/sewer water separation costs.

Mr. Speaker, in 1992 the borough of Ford City began replacing a water line in the main drag of the business district. Finding no Federal or State funding available, they budgeted every year to put money aside. When they dug that water line up, which serviced a number of apartments and homes on Ford Street, they found it was laid in 1886, a terra-cotta pipe joined by lead couplings. Essentially, the people who lived on Ford Street in Ford City for over 100 years drank from a lead pipe.

When the time came to replace that water line, the prevailing wage stipulation written into their language drove the cost up another \$30,000, which Ford City did not have, and had to save for another year, further exposing my people to hazardous water.

Mr. Speaker, I would contend that water is one of the basic building blocks of life. It is not something that we subject to paying higher wages to labor to install. They benefit from it, too. This is life-sustaining legislation for many small boroughs

in western Pennsylvania, and I urge a "yes" vote on the Perry amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Saylor.

Mr. SAYLOR. Mr. Speaker, the gentleman from Elk County suggested that we deserve to pay our workers well, and I agree with that. I was a contractor before I came to the State Capitol, but I challenge him that he talked earlier this year about wearing hip waders; I suggest he find a worker in Pennsylvania that is putting sewer projects in, that are not public projects, that is not making a good wage.

The truth is the taxpayers of Pennsylvania have been paying this on our highways and everything else for years, and it is just driving up our property taxes, it is driving up our State taxes continuously.

More importantly, the Governor recently set up a water infrastructure task force, which appointed myself, Representative George, Representative Hutchinson, and Representative Freeman, too. One of the top comments, it was interesting as we are going through these hearings, has been the elimination of prevailing wage. There is talk that these projects from storm water runoff to water projects and sewer projects are going to cost this Commonwealth's taxpayers somewhere in the neighborhood of \$20 billion; that is \$20 billion. Eliminating the prevailing wage and still taking care of our workers in this Commonwealth will save the taxpayers of this Commonwealth \$6 billion of that \$20 billion. That is a huge tax savings to our taxpayers in this Commonwealth.

I find it amazing when I stand on this floor, every time the prevailing wage comes up, somebody says we need to pay our workers decent working wages. I would love to find these workers they keep talking about who are putting sewer projects or building projects going on in this Commonwealth, workers who are not making decent wages. I have been at all kinds of construction sites across this Commonwealth, and as a former builder and involved in the construction industry, this is absurd.

And I am tired of hearing members rise up and complain about the wages of workers in the construction field. They are good-paying jobs. There are benefits included in those jobs, and it is an insult to construction workers when you sit here and you say they do not earn a good wage. Our workers in Pennsylvania do an outstanding job. Prevailing wage is a hampering to creating new jobs in Pennsylvania, and more importantly, it is hampering us improving our infrastructure in this State.

It is about time that some of us start wising up, that when we continue to increase costs on the taxpayers of this Commonwealth, we are voting to raise their property taxes, we are voting to raise their income taxes, and many other fees. It is time that we get common sense in this Commonwealth. If we want to fix our roads and our highways and our infrastructure with sewer and water, we better start voting with our common sense rather than voting with who is supporting us politically.

Thank you, Mr. Speaker.

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, it is true that workers in the construction industry earn good wages in this Commonwealth, and that is largely because we have had prevailing wage laws in effect for the last 70 years. Prevailing wage is a major influence in setting wages and the standard of living that encourages people to enter the building trades. People do not have to become construction workers. They could do something else. By setting the wages

higher than they might otherwise be set, it guarantees that there is interest in these jobs and that the jobs are worth people mastering in order to continue to earn good wages.

Every occupation can claim that their work is urgent, and because their work is urgent, people ought to get paid lower salaries. I would submit, Mr. Speaker, that if work is urgent and it has to be done, that it is an argument for higher salaries, not lower salaries.

I would urge defeat for this amendment.

The SPEAKER. Representative McGeehan.

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

I have listened carefully to your argument, and I have listened to the argument of my friend, Representative Surra.

You know, I was not proud of some of my own actions today in withdrawing the amendments that related to prevailing wage on the keystone opportunity zone. I am a bit upset in that we are spending billions of dollars in public money on these projects and yet the very people who pay for these projects, the taxpayers of Pennsylvania, are not included in the deal. Their living wage in Pennsylvania is not guaranteed, and the Perry amendment does just that; it does not guarantee that the taxpayers who are paying for these very projects – and much-needed projects, may I say – they are not reaping the benefits of those publicly funded endeavors.

Mr. Speaker, prevailing wage has been a Pennsylvania institution for more than 40 years. It has worked. Pennsylvania is leaps and bounds ahead of our neighboring States in public works and in the standard of living of working people, but there is a troubling trend, Mr. Speaker, not just here in Pennsylvania but around the country. I read and you read every day news reports about the faltering economy, about people being unemployed, about General Motors' stock today being the lowest since 1954. That has a real impact on working families in Pennsylvania.

We have an obligation in this House. We have not only an obligation as legislators but a moral obligation as human beings to ensure that every person – man, woman – who works in Pennsylvania is treated with dignity and respect and they are provided a wage that allows them to live the kind of life we all do. And, Mr. Speaker, a tax on prevailing wage, like those included in this amendment, is an affront to the very core of what we believe in as Pennsylvanians.

Mr. Speaker, the exclusion of the Perry amendment will do much to guarantee and speak as one voice, if the House supports prevailing wage.

There is a troubling trend I talked about earlier. That trend is the Wal-Martization of this country, and you are seeing it happening in Pennsylvania, where communities are looking to Wal-Mart and saying, they are the best-paying jobs in our communities. Well, if that is true, we are in a sadder state than I ever thought we would ever be in. If Wal-Mart is the employer of choice, with their low wages and their limited benefits, we are starting a troubling trend in this Commonwealth, when the very professionals we rely on on these public works, when the very people we rely on to construct these public works are treated as second-class citizens.

Mr. Speaker, all that will be achieved if we adopt the Perry amendment – and it has come true on every other project that we have seen that has excluded prevailing wage – we will see the huge influx, and you will watch it going down the roads in these local communities, license plates from Texas and Florida and the Carolinas and Georgia, and do you know why?

Do you know why? Because they are the only people who are willing and able to accept the kind of wages that are paid in a State that does not guarantee a prevailing wage. We will have a huge influx of day-trippers and casual laborers into this Commonwealth, who do nothing to contribute back to this Commonwealth, who do not pay property taxes, who do not buy goods and services, who do not raise families, and do not send their children to school.

Mr. Speaker, I have heard arguments on both sides of the aisle about illegal immigrants and how we need to keep them off our construction sites – and there may or may not be some merit to that argument; that is for another time or place – but if those who are advocating that they want to keep illegal immigrants and other undocumented workers off construction sites on the one hand, and they want to stop the prevailing wage on the other to guarantee a sustainable wage to working men and women, I ask you, if those two extremes are excluded from our job sites, who is left? Who is left to do the work?

Mr. Speaker, by accepting the Perry amendment, we are accelerating the race to the bottom of the barrel, and Pennsylvania has no business in it. I urge a rejection of the Perry amendment.

The SPEAKER. Representative Nailor.

The House will come to order.

Mr. NAILOR. Thank you, Mr. Speaker.

Mr. Speaker, I am not standing here with the hopes that this amendment is going to pass, but I think there are some important things that we need to point out. The Chesapeake Bay Tributary Strategy is a serious issue affecting 36 of the 67 counties in central Pennsylvania, and it is not a joke. We have been fighting for this for over a year now. We have not received the help that we need in central Pennsylvania. It may get some attention once it is the Delaware River, the Allegheny, or the Monongahela, and you get hit with those standards that we are getting hit with now. Our sewer rates are going to double and triple in certain areas, and we are looking for some of the help like other States got, and we are not getting it. That was one of the amendments offered by the gentleman from York.

We have a nutrient trading system in place. Three trades have been made in what, 3, 4 years? It is not working. His first amendment asked if you would not help us out there and let us try a different policy, and if a sewer plant is a little bit better than what they have to be, why cannot they share that with another one who is almost there but not quite there? It sounds reasonable. We are not asking for the \$300 million or the full coverage that the other two States in this agreement did. We are simply asking for some help to help out our local municipalities.

And the third amendment is the one we are facing now. Can you help us lower the cost? It is very disappointing in all three cases that we get shot down.

Thank you, Mr. Speaker.

The SPEAKER. Representative Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

I was not really intending to stand, but I do want to stand in support of Representative Perry, and I think there are a couple of basic things here. Obviously, there is a philosophical difference on whether or not one thinks that a mandated government wage, a prevailing wage, oftentimes having no relationship to what values of labor really are, certainly not the quality of the product that results, but here we are trying to, on this bill, make some changes so that some necessary projects, water and sewer projects, can be done.

Representative Pyle made a very, very good case a little bit ago, where he cited an example of projects not able to be done simply because there is not the money. I have projects like that in my district, some needed ones. They needed to be done for a long time. Small communities, they do not have the money. The 25-percent differential does make a big difference, the difference between a mandated artificial wage and what actually could be done reasonably by people who are working at their normal wage in the area would pay and would be willing to work for.

Now, we have heard that the elimination of the prevailing wage would cause great harm to our workers. That is nonsense. There is no evidence nor proof of that. But I can tell you this – and we have all heard it and we know it to be true – we are talking about the largest unfunded mandate that we have ever passed upon our local municipalities or our schools or our roads, builders, or anybody. I can take you to employer after employer who have not been able to enter into contracts because those who would like to have the work done but have to pay that wage do not have the money. They would have it and would be able to use it if this was not in place.

I look and I say, there are necessary projects that will be undone and left undone if the Perry amendment is not included. There are people, workers, who would like to work but they will not get the contract because there is not the money to pay them. His amendment being included, they would have a job.

So I think, in fact, this is just contra to what I have been hearing; this is jobs. This does mean more contracts, and it certainly does mean a great assistance for municipalities and others across this Commonwealth who are compelled by our unfunded mandate here to pay more than they ought to or would want to pay, and who ends up paying the tab? The taxpayer. So the taxpayer gets it both ways. They pay more for the same, but they get less of it because we cannot afford the projects. It does not seem to me to be real long-term wise, short-term foolish. We have got needs. We have projects that have to be done. The Perry amendment would help for them to be accomplished, and I ask for support of the Perry amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Perry amendment. Mr. Speaker, I think this is one incremental step toward providing some relief for taxpayers, Mr. Speaker, and their property tax bills and the costs that they have to deal with. As homeowners, they need these types of projects to make sure that we have water delivered to their homes that is clean, as the former speaker from Armstrong County was able to share his personal story.

Mr. Speaker, the prevailing wage ultimately does affect our property taxes, and, Mr. Speaker, I know the gentleman from Greene County really did all he could to make sure that we were not able to deliver that incremental step to eliminating property taxes that the former Speaker Perzel had offered earlier that we had passed through in eliminating property taxes for senior citizens in certain income ranges, and that bill was buried, Mr. Speaker, by the gentleman from Greene County. This is a chance that that gentleman can join with us and provide some relief in this incremental step of dealing with prevailing wage so that we can help to reduce the cost to our taxpayers here in Pennsylvania, Mr. Speaker.

Mr. Speaker, one of the former gentlemen that stood in support of the prevailing wage in keeping status quo, Mr. Speaker, said that we were moving into the Wal-Martization of our economy. Mr. Speaker, I think that gentleman should really look at the stats to see who the top employers are in this State. I think that is the dangerous trend that he ought to be looking at. Mr. Speaker, he ought to be glad for Wal-Mart jobs, because without Wal-Mart, we would not have a top-5 employer in this State that was not government, Mr. Speaker. Mr. Speaker, the top employer in this State is the Federal government; the number two employer is the State government; Wal-Mart comes in at number three, Mr. Speaker.

So, Mr. Speaker, these government jobs that we have that are so prevalent across the State, and then once again this—Mr. Speaker, I talked earlier about the rubber-stamping that goes on with all these deals that happen at budget time and these great reformers that came in to join us this session, Mr. Speaker. Well, Mr. Speaker, here is another reform that they could bring about, is to stop listening to the minority of individuals in this State that get their way time and time again with these big union votes, Mr. Speaker, that protect these inflated wages instead of allowing wages to be determined by the marketplace, Mr. Speaker.

Mr. Speaker, I think for individuals to understand what we are talking about here tonight, they have to understand what the prevailing wage is, Mr. Speaker. Mr. Speaker, the prevailing wage is an artificial wage. It is an artificially inflated wage, Mr. Speaker. Mr. Speaker, if we did not have the prevailing wage, the rates that would be paid would be rates that were negotiated within the marketplace, Mr. Speaker. So, Mr. Speaker, what we have here tonight that we are arguing against, Mr. Speaker, is to do away with this inflated rate of pay, Mr. Speaker, this difference between what would be paid, what will be paid by the prevailing wage, and what should be paid based on the marketplace. Mr. Speaker, this is an inflated margin of wage that taxpayers and ratepayers are having to pay for, Mr. Speaker.

Mr. Speaker, I want to ask a question of the membership here, because I think taxpayers thought that we were on the track to eliminate this type of activity, Mr. Speaker. Mr. Speaker, what do we call the difference between what should be paid and something extra that is being paid? I think I hear the answer from some of my colleagues, Mr. Speaker: bonus. Mr. Speaker, this is just another taxpayer-paid bonus that is delivered to the unions through prevailing wage that the majority of taxpayers end up having to pay, Mr. Speaker.

Mr. Speaker, the legislative bonuses, we hope that they are on the track to be brought to an end. But, Mr. Speaker, I think these types of taxpayer-paid bonuses through prevailing wage need to be brought to an end.

Thank you, Mr. Speaker. I would ask for a vote—

The SPEAKER. The gentleman will suspend.

Mr. METCALFE. —for the Perry amendment.

The SPEAKER. The gentleman will suspend.

Representative Moul.

PARLIAMENTARY INQUIRY

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

A point of parliamentary inquiry.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. I would like for the Speaker and the honorable gentleman who just spoke to have a colloquy at the podium, and I would like to see exactly what was entered upon the record. Those were inflammatory remarks at the first magnitude, and I would like them at least observed by the Speaker. The honorable Speaker was having a conversation with the Parliamentarian, and I want that—

The SPEAKER. The Chair will instruct the Parliamentarian to review the record.

The Chair will remind the members that we are closing in on the 11 o'clock hour. We have several bills that still have to be done if we are going to keep to the schedule announced; that is Thursday. I know tensions are running high. The Chair will remind members to stick to the issue at hand, and the Chair will be monitoring these conversations very closely.

Representative Moul.

The gentleman will suspend.

The Chair had recognized the majority leader, Representative DeWeese.

Mr. DeWEESE. Two quick points: One, in one of the more civil moments that the previous speaker was able to embrace, he referred elliptically to a property tax proposal that the former Speaker of the House had championed a few months ago. I want the record to state, unequivocally, that many of us are in favor of property tax reform for all Pennsylvania property tax payers, not just a segment of our population, but everybody.

When the gaming law was passed, it was inherent in the dialogue at the time that youngsters, their families—Somebody just said on the issue, I did not hear that honorable gentleman with the green shirt and the tie saying it when Mr. What's His Name was up a few moments ago; we are not allowed to mention names. But the bottom line is, many of us are in favor of property tax reductions for everybody, not just one segment of society.

Now, having said that, Mr. Speaker, on tonight's schedule, if we are going to finish before the Fourth of July holiday, we are all going to have to be more cognizant of how long the evening endures and how long we speak. We still have a half a dozen bills tonight – three on second consideration and three on third consideration – and the three on second consideration still have a substantial number of amendments. So I would only ask that members be cognizant of that and arrange their floor remarks accordingly. Thank you.

The SPEAKER. The Chair will remind members, the issue before the House has been readily identified as prevailing wage; no other subject. The Chair will ask members to stick to the subject matter at hand, in the amendment before the House.

Representative Moul.

Mr. MOUL. Thank you, Mr. Speaker.

I will try to be brief, and that last act was definitely tough to follow; I will be more gentle with my words.

I could ask all of you here who are going to vote against the Perry amendment, how many of you would like to see your constituents have higher water and sewer bills and not one hand would go up, but yet by voting against the Perry amendment, that is exactly what you are going to do. You are going to put artificial prices into the costs of installing water and sewer systems that do not need to be there, especially in districts like my own.

We heard the last gentleman speak about property tax reform, and everybody wants property tax reform, everybody

wants to lower their property tax, but on the same hand, we are willing to raise the prices of their water and sewer bills in order to pay for inflated prices. I think that is something that we need to look at, at this provision, this Perry amendment.

In my district, the backhoe operator generally makes between \$18 and \$22 an hour. They are happy to make that wage. It is a fair wage for the district that I live in. So on one day they are working on one side of the street installing water and sewer for a grocery store being built. At \$18, \$22 an hour, they are happy. They are making a good wage; they are feeding their families. But tomorrow we are going to go across the street and work on the municipal building doing the exact same job, driving the exact same backhoe, and now we are going to pay them \$34 to \$38 an hour to do the exact same thing, and that price drags on for years in their water and sewer payments.

I would appreciate a positive vote for the Perry amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Preston.

Mr. PRESTON. You know, Mr. Speaker, we are pointing our fingers at the issue about wage, but let us really point our finger about the issue of neglect, whether it is in the Ohio basin or whether it is in the Susquehanna basin or in the Delaware basin. I do not hear anybody here pointing their fingers at the county commissioners and the local municipalities. For the last 50 years they have neglected their system, and why they have pipes that are wooden, 150 years old, every town having their own engineering firm not doing the proper GIS (geographic information system) programs, and not being responsible and waiting for the government to come and bail them out. I do not hear anybody here blaming the mayors, the borough council people, the township people that are in neglect and why some people are under consent decrees with the Federal government – and it is not with the DEP; the DEP is acting on behalf, in some cases, with the Federal government.

And it is the cost. It is not just the cost of the wage. It is the architects, it is the engineers that do not come under prevailing wage; it is the planning, and if we gave you right now the \$15 billion – and it is going to be over \$20 billion by the time we get finished in this State – but for the next 3 years we would only still be doing some of the planning. It is not just the small projects. A lot of you even have wooden lines that you have not repaired that you knew were there, that were leaking, and that you could not even account for 20 percent of the water products that you have when you had the ability to be able to pay, to be able to do these projects.

