

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, NOVEMBER 15, 2000

SESSION OF 2000

184TH OF THE GENERAL ASSEMBLY

No. 53

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

PRAYER

REV. ROBERT GRAYBILL, Chaplain of the House of Representatives and pastor of Baughman Memorial United Methodist Church, New Cumberland, Pennsylvania, offered the following prayer:

Almighty Father, we live in a world filled with many sounds, some that touch the hearts and minds of each of us; some of them are irritating, and others console us. We ask of Thee that as we gather here in this room, the men and women of this body, that they may hear the sound of Your spirit coming and nurturing them in their thoughts and in their actions.

Come and be the guiding presence that enables the men and women gathered here to listen with the keen wisdom upon their minds, the caring impulses of their hearts, and the sound values rooted deep in their souls.

Come and be the caring presence that helps them hear the true concerns of the people they represent. Through all the noise of many issues and the hype of many concerns, encourage them to be understanding listeners who may not always agree but always genuinely care.

Come and be the trusting presence that encourages each member to place confidence in the words of their brothers and sisters. In discussion or in debate, undergird them with a spirit of trust that shall prevail in all that they do together.

Come and be that stable presence in the good times and in the bad, in the difficult situations, in the days of winning and the times of loss. Come and be that presence, Lord, that stands near to them and strengthens them in faith.

Come and be with each of them, I pray in the name of Thee, O God. Hear our prayer. 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 Tuesday, November 14, 2000, will be postponed until printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2866 By Representatives HABAY, BAKER, BARRAR, FRANKEL, McILHATTAN, R. MILLER, WILT, WOJNAROSKI and ZIMMERMAN

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

Referred to Committee on FINANCE, November 15, 2000.

No. 2867 By Representatives HANNA, BELARDI, BELFANTI, BISHOP, CAPPABIANCA, M. COHEN, DeLUCA, DeWEESE, GEORGE, HARHAI, LAUGHLIN, LESCOVITZ, LEVDANSKY, MANDERINO, McCALL, MELIO, MICHLOVIC, MUNDY, OLIVER, PESCI, PETRARCA, READSHAW, ROBERTS, ROONEY, SCRIMENTI, SHANER, SOLOBAY, STABACK, SURRA, TANGRETTI, THOMAS, TIGUE, TRAVAGLIO, TRICH, WOJNAROSKI and YUDICHAK

An Act amending Titles 24 (Education) and 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for supplemental annuities commencing 1998.

Referred to Committee on STATE GOVERNMENT, November 15, 2000.

No. 2868 By Representatives MICHLOVIC, CAPPABIANCA, M. COHEN, BELARDI, HESS, LESCOVITZ, CAWLEY, HARHAI, MANDERINO, McCALL, MYERS, SCRIMENTI, SHANER, TIGUE, VAN HORNE, YOUNGBLOOD and WATERS

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for definitions and for benefit accrual rates, eligibility for annuities, class of service multipliers, benefits and member contributions.

Referred to Committee on STATE GOVERNMENT, November 15, 2000.

No. 2869 By Representatives SURRA, SOLOBAY, GEORGE, BELARDI, CLARK, HESS, PIPPY, CAPPABIANCA, STERN, FAIRCHILD, MELIO, VEON, BAKER, WILT, TIGUE, McILHATTAN, SHANER, MAJOR and WASHINGTON

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for administration of the uniform firearms program.

Referred to Committee on JUDICIARY, November 15, 2000.

No. 2870 By Representatives DeWEESE, BASTIAN, BELARDI, CAPPABIANCA, DEMPSEY, HORSEY, LAUGHLIN, MICHLOVIC, SHANER, SOLOBAY, TIGUE, TRAVAGLIO, WASHINGTON, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for excise taxes.

Referred to Committee on LOCAL GOVERNMENT, November 15, 2000.

No. 2871 By Representative BARD

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, further providing for the distribution of earned income tax receipts.

Referred to Committee on LOCAL GOVERNMENT, November 15, 2000.

HOUSE RESOLUTION INTRODUCED AND REFERRED

No. 631 By Representatives ARMSTRONG, BASTIAN, BEBKO-JONES, BELARDI, BENNINGHOFF, BIRMELIN, CALTAGIRONE, CLARK, CORRIGAN, DALEY, EGOLF, FAIRCHILD, FARGO, FLEAGLE, FORCIER, GEIST, GEORGE, GODSHALL, GORDNER, HARHAI, HARHART, HERSHEY, HESS, LAUGHLIN, LEH, MARSICO, McNAUGHTON, MELIO, ORIE, PESCI, PHILLIPS, READSHAW, ROHRER, RUBLEY, SATHER, B. SMITH, SOLOBAY, STERN, E. Z. TAYLOR, THOMAS, TRUE, TULLI, WATERS, WILT, WOJNAROSKI, ZIMMERMAN, HENNESSEY, McILHATTAN and FICHTER

A Resolution proclaiming the week of November 19 through 25, 2000, as "Christian Heritage Week" in Pennsylvania.

Referred to Committee on RULES, November 15, 2000.

SENATE BILLS FOR CONCURRENCE

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

SB 393, PN 2277

Referred to Committee on JUDICIARY, November 15, 2000.

SB 1453, PN 2156

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, November 15, 2000.

SB 1547, PN 2171

Referred to Committee on STATE GOVERNMENT, November 15, 2000.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

SB 332, PN 2286 (Amended)

By Rep. STAIRS

An Act amending the act of March 10, 1949 (P.L.30, No.14), entitled Public School Code of 1949, providing for good Samaritan immunity for school employees; further providing for authority of teachers, vice principals and principals over pupils and for establishment of charter schools; and providing for multipurpose service centers and for transfer of records.

EDUCATION.

SB 1295, PN 1744

By Rep. REINARD

An Act repealing the act of December 5, 1933 (Sp.Sess., P.L.38, No.6), entitled Spirituous and Vinous Liquor Tax Law.

LIQUOR CONTROL.

SB 1531, PN 2288 (Amended)

By Rep. REINARD

An Act amending the act of April 12, 1951 (P.L.90, No.21), entitled, as reenacted, Liquor Code, further providing for definitions, for standing at hearings on license applications, for posting of notice of application for a license, for issuance of licenses and for sales by liquor licensees; repealing provisions relating to certain types of licenses; providing for a public venue license and for a performing arts facility license; further providing for stadium or arena permits, for malt and brewed beverages retail licenses, for limiting number of licenses in each municipality, for incorporated units of National Veterans' Organizations, for places of amusement not to be licensed, for renewal of licenses, for licenses not assignable and transfers and for granting of liquor licenses in certain municipalities, for local option and for unlawful acts relative to licensees; providing for responsible alcohol management; and further providing for penalties.

LIQUOR CONTROL.

SENATE MESSAGE

HOUSE BILL
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 165, PN 153**, with information that the Senate has passed the same without amendment.

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 165, PN 153

An Act repealing the act of May 16, 1951 (P.L.300, No.60), entitled, as amended, "An act authorizing certain counties to establish fire training schools for the paid and volunteer firemen of municipalities within the county."

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move the following House bills from the table:

HB 610;
HB 617;
HB 770;
HB 771;
HB 772;
HB 1905;
HB 1906;
HB 2066; and
HB 2255.

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

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move the following House bills be placed back upon the table:

HB 610;
HB 617;
HB 770;
HB 771;
HB 772;
HB 1905;
HB 1906;
HB 2066; and
HB 2255.

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

REPORT SUBMITTED

The SPEAKER. The Speaker acknowledges receipt of the report submitted by the Subcommittee on Information Technology pursuant to HR 126.

(Copy of report is on file with the Chief Clerk.)

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move the following bills from the table:

HB 1946;
HB 2283;
HB 2749;
HB 2750;
HB 2807;
HB 2833;
SB 612;
SB 643;
SB 1032;
SB 1117;
SB 1280;
SB 1403;
SB 1412; and
SB 1532.

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

BILLS ON SECOND CONSIDERATION

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

HB 1946, PN 4165; HB 2283, PN 3087; HB 2749, PN 4119; HB 2750, PN 3931; HB 2807, PN 4040; HB 2833, PN 4107; SB 612, PN 2282; SB 643, PN 2275; SB 1032, PN 2140; SB 1117, PN 2283; SB 1280, PN 2276; SB 1403, PN 2201; SB 1412, PN 2224; and SB 1532, PN 2281.

BILLS RECOMMITTED

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

HB 1946;
HB 2283;
HB 2749;
HB 2750;
HB 2807;
HB 2833;
SB 612;
SB 643;
SB 1032;
SB 1117;
SB 1280;
SB 1403;
SB 1412; and
SB 1532.

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

GUESTS INTRODUCED

The SPEAKER. The Chair is pleased to welcome to the hall of the House today a group of Boy Scouts from Scout Troop 169 in Vanderbilt, Fayette County. They are here with their leader and chaperons and are the guests of Representative James Shaner. Would the guests please rise.

The Chair welcomes to the hall of the House today Megan Young and Shilpa Patel from Penn State College of Medicine in Hershey. These medical students are attending the session today and are involved in the legislative initiative program for medical students. They are here today as the guests of Representative Pat Fleagle. Would these guests please rise.

Here today as the guest of the Speaker and Representative Steve Barrar is District Justice Richard Cappelli from Delaware County. Would the district justice please rise. He is to the left of the Speaker.

STATEMENT BY MR. BARLEY

The SPEAKER. The House will come to order.

The Chair recognizes the gentleman, Mr. Barley, under unanimous consent. Will the gentleman yield a moment.

Mr. Barley.

Mr. BARLEY. Thank you, Mr. Speaker.

When any of us as parents have the opportunity to see one of our children recognized for their accomplishments, it is very special to us. One of our colleagues had that opportunity last evening at the Pennsylvania Farm Bureau dinner. Representative and Mrs. Semmel had the honor of seeing their daughter, Andrea, recognized by the Pennsylvania Farm Bureau as winning first place in the Pennsylvania Farm Bureau Young Farmer and Rancher Discussion Meet of Pennsylvania. It was a very nice honor. It was a result of Andrea competing in a contest with many other young men and women throughout Pennsylvania, and I think we should commend Representative and Mrs. Semmel for what they have been able to pass on to the next generation in their daughter, Andrea.

So congratulations to Representative Semmel, and I just would like for all of us to recognize their family.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests no leaves for today.

And the Democratic whip advises the Chair that there are no additional leaves.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

MS. PENNSYLVANIA US OF A 2000 PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Daley, for the purpose of presenting a citation.

Mr. DALEY. Thank you, Mr. Speaker.

It is a pleasure to be before the members of the House of Representatives to present to you a young lady,

Rochelle Latkanich, that comes from western Pennsylvania, more specifically Washington Township in Fayette County.

I have had the opportunity to be up here several times in the last several years having Miss Pennsylvanias, and today we have Ms. Pennsylvania, and with her today is her mom, Joanne Latkanich. Please stand up, Joanne. Joanne, besides being a wonderful mother and a member of the community, she is a township supervisor in Washington Township, and we are very proud of her.

I would like to present this citation:

WHEREAS, The House of Representatives of Pennsylvania is always proud to recognize those citizens who, through their outstanding achievements, bring great distinction upon themselves and their communities; and

WHEREAS, Rochelle Latkanich was crowned Ms. Pennsylvania US of A 2000 on June 11, 2000, at the Ramada Inn and Conference Center in North Brunswick, New Jersey; and

WHEREAS, A graduate of Waynesburg College with a master's degree, Ms. Latkanich is currently a graduate student at LaRoche College—

achieving a second master's degree—

...in Nursing and Family Nurse Practitioner program. She has served as a registered nurse at Lake Greeley Camps, Care Unlimited, Inc., American Medical Staffing and Oliverio's Nurses Registry. She currently works as a registered nurse at Allegheny General Hospital. She has earned many honors, including two scholarships from the Student Nurses' Association of Pennsylvania and as an American Cancer Society Nurse of Hope.

NOW THEREFORE, The House of Representatives of the Commonwealth of Pennsylvania congratulates Rochelle Latkanich on the great honor which has been bestowed upon her; offers best wishes for continued success in all future endeavors—

as well as this Commonwealth of Pennsylvania.

I would like to present to you Ms. Pennsylvania US of A 2000, Rochelle Latkanich.

Ms. LATKANICH. Thank you. Thank you.

Good morning. It is a pleasure to be here to have the opportunity to speak in front of you today, and I especially wanted to thank Representative Daley for all of his support and everything that he has done in supporting me in my year reign.

I stand before you today to talk to you about HB 2862, which would be the introduction of the license plate that would benefit women's health, especially research. As a woman who was diagnosed with endometriosis, a woman who has had family members who have suffered the illness that is related to women's health, I can tell you from personal experience the impact that this has on the lives of our women.

As a registered nurse, I am out serving our communities, and I see the need for education and especially research. These chronic illnesses that face our women are an important aspect of not only the women's lives but her families, her friends, and those around you.

The introduction of the license plate will not only raise awareness and promote education, but the underlying cause of it

is to raise money for research, and I think that that is the biggest need that we have right now. The more funds that are generated through the support of the public, and it is not coming from taxpayer dollars; it will be generated from those who support the cause, and our hope is to generate anywhere from \$2.5 million to \$3.5 million towards research.

So I thank you for your support, and I thank you for giving me the opportunity to speak here today with you. Thank you.

