

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

WEDNESDAY, MARCH 2, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 17

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER (SAMUEL H. SMITH) PRESIDING

#### PRAYER

The SPEAKER. The prayer this morning will be offered by the Reverend Kelly Wiant, Market Square Presbyterian Church in Harrisburg.

REV. KELLY WIANT, Guest Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

O God, we give You thanks for Your world, for the beauty of this day, for all of Your people, and for the work You have called us to. We pray that as we approach the tasks and the responsibilities of this day, that we do so with imagination, creativity, intelligence, compassion, love, so that we might serve all Your people with joy. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Monday, March 1, 2011, will be postponed until printed.

#### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

**HB 370, PN 335**

By Rep. METCALFE

An Act authorizing the Department of Conservation and Natural Resources, with the approval of the Governor, to grant and convey to Kyle A. and Tamara J. Boltz certain lands situate in Union Township, Lebanon County, in exchange for Kyle A. and Tamara J. Boltz's granting and conveying certain lands to the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources, to be added to those existing lands at Swatara State Park.

STATE GOVERNMENT.

**HB 488, PN 922 (Amended)**

By Rep. METCALFE

An Act authorizing Venango County to convey a right-of-way over certain Project 70 lands in Oakland Township, Venango County, free of restrictions imposed by the Project 70 Land Acquisition and Borrowing Act.

STATE GOVERNMENT.

**HB 520, PN 923 (Amended)**

By Rep. BENNINGHOFF

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for lottery winnings intercept.

FINANCE.

#### GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize the guests of Representative Jim Marshall and Representative Jim Christiana. They are the Beaver County Commissioners – Charlie Camp, Joe Spanik, and Tony Amadio. I apologize; I think I mispronounced your name. Welcome to the hall of the House.

#### COMMUNICATIONS FROM INSURANCE DEPARTMENT

The SPEAKER. The Speaker acknowledges the receipt of the following reports, which the clerk will read.

The following communications were read:

The Speaker acknowledges receipt of the Annual Report of the Children's Health Insurance Program, submitted by the Insurance Department pursuant to Act 113 of 1992, for the period of January 2010 through December 2010.

\* \* \*

The Speaker acknowledges receipt of the Annual Report of adultBasic, submitted by the Insurance Department pursuant to Act 77 of 2001, for the period of January 2010 through December 2010.

\* \* \*

The Speaker acknowledges receipt of the Annual Flood Insurance Report, submitted by the Insurance Department pursuant to Act 10 of special session No. 2 of 1996.

\* \* \*

The Speaker acknowledges receipt of the Annual Report of the Medical Care Availability and Reduction of Error Act, submitted by the Insurance Department pursuant to Act 13 of 2002.

(Copies of communications are on file with the Journal clerk.)

### REPUBLICAN CAUCUS

The SPEAKER. For the purpose of making a caucus announcement, the Speaker recognizes the lady, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

There will be an immediate Republican caucus. I would ask all the members to please report to our caucus room immediately at the call of the recess. Thank you.

The SPEAKER. The Speaker thanks the lady.

### DEMOCRATIC CAUCUS

The SPEAKER. The Speaker recognizes the gentleman, Mr. Frankel, for the purposes of a caucus announcement.

Mr. FRANKEL. Thank you, Mr. Speaker.

Likewise—

The SPEAKER. Will the gentleman just suspend one second, please.

Will the members please pay attention just so that – or give the gentleman their attention just so we are on the same sheet of music here in terms of our schedule for the day.

The gentleman may proceed.

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be an immediate Democratic caucus right away. Thank you.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, we anticipate coming back at 1 o'clock for the voting session following caucus.

Are there any other announcements?

### RECESS

The SPEAKER. The House stands in recess until 1 o'clock, unless sooner recalled by the Speaker.

### AFTER RECESS

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

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 105** By Representatives JOSEPHS, B. BOYLE, BRADFORD, V. BROWN, CALTAGIRONE, CLYMER, D. COSTA, FABRIZIO, FREEMAN, GOODMAN, KORTZ, McGEEHAN, MURPHY, PAYTON, SANTARSIERO, SCHRODER and VULAKOVICH

A Resolution condemning the actions of the Islamic Republic of Iran in convicting and sentencing Sakineh Mohammadi Ashtiani when its case against her was flawed, and urging the Islamic Republic of Iran to release her from its custody.

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 106** By Representatives CAUSER, HENNESSEY, BAKER, CLYMER, COHEN, D. COSTA, CREIGHTON, DALEY, DAY, DeLUCA, DENLINGER, J. EVANS, EVERETT, FLECK, GABLER, GEIST, GINGRICH, GOODMAN, GRELL, GROVE, HARRIS, HESS, HICKERNELL, HUTCHINSON, M.K. KELLER, KILLION, MAJOR, MARSICO, MILLARD, MILLER, MILNE, MOUL, MURT, OBERLANDER, O'NEILL, PEIFER, PICKETT, PYLE, RAPP, REICHLEY, ROAE, SAYLOR, SCAVELLO, K. SMITH, SONNEY, STERN, TALLMAN, VULAKOVICH and WATSON

A Resolution directing the Legislative Budget and Finance Committee to conduct a study of the Pennsylvania Lottery relating to its ability to continue to support programs and services for older Pennsylvanians.

Referred to Committee on AGING AND OLDER ADULT SERVICES, March 2, 2011.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 112** By Representatives STURLA, MILLER, SANTARSIERO, CALTAGIRONE, COHEN, D. COSTA, DALEY, FABRIZIO, FREEMAN, GIBBONS, GOODMAN, HARHAI, JOSEPHS, KORTZ, LONGIETTI, MATZIE, MUNDY, MURT, M. O'BRIEN, PASHINSKI, READSHAW, SAINATO, SCHRODER, THOMAS, WAGNER and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for employment restriction.

Referred to Committee on STATE GOVERNMENT, March 2, 2011.

**No. 113** By Representatives STURLA, SCHRODER, WAGNER, CALTAGIRONE, COHEN, D. COSTA, DALEY, FABRIZIO, FREEMAN, GIBBONS, GOODMAN, HARHAI, JOSEPHS, KORTZ, LONGIETTI, MATZIE, MILLER, MUNDY, MURT, M. O'BRIEN, PASHINSKI, READSHAW, SAINATO, SANTARSIERO, THOMAS and YOUNGBLOOD

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, in ethics standards and financial disclosure, further providing for restricted activities.

Referred to Committee on STATE GOVERNMENT, March 2, 2011.

**No. 114** By Representatives STURLA, MURT, JOSEPHS, CALTAGIRONE, COHEN, D. COSTA, DALEY, FABRIZIO, FREEMAN, GIBBONS, GOODMAN, HARHAI, KORTZ,

LONGIETTI, MATZIE, MUNDY, M. O'BRIEN, PASHINSKI, READSHAW, SAINATO, SANTARSIERO and YOUNGBLOOD

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for gubernatorial appointments.

Referred to Committee on APPROPRIATIONS, March 2, 2011.

**No. 878** By Representatives McGEEHAN, K. BOYLE, KORTZ, V. BROWN, ROEBUCK, PAYTON, DAVIDSON, CRUZ, SANTARSIERO, BRIGGS, BISHOP, SWANGER, JOSEPHS and MIRABITO

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations of time for commencement of civil action arising from childhood sexual abuse.

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 879** By Representative M. O'BRIEN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for policy relating to bullying.

Referred to Committee on EDUCATION, March 2, 2011.

**No. 880** By Representatives PYLE, ADOLPH, BAKER, BENNINGHOFF, BOYD, CAUSER, CLYMER, CUTLER, DENLINGER, ELLIS, EVERETT, FABRIZIO, FLECK, GABLER, GEIST, GROVE, HARHART, HARPER, HENNESSEY, HESS, HUTCHINSON, KNOWLES, LONGIETTI, MARSICO, METZGAR, MOUL, MURT, OBERLANDER, PICKETT, RAPP, READSHAW, REED, REICHLEY, ROAE, ROCK, SONNEY, STERN, STEVENSON and VULAKOVICH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing the Pennsylvania Coal and Air Quality Improvement Tax Credit.

Referred to Committee on FINANCE, March 2, 2011.

**No. 881** By Representatives PYLE, BENNINGHOFF, CUTLER, ELLIS, FABRIZIO, GEIST, GROVE, HORNAMAN, KAUFFMAN, MOUL, PEIFER, RAPP, ROCK, SONNEY and SWANGER

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for dogs pursuing, injuring or killing big game.

Referred to Committee on GAME AND FISHERIES, March 2, 2011.

**No. 882** By Representatives PYLE, AUMENT, COX, CUTLER, ELLIS, GABLER, GEIST, GROVE, HUTCHINSON, KORTZ, METCALFE, OBERLANDER, PICKETT, REESE, SAYLOR, STERN, STEVENSON, TALLMAN and VULAKOVICH

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

Referred to Committee on FINANCE, March 2, 2011.

**No. 883** By Representatives PYLE, AUMENT, BAKER, BENNINGHOFF, BROOKS, CAUSER, CREIGHTON, DENLINGER, EVERETT, FLECK, GILLEN, GINGRICH, GRELL, GROVE, HARHAI, HARHART, HORNAMAN, KRIEGER, MARSHALL, MILLARD, MILNE, MOUL, OBERLANDER, PEIFER, PICKETT and VULAKOVICH

An Act establishing the Council on Mandates; and providing for its powers and duties and for the suspension of unfunded mandates and reimbursable mandates.

Referred to Committee on APPROPRIATIONS, March 2, 2011.