So let us not point our fingers at the reality of it. All of us have neglected our systems. Government has neglected this, and now all of a sudden, we are being told that this is what the cost is going to be, but we are still not ready. Every issue that you hear is about planning. It is not just about the construction. It is also about the cost of the trucks, the vans, the trailers, the lines, the cost of shipping, and all the different attorneys in dealing with the wages.

So we need to be able to effectively look at this because of the cost, and it is not just about the wages of what we are talking about down at the bottom. We talk about small business and helping small business. Well, all I know is the guy who is at the bottom with the bottom wages is not making \$100,000 to \$400,000 for the guy who is at the top of the small business.

And we have also neglected the issues of what is going on with the nutrients in the Chesapeake Bay, for the costs that you are going to have to pay. It is because the people have built

these homes by meaningful wage people but at the same time without wastewater systems, and they bought homes that were underpriced because there was not a system to connect to, and now because people are threatening to sue you in other States, you want somebody else to try to do it cheaper and by the wages that we should be responsible for. It is unaccountable. You should be responsible for your own towns and your own responsibility, because we have all neglected our systems, and to try to be able to justify the cost of dealing with that. And I can say that because I have done the system and I have run the systems. So it is our fault just as well.

And to be able to say it is all just about wages; no. Wages are just a small part of it, and it is not 25 percent, not by the time you add up the architects, the engineers, the planning, the design, and the software systems.

So let us be responsible for this and let us vote this amendment down so that people can continue to make good, meaningful wages and that we can be responsible, because it is going to be over \$20 billion by the time we finish. Thank you.

The SPEAKER. Representative Daley.

Mr. DALEY. Thank you for your encouraging views.

All I can say, all I can say, all I can say is you get what you pay for; you get what you pay for.

Vote "no."

The SPEAKER. Representative Blackwell.

Mr. BLACKWELL. Thank you, Mr. Speaker.

Mr. Speaker, in my short time here, all I hear about is how we are trying to create business in this Commonwealth, how we are trying to encourage business in this Commonwealth.

Whenever I hear about something that will help tax-paying workers, there is always a controversy. Well, let me tell you something. I have negotiated contracts as a former president and lead negotiator of a union that had the prevailing wage in it. The minute we had a problem and we had to strike, guess what? Even though we had a prevailing wage, they brought workers in from Texas who happened to be illegal immigrants. Not only did they do that, but they brought in attack dogs to make sure that we did not go in. Do not tell me about a prevailing wage that does not have to be.

As the gentleman just said, you pay for what you get. Apparently, there has been a lot of neglect from some very smart people, very smart people, who do not have to have a prevailing wage. What about the people who negotiate contracts that have a prevailing wage in it but do not abide by that prevailing wage because of illegal workers? Every time we talk about average people – who, I might add, these are taxpayers, these are taxpayers, too, Mr. Speaker – but whenever there is something to help a person determine their quality of life, some people have a problem with that. Well, either we are going to do it right or we are going to continue to pay more because we do not do it right in the beginning.

I rise in complete opposition to this amendment.

Now, someone mentioned about the Wal-Marts of the world. Well, let me tell you something. Their prevailing wage allows us to take care of the benefits, the health benefits. Taxpayers have to do that. If they had a prevailing rate, we would not have to take care of their benefits. They are making all kind of profits, record profits, but no one says anything about that. Talk about that. Talk about the Kmart of the world; talk about the Targets of the world that, I might add, a lot of us in here shop; talk about our wage. If we feel that way about it, let us reduce our wage and contribute it to those workers. We will not want to

talk about that. Do you know why? Because we get so insulated up here that we cannot relate to the average worker. They need their salaries, too. They want to send their kids to school, too. They want to see their kids graduate from college, too. That takes finances. In order to do that, Mr. Speaker, we have to have a quality rate, a prevailing rate.

And, I might add, you have a lot, a lot of responsible employers. Well, guess what? Let us have a responsible government, a responsible government that cares about its people, that wants to see people live a quality of life that is conducive to living in this Commonwealth.

Instead of being obstructionists, Mr. Speaker, let us do the right thing and vote this amendment down, vote it down 100 percent, because guess what? We are doing the right thing. Let us care about our people and stop waving to these cameras, picking these cameras, wanting to speak, saying we are speaking to our constituents, because guess what? They want a prevailing rate, too. I heard that tonight, too, Mr. Speaker.

What do the people of the Commonwealth want? The people of the Commonwealth want a budget. The people of the Commonwealth want us to do the right thing. Vote this amendment down, Mr. Speaker.

Thank you very much.

The SPEAKER. Representative Stairs.

Mr. STAIRS. Thank you, Mr. Speaker.

I think the hour of the day— I was going to vote "no" on this amendment and just vote "no" and let it go at that, but when some of my colleagues got up, I just wanted to make a few statements to say there are two sides to the story. Certainly, I can see where possibly you are going to raise some taxes; true, but on the other side of the story, we fail to realize that in a construction project, whether it is sewer or a building, the materials and the other costs are definitely 75, 80 percent of the job. It is not 90 percent of the job being wages. The wages are one of the smaller. With the technology and the innovations and the equipment we have today, the labor costs have diminished and other costs have increased. So we are not talking about 100 percent of the job. We are talking about just the labor parts. So the number that we have is much lower to begin with.

And you know, where there is something that we fail to realize is that the trade unions have a very extensive apprentice program, and we have a choice. We can have the taxpayers going to institutions, whether it be State institutions or private institutions, and paying for that, or we can have the labor unions having apprentice schools where somebody with the skill level that can do the job goes to the union apprentice school, gets an education, becomes very proficient and a much more quality worker. So it cuts both ways.

There are savings, as my colleagues mentioned, yes, by not having prevailing wage, but on the other hand, they forget the savings and the quality of work. And I guess I could not say it quite as simply as Representative Daley, but you get what you pay for, and I think many times we fail to realize that.

So I am voting in opposition to this amendment because I have seen what the apprentices have done, what the skilled workers have done, and I think we are getting a lot of bang for our buck. Thank you.

The SPEAKER. Representative Roae.

Mr. ROAE. Thank you, Mr. Speaker.

I stand and rise in support of the Perry amendment.

There are about 10 million construction workers in the United States and there are about 300 million people. So that

means 1 out of every 30 people benefit from prevailing wage, but 29 out of 30 people pay higher sewer rates, higher water rates, higher costs for highways, higher property taxes for schools. Prevailing wage benefits 1 out of every 30 people.

I ask that the members vote to support almost the entire population that is stuck paying higher taxes and higher rates. Please support the Perry amendment. Thank you.

The SPEAKER. Representative Saylor, for the second time.

Mr. SAYLOR. Thank you, Mr. Speaker.

You know, it is interesting; I hear people talk about how we need to move on and keep up with this schedule, and I appreciate what the majority leader had to say, but for the first time this year we are finally— Since we quit talking about property taxes, we are finally talking about something that could really affect the pocketbooks and the people of Pennsylvania. Since we did not do property tax reform, the least we can do is cut their taxes in other ways.

And it is interesting; the gentleman from Washington County said, you get what you pay for. Well, maybe you would ask that same question to the people who helped pay the taxes at Lancaster McCaskey, which a job was done by prevailing wage and the building started to collapse before they moved into it. How about some of the township buildings that have been built across this State with prevailing wage? They had leaky roofs and leaky windows that had been built. They were done with prevailing wage.

It is just completely amazing when we sit around here and act like the whole thing is about unions. I surely believe and support our unions of this State. The prevailing wage is not about unions at all. It has nothing to do with unions. It has to do with paying a fair wage for a fair day's work in this Commonwealth. A man who works to build a house, whether he is a carpenter, an electrician, or a mason, should be paid the same when he is building our school districts, our sewer and water projects across this Commonwealth.

All we are doing tonight by voting down Representative Perry's amendment is simply voting to raise sewer and water rates and property tax rates across this Commonwealth, and if you are not willing to do property tax reform in this State, you at least could do things that lower the cost to taxpayers. And the reason Wal-Mart is doing so well in Pennsylvania is because we have not reacted to doing things to solve their property tax reform. They cannot afford to go to some of the other stores, and that is why Wal-Mart is doing so well in Pennsylvania, because people do not have the money to spend in other places.

And by the way, maybe you need to check out and see who the largest, the largest prevailing wage company in Pennsylvania is in doing construction projects. May I suggest you look at a contractor from the State of Connecticut, rather than a Pennsylvania contractor, who has gotten more prevailing wage jobs in Pennsylvania than any other contractor in Pennsylvania? Or how about let us look at our highway projects. Remember in 2006 right before the gubernatorial election, the Governor of Pennsylvania instituted a prevailing wage on local highway maintenance? And lo and behold, the complaints were filed by all of us and all of a sudden, the Governor took that prevailing wage off and then after the election he reinstituted it. So now townships throughout this State are now having to cut their projects, their highway projects because of prevailing wage, by over 50 percent this year. They already went to bid earlier this year, did all their highway projects that they wanted to do this year, and because

of the Governor's ruling and the Department of Labor, those projects now have to be called— We are talking highway projects here. Our infrastructure in this State, those projects are going to be cut in half in many of our townships and boroughs across this State of Pennsylvania.

And I heard the gentleman talk about bailouts, bailouts. Those of us in central Pennsylvania find it very amazing when you talk about bailouts when you are from Pittsburgh and Philly. We have not had bankruptcies here where the State had to bail us out. We are asking for help in central Pennsylvania. Every time I turn around, somebody wants me to bail out the Philadelphia school system or somebody else. This is not a bailout program. This is right for taxpayers in all parts of this State no matter what city or borough or township you live in.

Thank you, Mr. Speaker.

The SPEAKER. Representative Marsico.

Mr. MARSICO. Thank you, Mr. Speaker.

I rise to support the Perry amendment.

For a number of years as a landscape contractor, I had to pay prevailing wage rates when I did public works projects. The quality issue is absolutely bogus. I used the same personnel and the same equipment and the same materials if I did a non-public works job, a public job, or a public works job. That is absolutely bogus. That comes firsthand with experience.

Now, for those of you that— I think it was mentioned earlier by a previous member, he said to put your money where your mouth is, put your money where your mouth is. I say, for those of you that advocate support for prevailing wage, the next time you build a house, the next time you do home repair, put your money where your mouth is and pay the prevailing wage. Thank you.

The SPEAKER. Representative Perry, for the second time.

Mr. PERRY. Thank you, Mr. Speaker.

Certainly, I want to say to all the members of the Assembly here that it is nothing personal. I appreciate your passion; I am passionate about it, too.

For those who say that taxpayers are not involved, I think they are. I think they are really involved. They are getting to pay for this. And to those who might say that Ford, some of our big auto manufacturers, UAW (United Auto Workers) workers work there, GM (General Motors), that they are losing jobs, shipping those jobs overseas, ever wonder why? Yes; sure, CEOs (chief executive officers) taking too much money probably involved in that as well. We live in a global economy. In case you have not checked lately, planned economies do not work, and that is what prevailing wage is.

Troubling trends, I have heard that. You know, maybe you should be happy to see the license plates of North Carolina and South Carolina, Georgia, all the Southern States, all the warm States. Those are our kids coming back to Pennsylvania because they have left. Do you know why? Because we are last, we are near last in job creation and job growth in Pennsylvania. We are forcing our young people out with these policies.

I am not against workers. Before I came here there were many a day that I was wearing a pair of Red Wing steel-toe boots, crawling on and off a backhoe, in and out of a ditch, but I am for taxpayers. People in the district I represent are having a hard time paying their bills, whether it is property taxes, their heating bills, or their sewer bills, and I stand for them today.

When you say, you get what you pay for, sure you do. And I agree with another member of the Assembly that said, when you hire somebody to come mow your lawn or build your next

home, are you looking to pay prevailing wage? I doubt it. You are looking for the best deal, and that is all we are talking about here.

Mr. Speaker, this is not taking prevailing wage out of the State. This amendment only applies to these projects regarding this bill. It is just one small thing to help your municipalities and your taxpayers.

I appreciate your indulgence and ask for your favorable vote on this amendment.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—67

Baker	Geist	Marsico	Reichley
Bastian	Gillespie	McIlhatten	Roae
Bear	Gingrich	Metcalfe	Rock
Boyd	Grell	Millard	Rohrer
Brooks	Hanna	Miller	Ross
Cappelli	Harris	Milne	Rublely
Causar	Helm	Moul	Saylor
Clymer	Hennessey	Nailor	Scavello
Cox	Hershey	Nickol	Schroder
Creighton	Hess	Peifer	Steil
Cutler	Hickernell	Perry	Stern
Denlinger	Hutchinson	Phillips	Stevenson
Ellis	Kauffman	Pickett	Swanger
Everett	Keller, M.K.	Pyle	True
Fairchild	Maher	Quigley	Turzai
Fleck	Major	Quinn	Watson
Gabig	Mantz	Rapp	

NAYS—133

Adolph	Freeman	McCall	Shapiro
Argall	Galloway	McGeehan	Shimkus
Barrar	George	McI. Smith	Siptroth
Belfanti	Gerber	Melio	Smith, K.
Bennington	Gergely	Mensch	Smith, M.
Beyer	Gibbons	Micozzie	Smith, S.
Bianucci	Godshall	Moyer	Solobay
Bishop	Goodman	Mundy	Sonney
Blackwell	Gruclera	Murt	Staback
Boback	Haluska	Mustio	Stairs
Brennan	Harhai	Myers	Sturla
Buxton	Harhart	O'Brien, M.	Surra
Caltagirone	Harkins	O'Neill	Tangretti
Carroll	Hornaman	Oliver	Taylor, J.
Casorio	James	Pallone	Taylor, R.
Civera	Josephs	Parker	Thomas
Cohen	Keller, W.	Pashinski	Vereb
Conklin	Kenney	Payne	Vitali
Costa	Kessler	Payton	Vulakovich
Cruz	Killion	Perzel	Wagner
Curry	King	Petrarca	Walko
Daley	Kirkland	Petri	Wansacz
Dally	Kortz	Petrone	Waters
DeLuca	Kotik	Preston	Wheatley
DePasquale	Kula	Ramaley	White
Dermody	Leach	Raymond	Williams
DeWeese	Lentz	Readshaw	Wojnaroski
DiGirolamo	Levdansky	Reed	Yewcic
Donatucci	Longietti	Roebuck	Youngblood
Eachus	Mahoney	Sabatina	Yudichak
Evans, D.	Manderino	Sainato	
Evans, J.	Mann	Samuelson	O'Brien, D.,
Fabrizio	Markosek	Santoni	Speaker
Frankel	Marshall	Seip	

NOT VOTING—0

EXCUSED—3

Benninghoff Harper Mackereth

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. **TURZAI** offered the following amendment No. **A08339**:

Amend Title, page 1, lines 1 and 2, by striking out all of line 1 and "the electors, of \$400,000,000" in line 2 and inserting

Making Interfund transfers

Amend Bill, page 4, lines 18 through 30; page 5, lines 1 through 30; page 6, lines 1 through 13, by striking out all of said lines on said pages and inserting
Section 4. Funding.

(a) State Stores Funds.—The Secretary of the Budget shall transfer from the State Stores Fund to the authority the amount of \$150,000,000 annually for fiscal year 2008-2009 through fiscal year 2011-2012.

(b) State Gaming Fund.—The Secretary of the Budget shall transfer from the State Gaming Fund to the authority the amount of \$41,000,000 annually for fiscal year 2008-2009 through fiscal year 2011-2012. These funds shall be from the balance in the State Gaming Fund remaining after all other statutorily mandated requirements for the use of these funds are met.

Section 5. Grant limitations.

(a) Limit on aggregate amount.—The aggregate amount of grants awarded under this act may not exceed \$200,000,000.

(b) Limit of authority.—The board shall have no power to award any

Amend Sec. 8, page 6, line 16, by striking out all of said line and inserting

(1) For a sewage treatment system that has an annual

Amend Sec. 8, page 6, line 20, by striking out all of said line and inserting

(2) For a sewage treatment system that has an

Amend Sec. 8, page 6, line 25, by striking out all of said line and inserting

(3) For a sewage treatment system that has an

Amend Sec. 8, page 6, line 30, by striking out all of said line and inserting

(4) For a sewage treatment system that has an

Amend Sec. 8, page 7, line 5, by striking out all of said line and inserting

(5) For a sewage treatment system that has an annual

Amend Sec. 8, page 7, line 10, by striking out all of said line and inserting

(6) For a sewage treatment system that has an

Amend Sec. 8, page 7, lines 14 and 15, by striking out all of line 14 and "(2)" in line 15 and inserting

(c) Vote required to exceed grant limits.—Notwithstanding the provisions of subsection (b)

Amend Sec. 8, page 7, line 17, by striking out "paragraph (2)" and inserting

subsection (b)

Amend Sec. 8, page 7, line 20, by striking out all of said line and inserting

(d) Grant uses.—Proceeds realized under this act may

Amend Sec. 8, page 7, line 26, by striking out all of said line and inserting

(1) The Pennsylvania Public Utility Commission has

Amend Sec. 8, page 7, line 30, by striking out all of said line and inserting

(2) The Pennsylvania Public Utility Commission has

Amend Sec. 8, page 8, line 3, by striking out all of said line and inserting

(e) Limit for drinking water systems.—Not more than \$50,000,000 of grant proceeds from

Amend Sec. 8, page 8, lines 12 through 14, by striking out all of said lines

Amend Sec. 9, page 8, line 15, by striking out "9" and inserting

6

Amend Sec. 9, page 8, lines 27 through 30; page 9, lines 1 through 4, by striking out all of lines 27 through 30, page 8 and all of lines 1 through 3 and "(4)" in line 4, page 9 and inserting

(3)

Amend Bill, page 9, by inserting between lines 5 and 6
Section 7. Construction.

Nothing in this act shall prohibit the use of funds allocated under the provisions of this act for projects involving the purchase or trading of nutrient credits.

Amend Sec. 10, page 9, line 6, by striking out "10" and inserting

8

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The **SPEAKER**. Members will please take their seats. Members will take their seats.

The Chair recognizes Representative Turzai on the amendment.

Mr. **TURZAI**. Thank you very much, Mr. Speaker.

Sir, I offer this amendment—

The **SPEAKER**. The Chair recognizes the gentleman from Allegheny County, Representative Turzai, who offers the corrective amendment, A08652, which the clerk will read.

On the question recurring,

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

Mr. **TURZAI** offered the following amendment No. **A08652**:

Amend Title, page 1, lines 1 and 2, by striking out all of line 1 and "the electors, of \$400,000,000" in line 2 and inserting

Making Interfund transfers

Amend Bill, page 4, lines 18 through 30; page 5, lines 1 through 30; page 6, lines 1 through 13, by striking out all of said lines on said pages and inserting
Section 4. Funding.