TRANSPORTATION COMMITTEE MEETING

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

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

The Transportation Committee will meet at 11:45 in room 148. We have some important business to conduct. So I wanted to make that announcement so our members were made aware of it. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—195

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Fargo | Markosek | Schroder |
| Allen | Feese | Marsico | Schuler |
| Argall | Fichter | Masland | Scrimenti |
| Armstrong | Fleagle | Mayernik | Semmel |
| Baker | Flick | McCall | Shaner |
| Bard | Forcier | McGeehan | Smith, B. |
| Barley | Frankel | McGill | Smith, S. H. |
| Barrar | Freeman | McIlhattan | Snyder |
| Bastian | Gannon | McIlhinney | Solobay |
| Battisto | Geist | McNaughton | Stairs |
| Bebko-Jones | George | Melio | Steelman |
| Belardi | Gladeck | Metcalfe | Steil |
| Belfanti | Godshall | Michlovic | Stern |
| Benninghoff | Gordner | Micozzie | Stetler |
| Birmelin | Grucela | Miller, R. | Stevenson |
| Bishop | Gruitza | Miller, S. | Strittmatter |
| Blaum | Habay | Mundy | Sturla |
| Boyes | Haluska | Myers | Surra |
| Browne | Hanna | Nailor | Tangretti |
| Butkovitz | Harhai | Nickol | Taylor, E. Z. |
| Buxton | Harhart | O'Brien | Taylor, J. |
| Caltagirone | Hasay | Oliver | Thomas |
| Carn | Hennessey | Orie | Tigue |
| Casorio | Herman | Perzel | Travaglio |
| Cawley | Hershey | Pesci | Trello |
| Chadwick | Hess | Petrarca | Trich |
| Civera | Horsley | Petrone | True |
| Clark | Hutchinson | Phillips | Tulli |
| Clymer | Jadlowiec | Pippy | Vance |
| Cohen, L. I. | James | Pistella | Van Horne |
| Cohen, M. | Josephs | Preston | Veon |
| Colafella | Kaiser | Ramos | Vitali |
| Cornell | Keller | Raymond | Walko |
| Corrigan | Kenney | Readshaw | Wansacz |
| Costa | Kirkland | Reinard | Washington |
| Coy | Krebs | Rieger | Waters |
| Curry | LaGrotta | Roberts | Williams |
| Dailey | Laughlin | Robinson | Wilt |
| Daley | Lawless | Roebuck | Wogan |
| Dally | Lederer | Rohrer | Wojnaroski |
| DeLuca | Lescovitz | Rooney | Wright |

- | | | | |
|------------|-----------|-----------|------------------|
| Dempsey | Levdansky | Ross | Yewcic |
| Dermody | Lucyk | Rubley | Youngblood |
| DeWeese | Lynch | Ruffing | Yudichak |
| DiGirolamo | Maher | Sainato | Zimmerman |
| Donatucci | Maitland | Samuelson | Zug |
| Eachus | Major | Santoni | |
| Egolf | Manderino | Sather | Ryan,
Speaker |
| Evans | Mann | Saylor | |
| Fairchild | | | |

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

- | | | | |
|-------------|-----|--------|---------|
| Bunt | Leh | Platts | Staback |
| Cappabianca | | | |

LEAVES ADDED—5

- | | | | |
|---------|-------|--------|-------|
| Boyes | Ramos | Stairs | Trich |
| Preston | | | |

COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Hasay, for the purpose of making a committee meeting announcement.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, there will be a meeting at the luncheon break of the House Commerce and Economic Development Committee in room 205 of the Ryan Building; room 205 at the break, House Commerce and Economic Development Committee. It will be a voting meeting. Thank you, Mr. Speaker.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER pro tempore. Mr. Clymer, do you have an announcement as well? You are in order.

Mr. CLYMER. Yes.

Thank you, Mr. Speaker.

Mr. Speaker, at the call of recess the members of State Government will be meeting in the rear of the hall, and I would ask all members to please attend. We have three bills that we must consider today, and your attendance would be very much appreciated. Thank you.

CALENDAR

BILLS ON SECOND CONSIDERATION

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

SB 231, PN 2191; and SB 1312, PN 2136.

BILLS RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that SB 231 and SB 1312 be recommitted to the Committee on Appropriations.

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 **HB 1160, PN 1313**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for construction, for planning commission membership and business, for planning agency powers and duties, for compliance by counties, for official municipality maps, for county planning agency jurisdiction, for subdivision and land development ordinances, for plat approval and recording, for preventive remedies, for the transportation capital improvements plan, for ordinance provisions, for classifications, for municipal curative amendments and for standards and conditions for planned residential development; providing for transferable development rights; further providing for zoning hearing board membership, organization, jurisdiction and time limits; and making repeals.

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

BILL RECOMMENDED

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

Mr. PERZEL. Mr. Speaker, I move that HB 1160 be recommitted to the Committee on Appropriations.

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

RESOLUTION

Mr. B. SMITH called up **HR 626, PN 4147**, entitled:

A Resolution encouraging participation in the "Hunters Sharing the Harvest" program.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Fargo	Markosek	Schroder
Allen	Feese	Marsico	Schuler
Argall	Fichter	Masland	Scrimenti
Armstrong	Fleagle	Mayernik	Semmel
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McLhattan	Snyder

Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Stairs
Bebko-Jones	George	Melio	Stelman
Belardi	Gladeck	Metcalfe	Steil
Belfanti	Godshall	Michlovic	Stern
Benninghoff	Gordner	Micozzie	Stetler
Birmelin	Grucela	Miller, R.	Stevenson
Bishop	Gruitza	Miller, S.	Strittmatter
Blaum	Habay	Mundy	Sturla
Boyes	Haluska	Myers	Surra
Browne	Hanna	Nailor	Tangretti
Butkovitz	Harhai	Nickol	Taylor, E. Z.
Buxton	Harhart	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Carn	Hennessey	Orie	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trelo
Chadwick	Hess	Petrarca	Trich
Civera	Horsey	Petrone	True
Clark	Hutchinson	Phillips	Tulli
Clymer	Jadlowiec	Pippy	Vance
Cohen, L. I.	James	Pistella	Van Horne
Cohen, M.	Josephs	Preston	Veon
Colafella	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corrigan	Kerney	Readshaw	Wansacz
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Lescovitz	Rooney	Wright
Dempsey	Levdansky	Ross	Yewcic
Dermody	Lucyk	Rubley	Youngblood
DeWeese	Lynch	Ruffing	Yudichak
DiGirolamo	Maher	Sainato	Zimmerman
Donatucci	Maitland	Samuelson	Zug
Eachus	Major	Santoni	
Egolf	Manderino	Sather	Ryan, Speaker
Evans	Mann	Saylor	
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—5

Bunt	Leh	Platts	Staback
Cappabianca			

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. BENNINGHOFF called up **HR 629, PN 4168**, entitled:

A Resolution designating the month of November 2000 as "Epilepsy Awareness Month" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Fargo	Markosek	Schroder
Allen	Feese	Marsico	Schuler
Argall	Fichter	Masland	Scrimenti
Armstrong	Fleagle	Mayernik	Semmel
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Stairs
Bebko-Jones	George	Melio	Steelman
Belardi	Gladeck	Metcalfe	Steil
Belfanti	Godshall	Michlovic	Stern
Benninghoff	Gordner	Micozzie	Stetler
Birmelin	Grucela	Miller, R.	Stevenson
Bishop	Gruitza	Miller, S.	Strittmatter
Blaum	Habay	Mundy	Sturla
Boyes	Haluska	Myers	Surra
Browne	Hanna	Nailor	Tangretti
Butkovitz	Harhai	Nickol	Taylor, E. Z.
Buxton	Harhart	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cam	Hennessey	Orie	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trello
Chadwick	Hess	Petrarca	Trich
Civera	Horsey	Petrone	True
Clark	Hutchinson	Phillips	Tulli
Clymer	Jadlowiec	Pippy	Vance
Cohen, L. I.	James	Pistella	Van Horne
Cohen, M.	Josephs	Preston	Veon
Colafella	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Wansacz
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Lescovitz	Rooney	Wright
Dempsey	Levdansky	Ross	Yewcic
Dermody	Lucyk	Rubley	Youngblood
DeWeese	Lynch	Ruffing	Yudichak
DiGirolamo	Maher	Sainato	Zimmerman
Donatucci	Maitland	Samuelson	Zug
Eachus	Major	Santoni	
Egolf	Manderino	Sather	Ryan,
Evans	Mann	Saylor	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—5

Bunt	Leh	Platts	Staback
Cappabianca			

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

Miss MANN called up HR 630, PN 4169, entitled:

A Resolution declaring November 27 through December 1, 2000, as "Dream Come True Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—195

Adolph	Fargo	Markosek	Schroder
Allen	Feese	Marsico	Schuler
Argall	Fichter	Masland	Scrimenti
Armstrong	Fleagle	Mayernik	Semmel
Baker	Flick	McCall	Shaner
Bard	Forcier	McGeehan	Smith, B.
Barley	Frankel	McGill	Smith, S. H.
Barrar	Freeman	McIlhattan	Snyder
Bastian	Gannon	McIlhinney	Solobay
Battisto	Geist	McNaughton	Stairs
Bebko-Jones	George	Melio	Steelman
Belardi	Gladeck	Metcalfe	Steil
Belfanti	Godshall	Michlovic	Stern
Benninghoff	Gordner	Micozzie	Stetler
Birmelin	Grucela	Miller, R.	Stevenson
Bishop	Gruitza	Miller, S.	Strittmatter
Blaum	Habay	Mundy	Sturla
Boyes	Haluska	Myers	Surra
Browne	Hanna	Nailor	Tangretti
Butkovitz	Harhai	Nickol	Taylor, E. Z.
Buxton	Harhart	O'Brien	Taylor, J.
Caltagirone	Hasay	Oliver	Thomas
Cam	Hennessey	Orie	Tigue
Casorio	Herman	Perzel	Travaglio
Cawley	Hershey	Pesci	Trello
Chadwick	Hess	Petrarca	Trich
Civera	Horsey	Petrone	True
Clark	Hutchinson	Phillips	Tulli
Clymer	Jadlowiec	Pippy	Vance
Cohen, L. I.	James	Pistella	Van Horne
Cohen, M.	Josephs	Preston	Veon
Colafella	Kaiser	Ramos	Vitali
Cornell	Keller	Raymond	Walko
Corrigan	Kenney	Readshaw	Wansacz
Costa	Kirkland	Reinard	Washington
Coy	Krebs	Rieger	Waters
Curry	LaGrotta	Roberts	Williams
Dailey	Laughlin	Robinson	Wilt
Daley	Lawless	Roebuck	Wogan
Dally	Lederer	Rohrer	Wojnaroski
DeLuca	Lescovitz	Rooney	Wright
Dempsey	Levdansky	Ross	Yewcic
Dermody	Lucyk	Rubley	Youngblood
DeWeese	Lynch	Ruffing	Yudichak
DiGirolamo	Maher	Sainato	Zimmerman
Donatucci	Maitland	Samuelson	Zug
Eachus	Major	Santoni	
Egolf	Manderino	Sather	Ryan,
Evans	Mann	Saylor	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—5

Bunt	Leh	Platts	Staback
Cappabianca			

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 712, PN 2274**, entitled:

An Act amending the act of May 2, 1945 (P.L.382, No.164), entitled Municipality Authorities Act of 1945, further providing for the purposes and powers of an authority and for governing body residency requirements.

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

Mr. **GEORGE** offered the following amendment No. **A4384**:

Amend Title, page 1, line 15, by removing the period after "REQUIREMENTS" and inserting
; and establishing a Municipal Authority Ombudsman within the Department of Community and Economic Development.

Amend Bill, page 10, by inserting between lines 21 and 22 Section 3. The act is amended by adding a section to read:

Section 18.1. Municipal Authority Ombudsman.—A Municipal Authority Ombudsman is established within the Center for Local Government of the Department of Community and Economic Development. The ombudsman shall assist citizens who have complaints against municipal authorities by:

(1) Taking the complaints.

(2) Referring investigation of the complaints to the appropriate responsible parties.

(3) Explaining relevant law and the options available to the citizens for resolving the complaints.

Amend Sec. 3, page 10, line 22, by striking out "3" and inserting
4

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

The **SPEAKER pro tempore**. On that question, the Chair recognizes the gentleman from Clearfield County, Mr. George.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, today in the Commonwealth we have approximately 2,100 authorities around the State with 9,900 employees, according to the Pennsylvania Department of Community and Economic Development.

Mr. Speaker, many of us receive complaints about authorities, and as you know, they are governed by a different law than local governments and they are not directly elected, Mr. Speaker.

Mr. Speaker, maybe I would like to hear myself.

The **SPEAKER pro tempore**. The gentleman is quite correct. There is entirely too much noise on the floor of the House. The House will come to order. Members will please take their seats. Conversations in the aisles will break up.

Mr. George.

Mr. **GEORGE**. Thank you, Mr. Speaker.

Mr. Speaker, with the great number of these authorities and the great budgets and number of employees, we need someone who would be available to the public who can help people if they have a complaint about an authority. My amendment simply creates an ombudsman in the Center for Local Government to assist people in trying to understand authorities.

The amendment does not create any additional powers in the department or set up new laws for authorities or force any new mandates on them. Mr. Speaker, we do have a Center for Local Government, but, Mr. Speaker, when you look on their Web page, they list experts in this topic or that topic; they answer plenty of questions of the type of local government or that type of local government, but they do not have a lot of material on these authorities.