**No. 884** By Representatives PYLE, BAKER, BEAR, BOBACK, BRADFORD, CAUSER, CHRISTIANA, CLYMER, CUTLER, DENLINGER, DIGIROLAMO, ELLIS, EVERETT, FABRIZIO, FARRY, FLECK, GABLER, GEIST, GINGRICH, GRELL, GROVE, HARPER, HELM, HENNESSEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M.K. KELLER, KILLION, KNOWLES, KRIEGER, MAHER, MAJOR, MARSICO, METCALFE, MOUL, MURT, MUSTIO, OBERLANDER, O'NEILL, PERRY, QUIGLEY, QUINN, RAPP, READSHAW, REED, REESE, ROCK, SAYLOR, SCAVELLO, K. SMITH, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOEPEL, VEREB, VULAKOVICH and WATSON

An Act amending the act of September 27, 1961 (P.L.1700, No.699), known as the Pharmacy Act, providing for sale of needles and syringes by pharmacists.

Referred to Committee on HEALTH, March 2, 2011.

**No. 885** By Representatives PYLE, BAKER, BOBACK, BOYD, CUTLER, DENLINGER, ELLIS, EVERETT, FABRIZIO, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GROVE, HARHART, HESS, HUTCHINSON, KAUFFMAN, LONGIETTI, MAJOR, METCALFE, METZGAR, MILLER, MOUL, MURT, OBERLANDER, PEIFER, QUINN, RAPP, READSHAW, SONNEY, STEVENSON and SWANGER

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for deer processor tax credit.

Referred to Committee on FINANCE, March 2, 2011.

**No. 886** By Representatives PYLE, AUMENT, BAKER, BEAR, BENNINGHOFF, BOBACK, BOYD, BROOKS, CAUSER, CHRISTIANA, CLYMER, COX, CUTLER, DAY, DENLINGER, ELLIS, EVERETT, FABRIZIO, FARRY, FLECK, GABLER, GEIST, GERGELY, GILLEN, GILLESPIE, GROVE, HARHART, HARRIS, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN,

M.K. KELLER, KNOWLES, KRIEGER, LAWRENCE, MAHER, MARSHALL, METCALFE, METZGAR, MILLER, MOUL, MURT, MUSTIO, OBERLANDER, PAYNE, PEIFER, PICKETT, RAPP, READSHAW, REED, REESE, REICHLEY, ROAE, ROCK, SAYLOR, SONNEY, STERN, STEVENSON, SWANGER, TALLMAN, TOEPEL, TURZAI, VULAKOVICH, HELM and KORTZ

An Act providing for the possession of firearms in motor vehicles; prohibiting certain acts; imposing duties on employers; and providing for civil immunity under certain circumstances and for enforcement.

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 887** By Representatives PYLE, ADOLPH, BAKER, BENNINGHOFF, BOBACK, BOYD, BROOKS, CAUSER, CLYMER, CUTLER, DAY, DENLINGER, ELLIS, EVERETT, FABRIZIO, FARRY, FLECK, GABLER, GEIST, GILLESPIE, GINGRICH, GRELL, GROVE, HARHART, HARPER, HENNESSEY, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, M.K. KELLER, KILLION, KNOWLES, KRIEGER, MAHER, MARSHALL, MARSICO, MILLARD, MILNE, MOUL, MURT, OBERLANDER, PASHINSKI, PICKETT, QUINN, RAPP, READSHAW, REED, REESE, REICHLEY, ROCK, SAYLOR, K. SMITH, SONNEY, STERN, SWANGER, TALLMAN, TOEPEL, VEREB, VULAKOVICH and WATSON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in criminal homicide, further providing for the offense of drug delivery resulting in death.

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 888** By Representatives PERRY, AUMENT, BAKER, BARRAR, BENNINGHOFF, BOYD, CLYMER, COX, CREIGHTON, CUTLER, EVERETT, FLECK, GABLER, GEIST, GILLEN, GODSHALL, GROVE, HESS, HICKERNELL, HUTCHINSON, KAUFFMAN, KNOWLES, KORTZ, MARSHALL, METCALFE, MILLER, MOUL, MULLERY, O'NEILL, PICKETT, ROCK, SCHRODER, SWANGER, TALLMAN, TOEPEL and VULAKOVICH

An Act providing for the English language as the official language of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, March 2, 2011.

**No. 889** By Representatives BRENNAN, B. BOYLE, CALTAGIRONE, CHRISTIANA, DAVIS, FARRY, FLECK, FREEMAN, GOODMAN, HARKINS, HORNAMAN, KAVULICH, MAHONEY, MARSHALL, MILNE, MIRABITO, MURPHY, MURT, PARKER, PYLE, SANTARSIERO, SANTONI, K. SMITH, STABACK, J. TAYLOR, VULAKOVICH, WHEATLEY and YOUNGBLOOD

An Act authorizing leave of absence from employment for veterans on Veterans Day.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, March 2, 2011.

**No. 890** By Representatives PAYTON, B. BOYLE, K. BOYLE and BRADFORD

An Act establishing a Statewide academic scholarship program to be known as the Reliable Educational Assistance for College Hopefuls Scholarship for Community College; and providing for the powers and duties of the Pennsylvania Higher Education Assistance Agency.

Referred to Committee on EDUCATION, March 2, 2011.

**No. 891** By Representatives PAYTON, B. BOYLE, K. BOYLE and STURLA

An Act establishing a Statewide academic scholarship program to be known as the Reliable Educational Assistance for College Hopefuls Scholarship for STEM Majors; and providing for the powers and duties of the Pennsylvania Higher Education Assistance Agency.

Referred to Committee on EDUCATION, March 2, 2011.

**No. 892** By Representatives K. SMITH, V. BROWN, CALTAGIRONE, CARROLL, DENLINGER, GERGELY, GIBBONS, KIRKLAND, KORTZ, KULA, M. O'BRIEN, SANTARSIERO, STABACK, SWANGER and WAGNER

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for person with disability plate and placard.

Referred to Committee on TRANSPORTATION, March 2, 2011.

**No. 893** By Representatives K. SMITH, B. BOYLE, BRENNAN, CALTAGIRONE, CARROLL, D. COSTA, DEASY, DeLUCA, DERMODY, FLECK, GEORGE, GOODMAN, HARHAI, HORNAMAN, JOSEPHS, KORTZ, KULA, MAHONEY, MANN, MICOZZIE, MILLER, MOUL, MULLERY, MURPHY, M. O'BRIEN, READSHAW, REICHLEY, VULAKOVICH and YOUNGBLOOD

An Act amending the act of November 6, 1987 (P.L.381, No.79), known as the Older Adults Protective Services Act, providing for background checks for applicants and recipients and for rulemaking authority.

Referred to Committee on AGING AND OLDER ADULT SERVICES, March 2, 2011.

**No. 894** By Representatives TALLMAN, BLOOM, BOYD, CREIGHTON, GABLER, GEIST, GILLEN, GODSHALL, HELM, KAUFFMAN, KILLION, MOUL, REICHLEY, ROCK, SAYLOR, SWANGER and PETRARCA

An Act regulating religious child-care facilities; providing for the powers and duties of the Department of Public Welfare; and imposing penalties.

Referred to Committee on CHILDREN AND YOUTH, March 2, 2011.

**No. 895** By Representatives PICKETT, CALTAGIRONE, CARROLL, D. COSTA, DENLINGER, EVERETT, GEORGE, GINGRICH, GOODMAN, GROVE, HANNA, HARHART, HEFFLEY, JOHNSON, KULA, LONGIETTI, MAJOR, MARSHALL, METZGAR, MILLARD, MILLER, MOUL,

MURPHY, PEIFER, REICHLEY, SCHRODER, SONNEY, SWANGER, VULAKOVICH, WAGNER, WATSON and WHITE

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, in preliminary provisions, further providing for definitions; and, in general requirements, further providing for protection of water supplies.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 2, 2011.

**No. 896** By Representatives ROSS, BARRAR, BOYD, CALTAGIRONE, CRUZ, CUTLER, DeLUCA, DENLINGER, DeWEESE, J. EVANS, FLECK, GABLER, GROVE, HARKINS, HESS, HICKERNELL, HORNAMAN, KAUFFMAN, MILLER, MILNE, MUNDY, MURT, O'NEILL, PETRI, READSHAW, REICHLEY, SCAVELLO, SCHRODER, TALLMAN, J. TAYLOR and WATSON

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of careless driving.

Referred to Committee on TRANSPORTATION, March 2, 2011.

**No. 897** By Representatives CAUSER, RAPP, GABLER, BAKER, BOYD, CREIGHTON, DENLINGER, EVERETT, FLECK, GEIST, GEORGE, GINGRICH, HARRIS, HENNESSEY, HESS, HORNAMAN, JOSEPHS, M.K. KELLER, MAJOR, METCALFE, MILLARD, MURT, O'NEILL, PEIFER, REICHLEY, ROCK, SONNEY, STERN, STEVENSON, SWANGER and VULAKOVICH

An Act amending the act of May 17, 1929 (P.L.1798, No.591), referred to as the Forest Reserves Municipal Financial Relief Law, providing for distribution of timber, wood products and gas and oil ground rentals and royalties.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, March 2, 2011.

**No. 898** By Representatives TOEPEL, STEPHENS, V. BROWN, DAVIDSON, QUIGLEY, READSHAW, ROSS, VULAKOVICH and WATSON

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

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 899** By Representatives DePASQUALE, READSHAW, FREEMAN, DALEY, FABRIZIO, GINGRICH, GEIST, D. COSTA, JOSEPHS, MUNDY, MYERS, PASHINSKI, K. SMITH, VULAKOVICH, YOUNGBLOOD, MICOZZIE, MURT, STABACK, SWANGER and DAVIDSON

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for harassment; and providing for peace orders.