(a) Emergency liquor tax.—The Secretary of the Budget shall transfer from the emergency liquor tax revenues collected under the act of June 9, 1936 (Sp. Sess, P.L.13, No.4), entitled as reenacted and amended, "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board,"

to the authority the amount of \$200,000,000 annually for fiscal year 2008-2009 through fiscal year 2011-2012.

(b) Pennsylvania Gaming Economic Development and Tourism Fund.—The Secretary of the Budget shall transfer from the Pennsylvania Gaming Economic Development and Tourism Fund to the authority annually for fiscal year 2008-2009 through fiscal year 2011-2012, all money in the Pennsylvania Gaming Economic Development and Tourism Fund not otherwise allocated to projects specified under 4 Pa.C.S. § 1407 (relating to Pennsylvania Gaming Economic Development and Tourism Fund) and under the act of July 25, 2007 (P.L.342, No.53), known as Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007.

(c) Use.—Proceeds shall be deposited in a special fund in the State Treasury and shall be used for grants and loans by the Pennsylvania Infrastructure Investment Authority for drinking water system and wastewater treatment system projects.

Section 5. Grant limitations.

(a) Limit on aggregate amount.—The aggregate amount of grants awarded under this act may not exceed \$200,000,000.

(b) Limit of authority.—The board shall have no power to award any

Amend Sec. 8, page 6, line 16, by striking out all of said line and inserting

(1) For a sewage treatment system that has an annual

Amend Sec. 8, page 6, line 20, by striking out all of said line and inserting

(2) For a sewage treatment system that has an

Amend Sec. 8, page 6, line 25, by striking out all of said line and inserting

(3) For a sewage treatment system that has an

Amend Sec. 8, page 6, line 30, by striking out all of said line and inserting

(4) For a sewage treatment system that has an

Amend Sec. 8, page 7, line 5, by striking out all of said line and inserting

(5) For a sewage treatment system that has an annual

Amend Sec. 8, page 7, line 10, by striking out all of said line and inserting

(6) For a sewage treatment system that has an

Amend Sec. 8, page 7, lines 14 and 15, by striking out all of line 14 and "(2)" in line 15 and inserting

(c) Vote required to exceed grant limits.—Notwithstanding the provisions of subsection (b)

Amend Sec. 8, page 7, line 17, by striking out "paragraph (2)" and inserting

subsection (b)

Amend Sec. 8, page 7, line 20, by striking out all of said line and inserting

(d) Grant uses.—Proceeds realized under this act may

Amend Sec. 8, page 7, line 26, by striking out all of said line and inserting

(1) The Pennsylvania Public Utility Commission has

Amend Sec. 8, page 7, line 30, by striking out all of said line and inserting

(2) The Pennsylvania Public Utility Commission has

Amend Sec. 8, page 8, line 3, by striking out all of said line and inserting

(e) Limit for drinking water systems.—Not more than \$50,000,000 of grant proceeds from

Amend Sec. 8, page 8, lines 12 through 14, by striking out all of said lines

Amend Sec. 9, page 8, line 15, by striking out "9" and inserting

6

Amend Sec. 9, page 8, lines 27 through 30; page 9, lines 1 through 4, by striking out all of lines 27 through 30, page 8 and all of lines 1 through 3 and "(4)" in line 4, page 9 and inserting

(3)

Amend Bill, page 9, by inserting between lines 5 and 6 Section 7. Construction.

Nothing in this act shall prohibit the use of funds allocated under the provisions of this act for projects involving the purchase or trading of nutrient credits.

Amend Sec. 10, page 9, line 6, by striking out "10" and inserting 8

On the question,

Will the House agree to the amendment?

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

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

I do believe that the underlying bill certainly serves some significant purposes for the State of Pennsylvania and its citizens. I just think that, in many ways, it is going about its approach in not the best manner, and this amendment attempts to improve upon the purposes of the bill.

Our Policy Committee held two hearings on the Chesapeake Bay cleanup issue, and one of them was in my colleague, Representative Fleck's district in Huntingdon, Pennsylvania, at Juniata College, and one was at my colleague, Representative Garth Everett's district in Williamsport in Lycoming County, at the Penn College of Technology. And we learned from that particular hearing that, given an agreement by the Department of Environmental Protection with other Chesapeake Bay States, that there are significant requirements being placed on the State of Pennsylvania's local communities in the Susquehanna River Basin.

DEP developed a Chesapeake Bay Tributary Strategy but did not fully implement or come to an agreement until recently, but it is clear that there is now development of mandatory compliance plan that will most definitely be felt by many of the smaller wastewater and water authorities and our municipalities, particularly in the central Pennsylvania region. It has been estimated that it will be a significant cost to upgrade those particular facilities, hopefully to meet the requirements of the EPA standards and particularly as they have been negotiated in an abrupt manner by the Department of Environmental Protection.

Let me say this, that particularly after those hearings, I certainly understand the import of improving our water and wastewater facilities, in fact, in such a manner that I am willing, and I think many of my colleagues are willing, to pay for that upgrade with help from the State – in a pay-as-you-go manner.

I thought the most compelling testimony came from Ms. Christine Maggi-Weigle from the Lycoming County Water and Sewer Authority, amongst a variety of very good testifiers, that talked about how there is an uphill battle in central and rural Pennsylvania. But she indicated that a lot of times, DEP kept saying that the local municipalities and authorities have known about these new requirements coming for years, and her quote was this: Yes, "In general terms, we have heard this is coming. Failure to provide funding is an issue that we struggle with – however, failure to have clear standards set by DEP early in this process have failed all of us. While we argue about what approach to take...wastewater systems were left wondering" exactly "what DEP would set for limits," and now, in a very quick period of time, those demands have come. "The series of events," quote, unquote, "have now left the regulatory agencies as well as wastewater facilities behind the curve and forcing

breakneck speed to complete planning, design, and construction to achieve our goals," end quote.

It seems clear to me, given the underlying bill, that PENNVEST is the best State authority to handle the upgrades of our water and wastewater systems, and I agree with that part of the underlying bill. The PENNVEST program was authorized by Act 16 of 1988 to provide an investment pool of capital to rebuild and expand community drinking water systems and municipal sewage treatment facilities in the Commonwealth. Certainly that fits the problem that is dealt with by the Chesapeake Bay Tributary Strategy to meet the EPA compliance.

What we would like to do in this particular amendment is to take direct tax outlays over the next 4 years and give those moneys directly to PENNVEST to administer in a manner to improve our water and wastewater facilities. In terms of the output or the usage of that money by PENNVEST, it remains the same as the underlying bill.

What changes, however, is that we provide a direct outlay of \$200 million from the Johnstown flood tax for the next 4 years, which would amount to \$800 million to be given out in grants and loans by PENNVEST, and that is from the Johnstown flood tax, which seems to have and should have a specific tie to something like wastewater improvement and water improvement.

Next, it also provides that that portion of the 5-percent tax, that portion of the 5-percent tax on the gambling tax for economic development, there is a 5-percent tax of the gambling profits that has been designated in an economic development fund. Last year – a number of us voted "no," but by one vote it passed in this chamber – 100 million of the projected dollars from the 5-percent tax on the gambling for economic development out of the gambling moneys was used for the Philadelphia Convention Center and the Pittsburgh Penguins facility. However, that same 5-percent tax has a residue of revenue coming in on an annual basis, and it is projected to be \$45 million a year.

Instead of using that \$45 million a year to just pay down debt service, as the underlying bill provides, we want the \$45 million, and maybe growing money over time, to be a direct outlay to PENNVEST to be used for the improvement of water and wastewater facilities. Thus so, approximately close to \$250 million a year over 4 years, totaling \$1 billion, will be invested on a pay-as-you-go basis to PENNVEST to be used for grants and loans to improve, especially our municipals' and local authorities' wastewater and water facilities.

Now, the great thing about this approach is that – the existing approach, which only uses \$400 million in borrowing – to borrow that \$400 million, given the fiscal note, you will have to pay \$220 million in tax dollars above and beyond the \$400 million for interest and fees, including bond-lawyer fees and including investment underwriter fees. Why not use every dollar of that tax money for a specific purpose here to give to PENNVEST for improved wastewater and water facilities instead of giving it to bond lawyers and to underwriters? So you will have, over 4 years' time, a \$1 billion outlay that is directly provided to PENNVEST for its usage, and PENNVEST is a very, very professional agency, one of the ones that has been complimented significantly in our State, as opposed to using borrowed money which, essentially, leverages our future tax revenues but not to go to the direct expense.

I think we will be much better served by providing the \$200 million from the Johnstown flood tax on an annual basis and the \$45 million in growing money from the gambling economic development fund to meet this pressing need, particularly for those in the central Pennsylvania area.

Thank you very, very much. I ask for a "yes" vote on this amendment.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the members oppose the Turzai amendment, and I will give you 150 million reasons and about another 800 million reasons.

You want to cut child welfare, you want to cut job training, you want to cut drug interdiction, you want to cut veterans homes, you want to cut education, you want to cut law enforcement, you want to cut agriculture, you want to cut libraries, you want to cut flood control, pass this amendment. This amendment takes over \$150 million out of our General Fund budget.

The money the gentleman is referencing is the 18-percent Johnstown flood tax. I could make the argument that it should have been repealed back in the 1940s, but it is a tax that we have on the books today and it is money that goes into our General Fund, and it is money that will be absent or minused out of our General Fund and we will have to cut State programs across the board by a minimum of \$150 million.

The second part of the amendment takes money from the Gaming Economic Development and Tourism Fund. If you want to do that, if you are not interested in the \$800 million that we are going to give to H₂O, to water system upgrades, vote for this amendment, because all of that money goes, too; it disappears. We may as well defeat SB 2 right now. With this vote, we will take care of a couple of things. You are going to cut this budget by another \$150 million, and you will kill SB 2 right here and right now.

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

The SPEAKER. Representative Swanger.

Mrs. SWANGER. Thank you, Mr. Speaker.

I rise in support of the Turzai amendment. We cannot keep piling more and more debt upon the citizens of this State and, ultimately, our children and grandchildren. Using funds from the Johnstown flood tax and dollars from the State gaming fund that will not reduce property tax rebates, in my opinion, is a much wiser course to follow.

Thank you, Mr. Speaker.

The SPEAKER. Representative Pyle.

Mr. PYLE. Thanks, Mr. Speaker.

Will the maker of the amendment please submit for interrogation?

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

Mr. PYLE. Mr. Speaker, am I correct in assuming you are going to draw the Johnstown flood tax money and put it into water and sewage projects in the Commonwealth?

Mr. TURZAI. Yes.

Mr. PYLE. How much does the Johnstown flood tax generate every year, Mr. Speaker?

Mr. TURZAI. This past year, it generated about \$225 million.

Mr. PYLE. So for 4 years, we are looking at a total revenue of \$900 million? Am I correct in my math?

Mr. TURZAI. Yes, but the amendment only takes \$200 million from the Johnstown flood tax over the next 4 years and then \$45 million and growing from the 5-percent gaming economic development tax.

Mr. PYLE. Thank you.

Mr. Speaker, on the amendment.

Mr. Speaker? May I proceed on the amendment, Mr. Speaker?

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

Mr. PYLE. Thank you.

Mr. Speaker, what we have here again is that same thing: replacing water and sewage lines, infrastructural build-outs throughout the Commonwealth.

What my friend, the gentleman from Allegheny, suggests is that we take this more gradually as the money becomes available, which we know the Johnstown tax will make available. Instead of plunking hundreds of millions of dollars into bond attorneys to float more debt, we are going to pay for it as we go and still drive out the same amount of money into water and sewage lines throughout the Commonwealth.

I think this is a great amendment, and I would encourage our members to look at it twice and give it a positive vote. Thank you, Mr. Speaker.

The SPEAKER. Representative Everett.

Mr. EVERETT. Mr. Speaker, I rise in support of the Turzai amendment.

Up in Lycoming County, in the district that I represent, it is going to cost \$150 million alone to fund these Chesapeake Bay upgrades. That is \$150 million in a county with 120,000 people in it. I believe that Representative Turzai's amendment represents the best way for us to pay for this large bill that we have to pay.

This is a no-borrowing, pay-as-you-go program. It provides a steady stream of funding for these upgrades that are needed throughout the Chesapeake Bay region, and it places the money in the hands of PENNVEST, an agency that our municipalities and authorities are used to dealing with and who is in the best position to place these funds in the right projects.

I just want to wrap this up by saying, in one of the small communities in the district that I represent, it is going to cost \$11 million to upgrade their system; that is \$11 million on a system that only has 860 users. We need to help in the Chesapeake Bay, and Representative Turzai's amendment is the best way to give us that help.

I urge you to vote for the Turzai amendment. Thank you.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker. Briefly.

Heaven forbid we should adopt a pay-as-you-go attitude on any initiative around here these days. I think the Turzai amendment makes a lot of sense. It is economically sound, fiscally sound, but there are other reasons other than the fact that we will finally adopt something that is pay-as-you-go.

The fact that PENNVEST will be administering the funds of this program gives me great comfort. PENNVEST has the expertise. They have the experience in this type of work.

Mr. Speaker, the alternative is handing millions and millions of dollars over to the Commonwealth Financing Agency, and if you think the Gaming Control Board has done a good job with their political-hack appointments, then give this money to the

Commonwealth Financing Agency and see what a mess, an absolute mess, they will make of this.

Mr. Speaker, we have to get away from giving huge sums, billions of dollars, to these politically controlled appointed bodies. The Commonwealth Financing Agency has no expertise in anything, let alone this type of work. Mr. Speaker, let us adopt the Turzai amendment and not only have a fiscally sound approach but a professionally sound approach as well.

The SPEAKER. Representative Saylor.

Mr. SAYLOR. Mr. Speaker, Representative Schroder did a great job, and it is tough to follow him on the comments he made.

Here we go again with an opportunity to save the taxpayers of Pennsylvania a great deal of money. Again, I know that side of the aisle is going to vote this bill down, because God forbid, as you go around and campaign this fall and you tell people you want to cut their property taxes and you are for lower taxes, but every bill you have been voting lately and all the amendments you are doing continually causes the rise of property taxes, continues to cause the rise of sewer and water bills – I do not know how you can go back home and face voters and tell them you are voting in their best interests when you, as Democratic members of this House of Representatives, continue to vote bills that spend more and more money in what is not a very efficient way to run government.

We do not have to look that far to see what borrowing has done to States like New Jersey. Just look at New Jersey; an embarrassment to any government is how New Jersey's government is run, and what it caused in New Jersey has been economic chaos. We continue in this State not to look at any of that kind of chaos that is happening in other States and we continue to spend ourselves further and further into debt, while we stand here and, in our own election campaigns, tell people how we are for property tax reform, we are for cutting their expenses, we want to control rate increases in their electric bills in the future, but nothing that we do on this House floor seems to ever reflect the talk that we put in our campaign brochures. We continue to vote to raise their taxes and raise their bills. No wonder that Wal-Mart is doing so well in this Commonwealth, because we in this House surely are not voting the pocketbooks of our constituents; we are voting for those political groups that give us campaign money.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Two quick points relative to the honorable gentleman from York, who just left the microphone.

One, he is alleging that these votes are being carried by the Democratic members; that is not true. This is a bipartisan majority that sustains working families and good wages. There is a wide swath of honorable Republicans that vote with us. So for the honorable gentleman to say it is just the Democrats that are voting in the majority tonight, he is wrong; he is wrong.

Number two, they want to take \$150 million, as the gentleman from Carbon, the whip, said a few moments ago, but they have not told us what they want to cut. If you are going to take it, these pay-as-you-go theories that you have, where are you going to take it from? Volunteer fire companies? Libraries? Prekindergarten? Come on; if you are going to cut it, tell us where you are going to get it.

Thank you, Mr. Speaker.

The SPEAKER. Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I, too, rise in favor of the Turzai amendment because I do believe in the pay-as-you-go process, which we should be doing here in Harrisburg in running our State government. I think it is time for us to set priorities, and certainly drinking-water projects and wastewater projects, flooding and dam projects, are priorities. But if we really believe that they are priorities, we should pay for them today, get the most bang for our buck, instead of borrowing and paying much more than the projects themselves cost.

Mr. Speaker, this amendment is also good because it does place the authority to administer this program under PENNVEST, which I believe is a very professional and objective State agency that has an expertise in funding drinking-water and wastewater projects. So I think that is another great reason to vote for the Turzai amendment.

Mr. Speaker, I think the funding mechanism for this bill is so appropriate, the Johnstown flood tax, because a large portion of these projects, I assume, will be projects to mitigate flooding and help protect the dams all across our Commonwealth. So why not use the Johnstown flood tax for that purpose, which we have been advertising as its purpose since its inception many, many decades ago?

Mr. Speaker, I think more than anything else that we face a buzzword, which is "sustainability." If we continue to do these huge bond issues, do a lot of projects in a short period of time, then what happens in the future? Quite frankly, Pennsylvania is facing that problem right now, because back in the sixties and seventies, there was a large infusion of money into wastewater and drinking-water projects, and then that was not sustained and now we are in a problem again. We should be paying as you go to pay for our projects, pay for the things that are the most priority to us, and pass this amendment.

Finally, Mr. Speaker, it has been alluded to today that somehow this will take away money from some budget, but quite frankly, I have not seen a budget. I am trying to figure out what budget they are referring to. None of us have seen that budget. How do we know what is available, what is not? What is spent, what is not? I guess I am just a rank-and-file member who is out of the loop, but I have not seen a budget we are taking away from. But my priority is these kinds of projects on a pay-as-you-go basis, and that is why I am supporting the Turzai amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Fleck.

Mr. FLECK. Thank you, Mr. Speaker.

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

I represent the ninth largest district in the Commonwealth, spread over three counties. The Chesapeake Bay initiative strategy is going to cost my district, the three counties alone, upwards of \$100 million. My area is already hard pressed – a high elderly population. We are concerned about how we are going to pay our fuel, heating oil, this fall, and they cannot handle double water and sewer rates.

This is a commonsense amendment, and I support the Turzai amendment. Thank you, Mr. Speaker.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Venango County asked the same question I was going to ask, and that is, I have not seen a budget. So in deference to my good friend from Carbon County,

how do I know what line items are being cut when we have not seen a budget?