Mr. Speaker, this amendment creates a resource that every one of your constituents can use. I ask for the support of this amendment.

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

The following roll call was recorded:

YEAS—169

Adolph	Eachus	Mann	Scrimenti
Allen	Evans	Markosek	Semmel
Argall	Fairchild	Mayernik	Shaner
Armstrong	Feese	McCall	Smith, B.
Baker	Fichter	McGeehan	Snyder
Barley	Fleagle	McGill	Solobay
Barrar	Flick	McIlhattan	Stairs
Bastian	Frankel	McIlhinney	Steelman
Battisto	Freeman	McNaughton	Steil
Bebko-Jones	Gannon	Melio	Stern
Belardi	Geist	Michlovic	Stetler
Belfanti	George	Micozzie	Stevenson
Benninghoff	Gladeck	Miller, S.	Strittmatter
Birmelin	Godshall	Mundy	Sturla
Bishop	Gordner	Myers	Surra
Blaum	Grucela	O'Brien	Tangretti
Boyes	Gruitza	Oliver	Taylor, E. Z.
Browne	Habay	Orie	Taylor, J.
Butkovitz	Haluska	Perzel	Thomas
Buxton	Hanna	Pesci	Tigue
Caltagirone	Harhai	Petrarca	Travaglio
Carn	Hasay	Petrone	Trello
Casorio	Hennessey	Phillips	Trich
Cawley	Herman	Pippy	Van Horne
Chadwick	Hershey	Pistella	Veon
Civera	Hess	Preston	Vitali
Clark	Horsey	Ramos	Walko
Cohen, M.	Jadlowiec	Raymond	Wansacz
Colafella	James	Readshaw	Washington
Cornell	Josephs	Reinard	Waters
Corrigan	Kaiser	Rieger	Williams
Costa	Keller	Roberts	Wilt
Coy	Kenney	Robinson	Wogan
Curry	Kirkland	Roebuck	Wojnaroski
Dailey	LaGrotta	Rooney	Wright
Daley	Laughlin	Rublely	Yewcic
Dally	Lawless	Ruffing	Youngblood
DeLuca	Lederer	Sainato	Yudichak
Dempsey	Lescovitz	Samuelson	Zimmerman
Dermody	Levdansky	Santoni	
DeWeese	Lucyk	Sather	
DiGirolamo	Major	Schroder	Ryan,
Donatucci	Manderino	Schuler	Speaker

NAYS—25

Clymer	Krebs	Metcalfe	Saylor
Cohen, L. I.	Lynch	Miller, R.	Smith, S. H.
Egolf	Maher	Nailor	True
Fargo	Maitland	Nickol	Tulli
Forcier	Marsico	Rohrer	Vance
Harhart	Masland	Ross	Zug
Hutchinson			

NOT VOTING—1

Bard

EXCUSED—5

Bunt
Cappabianca

Leh

Platts

Staback

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. SB 712 will be over temporarily.

It is the intention of the House to recess shortly for lunch, but do not leave because there are going to be announcements of caucus, at least one more committee meeting announcement. So stay with us for a couple of minutes.

STATEMENT BY MR. ARMSTRONG

The SPEAKER pro tempore. The Speaker earlier today acknowledged receipt of the report submitted by the Subcommittee on Information Technology pursuant to HR 126. It is the understanding of the Chair that the gentleman, Mr. Armstrong, wished to make some remarks about that report. Is the gentleman on the floor?

The gentleman is recognized.

Mr. ARMSTRONG. That is right. I was reminded by my chairman that I have got 2 minutes, so I wanted to just make the rest of the membership aware of the report that we have finally put the finishing touches on — the digital excellence blueprint for the House of Representatives. This will be available for all the members, and we also have it on a CD (compact disc), and we will have these available for you also.

I want to thank the House, especially for Representative Curtis Thomas. I do not see him on the floor here. I thought we would be doing this— Okay, here is Curtis. I want to thank Curtis Thomas for helping me with this report; the staff, Joyce Frigm and Bill Kent; as well as the chairmen of the Intergovernmental Affairs Committee, Representative Flick and Representative Tighe.

This I am very proud of; I think we all can be proud of. We can take recommendations out of here to make sure that our State stays on the cutting edge of technology and lead the nation in a number of initiatives that are contained in this report.

With that, Mr. Speaker, if I could recognize Representative Thomas then. Thank you.

STATEMENT BY MR. THOMAS

The SPEAKER pro tempore. Yes. The Chair recognizes the gentleman from Philadelphia, Mr. Thomas, on the same subject.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to extend my sincere thanks and appreciation to my caucus leader; to my chairman, Tom Tighe; to the chairman of the Intergovernmental Affairs Committee, Representative Flick; and to Representative Armstrong. We put this idea on the table early on, and with their leadership and their vision, we were able to go forward with the Information Technology Subcommittee and with the resultant comprehensive blueprint for digital excellence in the Commonwealth of Pennsylvania.

It is a document which each and every one of us, all 203 of us, can buy into, can contribute to, and can take from in making sure that Pennsylvania takes that next step in moving to the cutting edge of this industry.

As this comprehensive report reveals, almost 50 percent of the marketplace today in Pennsylvania and throughout the world is dominated by technology. It is a marketplace that is ultimately driving everything that we do here in the legislature as public policymakers and also driving how we can better serve our constituents throughout the Commonwealth of Pennsylvania, whether they live in suburban, rural, or urban Pennsylvania.

And so, Mr. Speaker, special thanks have to go to my cochairman, Representative Armstrong, Joyce Frigm, and to my staff for being there when we could not be there and for making sure that our concerns were able to go forward. I want to thank all the members of the subcommittee from both sides of the aisle for the contributions that they made, because they were able to share how this industry impacts on rural, suburban, and urban Pennsylvania. And so, Mr. Speaker, we introduced this report— Can we have some quiet, Mr. Speaker?

The SPEAKER pro tempore. The House will come to order. There are entirely too many conversations in the aisles. Would those conversations break up.

Mr. THOMAS. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Go ahead.

Mr. THOMAS. So in closing, because I know my 2 minutes are up, in closing I want to thank my colleagues for their faith and for their support and thank each and every member who contributed to this report, and to Booz-Allen for their technical assistance. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

INTERGOVERNMENTAL AFFAIRS
COMMITTEE MEETING

The SPEAKER pro tempore. Mr. Flick, do you have a committee announcement?

Mr. FLICK. Yes, Mr. Speaker.

The Intergovernmental Affairs Committee, continuing to move forward, will have a meeting in the rear of the hall of the House at the break.

ADDITIONS AND DELETIONS OF SPONSORS

The SPEAKER pro tempore. The Chair acknowledges receipt of additions and deletions for sponsorships of bills, which the clerk will file.

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

GUESTS INTRODUCED

The SPEAKER pro tempore. We have some guests with us today.

The Chair would like to welcome Mr. and Mrs. Marshall Cabe from Glenmoore in Chester County. They are here today as guests of Representative Tim Hennessey, and they are seated to the left of the Speaker. Would they please rise. Welcome to the hall of the House.

REPUBLICAN CAUCUS

The SPEAKER pro tempore. Mr. Fargo, do you have an announcement of caucus for the Republicans? The gentleman is recognized.

Mr. FARGO. Thank you, Mr. Speaker.

Yes; there will be a caucus. It is my understanding that we are going to recess in the immediate, very quickly here. But our caucus then will be at 1 o'clock in the caucus room, and we will come back at 1:30 for continued votes. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

The SPEAKER pro tempore. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate Democratic caucus upon the call of the recess. We have Keith McCall's Administrative Code bill, which has a whole series of amendments to it, and we would like to go over all those amendments. Thank you.

RECESS

The SPEAKER pro tempore. Are there any other announcements?

Hearing none, this House stands in recess until 1:30.

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.

**THE SPEAKER PRO TEMPORE
(ALBERT H. MASLAND) PRESIDING****SENATE MESSAGE****HOUSE RESOLUTION
CONCURRED IN BY SENATE**

The clerk of the Senate, being introduced, informed that the Senate has concurred in **HR 565, PN 3895**.

LEAVES OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and asks that the gentleman, Mr. STAIRS, be placed on leave for the remainder of the day. The Chair hears no objection.

The Chair again returns to leaves of absence and asks that the gentleman from Washington County, Mr. TRICH, be placed on leave for the balance of the day. No objections.

**BILLS REPORTED FROM COMMITTEES,
CONSIDERED FIRST TIME, AND TABLED****HB 5, PN 4193 (Amended)**

By Rep. WOGAN

An Act providing for bed and breakfast establishment safety regulations.

CONSUMER AFFAIRS.**SB 768, PN 1721**

By Rep. HERMAN

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled Local Tax Collection Law, further providing for notice of taxes; and making an editorial change.

LOCAL GOVERNMENT.**SB 784, PN 2293 (Amended)**

By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for monthly meetings, quorum and voting.

LOCAL GOVERNMENT.**SB 785, PN 2294 (Amended)**

By Rep. HERMAN

An Act amending the act of June 24, 1931 (P.L.1206, No.331), entitled The First Class Township Code, further providing for monthly meetings, quorum and voting.

LOCAL GOVERNMENT.**SB 786, PN 2295 (Amended)**

By Rep. HERMAN

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), entitled The Borough Code, further providing for organization of council, quorum, voting, compensation and eligibility.

LOCAL GOVERNMENT.

SB 1154, PN 2296 (Amended) By Rep. HERMAN

An Act amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, The County Code, providing for insurance and other employee benefits; further providing for hotel occupancy taxes; and further regulating contractors, grounds and buildings and bridges, viaducts and culverts.

LOCAL GOVERNMENT.

SB 1409, PN 1842 By Rep. HERMAN

An Act amending the act of May 1, 1933 (P.L.103, No.69), entitled, as reenacted and amended, The Second Class Township Code, further providing for assessors.

LOCAL GOVERNMENT.

SB 1478, PN 2292 (Amended) By Rep. GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for suspension of operating privilege and for certain permits; and providing for petitions for removal of certain suspensions or revocations and for stop intersections or junctions and traffic-control devices.

TRANSPORTATION.

BILL REREPORTED FROM COMMITTEE

SB 1477, PN 2291 (Amended) By Rep. GEIST

An Act amending the act of September 30, 1985 (P.L.240, No.61), entitled Turnpike Organization, Extension and Toll Road Conversion Act, further providing for definitions and for functions of the Pennsylvania Turnpike Commission; and providing for enforcement related to electronic toll collection.

TRANSPORTATION.

VOTE CORRECTIONS

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

Mr. SCRIMENTI. To correct the record, please, Mr. Speaker.

The SPEAKER pro tempore. You may proceed.

Mr. SCRIMENTI. Thank you, Mr. Speaker.

Mr. Speaker, on Tuesday's voting schedule from November 14, my switch malfunctioned on HB 2324 and HB 1443. On both of those pieces of legislation, I would like to be recorded in the affirmative, please.

The SPEAKER pro tempore. The gentleman's remarks will be spread upon the record.

The Chair recognizes the gentlelady, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

I would like to correct the record.

The SPEAKER pro tempore. You may proceed.

Ms. BARD. For amendment 4384 to SB 712, my vote was not recorded, and I would like to be recorded in the affirmative.

The SPEAKER pro tempore. The gentlelady's comments will be spread across the record.

Ms. BARD. Thank you.

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and asks that the gentleman, Mr. BOYES, be placed on leave for the balance of the day. The Chair hears no objection.

RULES SUSPENDED

The SPEAKER pro tempore. The Chair turns to page 3 of the House calendar and recognizes the lady, Mrs. Vance.

Mrs. VANCE. Mr. Speaker, I ask that the rules of the House be suspended so that we may immediately consider HB 1800.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER pro tempore. Without objection, the Chair returns to leaves of absence and asks that the gentleman, Mr. RAMOS, be placed on leave. The Chair hears no objection.

RULES SUSPENDED CONTINUED

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

The following roll call was recorded:

YEAS—188

Adolph	Fairchild	Markosek	Saylor
Allen	Fargo	Marsico	Schroder
Argall	Feese	Masland	Schuler
Armstrong	Fichter	Mayernik	Scrimenti
Baker	Fleagle	McCall	Semmel
Bard	Flick	McGeehan	Shaner
Barley	Forcier	McGill	Smith, B.
Barrar	Frankel	McIlhattan	Smith, S. H.
Bastian	Freeman	McIlhinney	Snyder
Battisto	Gannon	McNaughton	Solobay
Bebko-Jones	Geist	Melio	Steil
Belardi	George	Metcalfe	Stern
Belfanti	Gladeck	Michlovic	Stetler
Benninghoff	Godshall	Micozzie	Stevenson
Birmelin	Gordner	Miller, R.	Strittmatter
Bishop	Grucela	Miller, S.	Sturla
Blaum	Gruitza	Mundy	Surra
Browne	Habay	Myers	Tangretti
Butkovitz	Haluska	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Thomas
Carn	Hasay	Oliver	Tigue
Casorio	Hennessey	Orie	Travaglio
Cawley	Herman	Perzel	Trello
Chadwick	Hershey	Pesci	True
Civera	Hess	Petrarca	Tulli
Clark	Horsey	Petrone	Vance
Clymer	Hutchinson	Phillips	Van Home
Cohen, L. I.	Jadlowiec	Pippy	Veon
Cohen, M.	James	Pistella	Vitali
Colafella	Josephs	Preston	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	LaGrotta	Roberts	Wilt

Dailey	Laughlin	Robinson	Wogan
Daley	Lawless	Roebuck	Wojnaroski
Dally	Lederer	Rohrer	Wright
DeLuca	Lescovitz	Rooney	Yewcic
Dempsey	Levdansky	Ross	Youngblood
Dermody	Lucyk	Rubley	Yudichak
DeWeese	Lynch	Ruffing	Zimmerman
DiGirolamo	Maher	Sainato	Zug
Donatucci	Maitland	Samuelson	
Eachus	Major	Santoni	
Egolf	Manderino	Sather	Ryan,
Evans	Mann		Speaker

NAYS—3

Hanna	Krebs	Steelman
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NOT VOTING—0

EXCUSED—9

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca			

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1800, PN 3296**, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for zoning ordinance amendments.