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 900** By Representatives DePASQUALE, READSHAW, FREEMAN, DALEY, FABRIZIO, GINGRICH, GEIST, HESS, JOSEPHS, MUNDY, MYERS, PASHINSKI, K. SMITH, VULAKOVICH, YOUNGBLOOD, MICOZZIE, MURT, STABACK and SWANGER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for global positioning satellite units.

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 901** By Representatives DePASQUALE, READSHAW, FREEMAN, DALEY, FABRIZIO, GINGRICH, GROVE, HESS, MICOZZIE, MUNDY, MYERS, PASHINSKI, K. SMITH, VULAKOVICH and YOUNGBLOOD

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for registration requirements and limiting and prohibiting certain uses of the Internet by registered sex offenders.

Referred to Committee on JUDICIARY, March 2, 2011.

**No. 902** By Representatives DePASQUALE, READSHAW, FREEMAN, FABRIZIO, DALEY, GINGRICH, GROVE, HESS, MICOZZIE, MUNDY, MYERS, PASHINSKI, K. SMITH, VULAKOVICH and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for the offense of unlawful use of computer scrub software and for the offense of unlawful use of the Internet; and making an editorial change.

Referred to Committee on JUDICIARY, March 2, 2011.

## SENATE BILLS FOR CONCURRENCE

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

### SB 110, PN 711

Referred to Committee on TRANSPORTATION, March 2, 2011.

### SB 163, PN 148

Referred to Committee on TRANSPORTATION, March 2, 2011.

### SB 387, PN 373

Referred to Committee on GAME AND FISHERIES, March 2, 2011.

**COMMITTEE OFFICER CHANGES**

The SPEAKER. The clerk will please read the following changes to the committee officers' positions.

The following committee officer changes were read:

Committee Officer Changes

Local Government

\*Subcommittee Chairman on Counties – Rep. Knowles replaces Rep. Maloney

\*Subcommittee Chairman on Townships – Rep. Maloney replaces Rep. Knowles

**LEAVES OF ABSENCE**

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests leaves for the lady, Mrs. BROOKS, from Mercer County for the day and the gentleman, Denny O'BRIEN, from Philadelphia County for the day. Without objection, the leaves are granted.

The Speaker recognizes the minority whip, who requests leave of absence for the gentleman, Mr. BUXTON, from Dauphin County for the day. Without objection, the leave is granted.

The Speaker recognizes the minority whip, who also requests a leave of absence for the gentleman, Mr. HANNA, from Clinton County for the day. Without objection, the leave is granted.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—198**

Adolph	Ellis	Knowles	Rapp
Aument	Emrick	Kortz	Ravenstahl
Baker	Evankovich	Kotik	Readshaw
Barbin	Evans, D.	Krieger	Reed
Barrar	Evans, J.	Kula	Reese
Bear	Everett	Lawrence	Reichley
Benninghoff	Fabrizio	Longietti	Roae
Bishop	Farry	Maher	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Shapiro
Caltagirone	Gingrich	Miccarelli	Simmons
Carroll	Godshall	Micozzie	Smith, K.
Causar	Goodman	Millard	Smith, M.

Christiana	Grell	Miller	Sonney
Clymer	Grove	Milne	Staback
Cohen	Hackett	Mirabito	Stephens
Conklin	Hahn	Moul	Stern
Costa, D.	Haluska	Mullery	Stevenson
Costa, P.	Harhai	Mundy	Sturla
Cox	Harhart	Murphy	Swanger
Creighton	Harkins	Murt	Tallman
Cruz	Harper	Mustio	Taylor
Culver	Harris	Myers	Thomas
Curry	Heffley	Neuman	Tobash
Cutler	Helm	O'Brien, M.	Toepel
Daley	Hennessey	O'Neill	Toohil
Davidson	Hess	Oberlander	Truitt
Davis	Hickernell	Parker	Turzai
Day	Hornaman	Pashinski	Vereb
Deasy	Hutchinson	Payne	Vitali
DeLissio	Johnson	Payton	Vulakovich
DeLozier	Josephs	Peifer	Waters
DeLuca	Kampf	Perry	Watson
Denlinger	Kauffman	Petrarca	Wheatley
DePasquale	Kavulich	Petri	White
Dermody	Keller, F.	Pickett	Williams
DeWeese	Keller, M.K.	Preston	Youngblood
DiGirolamo	Keller, W.	Pyle	
Donatucci	Killion	Quigley	Smith, S.,
Dunbar	Kirkland	Quinn	Speaker

**ADDITIONS—0****NOT VOTING—0****EXCUSED—5**

Brooks	Hanna	O'Brien, D.	Wagner
Buxton			

**LEAVES ADDED—1**

Costa, P.

**LEAVES CANCELED—1**

Hanna

The SPEAKER. One hundred ninety-eight members having voted on the master roll call, a quorum is present.

The House will come to order.

**GUESTS INTRODUCED**

The SPEAKER. The Speaker would like to welcome, up in the gallery, Brian Hamilton, Brian Burger, Christopher Dailey, Patrick Higgins, Madison Mitchell, Anna Kumor, and Jessica Klingbell. They are participating in the Socks for Shelter program, providing socks and other clothing for the homeless, and they are the guests of Representatives Shapiro, Murt, and Brendan Boyle, in the gallery. Please welcome our guests.

The Speaker would also like to welcome graduate students from Temple University in the field of social work. They are here with their professor, Ronald Costen. They are the guests of Representative Tim Hennessey, and they are seated in the rear of the House. Will our guests please rise and be recognized.

## FILMING PERMISSION

The SPEAKER. The Speaker has also given permission for Frances Scarvella and Justin Engle from the Daily Item newspaper to take still photos and videotape with audio on the House floor. They are here today to report on "A Day in the Life" of Representative Lynda Culver.

Additionally, the Chair has also given permission for Elizabeth Rich from Patch.com to take still photos and videotape with audio on the House floor. She is here today to report on "A Day in the Life" of Representative Justin Simmons.

## CALENDAR

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 377, PN 884**, entitled:

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for exemptions.

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

Mr. **SANTARSIERO** offered the following amendment No. **A00827**:

Amend Bill, page 3, line 30; page 4, lines 1 through 30; page 5, lines 1 through 4, by striking out all of said lines on said pages and inserting

(g) Automatic fire sprinkler systems in one-family and two-family dwellings.—One-family and two-family dwellings that consume water from private well systems shall be exempted from compliance with the requirement to install automatic fire sprinkler systems as required by section R313.2 (relating to automatic fire sprinkler systems in one- and two-family dwellings) of the International Residential Code (2009 edition) or any successor triennial revisions.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

The SPEAKER. Will the gentleman just suspend one minute. If we could have the members' attention. The House will come to order. Thank you.

The gentleman may proceed.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

Amendment A00827 to HB 377 does two things: First, it maintains the current standards under Pennsylvania's Uniform Commercial Code, and particularly the standard with respect to the installation of sprinkler systems in newly constructed homes; and secondly, it proposes an exemption to that last standard for homes that are constructed in areas that are not serviced by municipal water supplies.

Mr. Speaker, if I may, I would like to go through a little bit of the relevant history on this issue.

In 1999 this legislature passed the Pennsylvania Construction Code Act. In doing so, it delegated to the Department of Labor and Industry and to the International Code Council the authority to promulgate standards and regulations with respect to the building industry. In doing that, it specifically stated that when the ICC promulgates new standards on a triennial basis, those standards would be incorporated into Pennsylvania's Uniform Construction Code on December 31 of each year that those standards are adopted.

In 2009 the ICC promulgated new rules, new standards, which included— Mr. Speaker?

The SPEAKER. The gentleman is correct.

The House will please come to order. Please hold the conversations down.

The gentleman may proceed.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

As I was saying, in 2009 the ICC adopted the idea of requiring automatic sprinkler systems for one- and two-family residential homes being built on a prospective basis. So under the UCC, that rule was to take effect as of January 1, 2011.

Now, why did this General Assembly back in 1999 delegate the responsibility to promulgate the standards to the Department of Labor and Industry and to the International Code Council? Simply put, it was doing so because we recognized that particularly the International Code Council, made up of professionals expert in these building issues, was better positioned to be able to promulgate these types of rules. The International Code Council is made up of architects, engineers, professional code enforcement officers from across the United States.

Now, there is another history, Mr. Speaker, that is relevant to this issue and it is perhaps a less noble history, because back when the ICC started working on the new rule with respect to the installation of sprinkler systems, the home builders from across the United States fought that proposed rule and they did so for 6 years. They lost that fight, and to use a baseball analogy, Mr. Speaker, that was strike one.

Next, when that requirement became part of Pennsylvania's UCC according to the 1999 law, the Pennsylvania Builders Association decided to take up the fight, and they challenged the new rule on the basis that the 1999 law delegating the authority to promulgate these rules to L&I and the ICC was unconstitutional. Well, last year, Mr. Speaker, the Commonwealth Court strongly disagreed and ruled with the Department of L&I. That was strike two.

Now, Mr. Speaker, to carry out the baseball analogy further, the count is 0 and 2 on the batter. Now, typically in a baseball game when a pitcher has a batter at 0 and 2, the pitcher is going to do one of two things, either try to blow the batter away with another strike or waste a couple of pitches to get the batter to fish for something and make an out. Well, that is not what is happening now, Mr. Speaker. Instead, what we see here is the pitcher throwing a 70-mile-an-hour fastball right down the middle of the plate. What do we think is going to happen?

Now, the Pennsylvania Builders Association makes a number of arguments as to why we should overturn the wise policy of requiring sprinkler systems in newly constructed dwellings. They say that sprinklers really do not save lives, that the systems are far too costly to justify the expense, and beyond that, they actually damage property and for that reason we

should not have the requirement. Mr. Speaker, these arguments remind me of a satirist's observation of the tobacco industry back in the days when the big tobacco companies used to deny that cigarettes cause cancer. The particular satirist said, whenever a spokesperson for the tobacco industry gets up and speaks, there should be a disclaimer first, the disclaimer that says, warning, this person pays a mortgage.