In addition to that, I have already submitted to our own Appropriations staff a listing of line items that I received from the Governor's budget back in February totaling well over \$300 million saying, could you explain these items to me? So maybe I can help the majority leader tomorrow, once we get that spreadsheet on the budget, and I can show him how we can save, maybe, quite a few hundred million dollars.

So I appreciate those thoughts, and I am going to support the Turzai amendment.

The SPEAKER. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

I, too, rise in support of the Turzai amendment, and for a very few simple reasons.

Mr. Speaker, the math works. The math is, a billion dollars in, a billion dollars out. That is what we have and that is what we pay because of the cash-flow model that he has in this amendment. Mr. Speaker, if we follow this model and the other one proposed in SB 2, the math is \$1.2 billion out, over \$2 billion paid back over the life of the loan.

Mr. Speaker, I, for one, believe that we have enough debt already. I argued that previously when we talked about increasing the RCAP (Redevelopment Assistance Capital Program) rate. Mr. Speaker, that is a race that we do not want to win.

Mr. Speaker, in addition to that, to the honorable gentleman from Carbon County who inquired as to where this money would come from, Mr. Speaker, the \$150 million that he alludes to that would be cut out of the budget is actually less than the surplus that we had coming in this year, albeit it was smaller than we expected. Perhaps if government had not grown at such a bloated rate over the last few years, Mr. Speaker, we would have ample money to make these kinds of decisions now.

Mr. Speaker, additionally, I wish that my colleagues across the aisle had argued with such fervor with regards to where the money was going before we raided the economic development fund set up in the gaming law to send the majority of the money to pay for a convention center and a stadium. Mr. Speaker, that money could have been used to help all of the districts in the Susquehanna River watershed, but instead, it went to two pet political projects. Mr. Speaker, I understand that and I understand the mechanics behind it; I do not have to agree with it, and I do not.

Mr. Speaker, we are where we are today because of a series of bad decisions, bad decisions on how we spend our money, and, Mr. Speaker, bad decisions on why we want to borrow more. I say we end the bad decisions today. Let us go to a pay-as-you-go model and support the Turzai amendment. Thank you.

The SPEAKER. Representative Vulakovich.

Mr. VULAKOVICH. Mr. Speaker, I rise in support of the Turzai amendment, and my reasons why are, number one, we have to rely on a vote, on a referendum. I think we need to start on this as soon as we can. We know that we hear different estimates on what it is going to cost throughout the State. I have heard estimates, in my Allegheny area, from \$8 to \$13 billion for our wastewater and clean-water projects. I think the Turzai amendment offers us about \$1 billion compared to the \$400 million. Thus, we will not be paying a debt service of about \$8 million for every \$100 million we borrow.

I think it is time we take serious action on this. We have to start setting priorities. I am one of the ones that voted against RCAP because I am not into bricks and mortar anymore; I am into dams, bridges, flood controls, wastewater, and clean water. It is time we take it seriously, because we know, in the end, the only way we are really going to pay for these wastewater and clean-water projects of \$20 billion or more is we are going to tack fees onto the people's water bills and waste bills, and we are already going to hit them with a higher increase in their light bills and a higher increase, when it comes around to the time that this all happens, they are going to get all these increases at one time, and it is going to be a tremendous impact on these people.

No one realizes the problems we have with all these old systems under the ground. We do not see them, so we forget about them. So I am supporting the Turzai amendment, and I am not against borrowing money for infrastructure, but I want to see \$1 billion as opposed to \$400 million, and I want to see us act on it immediately and not wait for voter referendum. I am afraid they may turn it down because the people know what is coming, and they are upset with us because we have not set spending priorities in this State. Thank you.

The SPEAKER. Representative Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker.

Would the maker of the amendment rise for brief interrogation?

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

Mr. STEVENSON. Thank you.

I have one question for the maker of the amendment. Actually, it was asked earlier by the majority leader, the gentleman from Greene County.

We have heard that the new budget will be in the area of \$28 billion and you are looking for \$200 million, which seems like a small part of that \$28 billion. Where would you take that \$200 million? Where would you get that in the budget?

Mr. TURZAI. Mr. Speaker, I think it is interesting, given the sort of polemics from the other side. What I think many people fail to realize is that, as you indicated, we have a budget that will be over \$28 billion. In fact, in the first 5 years of the administration, spending has increased by close to \$7 billion – 34 percent over the last Schweiker budget. The rate of inflation for that same period of time was 15.5 percent. Our total State spending of Federal and State dollars from all our various funds, General Fund and others, is \$62 billion annually in this upcoming budget.

Hey, I have got some great ideas that I think might be considered. Hopefully, we will see them in this budget. I know my colleague, Representative Marsico, from here in Dauphin County has a bill – bipartisan support, I might add – to take away the \$75 million film tax credit, and there is \$75 million that I think would be great and well spent in investment in the State of Pennsylvania.

Auditor General Jack Wagner significantly criticized the corporate welfare Opportunity Grant Program, which costs somewhere just shy of \$60 million annually. He said that that program was not creating jobs or even maintaining jobs. There is a place where we can make a cut.

General Services, overall; you could easily take out of the General Services administration \$125 million right there, which

I think would be a significant place to start to pare down government spending, and there are a number of GGOs (general government operations) that I think you could get to.

Hey, that is just a start. There is an economic advancement fund or a transfer to the Commonwealth Financing Agency of \$15 million, an economic advancement fund of \$18 million. I think taking care of wastewater and water treatment is certainly worth the \$18 million that is going to this economic advancement.

Boy, there are lots of places where you can make significant cuts in an over \$28 billion budget that will have grown, when we ultimately get to see what is in it, by somewhere over 8 billion, with a "b," dollars. We can come up with \$200 million annually, directed from the Johnstown flood tax, earmarked to wastewater and water, and definitely the residue of the economic development gaming tax of 5 percent off the gaming moneys should be used for water and wastewater treatment directly, as a direct outlay, not for interest and fees to bond lawyers and to underwriters. Thank you very much.

Mr. STEVENSON. Thank you, Mr. Speaker.

Briefly, on the amendment.

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

Mr. STEVENSON. I think it is very clear there are many places in the budget where this money could be found, and to say that we would have to gut or cut a lot of the areas that are vital to the operations of Pennsylvania is certainly not true.

I thank the gentleman for his amendment, and I ask for your support.

The SPEAKER. Representative George.

Mr. GEORGE. Mr. Speaker, first I want to apologize to you and the body in that maybe this will be somewhat embarrassing that I am talking in regard to high financing. I am not as well versed as many of these individuals that have been in the outside world involved in financing. But I do know this, where about 4 or 5 or 6 years ago, if you had stock that you paid \$75 or \$80 for it, today it is \$6.50. Look at automobile shares.

So what I am saying is that these people say they have a good idea, and if we had no idea, it would be a good idea. But the trouble is that today, with things so badly, borrowing money, it is the time to borrow.

And somebody said, well, if we get the financing, if somebody wants to buy those bonds, well, there is no better bond to buy than a government bond that is automatically guaranteed. And if, in fact, this bill says we are going to put it up on the nearest election, which hopefully is November, by the time it is all resolved, 7 or 8 months will go by and you have lost that 7 or 8 months where you could have already commenced on the cleanup and everything that has to be done.

Again, I apologize for all the people that have spoken over on the other side, especially they come from probably a lot more money than I do. I do not understand this finance deal, because, you see, Mr. Speaker, I am one of those fellows that always worked with prevailing wage, so I was never a big investor. So I would say that we should turn this bill down.

The SPEAKER. The Chair recognizes Representative Turzai for the second time. The gentleman waives off.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—78

Baker	Gabig	McIlhattan	Reed
Barrar	Geist	Mensch	Reichley
Bastian	Gillespie	Metcalfe	Roae
Bear	Gingrich	Millard	Rock
Beyer	Godshall	Miller	Rohrer
Boback	Harhart	Milne	Rubley
Boyd	Harris	Moul	Saylor
Brooks	Helm	Mustio	Scavella
Cappelli	Hennessey	Nailor	Schroder
Causar	Hershey	Nickol	Sonney
Clymer	Hess	O'Neill	Steil
Cox	Hickernell	Peifer	Stern
Creighton	Hutchinson	Perry	Stevenson
Cutler	Kauffman	Phillips	Swanger
Dally	Keller, M.K.	Pickett	Taylor, J.
Denlinger	Kenney	Pyle	True
Ellis	Maher	Quigley	Turzai
Everett	Major	Quinn	Vulakovich
Fairchild	Mantz	Rapp	Watson
Fleck	Marsico		

NAYS—122

Adolph	Galloway	Marshall	Seip
Argall	George	McCall	Shapiro
Belfanti	Gerber	McGeehan	Shimkus
Bennington	Gergely	McI. Smith	Siptroth
Bianucci	Gibbons	Melio	Smith, K.
Bishop	Goodman	Micozzie	Smith, M.
Blackwell	Grell	Moyer	Smith, S.
Brennan	Gruela	Mundy	Solobay
Buxton	Haluska	Murt	Staback
Caltagirone	Hanna	Myers	Stairs
Carroll	Harhai	O'Brien, M.	Sturla
Casorio	Harkins	Oliver	Surra
Civera	Hornaman	Pallone	Tangretti
Cohen	James	Parker	Taylor, R.
Conklin	Josephs	Pashinski	Thomas
Costa	Keller, W.	Payne	Vereb
Cruz	Kessler	Payton	Vitali
Curry	Killion	Perzel	Wagner
Daley	King	Petrarca	Walko
DeLuca	Kirkland	Petri	Wansacz
DePasquale	Kortz	Petrone	Waters
Dermody	Kotik	Preston	Wheatley
DeWeese	Kula	Ramaley	White
DiGirolamo	Leach	Raymond	Williams
Donatucci	Lentz	Readshaw	Wojnaroski
Eachus	Levdansky	Roebuck	Yewcic
Evans, D.	Longietti	Ross	Youngblood
Evans, J.	Mahoney	Sabatina	Yudichak
Fabrizio	Manderino	Sainato	
Frankel	Mann	Samuelson	O'Brien, D.,
Freeman	Markosek	Santoni	Speaker

NOT VOTING—0

EXCUSED—3

Benninghoff	Harper	Mackereth
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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.)

SENATE MESSAGE

HOUSE AMENDMENTS
TO SENATE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to the Senate amendments to **HB 1150, PN 4133**.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker is about to sign the autism insurance bill, which the clerk will read.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

HB 1150, PN 4133

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in preliminary provisions, further providing for effect of act on existing laws; in life insurance, further providing for additional investment authority for subsidiaries; in casualty insurance, providing for autism spectrum disorders coverage and for colorectal cancer screenings coverage; in insurance holding companies, further providing for definitions, for acquisition of control of or merger with domestic insurer, for acquisitions involving insurers not otherwise covered and for standards and management of an insurer within a holding company system; providing for committee review; establishing the Insurance Restructuring Restricted Receipt Account; providing for community health reinvestment; and making a related repeal.

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

SUPPLEMENTAL CALENDAR A CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 2, PN 2281**, entitled:

An Act providing for the allocation of money in the Pennsylvania Gaming Economic Development and Tourism Fund and for funding of water or sewer projects, storm water projects, flood control projects and high hazard dam projects.

On the question,

Will the House agree to the bill on second consideration?

RULES SUSPENDED

The SPEAKER. The Chair recognizes Representative McCall, who moves to suspend the rules for the immediate consideration of amendment A08631, which the clerk will read.

The clerk read the following amendment No. **A08631**:

Amend Title, page 1, line 4, by inserting after "hazard"
unsafe

Amend Sec. 102, page 2, lines 6 through 8, by striking out all of said lines and inserting

"Eligible applicant." The Commonwealth, an independent agency or one or more municipalities or municipal authorities. A Commonwealth or independent agency shall be an eligible applicant only for the purposes of high hazard unsafe dam and flood control projects.

Amend Sec. 102, page 2, by inserting between lines 10 and 11 "High hazard unsafe dam." A dam that is both a high hazard and an unsafe dam.

Amend Sec. 102, page 2, lines 15 through 18, by striking out all of said lines

Amend Sec. 102, page 2, line 27, by inserting after "hazard"
unsafe

Amend Sec. 102, page 2, line 28, by inserting after "consolidation"

or regionalization

Amend Sec. 102, page 2, lines 29 and 30; page 3, line 1, by striking out ", storm water systems or flood control systems." in line 29 and all of line 30, page 2, and all of line 1, page 3, and inserting
or storm water systems.

Amend Sec. 102, page 3, by inserting between lines 4 and 5 "Regional systems." Two or more water supply, sewage disposal or storm water systems managed or operated as an integrated system regardless of whether the system is physically connected.

Amend Sec. 102, page 3, by inserting between lines 10 and 11 "Unsafe dam." A dam designated by the Department of Environmental Protection with deficiencies of such a nature that if not corrected, the deficiencies could cause a failure of the dam with subsequent loss of lives or substantial property damage.

Amend Sec. 102, page 3, line 13, by striking out "THE PURCHASE OR TRADING OF NUTRIENT CREDITS."

Amend Sec. 301, page 3, lines 25 through 30, by striking out "shall be allocated to" in line 25, all of lines 26 through 29, and "PURSUANT TO THIS ACT." and inserting
and the Commonwealth's right, title and interest in Pennsylvania Gaming Economic Development and Tourism Fund receipts not encumbered by the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007 are hereby transferred to the authority. The State Treasurer is authorized and directed to enter into any agreements with the authority and establish accounts and funds, that shall not be in the State Treasury, as the authority may direct as being necessary or appropriate to effect the transfer of Pennsylvania Gaming Economic Development and Tourism Fund receipts to the authority.

Amend Sec. 301, page 4, line 1, by striking out "LOANS OR"

Amend Sec. 301, page 4, line 6, by striking out "4 Pa.C.S. § 1407" and inserting
this act

Amend Sec. 301, page 4, lines 7 and 8, by striking out "economic development or tourism"

Amend Sec. 301, page 4, line 9, by inserting after "class", other than those projects described in the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007,

Amend Sec. 301, page 4, lines 10 and 11, by striking out "economic development or tourism"

Amend Chapter Heading, page 4, line 15, by inserting after "HAZARD"

UNSAFE

Amend Sec. 501, page 4, line 17, by striking out all of said line and inserting

(a) General rule.—

(1) The authority shall incur indebtedness in

Amend Sec. 501, page 4, by inserting between lines 24 and 25

(2) Bonds issued under this chapter shall not be a debt, liability or obligation of the Commonwealth. The provisions limiting liability imposed under 64 Pa.C.S. § 1521(d) (relating to bonds issuance) shall apply to the indebtedness under this act.

Amend Sec. 501, page 4, line 29, by striking out "AND LOANS"

Amend Sec. 501, page 5, line 2, by striking out "LOANS AND"

Amend Sec. 501, page 5, line 4, by striking out "AND LOANS"

Amend Sec. 501, page 5, lines 5 and 6, by striking out "LOAN, GRANT, OR A COMBINATION THEREOF," and inserting
grant

Amend Sec. 501, page 5, line 13, by striking out "\$25,000,000" and inserting

\$35,000,000

Amend Sec. 501, page 5, line 14, by inserting after "hazard"
unsafe

Amend Sec. 501, page 5, line 14, by inserting after "projects."

No more than \$20,000,000 may go to an eligible applicant that is the Commonwealth or an independent agency.

Amend Sec. 501, page 5, line 26, by inserting after "hazard"
unsafe

Amend Sec. 501, page 5, line 27, by inserting after "dams."

An eligible applicant that is the Commonwealth or an independent agency shall not be required to match.

Amend Sec. 501, page 5, line 28, by striking out "OR LOANS"

Amend Sec. 501, page 6, line 1, by inserting after "electronically."

An eligible applicant that is the Commonwealth or independent agency shall submit its application through the department on a form prescribed by the department.

Amend Sec. 501, page 6, lines 7 and 8, by striking out "OR LOAN"

Amend Sec. 502, page 7, line 7, by striking out "OR LOANS"

Amend Sec. 502, page 7, lines 10 through 12, by striking out "AN ELIGIBLE APPLICANT MAY, AT ITS OPTION, USE ANY" in line 10 and all of lines 11 and 12

Amend Sec. 502, page 7, line 15, by inserting after "hazard"
unsafe

Amend Sec. 502, page 7, line 18, by striking out "AND LOANS"

Amend Sec. 503, page 7, line 23, by striking out "LOANS OR"

Amend Sec. 503, page 8, line 2, by striking out "AND LOANS"

Amend Sec. 503, page 8, lines 3 and 4, by striking out "an analysis of the following"

Amend Sec. 503, page 8, line 10, by inserting after "system"
or regional system

Amend Sec. 503, page 9, line 7, by striking out "number of municipalities that will be part" and inserting
eligible applicant

Amend Sec. 503, page 9, line 9, by inserting after "will"
potentially

Amend Sec. 503, page 9, line 22, by inserting after "hazard"
unsafe

Amend Sec. 503, page 9, line 29, by inserting after "hazard"
unsafe

Amend Sec. 505, page 10, lines 17 through 20, by striking out all of said lines

Amend Sec. 701, page 10, line 26, by striking out "LOANS AND"

Amend Sec. 701, page 10, lines 26 and 27, by striking out "AND LOANS REPAID"

Amend Sec. 701, page 10, line 30, by striking out "LOAN OR"

Amend Sec. 701, page 11, line 1, by striking out "LOAN OR"

Amend Sec. 701, page 11, line 11, by inserting after "hazard"
unsafe

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

The SPEAKER. The Chair recognizes Representative McCall on the suspension of the rules.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would just ask that the members suspend the rules so we can immediately consider this amendment.