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

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

The question is, shall the bill pass finally?

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

Mr. VITALI. Mr. Speaker, could we just have a brief synopsis of that bill from the prime sponsor?

The SPEAKER pro tempore. The prime sponsor will give us a brief synopsis. The Chair recognizes the lady from Cumberland County, Mrs. Vance.

Mrs. VANCE. Thank you, Mr. Speaker.

Very briefly, this would allow people who own property in a small area that is to be rezoned to be notified prior to that hearing so that they would be aware of what is happening in an area where their property is located.

The SPEAKER pro tempore. Mr. Vitali, if you would like to interrogate, you may proceed.

Mr. VITALI. Yes.

Just to be clear, how does that in my township — I am moderately familiar with zoning procedures, and we do have notification procedures — how does this change things?

Mrs. VANCE. Mr. Speaker, I cannot say what happens in your township, but many townships have chosen, although the law may not require them to, to notify property owners that are in an area that is to be rezoned. We are not talking about an entire municipality being rezoned but a smaller area. Some municipalities have chosen not to inform their own taxpayers of land that is being rezoned, and I think it is the least we can do for the local property owners to know what is occurring in their area.

Mr. VITALI. Is this an amendment to the MPC (Municipalities Planning Code)?

Mrs. VANCE. I honestly did not hear what you said.

Mr. VITALI. Is this bill an amendment to the municipal planning code?

Mrs. VANCE. Yes; that is correct.

Mr. VITALI. And it applies across the board with regard to all municipalities?

Mrs. VANCE. Yes.

Mr. VITALI. It sets minimum notification requirements?

Mrs. VANCE. Yes, by first-class mail.

Mr. VITALI. I am sorry?

Mrs. VANCE. Yes; it does, that they would have to notify property owners within this small zone by mail rather than posting a notice somewhere outside or in the block that you may or may not see. It is in addition to the posting; that is correct.

Mr. VITALI. Okay. Have the BOCA (Building Officials and Code Administrators International, Inc.) people taken a position on this?

Mrs. VANCE. This is not a Building Code issue.

Mr. VITALI. Okay. Has any professional association, zoning code officers— I am trying to get a sense whether there is any opposition to this.

Mrs. VANCE. No; there is no opposition, to my knowledge, and the NFIB (National Federation of Independent Business) as well is strongly supportive of this.

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

The SPEAKER pro tempore. The Chair recognizes the lady from Luzerne County.

Ms. MUNDY. May I interrogate the prime sponsor, please?

The SPEAKER pro tempore. The prime sponsor will agree. The lady may proceed.

Ms. MUNDY. Thank you.

Could I ask you, who is required to give this notification? Who will be doing this mailing?

Mrs. VANCE. I would be delighted to answer your question, Mr. Speaker. The township supervisors or commissioners, whoever they may be.

Ms. MUNDY. Not the zoning officer?

Mrs. VANCE. No.

Ms. MUNDY. So it is the municipality itself who is required to do the mailing?

Mrs. VANCE. The language in the legislation says “the municipality.”

Ms. MUNDY. Okay. And then what is the penalty to the municipality if the mailing is not done?

Mrs. VANCE. There is no specific penalty. We are doing this actually to help the residents that live in a municipality that we believe very strongly have the right to know if a property

near them is being rezoned, not that they may change the rezoning but that they would know about a hearing so that they would have an opportunity to go and express their feelings.

Ms. MUNDY. Well, and I could not agree more. In fact, I have an amendment that would do something similar to the Municipalities Planning Code that I most assuredly would have offered to this bill had we had any notice that it was coming up for a vote. But my bill puts a penalty for not notifying the people in the area to be rezoned, and you are saying there is no penalty if the municipality simply ignores this provision?

Mrs. VANCE. That is correct.

Ms. MUNDY. Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—191

Adolph	Fargo	Mann	Saylor
Allen	Feese	Markosek	Schroder
Argall	Fichter	Marsico	Schuler
Armstrong	Fleagle	Masland	Scrimenti
Baker	Flick	Mayernik	Semmel
Bard	Forcier	McCall	Shaner
Barley	Frankel	McGeehan	Smith, B.
Barrar	Freeman	McGill	Smith, S. H.
Bastian	Gannon	McLhattan	Snyder
Battisto	Geist	McLhinney	Solobay
Bebko-Jones	George	McNaughton	Steelman
Belardi	Gladeck	Melio	Steil
Belfanti	Godshall	Metcalfe	Stern
Benninghoff	Gordner	Michlovic	Stetler
Birmelin	Grucela	Micozzie	Stevenson
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Butkovitz	Hanna	Myers	Tangretti
Buxton	Harhai	Nailor	Taylor, E. Z.
Caltagirone	Harhart	Nickol	Taylor, J.
Carn	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Orie	Travaglio
Chadwick	Hershey	Perzel	Trello
Civera	Hess	Pesci	True
Clark	Horsey	Petrarca	Tulli
Clymer	Hutchinson	Petrone	Vance
Cohen, L. I.	Jadlowiec	Phillips	Van Horne
Cohen, M.	James	Pippy	Veon
Colafella	Josephs	Pistella	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Raymond	Wansacz
Costa	Kenney	Readshaw	Washington
Coy	Kirkland	Reinard	Waters
Curry	Krebs	Rieger	Williams
Dailey	LaGrotta	Roberts	Wilt
Daley	Laughlin	Robinson	Wogan
Dally	Lawless	Roebuck	Wojnaroski
DeLuca	Lederer	Rohrer	Wright
Dempsey	Lescovitz	Rooney	Yewcic
Dermody	Levdansky	Ross	Youngblood
DeWeese	Lucyk	Rubley	Yudichak
DiGirolamo	Lynch	Ruffing	Zimmerman
Donatucci	Maher	Saimato	Zug
Eachus	Maitland	Samuelson	
Egolf	Major	Santoni	
Evans	Manderino	Sather	Ryan, Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—9

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca			

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

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

STATEMENT BY MR. CLYMER

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Clymer, on unanimous consent.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, on November 13 the Pennsylvania Capitol Preservation group participated in the opening reception of the Fourth Annual International Trades Workshop 2000. This event was the opening reception for 3 days of workshops and seminars on preservation trades that have been taking place in the Farm Show Complex since Monday of this week.

The reception was cohosted by the Pennsylvania Historical and Museum Commission and the Preservation Trades Network of the Association for Preservation Technology International. The evening included tours by Capitol Preservation Committee of restored areas of the Capitol Building and demonstrations and exhibits from many of the craftspeople who have participated in the restoration of this building.

Guests included participants in the trades show, including many nationally recognized experts in the field of preservation and attendees of the Mid-Atlantic Association of Museum Conference, which is also being held in Harrisburg this week.

As chairman of the Capitol Preservation Committee, it was gratifying to hear the many appreciative comments from reception guests. Everyone was impressed with the beauty of our Capitol and the attention to detail that is so evident in the preservation of this magnificent building. Mr. Speaker, we often hear favorable comments from visitors who come to the Capitol about its beauty and its charm, but hearing nationally recognized experts in the field praise our Capitol I think is something very special.

Mr. Speaker, on another note, as we are approaching the holiday season, may I invite members and staff to look at the beautiful artifacts and gifts that are available from CPC (Capitol Preservation Committee). I especially want to make sure that everyone knows that the beautiful 2000 commemorative holiday ornament depicting the Capitol is available and certainly a wonderful collectible item as well as a wonderful Christmas gift.

So thank you, Mr. Speaker. I appreciate your consideration.

The SPEAKER pro tempore. The Chair thanks the gentleman for his comments.

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2286**, **PN 3694**, entitled:

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, further providing for management of fund and accounts relating to venture capital, private placement and other alternative investments.

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

Mr. **GEORGE** offered the following amendment No. **A4391**:

Amend Sec. 1 (Sec. 5931), page 2, lines 22 and 23, by striking out all of said lines and inserting
which:

- (1) meets the standard of prudence set forth in subsection (a); and
(2) in the judgment of the board, is reasonably likely to enhance the general welfare of this Commonwealth and its citizens.

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER pro tempore. Without objection, HB 2286 is over temporarily.

* * *

The House proceeded to third consideration of **HB 2584**, **PN 4111**, entitled:

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, regulating the practice and licensure of dietetics and nutrition; further providing for penalties; and making an appropriation.

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

Mr. **GEORGE** offered the following amendment No. **A4420**:

Amend Sec. 2 (Sec. 2.2), page 6, line 13, by inserting brackets before and after "The" and inserting immediately thereafter
On at least an annual basis, the

Amend Sec. 2 (Sec. 2.2), page 6, lines 15 and 16, by striking out "or dietetics-nutrition on at least an annual basis." and inserting [on at least an annual basis.] or dietetics-nutrition and shall provide licensees with information on the application process for available pharmaceutical company prescription drug patient assistance programs for needy patients.

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

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

Does the gentleman, Mr. George, have an amendment to HB 2584? Mr. George, HB 2584, PN 4111, do you have an amendment to that bill, sir? Mr. George, you are recognized on HB 2584, PN 4111.

The gentleman, Mr. George, on amendment A4420. The gentleman may proceed.

Mr. **GEORGE**. Mr. Speaker, I apologize at the conference. The SPEAKER pro tempore. Apology accepted.

Mr. **GEORGE**. Mr. Speaker, this amendment simply requires the State Board of Nursing to provide licensees with information on the application process for available pharmaceutical company prescription drug patient assistance programs for needy patients.

So, Mr. Speaker, all this really does is it says to these people, you receive a pamphlet; it lets you know what pharmaceuticals will provide this much-needed drug to those that are indigent. You will be able to advise this patient where they can get these pharmaceutical needs and where the pharmaceutical companies are providing them without charge, and we are saying that the average patient does not know this. So as they are being attended to by nurses and for some of these organizations and they have the availability and the information to where they can do this, we are saying, simply direct your patients so they know where these drugs can be provided.

Thank you, and we would hope you would accept this amendment.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware County, Mr. Civera, on the amendment.

Mr. **CIVERA**. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. He will agree to stand for interrogation. The gentleman may proceed.

Mr. **CIVERA**. Mr. Speaker, in your amendment, could you explain to me where the increase of the dollar amount to do what you want to do, where would this money come from?

Mr. **GEORGE**. Mr. Speaker, there is a particular pamphlet or notification that is sent out by these people periodically, and all we are asking is that you save a little line somewhere on that big sheet to provide this information. Cost factor: unless you run out of ink, there will be no cost factor, no additional fee. It can be included as any other idiom can be included, but this would be necessary.

Mr. **CIVERA**. Mr. Speaker, are you aware, or maybe you can answer this, does any other license board do this?

Mr. **GEORGE**. Mr. Speaker, if I may, Mr. Speaker, you are absolutely accurate that no other licensing board does this. What I want you to do is join with me so we can make these people do just this. No cost, no problem, but an entire benefit to hundreds of thousands of our citizens. That is why we believe we should do this.

Mr. **CIVERA**. Okay. Are you attempting that a license board that would prescribe drugs would— Is your intention that a license board that would prescribe drugs such as a medical doctor alert the people of the Commonwealth where you can get these different types of prescriptions? Is that what you are looking for? Because the Nursing Board, no other Nursing Board other than the nurse practitioner do they

prescribe drugs to any patients in Pennsylvania. So why are you picking this particular bill to do what you want to do?

Mr. GEORGE. Mr. Speaker, I have talked to many doctors who are aware that when a patient is released from the hospital without the necessary medication— Mr. Speaker, I wish that you would— Mr. Speaker, may I have a little quiet here?

The SPEAKER pro tempore. Will the House please come to order so the gentleman can proceed with the interrogation.

Mr. GEORGE. Mr. Speaker, I apologize. It is evident you did not hear my answer. I will attempt to give it again, if I may.

Mr. CIVERA. Mr. Speaker—

Mr. GEORGE. But this nursing— No; go ahead.

Mr. CIVERA. Could you repeat your answer, because I did not hear it.

Mr. GEORGE. —nursing organization sends these letters out, these pamphlets, once a year, once a year advising of new happenings, of new items of those that are about to take place. Every year they send these out to the multitude of those that are nursing professionals and medical professionals. All we are saying is, let them include within that notification where these drugs can be received by those who have no medical protection, who have no PACE (Pharmaceutical Assistance Contract for the Elderly) card, who have no medication cards, that can get these because pharmaceuticals continue to say, we got that drug, we can make it available, and it is there for the asking. The patient cannot ask; the doctor has to make that request, and the nurses in the doctor's office know this. They know where these prescriptions are. They know where the pharmaceuticals are that manufacture and provide certain medicines. They know it. All we are asking in all decency, in God's name, that we make these people aware of where they can get these drugs.