Mr. Speaker, the fact of the matter is, sprinklers do save lives. The risk of death is cut by as much as 80 percent, protecting not only residents of dwellings but also firefighters who are called onto the scene to put out a fire.

Indeed, this legislature very recently recognized the efficacy of sprinkler systems when it adopted the requirement that those systems be installed in college dormitories after a terrible tragedy. Why would we now even consider a different standard for newly constructed residential dwellings?

Moreover, Mr. Speaker, sprinklers do not foist an unreasonable—

The SPEAKER. The gentleman will suspend.

For what reason does the gentleman, Mr. Mustio, seek recognition?

Mr. MUSTIO. Mr. Speaker, are we debating the bill or the amendment?

The SPEAKER. Admittedly, we got into a nine-inning game here with this set of remarks, but the Speaker will try to keep the gentleman focused on the amendment.

The gentleman may proceed and would—

Mr. SANTARSIERO. Thank you, Mr. Speaker.

The SPEAKER. —stay focused on the amendment and not the entire subject of the bill.

Mr. SANTARSIERO. Right. Thank you, Mr. Speaker.

I thought that these points were relevant since my amendment, in fact, would maintain the current standard, and so as a consequence, these points are relevant to it, but I appreciate the Speaker's latitude.

The fact of the matter is that additional costs of sprinklers are 1 to 1 1/2 percent of the cost of a new home, about \$4300 on a 2700-square-foot newly constructed home.

And lastly, Mr. Speaker, sprinklers do not cause additional damage to homes. The fact of the matter is, by localizing the use of water, they minimize water damage, and by helping the fire companies put out fires faster, they actually protect home property.

Mr. Speaker, we are embarking here on an unwise policy, in my view. This legislature decided 12 years ago to put the authority of promulgating such standards in the hands of the professionals who are best suited to come up with these standards, and now, ironically, in an era in which so many are arguing that there should be less government intervention, in fact, we are seeking to insert ourselves back into the equation by doing away with the standard that has been promulgated by the ICC, an organization made up of professionals with input from all across the United States.

Mr. Speaker, Pennsylvania should continue to be a leader on this issue. We should keep the sprinkler requirement in place. It only pertains to new homes. It does not have an adverse impact on the cost of homes that would in any way impact the market. It will save lives, it will save property, and it will make Pennsylvania a leader throughout the United States.

And for that reason, Mr. Speaker, I offer amendment A00827 and respectfully ask that my colleagues in the House vote for it. Thank you.

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

This amendment would allow the repeal of the requirement for sprinklers in single-family residential homes in rural areas that are not served by municipal water, and it would require the installation of sprinklers in areas of the State served by municipal water. So it would be my understanding that the maker of the amendment is in favor of the repeal in certain areas of the State and is against the repeal in other areas of the State and would set up two classes. If this is indeed about safety, as he stated, I would think that he would be a proponent of having safety all across the State.

This bill simply removes a State mandate for people to install a safety device in their homes. I believe that this is a mandate that goes above and beyond what is necessary for safety, and I think it goes beyond, slightly beyond the amendment, but I think you gave latitude to the maker of the amendment.

I would just point out that current building codes, as they are, already have many safety features that are required in residential construction, including fire blocking; draft stopping; advanced-technology electrical breakers; fire walls and fire separation requirements; advanced heating systems and energy efficiency; interconnected, hardwired smoke detection systems. Those features alone in new home construction with the hardwired smoke detectors provide a 99 percent, 99 percent safety rate for the occupants of those homes, and the addition of this unfunded mandate on the citizens of Pennsylvania will provide very little additional safety.

And as the prime sponsor of this bill, I would ask that we vote against the Santarsiero amendment and proceed with this bill on final consideration as it is, and I thank the Speaker.

The SPEAKER. The Speaker thanks the gentleman.

Other than the sponsor of the amendment, is there anyone else seeking recognition on this?

The Speaker recognizes the gentleman, Mr. Santarsiero, for the second time.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I just want to respond to one of the gentleman's comments, if I may, sir.

I am reluctant to propose the exception to the sprinkler system requirement for houses served by well water. However, it has been my understanding that that was one of the concerns voiced by those who support HB 377. And in the spirit of trying to reach across and compromise on an approach to this issue that, while perhaps imperfect, can nonetheless address the reasonable concerns that the members of this House may have, I decided to offer that exception as part of this amendment, which is why it is in there, not because, frankly, I would like to see it, because I do not believe the incremental costs even for houses on well water are that great to not have sprinklers in those dwellings as well, but because of a desire to try to reach a compromise and preserve the current standard in the greatest extent possible.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.



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

The following roll call was recorded:

## YEAS—34

Bishop	DeLissio	Josephs	Roebuck
Boyle, B.	DePasquale	Keller, W.	Sabatina
Boyle, K.	Dermody	McGeehan	Santarsiero
Bradford	Donatucci	Murphy	Shapiro
Brown, V.	Evans, D.	O'Brien, M.	Thomas
Brownlee	Galloway	Parker	Waters
Cohen	George	Payton	Wheatley
Cruz	Gerber	Preston	Youngblood
Davis	Johnson		

## NAYS—164

Adolph	Fabrizio	Kula	Ravenstahl
Aument	Farry	Lawrence	Readshaw
Baker	Fleck	Longietti	Reed
Barbin	Frankel	Maher	Reese
Barrar	Freeman	Mahoney	Reichley
Bear	Gabler	Major	Roae
Benninghoff	Geist	Maloney	Rock
Bloom	Gergely	Mann	Ross
Boback	Gibbons	Markosek	Saccone
Boyd	Gillen	Marshall	Sainato
Brennan	Gillespie	Marsico	Samuelson
Briggs	Gingrich	Masser	Santoni
Brown, R.	Godshall	Matzie	Saylor
Burns	Goodman	Metcalfe	Scavello
Caltagirone	Grell	Metzgar	Schroder
Carroll	Grove	Miccarelli	Simmons
Causar	Hackett	Micozzie	Smith, K.
Christiana	Hahn	Millard	Smith, M.
Clymer	Haluska	Miller	Sonney
Conklin	Harhai	Milne	Staback
Costa, D.	Harhart	Mirabito	Stephens
Costa, P.	Harkins	Moul	Stern
Cox	Harper	Mullery	Stevenson
Creighton	Harris	Mundy	Sturla
Culver	Heffley	Murt	Swanger
Curry	Helm	Mustio	Tallman
Cutler	Hennessey	Myers	Taylor
Daley	Hess	Neuman	Tobash
Davidson	Hickernell	O'Neill	Toepel
Day	Hornaman	Oberlander	Toohil
Deasy	Hutchinson	Pashinski	Truitt
Delozier	Kampf	Payne	Turzai
DeLuca	Kauffman	Peifer	Vereb
Denlinger	Kavulich	Perry	Vitali
DeWeese	Keller, F.	Petrarca	Vulakovich
DiGirolamo	Keller, M.K.	Petri	Watson
Dunbar	Killion	Pickett	White
Ellis	Kirkland	Pyle	Williams
Emrick	Knowles	Quigley	
Evankovich	Kortz	Quinn	Smith, S., Speaker
Evans, J.	Kotik	Rapp	
Everett	Krieger		

## NOT VOTING—0

## EXCUSED—5

Brooks	Hanna	O'Brien, D.	Wagner
Buxton			

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?

The SPEAKER. Does the gentleman, Mr. Santarsiero, intend to offer amendment 828? The Chair thanks the gentleman. He indicates he will withdraw that amendment.

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

Mr. **B. BOYLE** offered the following amendment  
No. **A00834**:

Amend Bill, page 5, by inserting between lines 4 and 5

(4) The department shall develop a system for collecting data on automatic fire sprinkler systems installed in one-family and two-family dwellings under section R313.2 of the International Residential Code (2009 edition) and successor triennial revisions and make information available in biennial reports submitted to the chairmen and minority chairmen of the Labor and Industry Committee and the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairmen and minority chairmen of the Labor and Industry Committee and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives by September 1, 2012, and every two years thereafter. The report shall detail actual costs for installation, inspection and maintenance of sprinklers in previous years, any problems encountered by homeowners and any relevant facts and statistics that the department finds to be necessary in the content of the report. At a minimum, data shall be requested from the following:

(i) Code administrators, construction code officials, local boards of appeals, municipal code officials and third-party agencies.

(ii) Public and private contractors and municipal and public utilities that conduct inspections or provide maintenance of automatic fire sprinkler systems.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Brendan Boyle.

Mr. B. BOYLE. Thank you, Mr. Speaker.

My amendment to HB 377, amendment 834, is a fairly straightforward one. It would simply require the Department of Labor and Industry to develop a system for collecting data on automatic sprinklers.

I would point out that the genesis for this amendment, as many of my colleagues know, we have been inundated with data over the last couple weeks from all sorts of stakeholders on this issue. This would be an opportunity for us to have hard data from a neutral source so that we as a society as well as consumers can make an informed decision as to whether or not sprinklers in homes are worth the added small cost.

To those who might be concerned that my amendment would have a cost, I would point out the fiscal note shows that there is no added cost to my amendment in order to produce these biennial reports.

So I would ask for an affirmative vote. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

On the question, the Speaker recognizes the gentleman from Lycoming County, Mr. Everett.

Mr. EVERETT. Mr. Speaker, if I could interrogate the maker of the amendment; interrogate the maker of the amendment?

The SPEAKER. The gentleman indicates he will stand for interrogation. The member may proceed.