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

The following roll call was recorded:

YEAS—178

Adolph	Frankel	Mann	Rohrer
Argall	Freeman	Mantz	Ross
Baker	Gabig	Markosek	Rubley
Barrar	Galloway	Marshall	Sabatina
Bastian	Geist	Marsico	Sainato
Bear	George	McCall	Samuelson
Belfanti	Gerber	McGeehan	Santoni
Bennington	Gergely	McI. Smith	Saylor
Beyer	Gibbons	McIlhatten	Scavello
Biancucci	Gingrich	Melio	Seip
Bishop	Godshall	Mensch	Shapiro
Blackwell	Goodman	Micozzie	Shimkus
Boback	Grell	Millard	Siptroth
Boyd	Grucela	Miller	Smith, K.
Brennan	Haluska	Milne	Smith, M.
Buxton	Hanna	Moyer	Smith, S.
Caltagirone	Harhai	Mundy	Solobay
Cappelli	Harhart	Murt	Sonney
Carroll	Harkins	Mustio	Staback
Casorio	Harris	Myers	Stairs
Causar	Helm	Nailor	Sturla
Civera	Hennessey	Nickol	Surra
Clymer	Hershey	O'Brien, M.	Tangretti
Cohen	Hess	O'Neill	Taylor, J.
Conklin	Hickernell	Oliver	Taylor, R.
Costa	Hornaman	Pallone	Thomas
Cruz	James	Parker	True
Curry	Josephs	Pashinski	Vereb
Daley	Keller, M.K.	Payne	Vitali
Dally	Keller, W.	Payton	Vulakovich
DeLuca	Kenney	Peifer	Wagner
Denlinger	Kessler	Perzel	Walko
DePasquale	Killion	Petrarca	Wansacz
Dermody	King	Petrone	Waters
DeWeese	Kirkland	Phillips	Watson
DiGirolamo	Kortz	Pickett	Wheatley
Donatucci	Kotik	Preston	White
Eachus	Kula	Quigley	Williams
Ellis	Leach	Quinn	Wojnarowski
Evans, D.	Lentz	Ramaley	Yewcic
Evans, J.	Levdansky	Raymond	Youngblood
Everett	Longietti	Readshaw	Yudichak
Fabrizio	Mahoney	Reed	
Fairchild	Major	Reichley	O'Brien, D.,
Fleck	Manderino	Roebuck	Speaker

NAYS—22

Brooks	Kauffman	Pyle	Steil
Cox	Maher	Rapp	Stern
Creighton	Metcalfe	Roae	Stevenson
Cutler	Moul	Rock	Swanger
Gillespie	Perry	Schroder	Turzai
Hutchinson	Petri		

NOT VOTING—0

EXCUSED—3

Benninghoff Harper Mackereth

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?

Mr. **McCALL** offered the following amendment No. **A08631**:

Amend Title, page 1, line 4, by inserting after "hazard"
unsafe

Amend Sec. 102, page 2, lines 6 through 8, by striking out all of said lines and inserting

"Eligible applicant." The Commonwealth, an independent agency or one or more municipalities or municipal authorities. A Commonwealth or independent agency shall be an eligible applicant only for the purposes of high hazard unsafe dam and flood control projects.

Amend Sec. 102, page 2, by inserting between lines 10 and 11

"High hazard unsafe dam." A dam that is both a high hazard and an unsafe dam.

Amend Sec. 102, page 2, lines 15 through 18, by striking out all of said lines

Amend Sec. 102, page 2, line 27, by inserting after "hazard"
unsafe

Amend Sec. 102, page 2, line 28, by inserting after "consolidation"

or regionalization

Amend Sec. 102, page 2, lines 29 and 30; page 3, line 1, by striking out ", storm water systems or flood control systems." in line 29 and all of line 30, page 2, and all of line 1, page 3, and inserting

or storm water systems.

Amend Sec. 102, page 3, by inserting between lines 4 and 5

"Regional systems." Two or more water supply, sewage disposal or storm water systems managed or operated as an integrated system regardless of whether the system is physically connected.

Amend Sec. 102, page 3, by inserting between lines 10 and 11

"Unsafe dam." A dam designated by the Department of Environmental Protection with deficiencies of such a nature that if not corrected, the deficiencies could cause a failure of the dam with subsequent loss of lives or substantial property damage.

Amend Sec. 102, page 3, line 13, by striking out "THE PURCHASE OR TRADING OF NUTRIENT CREDITS,"

Amend Sec. 301, page 3, lines 25 through 30, by striking out "shall be allocated to" in line 25, all of lines 26 through 29, and "PURSUANT TO THIS ACT." and inserting

and the Commonwealth's right, title and interest in Pennsylvania Gaming Economic Development and Tourism Fund receipts not encumbered by the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007 are hereby transferred to the authority. The State Treasurer is authorized and directed to enter into any agreements with the authority and establish accounts and funds, that shall not be in the State Treasury, as the authority may direct as being necessary or appropriate to effect the transfer of Pennsylvania Gaming Economic Development and Tourism Fund receipts to the authority.

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Amend Sec. 301, page 4, line 6, by striking out "4 Pa.C.S. § 1407" and inserting

this act

Amend Sec. 301, page 4, lines 7 and 8, by striking out "economic development or tourism"

Amend Sec. 301, page 4, line 9, by inserting after "class", other than those projects described in the Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007,

Amend Sec. 301, page 4, lines 10 and 11, by striking out "economic development or tourism"

Amend Chapter Heading, page 4, line 15, by inserting after "HAZARD"

UNSAFE

Amend Sec. 501, page 4, line 17, by striking out all of said line and inserting

(a) General rule.—

(1) The authority shall incur indebtedness in

Amend Sec. 501, page 4, by inserting between lines 24 and 25

(2) Bonds issued under this chapter shall not be a debt, liability or obligation of the Commonwealth. The provisions limiting liability imposed under 64 Pa.C.S. § 1521(d) (relating to bonds issuance) shall apply to the indebtedness under this act.

Amend Sec. 501, page 4, line 29, by striking out "AND LOANS"

Amend Sec. 501, page 5, line 2, by striking out "LOANS AND"

Amend Sec. 501, page 5, line 4, by striking out "AND LOANS"

Amend Sec. 501, page 5, lines 5 and 6, by striking out "LOAN, GRANT, OR A COMBINATION THEREOF," and inserting grant

Amend Sec. 501, page 5, line 13, by striking out "\$25,000,000" and inserting

\$35,000,000

Amend Sec. 501, page 5, line 14, by inserting after "hazard" unsafe

Amend Sec. 501, page 5, line 14, by inserting after "projects."

No more than \$20,000,000 may go to an eligible applicant that is the Commonwealth or an independent agency.

Amend Sec. 501, page 5, line 26, by inserting after "hazard" unsafe

Amend Sec. 501, page 5, line 27, by inserting after "dams."

An eligible applicant that is the Commonwealth or an independent agency shall not be required to match.

Amend Sec. 501, page 5, line 28, by striking out "OR LOANS"

Amend Sec. 501, page 6, line 1, by inserting after "electronically."

An eligible applicant that is the Commonwealth or independent agency shall submit its application through the department on a form prescribed by the department.

Amend Sec. 501, page 6, lines 7 and 8, by striking out "OR LOAN"

Amend Sec. 502, page 7, line 7, by striking out "OR LOANS"

Amend Sec. 502, page 7, lines 10 through 12, by striking out "AN ELIGIBLE APPLICANT MAY, AT ITS OPTION, USE ANY" in line 10 and all of lines 11 and 12

Amend Sec. 502, page 7, line 15, by inserting after "hazard" unsafe

Amend Sec. 502, page 7, line 18, by striking out "AND LOANS"

Amend Sec. 503, page 7, line 23, by striking out "LOANS OR"

Amend Sec. 503, page 8, line 2, by striking out "AND LOANS"

Amend Sec. 503, page 8, lines 3 and 4, by striking out "an analysis of the following"

Amend Sec. 503, page 8, line 10, by inserting after "system" or regional system

Amend Sec. 503, page 9, line 7, by striking out "number of municipalities that will be part" and inserting eligible applicant

Amend Sec. 503, page 9, line 9, by inserting after "will" potentially

Amend Sec. 503, page 9, line 22, by inserting after "hazard" unsafe

Amend Sec. 503, page 9, line 29, by inserting after "hazard" unsafe

Amend Sec. 505, page 10, lines 17 through 20, by striking out all of said lines

Amend Sec. 701, page 10, line 26, by striking out "LOANS AND"

Amend Sec. 701, page 10, lines 26 and 27, by striking out "AND LOANS REPAID"

Amend Sec. 701, page 10, line 30, by striking out "LOAN OR"

Amend Sec. 701, page 11, line 1, by striking out "LOAN OR"

Amend Sec. 701, page 11, line 11, by inserting after "hazard" unsafe

On the question,

Will the House agree to the amendment?

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

Mr. McCALL. Thank you, Mr. Speaker, and thanks to the members for the suspension of the rules.

Mr. Speaker, my amendment does a number of things. It specifies and adds the addition of unsafe and high-hazard dams to the definitions throughout this bill. It again incents regionalization and rewards regionalization.

It actually adds a definition of "unsafe dam" throughout the legislation. It strikes out the nutrient credits that we put into SB 1341. It makes this a grant-only program, and it also allows \$35 million to be spent on high-hazard dams, \$20 million of which would be Commonwealth-owned high-hazard dams.

I would ask for the support of the amendment.

The SPEAKER. Representative Grell.

Mr. GRELL. Thank you, Mr. Speaker.

Will the maker of the amendment please stand for brief interrogation?

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

Mr. GRELL. Mr. Speaker, if this amendment is adopted, referring you to section 503 of the bill as amended, will sewer upgrade projects that have been initiated to address new permit regulations be eligible for funding even if they have already commenced construction?

Mr. McCALL. Yes, they would be eligible for funding.

Mr. GRELL. Thank you, Mr. Speaker.

A second question: Under section 503(a)(3), I noticed there are approximately eight enumerated criteria that PENNVEST would use in its review of applications in preparing their report to the Commonwealth Financing Agency. Would those be the only criteria that PENNVEST would apply in the evaluation of these applications for funding?

Mr. McCALL. Yes, they would. It would be that criteria, Mr. Speaker.

Mr. GRELL. Thank you, Mr. Speaker.

That ends my interrogation. May I speak, briefly, on the amendment?

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

Mr. GRELL. Mr. Speaker, this amendment does take into consideration a concern that I had with respect to communities that have already commenced construction of upgrades to meet new discharge requirements established by the Chesapeake Bay strategy. Because those concerns are, I believe, adequately

addressed through this amendment, I rise to support Mr. McCall's amendment and also inform the Speaker that I would like to withdraw my amendment 8505.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—198

Adolph	Freeman	Marshall	Ross
Argall	Gabig	Marsico	Rubley
Baker	Galloway	McCall	Sabatina
Barrar	Geist	McGeehan	Sainato
Bastian	George	McI. Smith	Samuelson
Bear	Gerber	McIlhattan	Santoni
Belfanti	Gergely	Melio	Saylor
Bennington	Gibbons	Mensch	Scavello
Beyer	Gillespie	Micozzie	Schroder
Biancucci	Gingrich	Millard	Seip
Bishop	Godshall	Miller	Shapiro
Blackwell	Goodman	Milne	Shimkus
Boback	Grell	Moul	Siptroth
Boyd	Grucela	Moyer	Smith, K.
Brennan	Haluska	Mundy	Smith, M.
Brooks	Hanna	Murt	Smith, S.
Buxton	Harhai	Mustio	Solobay
Caltagirone	Harhart	Myers	Sonney
Cappelli	Harkins	Nailor	Staback
Carroll	Harris	Nickol	Stairs
Casorio	Helm	O'Brien, M.	Steil
Causer	Hennessey	O'Neill	Stern
Civera	Hershey	Oliver	Stevenson
Clymer	Hess	Pallone	Sturla
Cohen	Hickernell	Parker	Surra
Conklin	Hornaman	Pashinski	Swanger
Costa	James	Payne	Tangretti
Cox	Josephs	Payton	Taylor, J.
Creighton	Kauffman	Peifer	Taylor, R.
Cruz	Keller, M.K.	Perry	Thomas
Curry	Keller, W.	Perzel	True
Cutler	Kenney	Petrarca	Turzai
Daley	Kessler	Petri	Vereb
Dally	Killion	Petrone	Vitali
DeLuca	King	Phillips	Vulakovich
Denlinger	Kirkland	Pickett	Wagner
DePasquale	Kortz	Preston	Walko
Dermody	Kotik	Pyle	Wansacz
DeWeese	Kula	Quigley	Waters
DiGirolamo	Leach	Quinn	Watson
Donatucci	Lentz	Ramaley	Wheatley
Eachus	Levdansky	Rapp	White
Ellis	Longietti	Raymond	Williams
Evans, D.	Maher	Readshaw	Wojnaroski
Evans, J.	Mahoney	Reed	Yewcic
Everett	Major	Reichley	Youngblood
Fabrizio	Manderino	Roae	Yudichak
Fairchild	Mann	Rock	
Fleck	Mantz	Roebuck	O'Brien, D.,
Frankel	Markosek	Rohrer	Speaker

NAYS—2

Hutchinson Metcalfe

NOT VOTING—0

EXCUSED—3

Benninghoff Harper Mackereth

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. **TURZAI** offered the following amendment No. **A08338**:

Amend Sec. 102, page 1, lines 15 and 16; page 2, lines 1 through 3, by striking out all of said lines on said pages

Amend Bill, page 3, lines 16 through 30; page 4, lines 1 through 12, by striking out all of said lines on said pages and inserting

CHAPTER 3

FUNDING

Section 301. Sources of Revenue.

(a) Emergency liquor tax.—The Secretary of the Budget shall transfer from the emergency liquor tax revenues collected under the act of June 9, 1936 (Sp. Sess. P.L.13, No.4), entitled as reenacted and amended, "An act imposing an emergency State tax on liquor, as herein defined, sold by the Pennsylvania Liquor Control Board; providing for the collection and payment of such tax; and imposing duties upon the Department of Revenue and the Pennsylvania Liquor Control Board," to the authority the amount of \$200,000,000 annually for fiscal year 2008-2009 through fiscal year 2011-2012.

(b) Pennsylvania Gaming Economic Development and Tourism Fund.—The Secretary of the Budget shall transfer from the Pennsylvania Gaming Economic Development and Tourism Fund to the authority annually for fiscal year 2008-2009 through fiscal year 2011-2012, all money in the Pennsylvania Gaming Economic Development and Tourism Fund not otherwise allocated to projects specified under 4 Pa.C.S. § 1407 (relating to Pennsylvania Gaming Economic Development and Tourism Fund) and under the act of July 25, 2007 (P.L.342, No.53), known as Pennsylvania Gaming Economic Development and Tourism Fund Capital Budget Itemization Act of 2007.

(c) Use.—Proceeds shall be deposited in a special fund in the State Treasury and shall be used for grants and loans by the Pennsylvania Infrastructure Investment Authority for drinking water system and wastewater treatment system projects.

Amend Sec. 501, page 4, lines 16 through 30; page 5, line 1, by striking out all of lines 16 through 30, page 4, and "payment of debt service" in line 1, page 5 and inserting

Section 501. Grants and loans.

(a) Limitations.—Funding

Amend Sec. 501, page 5, line 2, by striking out "LOANS AND grants" and inserting

grants and loans

Amend Sec. 501, page 5, line 5, by striking out "LOAN, GRANT," and inserting

grant, loan,

Amend Sec. 501, page 5, lines 7 and 8, by striking out "from proceeds from debt and from money remaining in the fund"

Amend Sec. 501, page 5, line 10, by striking out "(d)" and inserting

(b)

Amend Sec. 501, page 5, line 15, by striking out "(e)" and inserting

(c)

Amend Sec. 501, page 5, line 15, by striking out "loan or grant.—" and inserting

grant or loan.—

Amend Sec. 501, page 5, line 16, by striking out "loan or grant" and inserting

grant or loan

Amend Sec. 501, page 5, line 18, by striking out "(f) Local participation.—" and inserting

(d) Matching funds.—

Amend Sec. 501, page 5, line 28, by striking out "(g)" and inserting

(e)

Amend Sec. 501, page 6, line 2, by striking out "(h) Guidelines.—The authority" and inserting

(f) Guidelines.—PENNVEST

Amend Sec. 501, page 6, line 11, by striking out "(i)" and inserting

(g)

Amend Sec. 501, page 6, line 17, by striking out "The authority" and inserting

PENNVEST

Amend Sec. 502, page 7, line 6, by striking out "The board" and inserting

PENNVEST

Amend Sec. 502, page 7, line 7, by striking out "501(c)" and inserting

501(a)

Amend Sec. 502, page 7, line 17, by striking out "The authority" and inserting

PENNVEST

Amend Sec. 502, page 7, line 20, by striking out "501(h)" and inserting

501(f)

Amend Sec. 503, page 7, line 24, by striking out "the authority" and inserting

PENNVEST

Amend Sec. 504, page 10, line 12, by striking out "The authority" and inserting

PENNVEST

Amend Sec. 701, page 10, line 24, by striking out "Authority" and inserting

PENNVEST

Amend Sec. 701, page 10, line 24, by striking out "The authority" and inserting

PENNVEST

Amend Sec. 701, page 10, line 26, by striking out "LOANS AND grants" and inserting

grants and loans

Amend Sec. 701, page 10, line 30, by striking out "the LOAN OR grant" and inserting

each grant or loan

Amend Bill, page 11, lines 24 through 28, by striking out "Expenses or costs." in line 24, all of lines 25 through 27 and "Section 5102." in line 28

Amend Sec. 5103, page 12, line 4, by striking out "5103" and inserting

5102

Amend Sec. 5104, page 12, line 9, by striking out "5104" and inserting

5103

Amend Sec. 5105, page 12, line 12, by striking out "5105" and inserting

5115

On the question,

Will the House agree to the amendment?

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

Mr. TURZAI. Yes, sir.

This amendment is similar, although not identical, to the amendment offered to SB 1341. The end uses of the dollars would remain the same as they are presently constructed in

SB 2, which would include, in addition to projects for water and wastewater improvements of an \$800— Or it would actually still have an outlay for water treatment and wastewater treatment, but also, as indicated, flood and dam projects as well. All these same end uses in the underlying SB 2, as amended by Representative McCall and as originally put forth, remain in this amendment.

What changes is the amount is increased. Instead of a total of \$800 million that will be spent on these items, a total of near \$1 billion will be spent on these items. And the second thing is that no money will be borrowed. It will be direct outlays, just as in my previous amendment, that will consist of \$200 million annually from the Johnstown flood tax and the moneys from the gambling economic development tax of 5 percent off the gambling project.

This particular bill, by eliminating the borrowing, the borrowing is projected to allow for — \$600 million will be paid in interest and fees. So \$800 million will be borrowed, in the tax revenues that we could be spending on the items that we think are important, \$600 million will be paid in interest and fees over a 30-year period. So we will be using \$1.4 billion of the gaming economic development money. We will be using \$600 million of the \$1.4 billion in tax revenues, and it is all tax dollars, Mr. Speaker. We will be using \$600 million not on the projects, but instead we will be using it to pay bond attorneys, underwriters, and interest. I think it would be better to take a direct outlay of a billion dollars over a 4-year time and to put it into this.