Mr. CIVERA. Mr. Speaker, that concludes my interrogation. May I make a statement, please?

The SPEAKER pro tempore. The gentleman may proceed.

Mr. CIVERA. Mr. Speaker, the prime sponsor of this amendment, I think, is thinking in one direction, but under professional licensure, there are 27 different boards. The Nursing Board that the gentleman is referring to in this amendment, number one is, like I asked the question in my interrogation, that they do not prescribe drugs, okay? Number two is, and the other question I asked, where would the cost come to do this, and he had responded to me that we are only talking about one paragraph or one line where it would advise the person that was renewing that license — I imagine that is what he is referring to — that where they would be able to tell our constituents where they can get these types of plans. Well, there is such a booklet that the drug manufacturers put out, and here is the booklet. It is like 29 pages of where this information can be gathered.

The issue here is that when you deal with professional licensures — and a lot of people do not understand how these boards work — first of all, they are self-supporting. There is no money that comes from the General Fund of the Commonwealth to support those boards, and every time that we get a regulation fee increase to those boards because they want to increase the license fee for the renewal, both Republicans and Democrats at the committee always ask why. So if they are self-supporting, the money, what he is talking about, to put this type of a pamphlet out would go back to the licensee. They would pay the additional cost, not the Commonwealth of Pennsylvania; it would go back to the licensee, and since the

pharmaceutical industry is doing this, I believe that this is not the right thing to do with this amendment, and I would ask the members of the House to reject this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

We have spent 6 years putting this bill together, and we have an amendment that we really cannot agree to or agree with.

We are dealing with a licensing board at this time, a professional licensing board. We have 260,000 licensed nurses in the Commonwealth and probably have about 5,000 licensed nutritionists or dieticians. To say that these people are to be given information, quote, "...on the application process for available pharmaceutical company prescription drug patient assistance programs..." you know, is virtually impossible. Every company has their own program. They are private companies; they have their own program, and these are not necessarily Pennsylvania companies but U.S. companies and national companies. All of them do their own thing. Each of them have their own eligibility requirements. Let me repeat: Each of them have their own eligibility requirements, and these requirements change from time to time. We are putting a tremendous burden on the nursing licensing board to continuously update these kinds of programs when the information is already available from the pharmaceutical companies.

I also ask for a negative vote.

The SPEAKER pro tempore. On the question, the Chair recognizes the gentleman from Allegheny County, Mr. Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, I would like to interrogate the maker of the amendment, please.

The SPEAKER pro tempore. The maker of the amendment will stand for interrogation. The gentleman may proceed.

Mr. MARKOSEK. Mr. Speaker, is it the intent of your amendment to inform the public, the patients, of these various programs?

Mr. GEORGE. Yes, Mr. Speaker; that is exactly what we are attempting to do.

Mr. MARKOSEK. Thank you, Mr. Speaker.

That ends my interrogation. I would like to make a comment.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MARKOSEK. We have learned from the gentleman that the intent is to inform the patients of these various programs, and as we look at the amendment, we find that the language may in fact not require that to occur. I think the gentleman has a very good, well-intended amendment here. I think it is something that perhaps should be considered. However, it does not appear to myself or our staff that the language would provide for that for which he has intended.

Therefore, I would ask the members not to approve this amendment at this time. I think it is something we need to perhaps look at at a future date, but I would ask the members to vote negative on this amendment. Thank you.

The SPEAKER pro tempore. On the question, the gentleman, Mr. George, is recognized for the second time.

Mr. GEORGE. Mr. Speaker, I am not going to belabor this any longer. It is my intent and I am sure the intent of the majority to want to help these individuals that for some reason cannot procure necessary medicines. It has also come to our attention that there are about 14 pharmaceuticals that supply these medicines at no charge. It has also been our experience that a doctor has to go and get a form from the DPW (Department of Public Welfare) and then send the form in and sign it stating the indigency of the patient in order to get the drug. At no time did I say every pharmaceutical makes every drug, but what I am saying is, and the gentleman said is this your intention, I have that book in our grasp. Each one of you has that booklet, but every doctor does not have that booklet, and yet the nurses, and you know, we have a program. I heard the prior speaker before Mr. Markosek say it is going to cost us money. It is not going to cost any money. And then he said that the bill will not do any good, and yet I had the lady come to my office this morning and say, we talked to the two individuals that had already spoken, and they do not like that amendment and they said it will kill the bill. And I said to that dear lady, "Well, don't you like it?" and she said, "Well, I think it's a good idea."

Now, pretty soon we will be taking up a bill that says nurses, nursing practitioners, are going to be able to administer, going to be able to assign and prescribe, and yet we hear nurses do not have that, and they will.

So all I am saying is, the gentleman from Allegheny and the gentleman from Montgomery are saying, well, it is a heck of a good idea, but this is not the place to do it. So I guess that without throwing any fear at you, if we wait a week or 2 weeks or 3 weeks or 4 weeks or a month, it does not matter how many die because we did not act today, because what we are doing is just an act of courtesy, and even though it sounds very simple, it will be very helpful. And to those of you who want to follow the lead, they do not want to kill the bill, even though an amendment does have merit, does not cost anything, will help people get the drug they need. It will help people get drugs that on the other side they could not afford to get but can get because nurses know; they work in these offices; they know who these pharmaceuticals are; they do most of the paperwork for these medical practitioners, and they are the ones that can save these lives, and all we wanted to do was to send out this notification that they can read from the same book we get.

Now, if this does not work, what I am saying is I can rest with that, because I believe it is the right thing to do. Thank you.

The SPEAKER pro tempore. The gentleman did not withdraw the amendment. The Chair was listening, thought he was going to hear that, but did not. Is that correct?

Mr. GEORGE. You did not hear me say I am going to withdraw that amendment, did you, Mr. Speaker?

The SPEAKER pro tempore. That is correct. Thank you, sir.

Mr. GEORGE. Well, then you heard right and you do not need a hearing aid then; we are right.

The SPEAKER pro tempore. Oh; thank you, sir.

The Chair recognizes, for the second time, Mr. Civera.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, I have been here for 20 years as a member of this General Assembly, and never once when I took the microphone — and I do not do it that often — did I ever take something out of context to mislead this Assembly for a vote or

to put something or to embarrass any member, whether it be Republican or Democrat, in this Assembly. What the gentleman is trying to do is mislead PCN (Pennsylvania Cable Network). Here he is not telling you the truth. This is a professional licensure bill. It amends an amendment that goes on to the nursing boards that do not prescribe drugs, period.

The cost. Let us talk about the cost that I said to him, and he does not want to understand, because the game plan here is to embarrass the members because they will not vote for his amendment. There is not a member on this floor, not a member on this floor that would ever say to a senior citizen, I do not want to tell you the truth about prescription drugs. That is not what we are here for, not one of us, whether it is this side of the aisle or whether it is that side of the aisle, and it is about time that he understands with the fancy amendments that he puts in day in and day out on these bills. This is a mockery. This is not what we are supposed to be here for.

The issue here is this, and let me give it to you plain and sweet: When a license is renewed on the professional licensure and the fees increase the boards, because many years ago, and if you remember Representative Lloyd, that when they had the Professional Licensure Committee and the Democrats were in control of that committee, they did the right thing; they took those boards and they made them self-sufficient so the money to operate those boards would not come out of the taxpayer's pocket, and they did the right thing. What this amendment does, if it were to go through, is that those doctors, those nurses, real estate, whatever it is under those boards, would have to pay more to do their professional work in Pennsylvania, and he just does not want to understand it. He wants to come in here and say, I am here to protect the citizens of Pennsylvania. That committee in the last 6 years — it was operated under a bipartisan committee — that is the first thing we take into consideration, is the consumer of this Commonwealth, and nobody in their heart would want to vote against somewhat that idea.

So what he says and he states here is that if you people want to go ahead and do this, then you have it on the record. Well, I am going to make the record clear. That is not what that committee is all about, and that is not what this amendment is doing. He is picking on issues, and if you want to pick on an issue, pick on it the right way and put it in its right context.

I ask you not to vote for this. Thank you.

The SPEAKER pro tempore. On the question, the Chair recognizes the lady, Mrs. Taylor. The lady waives off.

The Chair recognizes the gentleman, Mr. Godshall. Waives off.

On the question, those in favor of the amendment will vote—
Yes, Mr. George?

Mr. GEORGE. Mr. Speaker, I think I can address what the man just said.

The SPEAKER pro tempore. The gentleman has already spoken twice; the gentleman has already spoken twice.

On the question recurring,

Will the House agree to the amendment?

(Members proceeded to vote.)

Mr. DeWEESE. Mr. Speaker, will you please strike the board?

The SPEAKER pro tempore. Nothing is in order but the taking of the vote.

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

The following roll call was recorded:

YEAS—79

Battisto	Evans	McCall	Shaner
Bebko-Jones	Freeman	McGeehan	Solobay
Belardi	George	Melio	Steelman
Belfanti	Grucela	Michlovic	Stetler
Bishop	Gruitza	Myers	Sturla
Blaum	Haluska	Oliver	Surra
Butkovitz	Hanna	Pesci	Tangretti
Caltagirone	James	Petrarca	Thomas
Carn	Josephs	Petrone	Travaglio
Casorio	Kaiser	Pistella	Treffo
Cohen, M.	Keller	Preston	Veon
Colafella	Kirkland	Rieger	Vitali
Corrigan	LaGrotta	Roberts	Walko
Costa	Laughlin	Robinson	Washington
Coy	Lederer	Roebuck	Waters
Curry	Lescovitz	Rooney	Wojnaroski
Daley	Levdansky	Ruffing	Yewcic
DeWeese	Lucyk	Sainato	Youngblood
Donatucci	Manderino	Samuelson	Yudichak
Eachus	Mann	Santoni	

NAYS—110

Adolph	Fargo	Markosek	Schroder
Allen	Feese	Marsico	Schuler
Argall	Fichter	Masland	Scrimenti
Armstrong	Fleagle	Mayermik	Semmel
Baker	Flick	McGill	Smith, B.
Bard	Forcier	McIlhattan	Smith, S. H.
Barley	Frankel	McIlhinney	Snyder
Barrar	Gannon	McNaughton	Steil
Bastian	Geist	Metcalfe	Stern
Benninghoff	Gladeck	Micozzie	Stevenson
Birmelin	Godshall	Miller, R.	Strittmatter
Browne	Gordner	Miller, S.	Taylor, E. Z.
Buxton	Habay	Mundy	Taylor, J.
Cawley	Harhart	Nailor	Tigue
Chadwick	Hasay	Nickol	True
Civera	Hennessey	O'Brien	Tulli
Clark	Herman	Orie	Vance
Clymer	Hershey	Perzel	Van Horne
Cohen, L. I.	Hess	Phillips	Wansacz
Cornell	Hutchinson	Pippy	Williams
Dailey	Jadlowiec	Raymond	Wilt
Dally	Kenney	Readshaw	Wogan
DeLuca	Krebs	Reinard	Wright
Dempsey	Lawless	Rohrer	Zimmerman
Dermody	Lynch	Ross	Zug
DiGirolamo	Maher	Rublely	
Egolf	Maitland	Sather	Ryan,
Fairchild	Major	Saylor	Speaker

NOT VOTING—2

Harhai	Horsey
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EXCUSED—9

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca			

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

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

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

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

The following roll call was recorded:

YEAS—191

Adolph	Fargo	Mann	Saylor
Allen	Feese	Markosek	Schroder
Argall	Fichter	Marsico	Schuler
Armstrong	Fleagle	Masland	Scrimenti
Baker	Flick	Mayermik	Semmel
Bard	Forcier	McCall	Shaner
Barley	Frankel	McGeehan	Smith, B.
Barrar	Freeman	McGill	Smith, S. H.
Bastian	Gannon	McIlhattan	Snyder
Battisto	Geist	McIlhinney	Solobay
Bebko-Jones	George	McNaughton	Steelman
Belardi	Gladeck	Melio	Steil
Belfanti	Godshall	Metcalfe	Stern
Benninghoff	Gordner	Michlovic	Stetler
Birmelin	Grucela	Micozzie	Stevenson
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla
Browne	Haluska	Mundy	Surra
Butkovitz	Hanna	Myers	Tangretti
Buxton	Harhai	Nailor	Taylor, E. Z.
Caltagirone	Harhart	Nickol	Taylor, J.
Carn	Hasay	O'Brien	Thomas
Casorio	Hennessey	Oliver	Tigue
Cawley	Herman	Orie	Travaglio
Chadwick	Hershey	Perzel	Treffo
Civera	Hess	Pesci	True
Clark	Horsey	Petrarca	Tulli
Clymer	Hutchinson	Petrone	Vance
Cohen, L. I.	Jadlowiec	Phillips	Van Horne
Cohen, M.	James	Pippy	Veon
Colafella	Josephs	Pistella	Vitali
Cornell	Kaiser	Preston	Walko
Corrigan	Keller	Raymond	Wansacz
Costa	Kenney	Readshaw	Washington
Coy	Kirkland	Reinard	Waters
Curry	Krebs	Rieger	Williams
Dailey	LaGrotta	Roberts	Wilt
Daley	Laughlin	Robinson	Wogan
Dally	Lawless	Roebuck	Wojnaroski
DeLuca	Lederer	Rohrer	Wright
Dempsey	Lescovitz	Rooney	Yewcic
Dermody	Levdansky	Ross	Youngblood
DeWeese	Lucyk	Rublely	Yudichak
DiGirolamo	Lynch	Ruffing	Zimmerman
Donatucci	Maher	Sainato	Zug
Eachus	Maitland	Samuelson	
Egolf	Major	Santoni	Ryan,
Evans	Manderino	Sather	Speaker
Fairchild			

NAYS—0

NOT VOTING—0

EXCUSED—9

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca			

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

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

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

HB 2852, PN 4148

By Rep. ARGALL

An Act amending the act of June 28, 1967 (P.L.122, No.32), entitled "An act authorizing and empowering city treasurers of cities of the second class A to sell at public sale, lands or real estate upon which the taxes, assessed and levied by the city, are delinquent and unpaid; fixing the interests of all taxing authorities where such lands are purchased by the city; providing for the distribution of moneys received as income from or resale of such lands; and providing for a method of reselling such lands purchased, by the city, or by the city at any sale for the nonpayment of taxes, free and clear of all mortgages, ground rents, interest in or claims against said lands; authorizing an agreement between cities of the second class A purchasing property at treasurer's sales and all other taxing authorities having an interest in such lands with respect to the distribution of rents, income and the proceeds of the resale of such lands," authorizing certain tax claim bureaus to publicly sell property upon which taxes have not been paid and have become delinquent.