Mr. EVERETT. Do you have any cost estimate or methodology about how this information would be collected?

Mr. B. BOYLE. I would be happy to— To quote from the fiscal note, quote, "It is estimated that any additional costs associated with the adoption of this amendment would be absorbed within previously allocated funds."

Mr. EVERETT. Thank you.

The SPEAKER. On the amendment?

Mr. EVERETT. On the amendment.

The SPEAKER. On the amendment, the gentleman is in order.

Mr. EVERETT. For the members, I would just like to point out that the agency, L&I, that would collect this information is opposed to this amendment, and I will read their justification in their e-mail. They said, "This amendment would have L&I collect and report on the 'actual costs for installation, inspection and maintenance of sprinklers...[and] any problems encountered by homeowners.'

"We oppose this amendment for the below reasons:

"The Bureau of Occupational and Industrial Safety..., which enforces the..." UCC, "...is an enforcement bureau and not equipped to handle the statistical duties this amendment would require. BOIS does not have the staff or other resources, including budgetary, capable of the duties this amendment would place on L&I."

And for that reason, Mr. Speaker, I would ask the members to oppose this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman, Mr. Thomas, from Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, today is March 2. March 17 is St. Patrick's Day. I wore my tie early.

I am comfortable with the fact that this amendment would not result in any additional cost to the Commonwealth, and I think that anytime— My pastor tells us all the time that you cannot grow if you do not know. Requesting a study that gives us some real data in terms of what is going on out there in the marketplace is on time. It is on time; it is necessary.

And so to that end, I rise to support Brendan Boyle's amendment, and I will be coming back for Representative Kevin Boyle's amendment.

Thank you, Mr. Speaker. Vote "yes" on Representative Boyle's amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—68

Bishop	DeLuca	Kortz	Ravenstahl
Boyle, B.	DePasquale	Kotik	Roebuck
Boyle, K.	Dermody	Maher	Sabatina
Bradford	DeWeese	Markosek	Samuelson
Briggs	Donatucci	Matzie	Santarsiero
Brown, V.	Evans, D.	McGeehan	Shapiro

Brownlee	Fabrizio	Mirabito	Smith, K.
Burns	Freeman	Mullery	Smith, M.
Cohen	Galloway	Mundy	Staback
Conklin	George	Murphy	Sturla
Costa, D.	Gerber	Myers	Thomas
Costa, P.	Gibbons	Neuman	Vitali
Cruz	Johnson	O'Brien, M.	Waters
Curry	Josephs	Parker	Wheatley
Davidson	Kavulich	Pashinski	White
Davis	Keller, W.	Payton	Williams
DeLissio	Kirkland	Preston	Youngblood

#### NAYS—130

Adolph	Farry	Knowles	Rapp
Aument	Fleck	Krieger	Readshaw
Baker	Frankel	Kula	Reed
Barbin	Gabler	Lawrence	Reese
Barrar	Geist	Longietti	Reichley
Bear	Gergely	Mahoney	Roae
Benninghoff	Gillen	Major	Rock
Bloom	Gillespie	Maloney	Ross
Boback	Gingrich	Mann	Saccone
Boyd	Godshall	Marshall	Sainato
Brennan	Goodman	Marsico	Santoni
Brown, R.	Grell	Masser	Saylor
Caltagirone	Grove	Metcalfe	Scavello
Carroll	Hackett	Metzgar	Schroder
Causer	Hahn	Miccarelli	Simmons
Christiana	Haluska	Micozzie	Sonney
Clymer	Harhai	Millard	Stephens
Cox	Harhart	Miller	Stern
Creighton	Harkins	Milne	Stevenson
Culver	Harper	Moul	Swanger
Cutler	Harris	Murt	Tallman
Daley	Heffley	Mustio	Taylor
Day	Helm	O'Neill	Tobash
Deasy	Hennessey	Oberlander	Toepel
DeLozier	Hess	Payne	Toohil
Denlinger	Hickernell	Peifer	Truitt
DiGirolamo	Hornaman	Perry	Turzai
Dunbar	Hutchinson	Petrarca	Vereb
Ellis	Kampf	Petri	Vulakovich
Emrick	Kauffman	Pickett	Watson
Evankovich	Keller, F.	Pyle	
Evans, J.	Keller, M.K.	Quigley	Smith, S.,
Everett	Killion	Quinn	Speaker

#### NOT VOTING—0

#### EXCUSED—5

Brooks	Hanna	O'Brien, D.	Wagner
Buxton			

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. **K. BOYLE** offered the following amendment No. **A00835**:

Amend Bill, page 5, by inserting between lines 9 and 10

(i) Discount.—Upon the installation of an automatic fire sprinkler system in a one-family or two-family dwelling in accordance with the provisions of R313.2 of the International Residential Code (2009

edition) or its successor provisions, the owner of the one-family or two-family dwelling shall receive an annual discount of not less than 5% in the rate or rates applicable to the owner's property and casualty insurance policy. The annual discount shall remain effective providing the automatic fire sprinkler system continues to be operative and continues to meet the safety requirements.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Kevin Boyle.

Mr. K. BOYLE. Thank you, Mr. Speaker.

I guess the pressure is on me to now get a few more votes than my brother for his amendment.

My amendment would provide a mandatory provision that would give a 5-percent discount on homeowner's insurance for those who choose to opt in to a sprinkler system in their new home. It is in accordance with previous laws that our legislature had passed back in the 1980s and also the 1970s in regards to incentivizing air bags and also car seats.

So it is pro-public safety, it is not egregious, and it would not be a true burden on the insurance companies, but it would mandate at least a 5-percent discount on the insurance companies to provide customers who choose to opt in to getting a sprinkler system in their new home. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

### GERMANENESS QUESTIONED

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

Mr. Speaker, we would move that this particular amendment is not germane. Rates are governed by fire and marine insurance law in the code and not in the code with respect to the underlying bill.

In addition, I would make note that many insurance carriers in the private sector, if not all, with respect to homeowners already offer such discounts in the market and do not need a mandate.

But we would ask that members vote that this is not germane.

The SPEAKER. The gentleman from Allegheny County, Mr. Turzai, has raised the question of whether amendment 835 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,  
Will the House sustain the germaneness of the amendment?

### PARLIAMENTARY INQUIRY

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. Turzai.

Mr. TURZAI. Sir, if it is not germane – if you believe it is not germane, you should be voting "no"; if you believe it is germane, you should be voting "yes"?

The SPEAKER. Correct.  
Mr. TURZAI. Thank you.

The SPEAKER. Does the gentleman, Mr. Dermody, seek recognition on germaneness?

Mr. DERMODY. Yes, Mr. Speaker.

The SPEAKER. The gentleman is in order.

Mr. DERMODY. Thank you, Mr. Speaker.

Clearly, this amendment is germane, Mr. Speaker, and throughout our laws, specifically in the workers' comp law, there is a 5-percent discount for work safety committees and there are those types set up throughout the law.

This is a discount for people who install sprinklers. It makes sense, and I did not realize that the other side would be for tax increases. This is germane, and I urge our members to vote that it is germane. Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Chair recognizes the gentleman, Mr. Thomas, from Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I do not mind yielding to the gentledady from Delaware County, who knows that this is germane. So may I yield to the gentledady from Delaware County and follow her?

The SPEAKER. The lady from Delaware County will be recognized.

The Speaker recognizes, on germaneness, the lady, Mrs. Davidson, from Delaware County.

Mrs. DAVIDSON. Thank you, Mr. Speaker.

My comments will be very brief.

I am sincerely disappointed, Mr. Speaker, that this tactical maneuver would be deployed to deny homeowners a 5-percent discount on insurance. I am very disappointed that in an economic environment where a 5-percent decrease in insurance could help people acquire a home in our Commonwealth, a tactical maneuver, some would say cheap tactical maneuver, would be deplored in order to stifle debate on this issue.

So I urge my colleagues to reject maneuvers that rob our citizens of real debate on substantive issues.

Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Chair recognizes the gentleman from Philadelphia, Mr. Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

I understand procedural votes and I agree with the tactic, but I would like to appeal to everybody's sense of curiosity. Do you not want to see which Boyle brother wins? Come on; let us take the vote and see what Boyle brother will have the highest vote total. Vote "yes" for germaneness.

The SPEAKER. The Speaker is not sure that debate was confined to germaneness.

On the question of germaneness, the Speaker recognizes the gentleman from Lancaster County, Mr. Boyd.

Mr. BOYD. Thank you, Mr. Speaker.

I just would like to say that I actually like the concept, and I think it might be a great freestanding bill. I do not think it is germane to put this in the UCC. So I am going to vote "no" on germaneness, because I do not think it actually belongs in the UCC, but would welcome the opportunity to work with one of the Boyle brothers – I do not care which one, because I get called right after them in roll call all the time anyway – but would be more than welcome to work with the gentleman on this and run it through the Insurance Committee, which is where I believe it belongs. So thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Lancaster County, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I would like to put a little bit of historical perspective on the issue of germaneness. In the last session there were over 3,000 amendments offered on the floor of the House of Representatives, and 7 times in the entire last session was the issue of germaneness raised; 7 times total, by both Republicans and Democrats combined, raised the issue of germaneness 7 times. We are a little more than a month into this 2-year session, and this marks the seventh time already this session that the issue of germaneness has been raised.

Mr. Speaker, using germaneness as a tactic to try and avoid tough votes will not work. This is a vote on whether or not you support people getting a 5-percent discount or not. It is as simple as that. You can claim that anything is not germane and win the vote, but your constituents will understand whether or not a 5-percent discount on their insurance rates, if they have a sprinkler system, is germane to the issue of sprinkler systems. It is as simple as that. There is no avoiding it.

I suggest we vote "yes" that this issue is germane and we move on with the business of the day. Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman, Mr. Mustio, from Allegheny County.