The other thing that this does that I think is very, very important is that my amendment redirects the money to PENNVEST, which I told, in the previous argument, is a tried-and-true entity and program to deal with rebuilding and expanding community drinking-water systems and municipal sewage treatment facilities. I think it is a disastrous mistake for the underlying bill, SB 2, to be giving this money to the political animal, the Commonwealth Financing Authority.

So the primary changes: It is a direct outlay; it raises it to a billion dollars over 4 years, not \$800 million; it provides no tax dollars to bond lawyers and interest and underwriters; and it gives that money directly to PENNVEST to use instead of the Commonwealth Financing Authority. I would stick with the tried-and-true PENNVEST versus the Commonwealth Financing Authority any day.

I would ask members to vote in support of the amendment. Thank you.

The SPEAKER. Representative McCall.

Mr. McCALL. Mr. Speaker, I would ask, for all the reasons cited in the last debate, I would ask that the members vote "no."

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—82

Adolph	Fleck	Marsico	Rapp
Baker	Gabig	McIlhattan	Reed
Barrar	Geist	Mensch	Roae
Bastian	Gillespie	Metcalfe	Rock
Bear	Gingrich	Micozzie	Rohrer
Beyer	Godshall	Millard	Rubley
Boback	Harhart	Miller	Saylor

Boyd	Harris	Milne	Scavello
Brooks	Helm	Moul	Schroder
Cappelli	Hennessey	Mustio	Sonney
Causser	Hershey	Nailor	Stairs
Civera	Hess	Nickol	Steil
Clymer	Hickernell	O'Neill	Stern
Cox	Hutchinson	Peifer	Stevenson
Creighton	Kauffman	Perry	Swanger
Cutler	Keller, M.K.	Phillips	Taylor, J.
Dally	Kenney	Pickett	True
Denlinger	Killion	Pyle	Turzai
Ellis	Maher	Quigley	Vulakovich
Everett	Major	Quinn	Watson
Fairchild	Mantz		

NAYS—118

Argall	George	McCall	Seip
Belfanti	Gerber	McGeehan	Shapiro
Bennington	Gergely	McI. Smith	Shimkus
Bianucci	Gibbons	Melio	Siptroth
Bishop	Goodman	Moyer	Smith, K.
Blackwell	Grell	Mundy	Smith, M.
Brennan	Grucela	Murt	Smith, S.
Buxton	Haluska	Myers	Solobay
Caltagirone	Hanna	O'Brien, M.	Staback
Carroll	Harhai	Oliver	Sturla
Casorio	Harkins	Pallone	Surra
Cohen	Hornaman	Parker	Tangretti
Conklin	James	Pashinski	Taylor, R.
Costa	Josephs	Payne	Thomas
Cruz	Keller, W.	Payton	Vereb
Curry	Kessler	Perzel	Vitali
Daley	King	Petrarca	Wagner
DeLuca	Kirkland	Petri	Walko
DePasquale	Kortz	Petrone	Wansacz
Dermody	Kotik	Preston	Waters
DeWeese	Kula	Ramaley	Wheatley
DiGirolamo	Leach	Raymond	White
Donatucci	Lentz	Readshaw	Williams
Eachus	Levdansky	Reichley	Wojnaroski
Evans, D.	Longietti	Roebuck	Yewcic
Evans, J.	Mahoney	Ross	Youngblood
Fabrizio	Manderino	Sabatina	Yudichak
Frankel	Mann	Sainato	
Freeman	Markosek	Samuelson	O'Brien, D., Speaker
Galloway	Marshall	Santoni	

NOT VOTING—0

EXCUSED—3

Benninghoff	Harper	Mackereth
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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. **PERRY** offered the following amendment No. **A08384**:

Amend Title, page 1, lines 1 through 4, by striking out all of said lines and inserting

Establishing the Chesapeake Bay Watershed Nutrient Reduction Infrastructure Program; providing for certain indebtedness by the Commonwealth; establishing the Chesapeake Bay Watershed Nutrient Reduction Fund; providing for a resource enhancement

and protection tax credit; establishing the Resource Enhancement and Protection Program, the Resource Enhancement and Protection Tax Credit Fund, the Nutrient Credit Trading Program, the Nutrient Credit Trading Program Board and the Chesapeake Bay Advisory Council; and providing for their powers and duties.

Amend Bill, page 1, lines 7 through 16; pages 2 through 11, lines 1 through 30; page 12, lines 1 through 13, by striking out all of said lines and inserting

Section 1. Short title.

This act shall be known and may be cited as the Chesapeake Bay and Watershed Improvement Act.

Section 2. Legislative findings.

The General Assembly finds that:

(1) The Chesapeake Bay and its tributaries are an important natural resource. The Chesapeake Bay watershed encompasses more than 14,000,000 acres within this Commonwealth which represents 35% of the total area of the watershed.

(2) The Commonwealth is a party, along with Maryland, Virginia, Washington, D.C., the Chesapeake Bay Commission and the United States Environmental Protection Agency, to the Chesapeake Bay Program, whose duty it is to restore the environmental integrity of the Chesapeake Bay.

(3) The Commonwealth has entered into several multistate agreements, most recently in 2000, to set standards and goals to curtail nutrient and sediment pollution into the Chesapeake Bay from various sources in this Commonwealth.

(4) Many of these standards were based on the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) requirements necessary to remove the Chesapeake Bay from the Federal list of "impaired" waters and to avoid the United States Environmental Protection Agency's development of a total maximum daily load for the Chesapeake Bay.

(5) The 2000 Bay Agreement resulted in the preparation of the Pennsylvania Chesapeake Bay Tributary Strategy by the Department of Environmental Protection. This document released in 2005 sets standards and goals for nutrient and sediment reduction from Pennsylvania point and nonpoint sources.

(6) The Chesapeake Bay Tributary Strategy was further refined in 2006, to include a nutrient credit trading program and a phased approach for point source dischargers to meet nutrient reduction goals.

(7) The capital cost of these projects, at 184 identified sewage treatment plants, is estimated to be between \$620,000,000 and \$1,000,000,000, and with more than 40,000 farm properties in the Chesapeake Bay watershed drainage area of this Commonwealth, aggressive steps must also be taken to control nutrient and sediment runoff from agricultural operations, and a series of financial incentives will be necessary to engage farmers in nutrient reduction techniques and methods.

(8) Funding and technical assistance is needed to facilitate the implementation of upgrades to wastewater treatment facilities and to install agricultural best management practices to reduce the level of nutrients and sediments entering Commonwealth waterways and making their way to the Chesapeake Bay.

(9) There is a need to ensure the implementation and availability of a viable nutrient credit trading program to serve as an alternative to wastewater treatment plant upgrades and to allow for continuing economic growth and development within the Commonwealth's portion of the bay watershed.

(10) Additional accountability and oversight is necessary to ensure the methods used to attain the standards and goals are implemented in a fair and cost-effective manner so that meeting the strategy standards and goals does not place an unrealistic financial burden on Commonwealth taxpayers and does not

inhibit economic growth and development by limiting future wastewater capacity.

(11) Legacy sediments eroded from behind old breached mill dams have been documented as a substantial source of the sediment impacting the Chesapeake Bay.

(12) Recent research conducted in this Commonwealth calls into question existing stream restoration practices throughout the Mid-Atlantic region and contends that future stream restoration must consider the widespread impact of 17th to 19th century mill dams and the degree to which they altered stream forms and functions from their presettlement conditions.

Section 3. Definitions.

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

"Agricultural nutrient and sediment reduction project." A project undertaken by a person operating an agricultural operation to establish, implement or improve a best management practice recognized by the department or by the Environmental Protection Agency as reducing the levels of nitrogen, phosphorus or sediment entering surface water or groundwater from Pennsylvania farms. The term includes design, construction, reconstruction, erection, equipping, expansion, improvement, installation, rehabilitation, renovation or repair of infrastructure, buildings, structures, equipment and fixtures to facilitate nutrient or sediment reduction.

"Applicant." A municipality or municipal authority.

"Authority." The Pennsylvania Infrastructure Investment Authority.

"Best management practice." A practice or combination of practices recognized as effective and practical in the management or reduction of nutrients or sediment to protect surface water or groundwater, considering technological, economic and institutional factors.

"Chesapeake Bay tributary strategy." A state-specific plan outlining a combination of actions that can be utilized to address nutrient reductions entering the Chesapeake Bay and its tributaries from various sources.

"Commission." The State Conservation Commission established by the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Conservation district." A public body as defined in and created under the act of May 15, 1945 (P.L.547, No.217), known as the Conservation District Law.

"Cost of a nutrient reduction project." Any of the following:

(1) Costs and expenses of acquisition of interests in land, infrastructure, buildings, structures, equipment, furnishings, fixtures and other tangible property which comprise a nutrient reduction project.

(2) Costs and expenses of construction, reconstruction, erection, equipping, expansion, improvement, installation, rehabilitation, renovation or repair of infrastructure, buildings, structures, equipment and fixtures which comprise a nutrient reduction project.

"Department." The Department of Environmental Protection of the Commonwealth.

"Fund." The Chesapeake Bay Watershed Nutrient Reduction Fund established under section 5.

"Legacy sediment." Sediment that meets all of the following conditions:

(1) Was eroded from upland areas after the arrival of early Pennsylvania settlers and during centuries of intensive land use.

(2) Was deposited in valley bottoms along stream corridors behind mill race dams or other similar-type dams located along the Susquehanna River and its tributaries, burying presettlement streams, floodplains, wetlands and valley bottoms.

(3) Altered and continues to impair the hydrologic, biologic, aquatic, riparian and water quality functions of presettlement and modern environments.

"Municipal authority." A public authority established under 53 Pa.C.S. Ch. 56 (relating to municipal authorities) or the former act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, which supplies water or provides wastewater services to the public for a fee.

"NPDES." The National Pollutant Discharge Elimination System.

"Nutrient reduction credit." A pound of reduction of discharge of nitrogen, phosphorus or sediment to the Chesapeake Bay watershed as recognized by the Nutrient Reduction Credit Trading Program Board.

"Nutrient Reduction Credit Trading Program." A program designed to improve water quality using public and private market mechanisms and which permits entities exceeding certain statutory and regulatory requirements to generate credits for nutrient reduction strategies that can be purchased and used by other entities to produce nutrient reductions and to meet regulatory requirements.

"Nutrient reduction project." A project undertaken by a publicly owned wastewater treatment plant to remove either nitrogen or phosphorus during the treatment process to meet nutrient reduction goals established to reduce the levels of these nutrients that enter the Chesapeake Bay and its tributaries.

"Wastewater system." A system for the collection, treatment or disposal of wastewater, including industrial waste.

"Wastewater treatment facility." A facility designed and operated for the sole purpose of treating wastewater for discharge into the environment. The term includes a wastewater treatment plant and any part thereof, including an expansion, addition and modification to an existing wastewater treatment facility.

Section 4. Chesapeake Bay Watershed Nutrient Reduction Infrastructure Program.

(a) Establishment.—The Chesapeake Bay Watershed Nutrient Reduction Infrastructure program is established to provide financial assistance in the form of single-year or multiyear grants to municipalities or municipal authorities to construct, expand or improve the nutrient reduction capabilities of wastewater infrastructure and which are subject to the requirements to reduce nutrient levels in wastewater being discharged into the waters of the Chesapeake Bay watershed.

(b) Application.—A municipality or municipal authority may submit an application to the authority requesting financial assistance for a nutrient reduction project. The nutrient reduction project may be a proposed project, a project currently under construction or a project completed within three years prior to the effective date of this section. The application must be on the form required by the authority and include or demonstrate all of the following:

(1) The name and address of the applicant.

(2) A statement of the type and amount of financial assistance sought, provided that the amount does not exceed 50% of the cost of the nutrient reduction project.

(3) A statement describing the nutrient reduction project, including a detailed statement of the cost of the nutrient reduction project.

(4) A financial commitment from a responsible source for any cost of the nutrient reduction project in excess of the amount requested. The financial commitment may not be in the form of a grant from a Commonwealth agency.

(5) Proof that the wastewater system is required by the department to reduce nutrients to the Chesapeake Bay and that the wastewater system has a current NPDES permit limiting pounds of nitrogen or phosphorus in its discharge.

(6) Confirmation through plans certified by a professional engineer registered in this Commonwealth that the wastewater system is designed for the necessary upgrades to remove nutrients.

(7) Information regarding current user rates and a projection of how rates may be impacted as a result of the addition of the nutrient reduction project.

(8) Any other information required by the authority.

(c) Review and approval of grant applications.—

(1) The authority, in conjunction with the department, shall review the application to determine all of the conditions under subsection (b) are met.

(2) The authority shall conduct, as part of the application review, an affordability analysis to determine if current and future user rates meet affordability criteria established by the authority.

(3) Upon being satisfied that all program requirements have been met, the authority may approve the application consistent with all of the following:

(i) The grant may not exceed \$10,000,000 per nutrient reduction project.

(ii) The aggregate amount of grants awarded under this subsection shall not exceed \$500,000,000 over a seven-year period.

(iii) The authority has received notice from the Secretary of the Budget that the nutrient reduction project satisfies the Federal tax status requirements of any bonds used to fund the grant.

(4) The authority shall make a determination of the completeness of an application within 30 days of its receipt. If the authority deems the application complete, it shall render a decision on funding the application within 60 days of the receipt of the completed application.

(5) An applicant shall, within 30 days of a determination by the authority that the application was deficient, provide to the authority the necessary information to complete the application. The authority shall not be required to make a determination under paragraph (3) if the applicant fails to provide the required information.

(6) If the authority approves the application, the authority shall notify the applicant of the amount approved and enter into a contract with the applicant.

Section 5. Indebtedness.

(a) General rule.—In order to facilitate the implementation of nutrient reduction projects, the Commonwealth shall, by December 31, 2008, incur:

(1) Not less than \$50,000,000 nor more than \$120,000,000 of the debt authorized under the act of February 12, 2004 (P.L.72, No.10), known as the Water and Wastewater Treatment Project Bond Act.

(2) Not less than \$5,000,000 nor more than \$12,000,000 from the debt authorized under the act of March 16, 1992 (P.L.10, No.5), known as the Small Water Systems Assistance Act.

(3) Not more than \$152,000,000 from the debt authorized under section 17 of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(b) Transfer of bond proceeds.—

(1) Proceeds from the sale of bonds required under subsection (a) shall be transferred to the authority.

(2) The authority shall use the proceeds from the sale of bonds required under subsection (a) to finance projects in accordance with section 4, and the use of the proceeds shall be consistent with the provisions of section 10(e) and (f) of the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act.

(c) Chesapeake Bay Watershed Nutrient Reduction Fund.—

(1) The Chesapeake Bay Watershed Nutrient Reduction Fund is established as a restricted fund in the State Treasury.

(2) The fund shall be used to construct wastewater infrastructure utilizing nutrient reduction technology.

(d) Interfund transfers from the State Stores Fund and State Gaming Fund.—

(1) The Secretary of the Budget shall transfer from the State Stores Fund to the authority the amount of \$41,000,000 annually for fiscal year 2008-2009 through fiscal year 2014-2015.

(2) The Secretary of the Budget shall transfer from the State Gaming Fund and the authority the amount of \$41,000,000 annually for fiscal year 2008-2009 through fiscal year 2014-2015. These funds shall be from the balance in the State Gaming Fund remaining after all other statutorily mandated requirements for the use of these funds are met.

(3) (i) In any year in which the balance in the State Stores Fund is insufficient to make the transfer required under paragraph (1) and the transfer required under section 6(b)(1), then the balance in the State Stores Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Stores Fund.

(ii) In any year in which the balance in the State Gaming Fund is insufficient to make the transfer required under paragraph (2) and the transfer required under section 6(b)(2), then the balance in the State Gaming Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Gaming Fund.

(4) The funds transferred under this subsection shall be used to support the construction of wastewater treatment infrastructure utilizing nutrient reduction technology.

(5) The General Assembly may transfer additional appropriations to the fund as deemed necessary, but in no event shall the funds be reduced from the amounts specified in paragraph (1).

(e) Disbursement schedule.—The program funds provided for under subsections (c) and (d) shall be allocated under the following schedule:

(1) For each fiscal year 2008-2009, 2009-2010 and 2010-2011, a total of \$100,000,000.

(2) For each fiscal year 2011-2012 through and including fiscal year 2014-2015, a total of \$50,000,000.

Section 6. Resource enhancement and protection tax credit.

(a) Resource enhancement and protection tax credit program.—For fiscal years 2008-2009 through and including fiscal year 2012-2013, a total of \$50,000,000 annually shall be made available for use under Article XVII-E of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing the Resource Enhancement and Protection Tax Credit for best management practices.

(b) Proportionate share of funds.—

(1) (i) The tax credits authorized under subsection (a) shall be administered in such a manner so as to provide at least 60% but not more than 70% of total annual amount of tax credits authorized for agricultural nutrient and sediment reduction projects and legacy sediment remediation projects in the Chesapeake Bay watershed.

(ii) The requirements of this subsection shall not apply for any year in which the commission determines proportionate share of tax credits prescribed in this subsection cannot be feasibly met.

(2) A total of 10% of these funds shall be transferred to the Conservation District Fund and shall be made available to county conservation districts through the State Conservation Commission to assist in the implementation of the provisions of this act.

(c) Legacy sediments.—Projects which:

(1) remove legacy sediments and restore floodplains and which provide environmental benefits, including, but not limited

to: groundwater recharge, reduction of local impacts due to storm water runoff and flooding; and

(2) demonstrate multiple economic benefits; shall be eligible for tax credits under the resource enhancement and protection tax credit program.

(d) Controlling sediment releases.—The department shall develop a process for identifying the positive and negative effects of the existence of mill race dams in controlling sediment and nutrient releases into the Chesapeake Bay and its tributaries. The department may not demolish or direct the removal of any mill race dam until such time as the effects of mill race dams are fully realized and there are procedures in place to address the appropriate disposition of the sediments behind mill race dams.

(e) Interfund transfers from the State Stores Fund and State Gaming Fund.—

(1) The Secretary of the Budget shall transfer from the State Stores Fund to the Resource Enhancement and Protection Tax Credit Fund, which is hereby established in the State Treasury, an amount of \$25,000,000 annually for fiscal year 2008-2009 through fiscal year 2012-2013.

(2) The Secretary of the Budget shall transfer from the State Gaming Fund to the Resource Enhancement and Protection Tax Credit Fund, which is hereby established in the State Treasury, the amount of \$25,000,000 annually for fiscal year 2008-2009 through fiscal year 2012-2013. These funds shall be from the balance in the State Gaming Fund remaining after all other statutorily mandated requirements for the use of these funds are met.