URBAN AFFAIRS.

SB 769, PN 2299 (Amended)

By Rep. HERMAN

An Act amending the act of May 25, 1945 (P.L.1050, No.394), entitled, as amended, Local Tax Collection Law, further defining "tax collector"; providing for continuing education of qualified tax collectors and for interim assessment, duplicate and warrant; further providing for installment payment of taxes and for collection and payment over of taxes; and providing for appointment of delinquent tax collector.

LOCAL GOVERNMENT.

SB 805, PN 2297 (Amended)

By Rep. HASAY

An Act amending Titles 12 (Commerce and Trade), 13 (Commercial Code), 15 (Corporations and Unincorporated Associations), 30 (Fish), 42 (Judiciary and Judicial Procedure), 66 (Public Utilities) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, extensively revising provisions on secured transactions; revising provisions on letters of credit; making editorial changes; and making repeals.

COMMERCE AND ECONOMIC DEVELOPMENT.

SB 1316, PN 2298 (Amended)

By Rep. ARGALL

An Act amending the act of June 23, 1931 (P.L.932, No.317), entitled The Third Class City Code, further providing for residency requirements for vacancy appointments; authorizing the imposition of a municipal public services and safety tax; and making a repeal.

URBAN AFFAIRS.

**RESOLUTION REPORTED
FROM COMMITTEE**

SR 47, PN 722

By Rep. FLICK

A Concurrent Resolution requesting Congress submit to the several states an amendment to the Constitution of the United States forbidding judicial taxation.

INTERGOVERNMENTAL AFFAIRS.

**FAREWELL ADDRESS
BY MR. MASLAND**

The SPEAKER pro tempore. It is my pleasure at this time to say a few parting words to the House, and I can tell you that there are a number of things that went through my mind over the last few days as to what I should say. But when I was told I would be speaking today, I quickly went to my cadre of writers. Unfortunately, Mr. DeWeese is working on his own soliloquy, Mr. Nickol has already delivered several limericks in the caucus elections and I could not get him to write one for me, so I was left on my own, and I thought I would just mention a few things that will be missed.

Obviously there are a lot of things that, being as close to Harrisburg as I am, I can still come over and visit, but I will certainly miss Bill Keller's pretzels. Every Monday I would like to be able to stop in here and have some of them. I will miss Kathy Manderino's piercing questions, which she always had in the Judiciary Committee whether they were on bills or at hearings, and I will certainly miss Steve Nickol's poetry, as I have already alluded to.

Now, I have to confess that I will not miss some of the interminable debates which we have here, with one exception, and that is the annual Groundhog Day debate between Mr. Smith and Mr. Barley. I will miss that. I certainly have always, I have learned that you always go with the live groundhog; basically, he is more right than wrong. And I am sorry, John, but the stuffed guy never won me over, Octopus Orphie or whatever his name was.

But more than any of that I am also going to miss those very rare occasions, though not as rare as some might think, when the gentleman, Mr. Birmelin, and the gentlelady, Ms. Josephs, would not only agree but stand up on the floor and debate together. Now, I do not know whether they kind of went 180 or how they got there, but the fact is that those two found common ground, and on more than one occasion. You know, so often we are separated by our differences, and there are many, and I am not asking anybody to put them aside, but the fact is that we have more common ground here than we are sometimes willing to admit. Now, sometimes the differences run very deeply, but let us continue to search for that common ground. Sometimes the tempers flare up. I myself have been guilty of that, and I would apologize to those of you whom I have offended over the past 8 years in those moments when I let my temper get the better of me. I would like to think that over those 8 years I may have learned a few things and might not under the same set of circumstances attack, if you will, and I look at the Democrat leader and remember the exchange of letters we had during my first term. That was fun though, was it not? No; the jury is out on that one.

But I feel that I have learned a number of things; I am sure we have all learned them, and I am not going to go on. I do not mean to be preaching at you, but I will close with something that may sound like that, but, believe me, it is an admonishment to me more than it is an admonishment to the members of this House whom I respect a great deal and whom I have enjoyed being with these past 8 years, and that is a quote from the prophet Micah, something that we should always aspire to, and that is "to act justly, to love mercy, and to walk humbly with our God."

I will try to do that. I am sure you will do the same. Thank you.

THE SPEAKER (MATTHEW J. RYAN) PRESIDING

The SPEAKER. The best part of this is some of these people are now realizing that this is not a completely soft touch up here.

The gavel that I give you now, Al, is a commemorative gavel to remind you of your time in the legislature and your time presiding. Thank you very much.

Mr. MASLAND. Thank you.

GUESTS INTRODUCED

Mr. MASLAND. If I could, just while I do have the microphone here, and if I can call myself the Chair for one last time, the Chair is extremely proud to recognize two guests in the hall of the House, eighth graders from the Lamberton Middle School in Carlisle: one, Brittnee Patience, who brought along her friend by the name of Hilary Masland, and they are the guests of the gentleman from Carlisle. Will you please join me in welcoming them.

LEAVE OF ABSENCE

The SPEAKER. The Chair returns to leaves of absence and recognizes the Democratic whip, who asks that the gentleman, Mr. PRESTON, be placed on leave for the balance of today's session. Without objection, leave will be granted. The Chair hears none.

Will the gentleman, Mr. Chadwick, come to the rostrum.

Mr. Chadwick has presided temporarily for me for a number of years. I am asking him now to come up and preside as Speaker pro tem, if you will, as a departing legislator. Mr. Chadwick.

THE SPEAKER PRO TEMPORE (J. SCOT CHADWICK) PRESIDING

GUEST INTRODUCED

The SPEAKER pro tempore. We have a guest with us today.

Representative Steve Nickol has here as his guest Debra Hoff. Deb is currently attending Penn State Harrisburg and is serving as an intern in his office. It does not say where Deb is. Is she— Would you please rise, Deb? Welcome to the hall of the House.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2623, PN 4116**, entitled:

An Act amending the act of September 30, 1985 (P.L.240, No.61), known as the Turnpike Organization, Extension and Toll Road Conversion Act, further providing for definitions and for functions of the Pennsylvania Turnpike Commission; and providing for enforcement related to electronic toll collection.

On the question,

Will the House agree to the bill on third consideration?

Mr. VITALI offered the following amendment No. **A4142**:

Amend Title, page 2, line 27, by removing the period after "collection" and inserting

and for a study by the Legislative Budget and Finance Committee.

Amend Bill, page 13, by inserting between lines 3 and 4

Section 4. (a) The Legislative Budget and Finance Committee shall conduct a study of the following:

(1) The feasibility of consolidating the Pennsylvania Turnpike Commission with the Department of Transportation.

(2) Competitive bidding of bonds issued by the Pennsylvania Turnpike Commission.

(3) Eliminating patronage practices in filling positions within the Pennsylvania Turnpike Commission and including these positions within the classified service under the act of August 5, 1941 (P.L.752, No.286), known as the Civil Service Act.

(4) Contracting procedures and practices.

(b) The results of the study, including the recommendations of the Legislative Budget and Finance Committee, shall be completed and made available to the General Assembly within six months after the effective date of this section.

Amend Sec. 4, page 13, line 4, by striking out "4" and inserting

5

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

Mr. Speaker, what amendment 4142 does is simply create a study of the feasibility of consolidating the Pennsylvania Turnpike Commission into the Pennsylvania Department of Transportation. It authorizes the Legislative Budget and Finance Committee to look at this issue for 6 months and then report back to the General Assembly.

Perhaps there are some efficiencies and economies we can achieve by this. Specifically, the amendment talks about the issues, in addition to consolidation, the issues of hiring, the issues of contract issuance, the issues of bidding out bond work and so forth.

The turnpike has come under criticism over the years for some of its practices. There have been accusations made. This would be an opportunity to simply look at the issue from a group which is known for its nonpartisanship and evenhandedness to see if we can improve things for the citizens of the Commonwealth, because they are entitled to transportation at the cheapest possible cost. Tolls on the Pennsylvania Turnpike are one of the highest in the nation.

They are entitled to convenience. The whole toll process, as opposed to other nontoll interstate roads, causes turnpike users to spend more time in the whole toll process. There have been accusations of favoritism in hiring, and all citizens of Pennsylvania have the right to an even shot at any government-paid-for job as well as they have a right to government contracts.

So this is simply a chance in a very calm, intelligent way to reexamine this issue which has come up over the years. So it is simply a study, and I ask that the members of just this General Assembly allow the Legislative Budget and Finance Committee to study this issue. Thank you.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Montgomery County, Mr. McGill.

Mr. MCGILL. Thank you, Mr. Speaker.

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

This piece of legislation has been reviewed by the members on both sides of the aisle, and we are winding down in this session, and I would ask that it would go through with no amendments so that we can act on this piece of legislation. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Allegheny County, Mr. Trello, on the amendment.

Mr. TRELLO. Mr. Speaker, I also rise to oppose this amendment.

I have been coming up to Harrisburg for approximately 26 years, and in the wintertime when we have a lot of snow on the ground, I might have a tough time getting to the turnpike, but once I get there, I know it is smooth sailing all the way to Harrisburg. I think the work they do there is commendable—the Turnpike Commission—and some of the decisions and the improvements that they make are second to none. And to have any thought of combining them with the Department of Transportation, although they have a much larger scale of roads to take care of, I think is unthinkable, and for that reason I ask for a negative vote on this amendment. Thank you.

The SPEAKER pro tempore. The Chair sees no other members seeking recognition. Mr. Vitali, do you want a second crack at it?

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

The following roll call was recorded:

YEAS—42

Bebko-Jones	Haluska	McIlhattan	Steelman
Bishop	Hutchinson	Melio	Steil
Buxton	Josephs	Metcalf	Stetler
Casorio	Kaiser	Pesci	Tigue
Cawley	Kirkland	Pistella	Vitali
Cohen, M.	Krebs	Readshaw	Washington
Coy	LaGrotta	Robinson	Williams
Curry	Laughlin	Sainato	Wojnaroski
Evans	Levdansky	Samuelson	Yewcic
Freeman	Lucyk	Scrimenti	Yudichak
George	Manderino		

NAYS—148

Adolph	Egolf	Markosek	Saylor
Allen	Fairchild	Marsico	Schroder

Argall	Fargo	Masland	Schuler
Armstrong	Feese	Mayernik	Semmel
Baker	Fichter	McCall	Shaner
Bard	Fleagle	McGechan	Smith, B.
Barley	Flick	McGill	Smith, S. H.
Barrar	Forcier	McIlhinney	Snyder
Bastian	Frankel	McNaughton	Solobay
Battisto	Gannon	Michlovic	Stern
Belardi	Geist	Micozzie	Stevenson
Belfanti	Gladeck	Miller, R.	Strittmatter
Benninghoff	Godshall	Miller, S.	Sturla
Birmelin	Gordner	Mundy	Surra
Blaum	Grucela	Myers	Tangretti
Browne	Gruitza	Nailor	Taylor, E. Z.
Butkovitz	Habay	Nickol	Taylor, J.
Caltagirone	Hanna	O'Brien	Thomas
Carn	Harhai	Oliver	Travaglio
Chadwick	Harhart	Orie	Trello
Civera	Hasay	Perzel	True
Clark	Hennessey	Petrarca	Tulli
Clymer	Herman	Petrone	Vance
Cohen, L. I.	Hershey	Phillips	Van Horne
Colafella	Hess	Pippy	Veon
Cornell	Horsey	Raymond	Walko
Corrigan	Jadlowiec	Reinard	Wansacz
Costa	James	Rieger	Waters
Dailey	Keller	Roberts	Wilt
Daley	Kenney	Roebuck	Wogan
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Youngblood
Dempsey	Lescovitz	Ross	Zimmerman
Dermody	Lynch	Rublely	Zug
DeWeese	Maher	Ruffing	
DiGirolo	Maitland	Santoni	
Donatucci	Major	Sather	Ryan, Speaker
Eachus	Mann		

NOT VOTING—0

EXCUSED—10

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca	Preston		

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

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

Mr. SOLOBAY offered the following amendment No. A4410:

Amend Title, page 2, line 24, by striking out "and" and inserting a comma

Amend Title, page 2, line 25, by inserting after "Commission" and for collection and disposition of tolls

Amend Bill, page 6, by inserting between lines 6 and 7

Section 3. Section 16 of the act is amended by adding a subsection to read:

Section 16. Collection and disposition of tolls and other revenue.