Mr. MUSTIO. Thank you, Mr. Speaker.

The reason this is not germane, and quite honestly, to address one of the other members' requests for further debate, is should the credit be applied to the homeowner's policy, the concern that was raised in our caucus was on occasions when an individual may go away for a couple weeks in the winter, turn their sprinkler system off for fear that the pipes will freeze. Well, let us say they go away and do not turn the sprinkler system off, the pipes freeze and break. So now we have a nonoperational sprinkler system, but we have due consideration from the insurance company in giving credit on the premium for a nonfunctional system, and in many cases there are endorsements or riders on policies that will void that coverage.

So until this has been properly debated in a bill format, I am concerned that we may be having situations where there is no coverage provided at all in the homeowner's policy, and I think that the proper way to do this would be to make it germane in its own bill, Mr. Speaker.

The SPEAKER. The Speaker recognizes the gentleman from Montgomery County, Mr. Vereb. The gentleman waives off.

On the question of germaneness, the Speaker recognizes the gentleman, Mr. DeLuca, from Allegheny County.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to say this amendment is germane because of the fact that we do give discounts in other parts of the code. We give a discount for passive restraints. It is not in the Insurance Code; it is in another code. We give discounts for the Mcare (Medical Care Availability and Reduction of Error), which is in the workers' comp code. There are also discounts given on other parts of statutes that we give discounts on insurance. There is no reason that we could not do this, and there is no reason this has to be voted not germane.

Either you believe that our constituents deserve a discount for putting sprinklers in their home with this bill or you do not. It is as simple as that. You either vote for it or you vote against it. There is no reason for us to continue the charade of putting

not germane every time we do not want to vote for a bill. That is ludicrous anymore. The public is getting sick and tired of this, Mr. Speaker. If you do not have the guts to vote on this, it is ridiculous. It is time that we quit the charades on both sides of the aisle. We have new leadership; we have a new Speaker. It is time that we work for the people. Now, if you do not want to give them 5 percent, sure, vote this is not germane, but this is germane to this bill. We do it on other statutes.

I would say, Mr. Speaker, we should all vote for germaneness and let us argue the bill on that.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman, Mr. Fred Keller, from Snyder County.

Mr. F. KELLER. Thank you, Mr. Speaker.

I wish to answer my gentleman colleague from Lancaster County on the issue of germaneness and how many times it has arisen so far. I just want to say that that says that we stuck to the point in the last session, and I suggest that we start doing that now, and when the bill comes up, we put amendments forth that are germane and not try and legislate prices and so forth in the building code of this HB 377.

Thank you very much, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question of germaneness, the Speaker recognizes the gentleman from Huntingdon County, Mr. Fleck.

Mr. FLECK. Thank you, Mr. Speaker.

Mr. Speaker, a 5-percent discount is probably going to be a pittance to the cost that your insurance is going to go up for the increased liability for insurance companies with the added risk of freezing pipes, damage going off, and from what I can tell, talking to a large underwriter in my area that provides property and casualty insurance, the risk is going to go up. We are asking them to then provide a discount, but yet their cost to cover the property is going to go up. So it is going to drive your insurance up.

So this is not germane to the bill. This should be taken up by the insurance, not by this. Thank you, Mr. Speaker.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman, Mr. Thomas, from Philadelphia.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I yielded earlier to the gentlelady from Delaware County. I think she hit the nail on the head. We should not engage in any activity that is going to deny people, homeowners, an opportunity to get a discount, whether it is 1 percent, 5 percent, 2 percent, whatever. Wherever we can pass something back to people, we should stand for that.

And, Mr. Speaker, I thought it was kind of interesting that the majority leader – I have a lot of respect for him. He usually thinks things through, and I think when the majority leader said that it was not germane without providing some explanation as to how it is not germane kind of says that he might have some questions about whether it is germane.

And so, Mr. Speaker, I would like to ask the majority leader if he would reconsider his call on concluding that this amendment is not germane, and if he does not want to reconsider it, at least provide us with a plausible explanation as to where it is not germane, because from all corners of the amendment, it is clearly germane. We have histories to support why this is germane.

And, Mr. Speaker, but for, but for bipartisan support for giving homeowners discounts, we would not even be entertaining this as a tactic. And so, Mr. Speaker, I rise to ask the majority leader if he would reconsider his decision that this is not germane and withdraw that complaint that this is not germane, because I think that minimum analysis, minimum analysis of fact, history, and circumstances of what goes on in this institution would conclude that the Boyle amendment is germane.

The SPEAKER. The Speaker thanks the gentleman.

On the question of germaneness, the Speaker recognizes the gentleman, Mr. Scavello, from Monroe County.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I just wanted to commend the Republican members from last session that put amendments up that went through this challenge of germaneness. We did our homework. Last session I asked the gentleman to look back and see how many times our amendments were considered out of order because of an amendment that took everything out, but that is where it all comes down to.

And I have to tell you, Representative Mustio said it earlier, up in the northeast we have a tremendous amount of times that we lose power, and there are folks that go out on vacation and drain their home, and if they have the sprinkler system in their home and they left, you will have a tremendous mess when you get back because all the pipes freeze. So it is something really to consider, and I support the motion of not germane.

The SPEAKER. On the question of germaneness, the Speaker recognizes the gentleman from Delaware County, Mr. Killion.

Mr. KILLION. Thank you, Mr. Speaker.

I rise to support the motion of the amendment being not germane. It is also not necessary.

I just texted my State Farm agent. He indicated that you currently get a 10-percent discount for a sprinkler system. Well, I could just see if this amendment was passed, letters would be going out to all the policyholders saying, due to the actions of the Pennsylvania legislature, your discount is now being cut in half. I support nongermaneness.

The SPEAKER. The Speaker reminds the members that on the question of germaneness, each member is entitled to speak once under our rules.

On the question of germaneness, the Speaker recognizes the gentleman, Mr. Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

Just a quick correction to my friend from Delaware County, line 7 of this amendment says, the discount shall be "...not less than 5%...." So with that language you could offer a discount of 10 or 15 or 20 percent. The language says, "...not less than 5%...."

Thank you, Mr. Speaker.

The SPEAKER. The Speaker probably has been letting this go a little astray, but it has probably been evenhanded. We should confine the question to germaneness and not to the substance of the amendment.

On the question of germaneness, the gentleman waives off? That will get you more votes than your brother.

On the question of germaneness, those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,  
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

#### YEAS—88

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Readshaw
Bradford	DeWeese	Kotik	Roebuck
Brennan	Donatucci	Kula	Sabatina
Briggs	Evans, D.	Longietti	Sainato
Brown, V.	Fabrizio	Mahoney	Samuelson
Brownlee	Frankel	Mann	Santarsiero
Burns	Freeman	Markosek	Santoni
Caltagirone	Galloway	Matzie	Shapiro
Carroll	George	McGeehan	Smith, K.
Cohen	Gerber	Mirabito	Smith, M.
Conklin	Gergely	Mullery	Staback
Costa, D.	Gibbons	Mundy	Sturla
Costa, P.	Goodman	Murphy	Thomas
Cruz	Haluska	Myers	Vitali
Curry	Harhai	Neuman	Waters
Daley	Harkins	O'Brien, M.	Wheatley
Davidson	Hornaman	Parker	White
Davis	Johnson	Pashinski	Williams
Deasy	Josephs	Payton	Youngblood

#### NAYS—110

Adolph	Fleck	Maher	Reese
Aument	Gabler	Major	Reichley
Baker	Geist	Maloney	Roae
Barrar	Gillen	Marshall	Rock
Bear	Gillespie	Marsico	Ross
Benninghoff	Gingrich	Masser	Saccone
Bloom	Godshall	Metcalfe	Saylor
Boback	Grell	Metzgar	Scavello
Boyd	Grove	Miccarelli	Schroder
Brown, R.	Hackett	Micozzie	Simmons
Causer	Hahn	Millard	Sonney
Christiana	Harhart	Miller	Stephens
Clymer	Harper	Milne	Stern
Cox	Harris	Moul	Stevenson
Creighton	Heffley	Murt	Swanger
Culver	Helm	Mustio	Tallman
Cutler	Hennessey	O'Neill	Taylor
Day	Hess	Oberlander	Tobash
Delozier	Hickernell	Payne	Toepel
Denlinger	Hutchinson	Peifer	Toohil
DiGirolamo	Kampf	Perry	Truitt
Dunbar	Kauffman	Petri	Turzai
Ellis	Keller, F.	Pickett	Vereb
Emrick	Keller, M.K.	Pyle	Vulakovich
Evankovich	Killion	Quigley	Watson
Evans, J.	Knowles	Quinn	
Everett	Krieger	Rapp	Smith, S.,
Farry	Lawrence	Reed	Speaker

#### NOT VOTING—0

#### EXCUSED—5

Brooks	Hanna	O'Brien, D.	Wagner
Buxton			

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

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

Mr. **BARBIN** offered the following amendment  
No. **A00837**:

Amend Bill, page 5, by inserting between lines 4 and 5

(4) This subsection shall expire December 31, 2012, or upon the adoption of the 2012 ICC International Residential Code, whichever occurs first.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

My amendment would immediately impose a benefit to the manufactured housing industry along the lines which was approved by the committee in the last session. My amendment states merely that the rule as it has been decided by the building code council will not be effective for a period at least through December 31, 2012, or until the council, the IBC (International Building Code), changes the rules.

I would like to note for the record that the IBC is an entity which is established to carry out legislative functions similar to the PUC (Public Utility Commission), that that council has determined that sprinkler requirements are necessary for townhouse development that is currently the law. And to me, it seems very inappropriate for this legislature to say on the one hand, we want the council to decide what rules will be in place for the 3-year period that the code is established for than to come back and to say we are going to change our mind while that code is still in its 3-year period.