(3) (i) In any year in which the balance in the State Stores Fund is insufficient to make the transfer required under paragraph (1) and the transfer required under section 5(d)(1), then the balance in the State Stores Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Stores Fund.

(ii) In any year in which the balance in the State Gaming Fund is insufficient to make the transfer required under paragraph (2) and the transfer required under section 5(d)(2), then the balance in the State Gaming Fund shall be divided so that the amount of each transfer shall be equal to one-half of the balance in the State Gaming Fund.

(4) The funds transferred under this subsection shall be used to support the activities required under subsections (a) and (c).

Section 7. Phase-in schedule.

(a) Establishment.—The department shall establish a multiphased nutrient reduction compliance schedule for wastewater treatment facilities required to reduce nutrient levels within the Chesapeake Bay watershed.

(b) Procedures and requirements.—

(1) The department shall, at a minimum, develop a program for wastewater treatment facilities to reduce nutrient levels within the Chesapeake Bay watershed in the following manner:

(i) All plants identified by the department with flows over 400,000 gallons per day which are not presently under annual nutrient load limits as part of their operating permit shall be given annual nutrient load limits based upon an average of 6 mg/l of total nitrogen and 0.8mg/l of total phosphorous at the annual average design flow of each wastewater facility.

(ii) In an effort to achieve nutrient reduction compliance levels, a three-tiered compliance schedule shall be used. The department shall place each wastewater treatment plant in one of three tiers to ensure all facilities will be deemed in compliance over a

seven-year period beginning on July 1, 2008, and ending June 31, 2015.

(2) Nothing in this subsection shall be construed to prohibit the right of appeal to NPDES permit conditions by a permittee.

(c) New construction.—

(1) A new wastewater treatment facility at which construction commences on or after January 1, 2008, shall meet nutrient load limits based upon an average of 4 mg/l total nitrogen and 0.3 mg/l total phosphorus at the annual average design flow. A new system constructed to the limits in this section shall make a one-time monetary assessment to the nutrient reduction credit bank identified under section 8(d)(3). The assessment contribution shall be determined by the Nutrient Credit Trading Program Board established under section 8(b). The assessment shall, at a minimum, be based upon the difference in treatment level between 4 mg/l of nitrogen and 0.3 mg/l of phosphorus and the zero net discharge limit applied to new facilities through the department under the strategy.

(2) The purchase of nutrient credits shall be recognized as an alternative method to meet the zero net discharge limit applied to new facilities that do not meet the criteria in paragraph (1). The purchase of nutrient credits shall also be recognized as an alternative method to meet the zero net discharge limit applied to expansion of existing plants.

(3) In the event of an addition, expansion or modification to a wastewater facility, the mass discharge limits contained in this subsection shall apply only to the increase in the annual average design flow, resulting from the addition, expansion or modification.

Section 8. Nutrient Reduction Credit Trading Program.

(a) Establishment.—The department shall establish the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed and shall administer it in accordance with this section.

(b) Program board.—

(1) The Nutrient Reduction Credit Trading Program Board is established. The purpose of the board shall be to manage and provide oversight to the Nutrient Reduction Credit Trading Program.

(2) The board shall consist of:

(i) The Secretary of Environmental Protection, or a designee.

(ii) The Secretary of Agriculture, or a designee.

(iii) The Executive Director of the authority, or a designee.

(iv) One representative from county conservation districts appointed by the State Conservation Commission.

(v) One representative from municipal authorities representing wastewater treatment facilities chosen by the Pennsylvania Municipal Authorities Association.

(vi) One representative of the housing industry chosen by the Pennsylvania Builders Association.

(vii) One water quality engineer appointed by the chairman of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

(viii) One representative from the agricultural sector appointed by the Secretary of Agriculture.

(ix) One representative from an environmental organization representing an environmental organization related to the Chesapeake Bay appointed by the Secretary of Environmental Protection.

(x) Three representatives of local government, one representing boroughs, one representing townships and one representing cities. These representatives shall be chosen by their respective Statewide organizations.

(xi) One representative from the Pennsylvania delegation to the Chesapeake Bay Commission appointed by members of the Pennsylvania delegation to the commission.

(xii) One representative from the United States Department of Agriculture Natural Resources Conservation Service appointed by the service's State conservationist for Pennsylvania.

(c) Chairperson.—The board shall elect a chairperson from among its members.

(d) Powers and duties.—The board will adopt policies and implement programs necessary to manage the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed. The board shall have the following specific duties and responsibilities:

(1) To purchase nutrient reduction credits from wastewater treatment facilities or agricultural or other sources. The board shall utilize \$50,000,000 in funds provided by the Environmental Protection Agency and previously approved by the authority board of directors for use in the establishment of a nutrient credit trading program. Credits shall be available for purchase only after department certification that nutrient and sediment reductions have occurred or will occur upon implementation of the proposed nutrient reduction project. The board shall cooperate with the department and the Department of Agriculture or their agents to verify credits from wastewater treatment facilities and agricultural and other sources.

(2) To offer for sale nutrient reduction credits to wastewater treatment facilities, developers, municipalities, nonpoint source entities and others required to meet nutrient reductions.

(3) (i) To establish a nutrient reduction credit bank to provide for the purchase and sale of credits within the Nutrient Reduction Credit Trading Program. The board will establish procedures and set monetary assessments to generate a system of nutrient credits that can be used by wastewater treatment facilities and others to reach compliance with nutrient reduction requirements identified by the department and to allow for new growth.

(ii) Nothing in this subsection shall be construed to prohibit the private purchase and sale of credits within the trading market.

(4) For wastewater treatment facilities, to establish phased payment schedules, provided the payment amounts will fund all annual reductions that are necessary to meet nutrient reduction requirements identified by the department as follows:

(i) The payment amounts for new facilities shall be sufficient to fund all necessary annual reductions given the facilities' anticipated design flow and connections schedule so that zero net discharge requirements are met.

(ii) The bank shall use these funds to provide grants to the agricultural sector to support projects that will implement the highest value nutrient reduction best management practices.

(iii) Preference shall be given to those nutrient reduction best management practices that provide the greatest nutrient reductions for the least amount of cost and that, once implemented, generate credits on a continuing annual basis.

(iv) Excess credits generated from the transactions shall be made available for purchase by wastewater treatment facilities, upon request, if needed to meet nutrient effluent limits.

(5) To offer for sale excess credits held by the bank identified under paragraph (3), but shall hold a minimum percentage of credits as a reserve balance to offset any failures or loss of nutrient reduction credits within the bank. In addition to

this reserve, the board shall hold a minimum percentage of credits in reserve for new growth. The board shall set these reserves at percentages it deems necessary, but in no instance shall the reserve for new growth be lower than 5% of all credits held by the bank.

(6) To process credits on a continual basis. The board shall establish and update as necessary the selling price of nutrient reduction credits and post the information regarding cost and methods of purchasing and selling credits on the Internet website of the authority. The board shall post on the Internet website of the authority a list of those projects that have been certified to generate credits by the department.

(7) To establish overall time frames for the use of nutrient reduction credits purchased through the bank necessary to meet the compliance requirements established by the department. The board shall develop and implement a process that allows credits to be purchased in advance of when they may be needed to ensure compliance with the requirements established by the department.

(8) To establish a subcommittee to provide technical assistance to entities proposing credit-generating projects. Members of the subcommittee shall be appointed by the board and shall have appropriate technical training and experience. The subcommittee shall conduct a technical review of credit proposals consistent with the department's existing guidance on credit proposal reviews and make a recommendation regarding credit certification. Proposals that have undergone technical review by the subcommittee and are recommended by the subcommittee for certification shall be submitted by the board to the department for review. The department shall render a decision on the proposal within 60 days of receipt of the submission from the board. A proposal on which the department fails to act within this time period shall be deemed approved.

(9) To establish procedures to allow the nutrient reduction credit bank to act as a clearinghouse and make available information on the availability of nutrient reduction credits from public and private sector organizations other than the nutrient reduction credit bank.

(e) Regulations.—The authority, the department and the Department of Agriculture may jointly develop regulations as necessary to implement the provisions of this act. The regulations shall be promulgated in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(f) Administration.—The authority shall provide all necessary administrative and technical support for the operation of the Nutrient Reduction Credit Trading Program and the Nutrient Reduction Credit Trading Board. The authority may enter into contracts to assist in administration of the bank, provide technical assistance to entities proposing credit-generating projects and provide all other necessary technical and administrative support to the board.

Section 9. Accountability.

(a) Evaluation.—The department shall annually evaluate progress toward meeting the needed reductions in nutrients and sediments entering the Chesapeake Bay watershed. This evaluation shall consist of a quantitative and qualitative analysis on the progress made in reaching the nutrient reduction goals for all point and nonpoint sources delineated in the Chesapeake Bay tributary strategy. In conducting the evaluation, the department shall annually review and estimate the costs and benefits related to compliance with the Chesapeake Bay tributary strategy by all affected economic sectors.

(b) Contents of evaluation.—The evaluation shall include, but may not be limited to:

(1) The number and type of nutrient reduction credit transactions.

(2) A description of the methods that have been implemented by the various sectors toward achieving compliance with the established nutrient reduction goals.

(3) A review of any changes to the financial resources and regulatory requirements that other states in the Chesapeake Bay watershed have implemented in regard to the nutrient reduction goals.

(c) Submittal of evaluation.—The evaluation shall be submitted with the annual report required under section 11.

(d) Program changes.—The department shall identify any and all substantive changes that may be necessary to ensure compliance with the nutrient reduction requirements needed. The department shall present recommendations to the General Assembly for any substantive changes needed to the nutrient and sediment reduction requirements, storm water management reduction requirements, stream loading or other requirements as deemed necessary.

Section 10. Chesapeake Bay Advisory Council.

(a) Establishment.—The Chesapeake Bay Advisory Council is established as an advisory body to the department.

(b) Composition.—The advisory council shall be composed of individuals representing the State Conservation Commission, local governments, environmental organizations, county conservation districts, Federal and State agencies, educational institutions, agricultural organizations, businesses, watershed organizations and other groups as deemed appropriate by the Secretary of Environmental Protection. Advisory council membership shall not be limited to a specific number, but shall be determined by the department.

(c) Duties.—The advisory council shall:

(1) Advise the department in all matters relating to the Chesapeake Bay and its tributaries and in the implementation of methods designed to provide for nutrient reductions entering the bay and its tributaries.

(2) Provide citizen input to the department on the Commonwealth's efforts to meet its commitments in the Chesapeake 2000 Agreement, as well as future agreements.

(3) Advise the department and provide input on the Commonwealth's tributary strategies.

(4) Advise the department on agricultural and other appropriate nonpoint source issues within the Chesapeake Bay watershed.

(5) Advise the department on the implementation of programs under the Chesapeake Bay Nonpoint Source Pollution Abatement Program.

(6) Provide recommendations to the department for communicating with watershed groups, Federal and State agencies, local governments and others in an effort to build further support for the Chesapeake Bay Program.

(7) Provide input, comments and recommendations to the department on educational strategies targeted to the needs of local citizens, businesses, schools, communities, local governments and watershed groups.

(8) Report to and advise the department on emerging issues and trends pertinent to the Chesapeake 2000 Agreement and other issues relating to the Chesapeake Bay and its tributaries and offer recommendations to the department to enhance or modify program activities.

(9) Provide general comment to the department and remain apprised of water quality and resource management issues that are addressed by the Chesapeake Bay Program task forces and committees.

(10) Provide input to the department on the overall implementation of the Chesapeake Bay tributary strategy, including assistance in annually evaluating the costs, benefits and specific implementation methods used to meet the nutrient reduction goals.

(d) Evaluation.—

(1) The advisory council, in conjunction with the citizens advisory council to the department, shall review the results of the department's evaluation of the progress toward meeting the needed reductions of nutrients and sediments entering the Chesapeake Bay and its tributaries.

(2) The department shall forward all information for review to the advisory council and the citizens advisory council within 30 days of the department's finalization of the results.

(3) The advisory council and the citizens advisory council shall issue the results of their findings in an annual report to the chairman and minority chairman of the Environmental Resources and Energy Committee of the Senate and the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives no later than March 15 of each year.

Section 11. Report to standing committees.

(a) Content.—

(1) The authority and the department shall submit a joint annual report to the chairman and the minority chairman of the Environmental Resources and Energy Committee of the Senate, the chairman and minority chairman of the Environmental Resources and Energy Committee of the House of Representatives and the Pennsylvania delegation of the Chesapeake Bay Commission no later than July 1 following the first fiscal year or any portion thereof in which the program is in effect and no later than July 1 for all succeeding fiscal years in which the program is in effect.

(2) The report shall include:

(i) A list of all of the recipients of loans or grants awarded by the authority in the previous fiscal year.

(ii) The amount of the loans or grants awarded.

(iii) A description of the nutrient reduction project and the public purposes that it advances.

(iv) The documentation submitted by the applicant demonstrating that the nutrient reduction project met at least one of the criteria under section 9(b). The report shall include the results of the evaluation and recommendations required under section 9.

(v) A description of all activities conducted by the Nutrient Reduction Credit Trading Board for that reporting period.

(b) Publication.—The authority shall post a copy of the report to the standing committees on the Internet websites of the authority and the department. The reports shall remain on the sites until the reports for the next year are posted.

Section 12. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

Mr. PERRY. Thank you, Mr. Speaker.

The SPEAKER. The gentleman is not recognized yet. The gentleman will wait to be recognized, please.

AMENDMENT PASSED OVER TEMPORARILY

The SPEAKER. This amendment will be over temporarily.

RULE 15 SUSPENDED

The SPEAKER. The Chair recognizes the minority leader.

Mr. S. SMITH. Mr. Speaker, it is 5 till 11. I know that everybody is conscious of the time, and we are quite close on moving, finishing this bill, and in order to not rush someone through an amendment, and there are a few other housecleaning bills that would be worth getting done today in order for us all to try to close out the overall work of the budget process in a timely manner, subsequently, Mr. Speaker, I would ask for a suspension of rule 15, the 11 o'clock rule, with the provision

that we would not go past 11:59. So I am basically asking for that rule to be suspended until 11:59.

The SPEAKER. The gentleman, Representative Smith, moves that rule 15 be suspended.

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

The following roll call was recorded:

YEAS—137

Adolph	Gerber	McGeehan	Saylor
Argall	Gergely	McI. Smith	Scavello
Bastian	Gingrich	Melio	Shapiro
Belfanti	Godshall	Mensch	Shimkus
Bennington	Goodman	Micozzie	Siptroth
Beyer	Grucela	Millard	Smith, K.
Biancucci	Haluska	Miller	Smith, S.
Blackwell	Hanna	Moul	Solobay
Boback	Harhai	Moyer	Sonney
Boyd	Harhart	Mundy	Staback
Brennan	Harkins	Myers	Stairs
Brooks	Harris	Nickol	Steil
Buxton	Helm	O'Brien, M.	Stevenson
Carroll	Hennessey	O'Neill	Sturla
Causser	Hershey	Pallone	Surra
Civera	Hess	Parker	Swanger
Cohen	Hickernell	Pashinski	Tangretti
Conklin	Hornaman	Payne	Taylor, J.
Curry	James	Payton	True
Daley	Josephs	Peifer	Turzai
Dally	Keller, W.	Perzel	Vereb
DePasquale	Kenney	Petri	Vitali
Dermody	Kessler	Phillips	Vulakovich
DeWeese	Killion	Pickett	Wagner
DiGirolamo	Kirkland	Pyle	Walko
Eachus	Kula	Quigley	Wansacz
Ellis	Leach	Quinn	Watson
Evans, D.	Lentz	Ramaley	Wheatley
Evans, J.	Levdansky	Raymond	Williams
Everett	Maher	Reed	Yewcic
Fabrizio	Mahoney	Reichley	Yudichak
Frankel	Major	Roebuck	
Galloway	Mann	Ross	O'Brien, D.,
Geist	Markosek	Sabatina	Speaker
George	McCall	Santoni	

NAYS—63

Baker	Fairchild	Marshall	Rock
Barrar	Fleck	Marsico	Rohrer
Bear	Freeman	McIlhattan	Rubley
Bishop	Gabig	Metcalfe	Sainato
Caltagirone	Gibbons	Milne	Samuelson
Cappelli	Gillespie	Murt	Schroder
Casorio	Grell	Mustio	Seip
Clymer	Hutchinson	Nailor	Smith, M.
Costa	Kauffman	Oliver	Stern
Cox	Keller, M.K.	Perry	Taylor, R.
Creighton	King	Petrarca	Thomas
Cruz	Kortz	Petrone	Waters
Cutler	Kotik	Preston	White
DeLuca	Longietti	Rapp	Wojnaroski
Denlinger	Manderino	Readshaw	Youngblood
Donatucci	Mantz	Roae	

NOT VOTING—0

EXCUSED—3

Benninghoff	Harper	Mackereth
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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.

POINT OF ORDER

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

Mr. SAMUELSON. A point of order.

The SPEAKER. For what purpose does the gentleman rise?

Mr. SAMUELSON. For a point of order.

Rule 15, the 11 o'clock rule, requires a 75-percent vote for suspension. That was only a 67-percent vote. I believe the rules suspension has failed.

The SPEAKER. The House will come to order. The House will come to order.

The issue before the House was to suspend rule 15. To suspend rule 15, the House requires a two-thirds vote.

CONSIDERATION OF SB 2 CONTINUED

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

The gentleman is in order and may proceed.

Mr. PERRY. Thank you, Mr. Speaker.

I do not see the amendment on the board, but I am assuming—

The SPEAKER. The gentleman will suspend.

FINANCE COMMITTEE MEETING

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

Mr. LEVDANSKY. Mr. Speaker, I just want to announce a meeting of the House Finance Committee tomorrow morning at 9 o'clock in 39E to consider HB 2673. Again, a Finance Committee meeting tomorrow morning at 9 o'clock in 39E. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Finance will meet tomorrow at 9 a.m. in room 39E.

CONSIDERATION OF SB 2 CONTINUED

CONSIDERATION OF AMENDMENT A08384 CONTINUED

AMENDMENT WITHDRAWN

The SPEAKER. Representative Perry.

Mr. PERRY. Thank you, Mr. Speaker.

I just want to again alert everyone in the House that even though you might not live in the Chesapeake Bay area, the Susquehanna River watershed, it is coming to a home and a toilet near you, and I withdraw this amendment.