(a.1) Restrictions on tolls.—Tolls for motorcycles, as defined by 75 Pa.C.S. § 102 (relating to definitions), shall be limited to no more than one-half of the lowest rate tolls for passenger cars, as defined by 75 Pa.C.S. § 102.

Amend Sec. 3, page 6, line 7, by striking out "3" and inserting
4
Amend Sec. 4, page 13, line 4, by striking out "4" and inserting
5

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

The SPEAKER pro tempore. Those in favor of the amendment will vote "aye"; those opposed— The gentleman, Mr. McGill, is recognized on the Solobay amendment.

Mr. MCGILL. Thank you, Mr. Speaker.

I would again ask for a "no" vote on this particular amendment.

This would impact the bond rating of the Pennsylvania Turnpike Commission. It does not have anything to do with this particular piece of legislation and in fact will impact the turnpike authority detrimentally.

Thank you.

The SPEAKER pro tempore. Mr. Solobay, you are now seeking recognition?

Mr. SOLOBAY. Yes, please, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. SOLOBAY. Thank you, Mr. Speaker.

Basically, this amendment is going to provide for those motorcycle riders on our toll roads to pay half the normal cost. They do cause half the wear and tear in most cases than a normal automobile, and it is somewhat discriminatory to them if it costs them the full charge, and I do ask for an affirmative vote on this amendment. Thank you.

The SPEAKER pro tempore. The gentleman, Mr. Maher, is recognized on the amendment.

Mr. MAHER. Mr. Speaker, I would like to join with the gentleman from Washington County in corresponding with the Turnpike Commission and encouraging them to embrace this point of view, which I think has a lot of merit. But I would observe that this body has never attempted to micromanage the toll-setting process on the turnpike, and I would be loath for us to get into that business ourselves.

Thank you, Mr. Speaker.

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

(Members proceeded to vote.)

Mr. DeWEESE. Mr. Speaker, the 10-minute rule?

The SPEAKER pro tempore. We have got a couple minutes left, a couple minutes.

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

The following roll call was recorded:

YEAS—95

Battisto	Evans	Mann	Scrimenti
Bebko-Jones	Frankel	Markosek	Shaner
Belardi	Freeman	Mayernik	Solobay
Belfanti	George	McCall	Steelman
Bishop	Gordner	McGeehan	Stetler
Blaum	Grucela	Melio	Sturla
Butkovitz	Gruitza	Michlovic	Surra

Buxton	Haluska	Mundy	Tangretti
Caltagirone	Hanna	Myers	Thomas
Carn	Harhai	Oliver	Travaglio
Casorio	Horsey	Pesci	Trello
Cawley	James	Petrarca	Van Horne
Cohen, M.	Josephs	Petrone	Veon
Colafella	Kaiser	Pistella	Vitali
Corrigan	Keller	Readshaw	Walko
Costa	Kirkland	Rieger	Wansacz
Coy	LaGrotta	Roberts	Washington
Curry	Laughlin	Robinson	Waters
Daley	Lawless	Roebuck	Williams
DeLuca	Lederer	Rooney	Wojnaroski
Dermody	Lescovitz	Ruffing	Yewcic
DeWeese	Levdansky	Sainato	Youngblood
Donatucci	Lucyk	Samuelson	Yudichak
Eachus	Manderino	Santoni	

NAYS—95

Adolph	Feese	Marsico	Schroder
Allen	Fichter	Masland	Schuler
Argall	Fleagle	McGill	Semmel
Armstrong	Flick	McIlhattan	Smith, B.
Baker	Forcier	McIlhinney	Smith, S. H.
Bard	Gannon	McNaughton	Snyder
Barley	Geist	Metcalfe	Steil
Barrar	Gladeck	Micozzie	Stern
Bastian	Godshall	Miller, R.	Stevenson
Benninghoff	Habay	Miller, S.	Strittmatter
Birmelin	Harhart	Nailor	Taylor, E. Z.
Browne	Hasay	Nickol	Taylor, J.
Chadwick	Hennessey	O'Brien	Tigue
Civera	Herman	Orie	True
Clark	Hershey	Perzel	Tulli
Clymer	Hess	Phillips	Vance
Cohen, L. I.	Hutchinson	Pippy	Wilt
Cornell	Jadlowiec	Raymond	Wogan
Dailey	Kenney	Reinard	Wright
Dally	Krebs	Rohrer	Zimmerman
Dempsey	Lynch	Ross	Zug
DiGirolamo	Maher	Rubley	
Egolf	Maitland	Sather	Ryan, Speaker
Fairchild	Major	Saylor	
Fargo			

NOT VOTING—0

EXCUSED—10

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca	Preston		

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

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

Mr. DeWEESE. Mr. Speaker?

The SPEAKER pro tempore. Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, I would just like the record to show that after the warrior elders of the Republican Party raised our gas taxes and after the initial vote went up today when Democrats stood shoulder to shoulder with our brothers and sisters who ride motorcycles across this State, the high-water mark of the votes was 107. We had enough votes to make sure that every motorcycle rider in Pennsylvania got a break on the

Pennsylvania Turnpike, paid half fare. Two wheels; makes sense. All the shrinkage from 107 down to 95 was from the Republican ranks.

So allow the record to show, Mr. Speaker, especially to the tens and tens of thousands of motorcycle riders in this State, that the GOP, the Republican Party in the House of Representatives, kept them from getting a break on the Pennsylvania Turnpike.

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

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

The question is, shall the bill pass finally?

On that question, the Chair recognizes the gentleman from Lawrence County, Mr. Sainato.

Mr. SAINATO. Thank you, Mr. Speaker.
I have a question for the maker of the bill.

The SPEAKER pro tempore. The gentleman, Mr. McGill, indicates that he will stand for interrogation. You are in order and may proceed.

Mr. SAINATO. Mr. Speaker, I just have a question. With the E-ZPass system, does it have a mechanism for a reduction for people who use the E-ZPass system?

Mr. MCGILL. No.

Mr. SAINATO. No? Could they do it if they foresee to do that?

Mr. MCGILL. There could be a toll differential in the future.

Mr. SAINATO. But under this bill there is no reduction if people use the E-ZPass system.

Mr. MCGILL. No, and I think the reason was there is an initial startup that is extremely expensive to do the work through all the tollbooths, and if they will use it in the future, that is up to them.

Mr. SAINATO. Okay.

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

The SPEAKER pro tempore. The gentleman is in order.

Mr. SAINATO. Mr. Speaker, I think this is an important day for the Pennsylvania Turnpike Commission, but I am a little bit — I am more than a little bit — I am very disturbed that we really are not following the lead of other States that are using the E-ZPass system with a reduction. If you go into New Jersey and you use the E-ZPass system, people who use it get a reduction in their toll rates. In New York I think it is the same thing.

As a previous speaker had said, we probably have one of the highest cost-per-mile turnpikes in the nation. I have been pushing for 6 years for turnpike equalization in this Commonwealth. I have a toll road which is part of the turnpike system right in Lawrence County, Route 60. My colleague, Mr. Petrarca, has one near his district and so does Mr. Casorio. We have to pay 2 1/2 times the turnpike rate to drive 16 miles in Lawrence County.

This would be a great opportunity, and I hope the message is being sent to the Turnpike Commission, that through the E-ZPass system, which this bill is dealing with, we should have some relief for the people of this State and for Lawrence County and Westmoreland County and other places that have these supplemental toll roads, because to charge 9.1 cents a mile is

the highest in the nation. It is so bad in Lawrence County, if you get on one exit and off the other exit, you have to pay \$1 to go 3 miles. That is 33 cents a mile. Under E-ZPass, very easily we could charge per mile, and that was an idea that I had heard a few years back when I actually talked to the Turnpike Commission.

So I think this is something, Mr. Speaker, that needs to be looked at. We are going to pass this today because I think E-ZPass has a lot of merit because it has that ability to reduce rates. You could charge per mile to the people who use the main line as well as the turnpike system.

I still have my bill and I am going to reintroduce it next session of the legislature for equal toll rates throughout the Commonwealth, because I think it needs to be done. It is unfair to the people of Lawrence County, it is unfair to the people of Westmoreland County, and it is unfair to people who have these supplemental toll roads and they have got to pay 2 1/2 times the turnpike rate.

So I am going to support E-ZPass today, but I am very disappointed to hear that there is no reduction for those who are going to use it, because the turnpike system is going to save money; it is going to save money.

So we need to look at that. I encourage the turnpike system to use E-ZPass, to find ways to help the supplemental roads such as Route 60 and the other supplements throughout this Commonwealth, and to encourage people to use it, have a reduction. If it is good enough for New Jersey and it is good enough for New York, why do we have to always be the highest in the nation, Mr. Speaker? I am very sorry to hear that, because this is a State where we are supposed to have lower taxes and lower tolls. We should not have the highest toll rates in the nation, and I encourage my friends to support this, but we need to send a message for the future. We need to do something about our toll rates in Pennsylvania, especially the supplements.

Thank you, Mr. Speaker.

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds its announcement that HB 2623 has been agreed to for the third time. The Chair hears no objection.

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

MOTION TO RECONSIDER AMENDMENT A4410

The SPEAKER pro tempore. The Chair is in receipt of a reconsideration motion filed by the gentleman, Mr. Solobay, who moves that the vote by which amendment 4410 was defeated be reconsidered.

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

The SPEAKER pro tempore. On the reconsideration motion, the Chair recognizes the majority leader.

Mr. PERZEL. Thank you, Mr. Speaker.

Mr. Speaker, all the minority leader has to do is to drive down to the southeast to exists 23, 24, 25, 26, 27, 28 and see the

lines of cars early in the morning and early in the evening to understand that this is a major problem. We need to get this E-ZPass resolved so we can get it back to the Senate so it can be passed by December 1.

I would urge the members to cast a “no” vote so that we can get E-ZPass set up and started for all of our friends and neighbors in the southeast.

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

The following roll call was recorded:

YEAS—90

Battisto	Evans	Mayernik	Shaner
Bebko-Jones	Frankel	McCall	Solobay
Belardi	Freeman	Melio	Steelman
Belfanti	George	Michlovic	Stetler
Bishop	Gordner	Mundy	Sturla
Blaum	Grucela	Myers	Surra
Buxton	Gruitza	Oliver	Tangretti
Caltagirone	Haluska	Pesci	Thomas
Carn	Hanna	Petrarca	Tigue
Casorio	Harhai	Petrone	Travaglio
Cawley	Horsey	Pistella	Trello
Cohen, M.	James	Readshaw	Van Horne
Colafella	Josephs	Rieger	Veon
Corrigan	Kaiser	Roberts	Vitali
Costa	Kirkland	Robinson	Walko
Coy	LaGrotta	Roebuck	Wansacz
Curry	Laughlin	Rooney	Washington
Daley	Lescovitz	Ruffing	Williams
DeLuca	Levdanskyy	Sainato	Wojnaroski
Dermody	Lucyk	Samuelson	Yewcic
DeWeese	Manderino	Santoni	Youngblood
Donatucci	Mann	Scrimenti	Yudichak
Eachus	Markosek		

NAYS—93

Adolph	Feese	Major	Schroder
Allen	Fichter	Marsico	Schuler
Argall	Fleagle	Masland	Semmel
Armstrong	Flick	McGill	Smith, B.
Baker	Forcier	McLhattan	Smith, S. H.
Bard	Gannon	McIlhinney	Snyder
Barley	Geist	McNaughton	Steil
Barrar	Gladeck	Metcalfe	Stern
Bastian	Godshall	Micozzie	Stevenson
Benninghoff	Habay	Miller, R.	Strittmatter
Birmelin	Harhart	Miller, S.	Taylor, E. Z.
Browne	Hasay	Nailor	Taylor, J.
Chadwick	Hennessey	Nickol	True
Civera	Herman	O'Brien	Tulli
Clymer	Hershey	Orie	Vance
Cohen, L. I.	Hess	Perzel	Wilt
Cornell	Hutchinson	Phillips	Wogan
Dailey	Jadlowiec	Pippy	Wright
Dally	Kenney	Raymond	Zimmerman
Dempsey	Krebs	Reinard	Zug
DiGirolamo	Lawless	Ross	
Egolf	Lynch	Rublely	
Fairchild	Maher	Sather	Ryan,
Fargo	Maitland	Saylor	Speaker

NOT VOTING—7

Butkovitz	Keller	McGeehan	Waters
Clark	Lederer	Rohrer	

EXCUSED—10

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca	Preston		

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

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

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

The question is, shall the bill pass finally?

Now, on the question of final passage, the Chair recognizes the lady from Montgomery County, Ms. Williams.

Ms. WILLIAMS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to urge the passage of this bill.

As a Democratic cosponsor of the bill and as the representative of turnpike exit 24, Valley Forge, I think that for the health and well-being of southeastern Pennsylvania and for the State, the fact that people will be able to get on and off the turnpike in an expeditious way is very important.