Last year the commonsense approach to this problem was to say, all right; we all recognize that we are in a recession, we all recognize that the building manufacturers need some help because there is a big downturn, but we can do that by just taking this amendment, passing it, and then allowing the council, the people that are the experts, to decide whether there should be an amendment. Right now we are interposing our judgment for the people that we told we want you to make the decision because it is a public safety issue.

Thank you, Mr. Speaker.

### LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair returns to leaves of absence and notices the presence of Mr. Hanna on the floor. He will be added to the master roll call.

### CONSIDERATION OF HB 377 CONTINUED

The SPEAKER. On the question, the Speaker recognizes the gentleman, Mr. Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

I would urge the members to make a "no" vote on this. All this does is kick the can down the road and have this issue to be decided on another day. We know what we need to do here.

And I would just simply point out that the IBC is not an elected group of people. They are not people from Pennsylvania, they are not people that are appointed, and sometimes they come up with things that just are not applicable in the Commonwealth of PA, and I would ask for a "no" vote. Thank you.

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

(Members proceeded to vote.)

### LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave for the gentleman, Mr. Paul COSTA, from Allegheny County for the remainder of the day.

### CONSIDERATION OF HB 377 CONTINUED

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

The following roll call was recorded:

#### YEAS—60

Barbin	Deasy	Josephs	Preston
Bishop	DeLissio	Keller, W.	Ravenstahl
Boyle, B.	DeLuca	Kirkland	Readshaw
Boyle, K.	Dermody	Kortz	Roebuck
Brown, V.	Donatucci	Kotik	Sabatina
Brownlee	Evans, D.	Markosek	Samuelson
Burns	Fabrizio	Matzie	Santarsiero
Caltagirone	Freeman	McGeehan	Shapiro
Cohen	Galloway	Mirabito	Staback
Conklin	George	Murphy	Sturla
Costa, D.	Gerber	Myers	Thomas
Cruz	Gibbons	O'Brien, M.	Waters
Curry	Hanna	Parker	Wheatley
Davidson	Harkins	Pashinski	Williams
Davis	Hornaman	Payton	Youngblood

#### NAYS—138

Adolph	Fleck	Lawrence	Reed
Aument	Frankel	Longietti	Reese
Baker	Gabler	Maher	Reichley
Barrar	Geist	Mahoney	Roae
Bear	Gergely	Major	Rock
Benninghoff	Gillen	Maloney	Ross
Bloom	Gillespie	Mann	Saccone
Boback	Gingrich	Marshall	Sainato
Boyd	Godshall	Marsico	Santoni
Bradford	Goodman	Masser	Saylor
Brennan	Grell	Metcalfe	Scavello
Briggs	Grove	Metzgar	Schroder
Brown, R.	Hackett	Miccarelli	Simmons
Carroll	Hahn	Micozzie	Smith, K.
Causser	Haluska	Millard	Smith, M.
Christiana	Harhai	Miller	Sonney
Clymer	Harhart	Milne	Stephens
Cox	Harper	Moul	Stern
Creighton	Harris	Mullery	Stevenson
Culver	Heffley	Mundy	Swanger
Cutler	Helm	Murt	Tallman

Daley	Hennessey	Mustio	Taylor
Day	Hess	Neuman	Tobash
Delozier	Hickernell	O'Neill	Toepel
Denlinger	Hutchinson	Oberlander	Toohil
DePasquale	Johnson	Payne	Truitt
DeWeese	Kampf	Peifer	Turzai
DiGirolamo	Kauffman	Perry	Vereb
Dunbar	Kavulich	Petrarca	Vitali
Ellis	Keller, F.	Petri	Vulakovich
Emrick	Keller, M.K.	Pickett	Watson
Evankovich	Killion	Pyle	White
Evans, J.	Knowles	Quigley	
Everett	Krieger	Quinn	Smith, S.,
Farry	Kula	Rapp	Speaker

NOT VOTING—0

EXCUSED—5

Brooks	Costa, P.	O'Brien, D.	Wagner
Buxton			

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. **W. KELLER** offered the following amendment  
No. **A00836**:

Amend Bill, page 5, by inserting between lines 9 and 10

(i) Municipal ordinances.—A municipality may adopt an ordinance requiring standards equal to section R313.2 of the International Residential Code (2009 edition), and any successor triennial revisions, and shall not be subject to the requirements of sections 503(c), (f), (h), (i), (j) and (k) and 504 in adopting the ordinance.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, William Keller, from Philadelphia.

Mr. W. KELLER. Thank you, Mr. Speaker.

I do not have a sibling rivalry going on in the chamber, but I would like to get more votes than my cousins, Mark and Fred.

Mr. Speaker, great minds think alike. I would like to point out that the gentleman from Bucks had a very similar amendment, and this amendment goes to try to fit in the parameters of the chairman of the Labor and Industry Committee. This is something that I have been hearing for years and years and years that is dear to the Republican side – local control.

All this amendment actually does is makes it easier for the locals to put in the sprinklers if they deem necessary. It streamlines the process and gives back local control. There are municipalities in Pennsylvania that have it now. This would simply make it easier, local control and let everybody pick their own, what they would like in their municipalities.

I ask for a positive vote on this amendment.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman, Mr. Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

Mr. Speaker, I would ask for a "no" vote on this amendment.

The current UCC already provides for a way for municipalities to opt out if they choose to, and I would ask for a "no" vote. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman from Bucks, Mr. Petri.

Mr. PETRI. Thank you, Mr. Speaker.

I want to commend the gentleman for offering an amendment, although I think his approach is slightly different than what my approach would have been. My approach would be an approach where the opt-out would occur and a municipality would opt in. As I understand this amendment, slightly different; everyone is in until they hold a public hearing and opt out.

I think this is an important debate for the members to deal with and particularly for the Senate to deal with if this bill moves out, and that is the question about whether there are unique characteristics in our various communities that make this a local decision more appropriate than a statewide decision.

We have heard a lot of information about what the cost of this process is. I have heard ranges from \$1 – actually, I have heard ranges from 38 cents to \$4. I have been told by firefighters that design and build systems in my community that the cost is about \$1 a square foot to \$2 a square foot if you do not have public water and public sewer, or public water, in particular. Whether the cost is \$1 or \$2, one of the other considerations is an individual choice, homeowner's individual choice.

There has been debate in this process about whether a municipality has the ability to override the Uniform Commercial Code, and there is a process; there is a four-part standard. We have all debated and talked about it. But what we are hearing from our solicitors that handle municipal work is that it is less likely than not that they will not be able to have a higher standard than is mandated by the State. In other words, if they choose that they want their community to be protected with sprinklers for whatever reason they may decide, that in fact it is more likely that they will lose that challenge than they will win that. Whether that is correct or not, I personally cannot say.

What I can say, Mr. Speaker, is this, that at least in our area of Bucks County, which we consider our part of heaven, a lot of townships have long since dealt with this issue. They felt it was important and they claim that they have the statistics to support that this has been a valuable asset to their community. I know they have done it in Warrington, Warwick. In fact, the idea of my amendment, which is very similar to the maker's amendment, came from a gentleman who is both a township supervisor and a former fire chief, and they have indicated that they think this is the best and most appropriate way. So here we are. We have this incredibly difficult debate about whether we should have a statewide mandate or an individually selected local override.

I would add one other thing, Mr. Speaker. This issue was thrust upon this chamber not by this chamber's choice but by a regulatory process, and I think when the Senate takes this bill up, maybe it should consider whether we should allow this to occur in the future. Maybe this body ought to be involved in that regulatory debate before we have to deal with it after the fact and either agree to accept it or to undo it. So I think in

addition to the maker's bill, which is a good bill to try to deal with this issue, I think we have to look broader than that, Mr. Speaker, and maybe in this area Pennsylvania is just too diverse to try to have a one-size-fits-all where the regulatory process thrusts upon us some bad decisions that maybe are better made at the local level.

Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Allegheny County, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Would the maker of the amendment stand for interrogation, please?

The SPEAKER. The gentleman indicates he will stand for interrogation. The member may proceed.

Mr. MAHER. Your amendment sounds simple by referring to a municipality. I do not find "municipality" defined in the legislation. Can you point me to the definition of "municipality"?

Mr. W. KELLER. Sure. Let me get a lawyer over here. I will tell you in a second.

Mr. MAHER. In all seriousness.

Mr. W. KELLER. While we are looking that up, Mr. Speaker, may I speak on what I believe is a misconception in this amendment?

The SPEAKER. The gentleman is under Mr. Maher's interrogation and should confine his comments to responding to the question directly.

Mr. MAHER. Mr. Speaker, I think I am going to conclude my interrogation in the interest of moving forward.

The SPEAKER. On the amendment?

Mr. MAHER. On the amendment, Mr. Speaker.

The SPEAKER. On the amendment, the gentleman is in order.

Mr. W. KELLER. I found it, Mr. Speaker. It is under the definition section. I did not bring my glasses with me, but " 'Municipal code official.' An individual...."— Thank you.

The SPEAKER. That was not in response to the question.

Mr. W. KELLER. Right here, Mr. Speaker, " 'Municipality.' A city, borough, incorporated town, township or home rule municipality."

The SPEAKER. The gentleman, Mr. Maher, is in order. Would you like to continue interrogation, or would you prefer to stay on the amendment?

Mr. MAHER. On the amendment, Mr. Speaker.

The SPEAKER. The gentleman is in order, on the amendment.

Mr. MAHER. And I thank the gentleman.

One of the challenges that we have in Pennsylvania is that we have so many different forms of municipal government and so many of them. We have over 2500 local government units. A challenge doing business in Pennsylvania is that each of these 2500 has a different set of rules from the other. It discourages the ability for home builders to build homes on a consistent basis town to town. It means that the housing design must be changed town to town, which means the cost of construction will increase for that very particular process.