Thank you, Mr. Speaker.

On the question recurring,

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

The SPEAKER. Does the gentleman have any other amendments he wishes to offer?

Mr. PERRY. Yes, Mr. Speaker.

I would like to withdraw A08385.

The SPEAKER. The Chair thanks the gentleman.

Does the gentleman wish to offer amendment A08386?

Mr. PERRY. Yes, Mr. Speaker.

On the question recurring,

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

Mr. **PERRY** offered the following amendment No. **A08386**:

Amend Title, page 1, line 2, by striking out "and" where it appears the second time and inserting a comma

Amend Title, page 1, line 4, by removing the period after "projects" where it appears the second time and inserting , and for the Nutrient Reduction Credit Trading Program; and establishing the Nutrient Reduction Credit Trading Program Board.

Amend Bill, page 11, by inserting between lines 21 and 22

CHAPTER 9

NUTRIENT REDUCTION CREDIT TRADING PROGRAM

Section 901. Nutrient Reduction Credit Trading Program.

(a) Establishment.—The Department of Environmental Protection shall establish the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed and shall administer it in accordance with this section.

(b) Program board.—

(1) The Nutrient Reduction Credit Trading Program Board is established. The purpose of the board shall be to manage and provide oversight to the Nutrient Reduction Credit Trading Program.

(2) The board shall consist of:

(i) The Secretary of Environmental Protection, or a designee.

(ii) The Secretary of Agriculture, or a designee.

(iii) The Executive Director of the authority, or a designee.

(iv) One representative from county conservation districts appointed by the State Conservation Commission.

(v) One representative from municipal authorities representing wastewater treatment facilities chosen by the Pennsylvania Municipal Authorities Association.

(vi) One representative of the housing industry chosen by the Pennsylvania Builders Association.

(vii) One water quality engineer appointed by the chairman of the Joint Legislative Air and Water Pollution Control and Conservation Committee.

(viii) One representative from the agricultural sector appointed by the Secretary of Agriculture.

(ix) One representative from an environmental organization representing an environmental organization related to the Chesapeake Bay appointed by the Secretary of Environmental Protection.

(x) Three representatives of local government, one representing boroughs, one representing townships and one representing cities. These representatives shall be chosen by their respective Statewide organizations.

(xi) One representative from the Pennsylvania delegation to the Chesapeake Bay Commission appointed by members of the Pennsylvania delegation to the commission.

(xii) One representative from the United States Department of Agriculture Natural Resources Conservation Service appointed by the service's State conservationist for Pennsylvania.

(c) Chairperson.—The board shall elect a chairperson from among its members.

(d) Powers and duties.—The board will adopt policies and implement programs necessary to manage the Nutrient Reduction Credit Trading Program for the Chesapeake Bay watershed. The board shall have the following specific duties and responsibilities:

(1) To purchase nutrient reduction credits from wastewater treatment facilities or agricultural or other sources. The board shall utilize \$50,000,000 in funds provided by the Environmental Protection Agency and previously approved by the authority board of directors for use in the establishment of a nutrient credit trading program. Credits shall be available for purchase only after department certification that nutrient and sediment reductions have occurred or will occur upon implementation of the proposed nutrient reduction project. The board shall cooperate with the department and the Department of Agriculture or their agents to verify credits from wastewater treatment facilities and agricultural and other sources.

(2) To offer for sale nutrient reduction credits to wastewater treatment facilities, developers, municipalities, nonpoint source entities and others required to meet nutrient reductions.

(3) (i) To establish a nutrient reduction credit bank to provide for the purchase and sale of credits within the Nutrient Reduction Credit Trading Program. The board will establish procedures and set monetary assessments to generate a system of nutrient credits that can be used by wastewater treatment facilities and others to reach compliance with nutrient reduction requirements identified by the department and to allow for new growth.

(ii) Nothing in this subsection shall be construed to prohibit the private purchase and sale of credits within the trading market.

(4) For wastewater treatment facilities, to establish phased payment schedules, provided the payment amounts will fund all annual reductions that are necessary to meet nutrient reduction requirements identified by the department as follows:

(i) The payment amounts for new facilities shall be sufficient to fund all necessary annual reductions given the facilities' anticipated design flow and connections schedule so that zero net discharge requirements are met.

(ii) The bank shall use these funds to provide grants to the agricultural sector to support projects that will implement the highest value nutrient reduction best management practices.

(iii) Preference shall be given to those nutrient reduction best management practices that provide the greatest nutrient reductions for the least amount of cost and that, once implemented, generate credits on a continuing annual basis.

(iv) Excess credits generated from the transactions shall be made available for purchase by wastewater treatment facilities, upon request, if needed to meet nutrient effluent limits.

(5) To offer for sale excess credits held by the bank identified under paragraph (3), but shall hold a minimum percentage of credits as a reserve balance to offset any failures or loss of nutrient reduction credits within the bank. In addition to this reserve, the board shall hold a minimum percentage of credits in reserve for new growth. The board shall set these reserves at percentages it deems necessary, but in no instance

shall the reserve for new growth be lower than 5% of all credits held by the bank.

(6) To process credits on a continual basis. The board shall establish and update as necessary the selling price of nutrient reduction credits and post the information regarding cost and methods of purchasing and selling credits on the Internet website of the authority. The board shall post on the Internet website of the authority a list of those projects that have been certified to generate credits by the department.

(7) To establish overall time frames for the use of nutrient reduction credits purchased through the bank necessary to meet the compliance requirements established by the department. The board shall develop and implement a process that allows credits to be purchased in advance of when they may be needed to ensure compliance with the requirements established by the department.

(8) To establish a subcommittee to provide technical assistance to entities proposing credit-generating projects. Members of the subcommittee shall be appointed by the board and shall have appropriate technical training and experience. The subcommittee shall conduct a technical review of credit proposals consistent with the department's existing guidance on credit proposal reviews and make a recommendation regarding credit certification. Proposals that have undergone technical review by the subcommittee and are recommended by the subcommittee for certification shall be submitted by the board to the department for review. The department shall render a decision on the proposal within 60 days of receipt of the submission from the board. A proposal on which the department fails to act within this time period shall be deemed approved.

(9) To establish procedures to allow the nutrient reduction credit bank to act as a clearinghouse and make available information on the availability of nutrient reduction credits from public and private sector organizations other than the nutrient reduction credit bank.

(e) Regulations.—The authority, the department and the Department of Agriculture may jointly develop regulations as necessary to implement the provisions of this act. The regulations shall be promulgated in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(f) Administration.—The authority shall provide all necessary administrative and technical support for the operation of the Nutrient Reduction Credit Trading Program and the Nutrient Reduction Credit Trading Board. The authority may enter into contracts to assist in administration of the bank, provide technical assistance to entities proposing credit-generating projects and provide all other necessary technical and administrative support to the board.

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

"Authority." The Pennsylvania Infrastructure Investment Authority.

"Board." The Nutrient Reduction Credit Trading Program Board.

"Department." The Department of Environmental Protection of the Commonwealth.

On the question,

Will the House agree to the amendment?

Mr. PERRY. Mr. Speaker, this amendment offers and establishes a viable Nutrient Reduction Credit Trading Program.

The SPEAKER. The gentleman will suspend.

PARLIAMENTARY INQUIRY

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

Mr. SCHRODER. Mr. Speaker, a point of parliamentary inquiry.

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

Mr. SCHRODER. Upon what does the Speaker base his ruling that it only takes two-thirds to suspend rule 15, when the rule clearly says a three-quarters vote?

The SPEAKER. Rule 15 states that you cannot stay in beyond 11 o'clock, but it takes a two-thirds vote to suspend rule 15.

RULING OF CHAIR APPEALED

Mr. SCHRODER. Mr. Speaker, I wish to appeal the ruling of the Chair.

The SPEAKER. The gentleman moves to appeal the ruling of the Chair.

The gentleman, Representative Schroder, has appealed the decision of the Chair. The decision of the Chair is that a two-thirds vote is required to suspend rule 15.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. On the question, shall the decision of the Chair stand as the decision of the House, those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

PARLIAMENTARY INQUIRY

The SPEAKER. Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

A parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. CUTLER. Is this motion debatable by rank-and-file members, sir?

The SPEAKER. Yes, it is.

Mr. CUTLER. May I speak on the motion then?

The SPEAKER. The gentleman was recognized. The gentleman may proceed.

Mr. CUTLER. Thank you, Mr. Speaker.

I would like to read from rule 15. It says, "On...days the House shall convene at the discretion of the House. No session of the House may begin before 8:00 A.M. nor end after 11:00 P.M. unless exigent circumstances exist, as determined by an affirmative vote of three-fourths of the members elected to the House...."

I rise to support Representative Schroder's motion that in order to go past the 11 o'clock hour, that we needed a three-quarters majority of the rule as plainly written therein. Thank you.

The SPEAKER. For the information of the members, the rules suspension was pursuant to rule 77, not rule 15.

Representative Dally.

Mr. DALLY. I will waive off.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I, with some regret, was one of those who voted for suspension. I thought what I was voting for was a request that

pursuant to rule 15's requirement of 11 o'clock that that be suspended and perhaps to answer this question, it may just be as simple as having the desk read back what the actual motion was because I am fairly certain I was hearing that rule 15, and if that— Is it possible to make a parliamentary inquiry? Is it possible to have the actual question, the actual motion read back to us?

The SPEAKER. The gentleman, Representative Smith, stated the motion very clearly that was to apply rule 77 to suspend the rule 15 to stay in session until 11:59.

Mr. MAHER. Mr. Speaker, I do not know if anybody circulated the vote yet, but I think – there are some of them there, maybe I could borrow one quickly without yielding, and I have not seen this before, but it is a motion to suspend rule 15 at 11 o'clock. It says motion to suspend rule 15. And even though I voted for this motion, I think the gentleman, Mr. Samuelson, was correct on the 75 percent. I confess I had forgotten about that 75-percent rule. I suppose we could spend the next 50 minutes debating whether or not it is rule 15 and 75 percent or two-thirds, but we may wind up in very much the same place as if we just were to entertain a motion to adjourn for the evening, which I think is always in order.

So I would like to make a motion— I want to hold off on making a motion to adjourn, Mr. Speaker, but I certainly would suggest that it is probably in everybody's best interest that we do so and seek our leaders' leadership. Thank you.

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

Mr. VEREB. Thank you, Mr. Speaker.

Is it possible to seek the majority leader's feedback on this motion or does he plan on speaking on this motion? I noticed that our leader made the motion for the suspension, and certainly, that is one of the reasons that I supported it, but I am also hearing with this rules suspension, we are scheduled to be in here at 9 o'clock tomorrow morning and I am already hearing committee meetings being set for 9 o'clock in the morning. I am just wondering how people are supposed to be in two places at one time and maybe a little time or clock management would be helpful in this process. We all respect leadership and their challenges, but you have us come in here at 9 o'clock tomorrow, and there are 9 o'clock committee meetings.

So I am interested and I am hopeful that the majority leader supports my leader's position for the suspension. Thank you.

APPEAL PASSED OVER TEMPORARILY

The SPEAKER. The appeal will be over temporarily.

SENATE MESSAGE

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

The clerk of the Senate, being introduced, returned **HB 5, PN 4111; HB 1804, PN 4112; HB 2088, PN 4113; and HB 2158, PN 4128**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

SENATE MESSAGE

HOUSE AMENDMENTS CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to **SB 1000, PN 2228**.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 1000, PN 2228

An Act prohibiting the regulation of voice-over-Internet protocol and other Internet protocol-enabled products and services; and providing for preservation of consumer protection, for fees and rates and for preservation of cable franchise authority.

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

STATEMENT BY MAJORITY LEADER

Mr. DeWEESE. Mr. Speaker—

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. On scheduling, because I think this is relevant. If we are able to suspend through appropriate parliamentary mechanisms just for the Perry amendment and for the passage of this bill, it may obviate the necessity for us being here on Saturday. The reality of us being here on Friday seems to be increasing by the millisecond. And I noted that my honorable colleague from Allegheny County a few moments ago talked for 11 minutes, the young man from Carbon talked for a minute and a half. If that kind of disparity continues, it is going to be a longer debate. And, again, this is a debating setting, and it is up to the membership, but I think the minority leader and I are in agreement that the Perry amendment and this proposal, and then we will come back tomorrow. And by the way, to the gentleman from Montgomery, I was told by counsel that if we sunshined for 9 o'clock, we could come subsequently at 10 or 11 or 9:30 or whatever, but not earlier. So it was just so that you would know it would not be earlier than 9.

The gentleman from Allegheny, Mr. Leviansky, who has called a committee meeting, will certainly not be interrupted and we will not be in session until after that. And within the next few moments, hopefully, we will be able to ascertain exactly what time we will come to session. As a matter of scheduling, I do not want to bring the body in for debate unless measures from the State Senate are over here to be debated, and unless our calendar is comparatively full. So it would not do us any good to come in at 10, debate things up until 11, have nothing else to debate until 3 in the afternoon, et cetera.

So we are in the process of trying to ascertain that, but I would support my colleague, Mr. Smith, my good friend from Jefferson County, the Republican floor leader, and hope that

somehow we can get beyond these parliamentary debates and get down to the Perry amendment and to the bill. Thank you.

RULING OF CHAIR APPEALED CONTINUED

The SPEAKER. Representative Roae.

Mr. ROAE. Thank you, Mr. Speaker.

Rule 77 clearly states that unless listed in another rule—

The SPEAKER. The question before the House is the appeal. The clerk will put that back up on the board. The gentleman is in order.

Mr. ROAE. Thank you, Mr. Speaker.

Rule 77 clearly says "unless otherwise specified in another rule..." you need a two-thirds vote. Well, rule 15 clearly says you need a three-fourths vote. I served on your reform commission, and one of the things that we were trying to do was make it very difficult to have session late at night. That is why we made it a very difficult three-fourths vote to have session past 11. So, Mr. Speaker, with all due respect, we should be done at 11.

The SPEAKER. Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise in support of the Schroder motion to appeal the ruling of the Chair. And the point made by Representative Roae was very well taken. The rules do say that it is 75 percent and that provision in rule 77 says "unless specified by another rule...."

I do want to announce that something I said to the reform commission last year when I testified, I think we do need to take this further. I still support putting this in our State Constitution so we never face this question, and I will be putting out a memo for cosponsorship to put a constitutional amendment prohibiting the midnight sessions. Thank you.

The SPEAKER. The gentleman made the motion. He is now entitled to speak on the motion. The Chair recognizes Representative Schroder.

Mr. SCHRODER. Yes; thank you, Mr. Speaker.

Mr. Speaker, as Representative Roae and Representative Samuelson have pointed out, rule 77 is not applicable here because the language in the first paragraph that specifically states that "unless otherwise specified in another rule...", rule 15 specifies three-quarters to suspend. I think it is very clear.

Mr. Speaker, I think we need to vote on this motion to appeal the Chair's ruling, because to allow the Chair's ruling to stand as it was made would eviscerate rule 15. It would totally read the language in rule 15 out of existence. So this is not a trivial matter, this is a matter that will set precedent for the operation of this body. I respectfully ask all the members to vote in favor of my motion to appeal the ruling of the Chair.

The SPEAKER. Representative Roebuck. The gentleman waives off.

Those voting to sustain the decision of the Chair will vote "aye"; those voting to overturn the decision of the Chair will vote "nay."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—82

Belfanti	Gerber	McCall	Smith, K.
Bennington	Gergely	McGeehan	Solobay
Biancucci	Goodman	Melio	Staback
Bishop	Gruclera	Mundy	Sturla
Blackwell	Haluska	Myers	Surra
Brennan	Hanna	O'Brien, M.	Tangretti
Casorio	Harhai	Oliver	Thomas
Cohen	Harkins	Pallone	Vitali
Cruz	Hornaman	Parker	Wagner
Curry	James	Pashinski	Walko
Daley	Josephs	Payton	Wansacz
DeLuca	Keller, W.	Petrone	Waters
Dermody	Kirkland	Preston	Wheatley
DeWeese	Kortz	Ramaley	Williams
Donatucci	Kula	Readshaw	Wojnaroski
Eachus	Leach	Roebuck	Yewcic
Evans, D.	Levdansky	Sabatina	Youngblood
Fabrizio	Mahoney	Santoni	Yudichak
Frankel	Manderino	Shapiro	
Galloway	Mann	Shimkus	O'Brien, D., Speaker
George	Markosek	Sipthoth	

NAYS—118

Adolph	Fleck	Marsico	Reed
Argall	Freeman	McI. Smith	Reichley
Baker	Gabig	McIlhatten	Roae
Barrar	Geist	Mensch	Rock
Bastian	Gibbons	Metcalfe	Rohrer
Bear	Gillespie	Micozzie	Ross
Beyer	Gingrich	Millard	Rublely
Boback	Godshall	Miller	Sainato
Boyd	Grell	Milne	Samuelson
Brooks	Harhart	Moul	Saylor
Buxton	Harris	Moyer	Scavello
Caltagirone	Helm	Murt	Schroder
Cappelli	Hennessey	Mustio	Seip
Carroll	Hershey	Nailor	Smith, M.
Causar	Hess	Nickol	Smith, S.
Civera	Hickernell	O'Neill	Sonney
Clymer	Hutchinson	Payne	Stairs
Conklin	Kauffman	Peifer	Steil
Costa	Keller, M.K.	Perry	Stern
Cox	Kenney	Perzel	Stevenson
Creighton	Kessler	Petrarca	Swanger
Cutler	Killion	Petri	Taylor, J.
Dally	King	Phillips	Taylor, R.
Denlinger	Kotik	Pickett	True
DePasquale	Lentz	Pyle	Turzai
DiGirolamo	Longietti	Quigley	Vereb
Ellis	Maher	Quinn	Vulakovich
Evans, J.	Major	Rapp	Watson
Everett	Mantz	Raymond	White
Fairchild	Marshall		

NOT VOTING—0

EXCUSED—3

Benninghoff	Harper	Mackereth
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Less than the majority having voted in the affirmative, the question was determined in the negative and the decision of the Chair did not stand as the judgment of the House.

BILLS AND RESOLUTIONS PASSED OVER

The SPEAKER. Without objection, any bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

ADJOURNMENT

The SPEAKER. The House is now adjourned until Thursday, July 3, 2008, at 9 a.m., e.d.t., unless sooner recalled by the Speaker.

At 11:24 p.m., e.d.t., the House adjourned.