When we adopted the UCC in 1999, it was specifically to avoid the balkanization and to overcome that balkanization in the hopes that Pennsylvanians would be better able to afford, if

they desired, a new home. I think that is even more true today with the pressure that the construction industry and the real estate market is under, the goal of making homes affordable for Pennsylvanians. I do not think it is in the interest of our neighbors to create obstacles where every home builder has to redesign every home for every different town and go through their zoning process with a different set of rules, and it is entirely contrary to why we adopted the UCC to begin with.

So I would ask you to join me in opposing this amendment. Thank you, Mr. Speaker.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman, Mr. Ron Miller, from York County.

Mr. MILLER. Thank you, Mr. Speaker.

I rise to urge that we defeat this amendment, mainly because there are probably about 50 of us, maybe 60 in the House that were here when we passed the UCC, the Uniform Construction Code, and as the prior speaker said, it creates great difficulty for our builders, our realtors, across this Commonwealth. It is great, we are a commonwealth, and we have many municipalities, but when you have so many varying ordinances, it makes it very difficult for builders.

As the minority chairman of the committee had pointed out to me in the committee meeting when we voted this bill out of committee, I am sort of a local control guy and I should probably support his amendment, but because of the concerns for having so many different rules and regulations across the State, I have to oppose this amendment.

I would also point out that there is a process in the current code under section 503 that provides for changes in the Uniform Construction Code. It can be done. A municipality can decide that they want to have residential sprinklers. It actually does not apply just to sprinklers; it applies to any section of the code, and there is a process that they can go through, propose a local ordinance, get it passed, and have an appropriate review.

So for those reasons, Mr. Speaker, I ask for a "no" vote on A00836. Thank you.

The SPEAKER. On the amendment, the Speaker recognizes the gentleman from Philadelphia, Mr. William Keller.

Mr. W. KELLER. Thank you, Mr. Speaker.

I was also here when we passed the Uniform Construction Code, and I remember, I thought one of the main reasons was that we did not have legislative interference; that every time they needed a change in the code, they were in the legislature asking for it. And in 1999 we passed Act 106 that set up committees, because we amended it 10 times. I thought the reason was to keep the legislature out of the process, and here we are but once again reaching in— And remember, this is a safety code. Everything in there has something to do with safety — bearing walls, foundations, all safety. This is a safety issue. I believe it is a public safety issue for our homeowners and for our firemen, and it is just the next innovation in safety. It is a safety issue, and the professionals said we should have it.

The other point I would like to make, just so it is clear, this is truly an opt-in provision. Your local municipalities and local boroughs and local townships, with the system they have set up now, would have to opt in. You do not have to have a hearing to get out; you just have to have a hearing if you want in, and that is what we are trying to do. It has worked in some municipalities. Safety is the issue. I think we should consider it and move this forward and try to advance the public safety, which is all we are trying to do here. Thank you.



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

The following roll call was recorded:

#### YEAS—73

Barbin	Dermody	Kirkland	Sabatina
Bishop	DeWeese	Kortz	Samuelson
Boyle, B.	DiGirolamo	Kotik	Santarsiero
Boyle, K.	Donatucci	McGeehan	Santoni
Bradford	Evans, D.	Mullery	Schroder
Brennan	Fabrizio	Murphy	Shapiro
Brown, V.	Farry	Murt	Smith, K.
Brownlee	Freeman	Myers	Smith, M.
Burns	Galloway	Neuman	Staback
Caltagirone	George	O'Brien, M.	Sturla
Cohen	Gergely	Parker	Taylor
Conklin	Hanna	Payton	Thomas
Cruz	Harkins	Petri	Waters
Curry	Harper	Preston	Watson
Davidson	Johnson	Quinn	Wheatley
Davis	Josephs	Ravenstahl	White
Deasy	Kavulich	Readshaw	Williams
DeLissio	Keller, W.	Roebuck	Youngblood
DePasquale			

#### NAYS—125

Adolph	Frankel	Kula	Pyle
Aument	Gabler	Lawrence	Quigley
Baker	Geist	Longietti	Rapp
Barrar	Gerber	Maher	Reed
Bear	Gibbons	Mahoney	Reese
Benninghoff	Gillen	Major	Reichley
Bloom	Gillespie	Maloney	Roae
Boback	Gingrich	Mann	Rock
Boyd	Godshall	Markosek	Ross
Briggs	Goodman	Marshall	Saccone
Brown, R.	Grell	Marsico	Sainato
Carroll	Grove	Masser	Saylor
Causar	Hackett	Matzie	Scavello
Christiana	Hahn	Metcalfe	Simmons
Clymer	Haluska	Metzgar	Sonney
Costa, D.	Harhai	Miccozzie	Stephens
Cox	Harhart	Miccozzie	Stern
Creighton	Harris	Millard	Stevenson
Culver	Heffley	Miller	Swanger
Cutler	Helm	Milne	Tallman
Daley	Hennessey	Mirabito	Tobash
Day	Hess	Moul	Toepel
DeLozier	Hickernell	Mundy	Toohil
DeLuca	Hornaman	Mustio	Truitt
Denlinger	Hutchinson	O'Neill	Turzai
Dunbar	Kampf	Oberlander	Vereb
Ellis	Kauffman	Pashinski	Vitali
Emrick	Keller, F.	Payne	Vulakovich
Evankovich	Keller, M.K.	Peifer	
Evans, J.	Killion	Perry	Smith, S.,
Everett	Knowles	Petrarca	Speaker
Fleck	Krieger	Pickett	

#### NOT VOTING—0

#### EXCUSED—5

Brooks	Costa, P.	O'Brien, D.	Wagner
Buxton			

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?  
Bill was agreed to.

#### HB 144 RECONSIDERED

The SPEAKER. The Speaker is in receipt of a motion to reconsider. Representatives Maher and Pickett move that the vote by which HB 144, PN 711, was passed on the 1st day of March be reconsidered.

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

The following roll call was recorded:

#### YEAS—198

Adolph	Emrick	Knowles	Rapp
Aument	Evankovich	Kortz	Ravenstahl
Baker	Evans, D.	Kotik	Readshaw
Barbin	Evans, J.	Krieger	Reed
Barrar	Everett	Kula	Reese
Bear	Fabrizio	Lawrence	Reichley
Benninghoff	Farry	Longietti	Roae
Bishop	Fleck	Maher	Rock
Bloom	Frankel	Mahoney	Roebuck
Boback	Freeman	Major	Ross
Boyd	Gabler	Maloney	Sabatina
Boyle, B.	Galloway	Mann	Saccone
Boyle, K.	Geist	Markosek	Sainato
Bradford	George	Marshall	Samuelson
Brennan	Gerber	Marsico	Santarsiero
Briggs	Gergely	Masser	Santoni
Brown, R.	Gibbons	Matzie	Saylor
Brown, V.	Gillen	McGeehan	Scavello
Brownlee	Gillespie	Metcalfe	Schroder
Burns	Gingrich	Metzgar	Shapiro
Caltagirone	Godshall	Miccarelli	Simmons
Carroll	Goodman	Miccozzie	Smith, K.
Causar	Grell	Millard	Smith, M.
Christiana	Grove	Miller	Sonney
Clymer	Hackett	Milne	Staback
Cohen	Hahn	Mirabito	Stephens
Conklin	Haluska	Moul	Stern
Costa, D.	Hanna	Mullery	Stevenson
Cox	Harhai	Mundy	Sturla
Creighton	Harhart	Murphy	Swanger
Cruz	Harkins	Murt	Tallman
Culver	Harper	Mustio	Taylor
Curry	Harris	Myers	Thomas
Cutler	Heffley	Neuman	Tobash
Daley	Helm	O'Brien, M.	Toepel
Davidson	Hennessey	O'Neill	Toohil
Davis	Hess	Oberlander	Truitt
Day	Hickernell	Parker	Turzai
Deasy	Hornaman	Pashinski	Vereb
DeLissio	Hutchinson	Payne	Vitali
DeLozier	Johnson	Payton	Vulakovich
DeLuca	Josephs	Peifer	Waters
Denlinger	Kampf	Perry	Watson
DePasquale	Kauffman	Petrarca	Wheatley
Dermody	Kavulich	Petri	White
DeWeese	Keller, F.	Pickett	Williams
DiGirolamo	Keller, M.K.	Preston	Youngblood
Donatucci	Keller, W.	Pyle	
Dunbar	Killion	Quigley	Smith, S.,
Ellis	Kirkland	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Brooks  
Buxton

Costa, P.

O'Brien, D.

Wagner

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

### **BILL PLACED ON FINAL PASSAGE POSTPONED CALENDAR**

The SPEAKER. HB 144, PN 711, will be placed on the House calendar.

### **BILL RECOMMITTED**

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 377 be recommitted to the Committee on Appropriations.

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

### **BILLS REMOVED FROM TABLE**

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 61;  
HB 78;  
HB 145;  
HB 156;  
HB 165;  
HB 312; and  
HB 442.

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

The SPEAKER. For the information of the members, there will be no further votes today.

### **RESOLUTIONS PASSED OVER**

The SPEAKER. Without objection, all remaining resolutions on today's calendar will be passed over. The Chair hears no objection.

### **ADJOURNMENT**

The SPEAKER. The Speaker recognizes the gentleman, Mr. Neuman from Washington County, who moves that this House do now adjourn until Monday, March 7, 2011, at 1 p.m., e.s.t., unless sooner recalled by the Speaker.

On the question,  
Will the House agree to the motion?  
Motion was agreed to, and at 2:24 p.m., e.s.t., the House adjourned.