I understand what my colleague was speaking about when we talked about the high cost of the tolls, and I know that New Jersey has just lowered. New Jersey has had E-ZPass for a while, but they have just now lowered their cost, and I hope that we could do that one day. Right now, you know, time is money, and people are spending an hour to get off the turnpike at Valley Forge in the morning.

I think this will be a tremendous boon to the Commonwealth. I look forward to the expansion of it to western Pennsylvania, and I urge all of your votes. Thank you very much.

The SPEAKER pro tempore. On final passage, the gentleman from Berks County, Mr. Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I have a couple comments, and then I would like to interrogate the maker, if I could.

I think we are going to pass this bill, obviously, today. The movement to the E-ZPass system makes sense, I think, and is a good use for advanced technology, but there is a section in the bill that has some concern for me that I know that if it is not dealt with, we will be standing here a couple of years from now raising questions about it.

So I would like to ask, if I could, the maker of the bill to stand for interrogation, please.

The SPEAKER pro tempore. The gentleman, Mr. McGill, indicates that he is willing to stand for interrogation. You are in order and may proceed.

Mr. ROHRER. Mr. Speaker, the first question I would have, because we have gone through some of this in caucus and I just think it is important for the record, is, first of all, some of the information that we have gotten says that this bill is not even necessary in order to implement the system, and specifically the piece that is in it on page 9, paragraph (5), where it talks about the photographing of the automobiles that are going through,

that this is the section, that is at least one of them, that requires adoption of law in order to make it lawful. Could you tell me whether or not that is true, and if it is true, why we have to have law or why we are passing law to make this a lawful action?

Mr. MCGILL. Thank you, Mr. Speaker.

That particular issue of the photographing is necessary. We have heard that it is not necessary, and there are some States, and the Delaware River Port Authority to be exact does not have that and is currently going through a horrendous problem with people who are just blowing through the tolls and they have no recourse to go and collect those funds. What we have done is put into the legislation that it would simply be the photograph of the license plate on the rear of the car. We are not trying to get pictures of vehicles as they come and go. We are simply trying to get the rear license plate, and also, as part of the application when you fill out your application for E-ZPass, you acknowledge that there will be photographic equipment there to take a picture of the rear section of your car, the license plate in particular, if there is a problem.

Mr. ROHRER. Okay. Thank you, Mr. Speaker.

But more precisely, what is it, what protection do we as citizens of the Commonwealth now have that would be violated if law did not allow photographing of personal automobiles?

Mr. MCGILL. None.

Mr. ROHRER. Then why are we doing it?

Mr. MCGILL. Because we have no access to collect if someone goes through the toll. So we need the proof in order to go after the people who are in violation of the law.

Mr. ROHRER. So are you saying that the reason that we are putting this in the bill is strictly and only for the collection of tolls by people who ran through the exit essentially without paying?

Mr. MCGILL. Absolutely.

Mr. ROHRER. Okay.

Another question. Can you confirm or deny at this point whether or not the turnpike is already photographing vehicles when they exit or on-ramp the turnpike?

Mr. MCGILL. No, I cannot.

Mr. ROHRER. Okay. Now, we heard in caucus from a member that in fact this has been and is being done, and a couple of individuals were caught by so doing under photographic equipment by the turnpike, so—

Mr. MCGILL. Well, you asked me to confirm it, and I cannot.

Mr. ROHRER. Okay. I understand. Okay. I understand what you are saying there.

All right. One other question here. If this law is passed and the photography takes place, who is it that is photographed? Every person who goes through the booth or only the person who does not pay and attempts to escape?

Mr. MCGILL. Every vehicle, every vehicle that goes through the E-ZPass lanes, will be photographed as acknowledged by the individuals who purchase the E-ZPass monitor and sign the form. Yes, they will be. The person will not be photographed. As I said, the vehicle, the rear license plate of the vehicle, will be.

Mr. ROHRER. Okay. Now, I understand you are saying the license plate only, but from reading the bill, there is nothing in here that says only the license plate is photographed.

Mr. MCGILL. Yes, there is.

Mr. ROHRER. Okay. Could you show me where that is, please?

Mr. MCGILL. Mr. Speaker, I am on page 3 of the bill under "Violation enforcement system." "A vehicle sensor, placed in a location to work in conjunction with a toll collection facility, which automatically produces a videotape, or photograph, microphotograph or other recorded image of the rear portion of each vehicle at the time the vehicle is used or operated in violation of the toll..." It is simply the rear section of the vehicle that is photographed, in particular that license plate.

Mr. ROHRER. Okay. Thank you, Mr. Speaker.

And one last question and we are done. Again, all this is for the record just so we understand what is happening.

When the photograph is taken, what is the procedure for maintaining it, for destruction of that record? How long is it maintained? Where is it maintained?

Mr. MCGILL. It is my understanding that the videotapes that will be used in this process will be one of those continuous tapes which will last approximately, approximately 1 week, Mr. Speaker.

Mr. ROHRER. So are you saying then that records will be kept only for 1 week?

Mr. MCGILL. That is an approximate estimate on my part, Mr. Speaker.

Mr. ROHRER. Okay. All right. And then I guess I see I do have one other question. I am sorry, but this is clarification.

Again on page 9, under paragraph (5), it says, "...all videotapes, photographs, microphotographs, other recorded images..." Can you give me an idea of what is meant by those? I mean, are we taking pictures? Are we taking videotapes? What exactly are we doing, or do we not know?

Mr. MCGILL. Mr. Speaker, we have left it to the option, as technology changes, to allow the Turnpike Commission to utilize what is available to get a shot of the rear section of the vehicle, and it prevents us from having to come back at a future date and change the legislation to incorporate new technology.

Mr. ROHRER. Okay. Thank you.

Mr. Speaker, I am done with my interrogation. I would like to comment, please.

The SPEAKER pro tempore. On final passage, go ahead.

Mr. ROHRER. Okay. I appreciate the maker of the bill for answering those questions. I think they are important. Other States who have adopted systems like this have gone through the same kinds of consideration. European countries have done a tremendous amount of photography work with traffic for a lot of different reasons, and in many places it has really run afoul of privacy rights — identifying things within the car, using the information for purposes other than for which it was specifically collected, which, in this case, would be to prove a person ran through an exit booth without paying.

Information when it is put on tape can become very, very valuable to the right people against the right people if it happens to show something a little bit more than they caught on the license plate, and that was my concern for asking the questions. And I am not quite sure I can say that I am totally confident that there are enough protections placed within this bill, and I call upon the department to do some further restrictions on this information to make sure that it is in fact only used for the purpose intended.

So I appreciate it and want to thank the members.

The SPEAKER pro tempore. On final passage, the Chair recognizes the gentleman from Philadelphia County, Mr. Horsey.

Mr. HORSEY. Thank you, Mr. Speaker.

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

The SPEAKER pro tempore. Mr. McGill indicates that he is willing to stand for interrogation. You may proceed.

Mr. HORSEY. Mr. Speaker, a gentleman runs through E-ZPass without paying. What type of offense is it? Is it a Title 75 offense?

Mr. MCGILL. It is not a moving violation.

Mr. HORSEY. It is not?

Mr. MCGILL. No, sir.

Mr. HORSEY. There are no points involved or any of that?

Mr. MCGILL. No, sir.

Mr. HORSEY. Would you tell me, if someone refuses to pay, what is the penalty?

Mr. MCGILL. It would be similar to a parking ticket.

Mr. HORSEY. Which means? Would you go in depth to it when you say a parking ticket? Is that comparable to a summary offense? Where will I find it in the statute, because parking tickets are found under Title 75 and they are listed, I think, under Title 18 as summary offenses, Mr. Speaker. Maybe not in Philadelphia, but in the rest of the State it is. It is a summary offense, I do believe.

Mr. MCGILL. Mr. Speaker, the way that the legislation is written is there is an administrative fee, and that administrative fee is not to exceed \$35 per notification. I believe, and again I am not an attorney, but I believe that if you fail to acknowledge the notification, that becomes a summary offense, but initially this is an administrative fee as part of the legislation as written.

Mr. HORSEY. It is listed in the— You are creating it as an Administrative Code violation?

Mr. MCGILL. Correct.

Mr. HORSEY. So that the person will not have to worry about losing his license after a period of time of not paying these fees. I am just trying to figure out what is the enforcement arm for this if someone continues to go through E-ZPass? What? Are you going to take his license? Not let him— I need to know again, Mr. Speaker, what is the enforcement arm if someone— If someone accumulates \$10,000 from running through E-ZPass, how do we enforce them? We do not give them E-ZPass anymore?

Mr. MCGILL. Mr. Speaker, this would be treated like any other bill you do not pay. There is nothing in it that would take your license away. If you do not pay for flowers that you send to someone, they could go after you to get that. This is the same. It is an administrative fee.

Mr. HORSEY. Yes, he did say that. Nice guy.

Well, Mr. Speaker, that can go on your credit. You can be cited in the court and arrested, Mr. Speaker, under certain conditions.

I am not going to vote for this bill, because it is not clear. You could violate someone's privacy rights with this bill. In this country, whether it is administratively, Mr. Speaker, or judicially, when someone commits a crime, we indict and prosecute that person, and with this bill, Mr. Speaker, a person may not be driving the car who went through the E-ZPass and in return, you know, we are prosecuting him because he is the owner of the car.

I am opposed to that, Mr. Speaker, and I will vote "no" on this particular bill. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On final passage, the Chair recognizes the gentleman from Butler County, Mr. Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

If I could interrogate the maker of the bill, just a couple of questions.

The SPEAKER pro tempore. Mr. McGill stands at the ready. You are recognized.

Mr. METCALFE. I apologize if I might cover some of the same ground that the gentleman from Berks County already covered, but I just wanted to make sure that I was clear and everyone else was clear as to the content of the bill.

The concerns that I initially had were regarding the collection of information from vehicles with the videotaping and that being a continuous mechanism, one that was not just being alerted when someone would try and evade the tollbooth, and we have discussed that, as you know, prior to this conversation.

The video collection system that is being proposed here is something new to our highways in Pennsylvania.

Mr. MCGILL. Correct.

Mr. METCALFE. And our passing this legislation is enabling legislation so that we can use videotaping from a stationary setting, which we have not allowed for in law before in Pennsylvania.

Mr. MCGILL. That is correct.

Mr. METCALFE. Okay. Because I had had reports to my office earlier this year that—

Mr. MCGILL. For enforcement.

Mr. METCALFE. For enforcement. Okay.

So I guess another question, of which you might not have the answer, but do we currently have statutory language that allows for videotaping devices to be used from a stationary point on our highways for something other than enforcement? Have we enabled the State Police or the Turnpike Commission? You might not be able to answer that.

Mr. MCGILL. I do not know that answer, sir.

Mr. METCALFE. Okay. Thank you.

Just to kind of— I mean, we discussed this issue, as my office had tried to contact some of our agencies this summer, because I had a report to my office that we had been using videotaping devices on some of our interstates, and when I tried to get an answer, I was told they could not confirm it one way or the other, and when I tried to do some research with our staff here in the House, they could not provide me with language where it was authorized. So I had assumed when I read this bill initially, while we have not authorized it in the law before, so now we are going to authorize the use of videotaping by an agency. Now, whether that is for enforcement or monitoring or other, which I would be opposed to as far as monitoring, and I was opposed to it, as we discussed this, until I was able to get ahold of the contract that is provided when someone signs up with E-ZPass. In that contract at the bottom of the terms it states that you acknowledge and understand that you and your vehicle may be videotaped while you are on the PTC (Pennsylvania Turnpike Commission) and other E-ZPass agency roadway systems.

With that, I appreciate your entertaining my questions.

I just have a couple of comments, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is in order.

Mr. METCALFE. I would first like to commend the maker of the bill on his diligence with making sure that there is a lot of protection that is built into the bill in way of protecting privacy, and we had discussed how the concern was to just have it focus on the rear of the vehicle, just on the license plate, and that the questions that were answered, as the gentleman from Berks County posed questions to the maker, that the information would be something that would not be kept long-term but only short-term to make sure that we can enforce anyone, enforce the law to make sure anyone who tried to evade the toll would have to pay the toll.

But I also, with the gentleman from Berks County, urge the agency and urge our legislative body to keep a watchful eye on this legislation and future pieces of legislation. I think the E-ZPass is a great system. I think it is going to do a lot to utilize technology to make our roadways much more efficient and help us to move through those areas much faster that are now experiencing congestion. So it is going to go a long way to help our residents in Pennsylvania and those who travel through Pennsylvania.

But I believe that we need to keep a watchful eye to make sure that we do not have problems arise from this, as we have seen in the past, and the language is certainly there to protect our citizens' privacy, and we need to make sure that we are diligent in making sure that the language is enforced and that we do not see any violations of privacy where this information may ever be used for some other purpose than pursuing someone who might have tried to evade the tollbooths. With that, thank you, Mr. Speaker.

The SPEAKER pro tempore. On final passage, the Chair recognizes the lady from Montgomery County, Ms. Bard.

Ms. BARD. Thank you, Mr. Speaker.

As a member of the Transportation Committee and a legislator from Montgomery County, I would like to commend the Turnpike Commission for moving forward with this modernization of the system. Certainly I would expect that the traffic jams that are often accounted at the tollbooths currently will be alleviated, and this should be a major step to help our commuters. Sixty-four percent of turnpike commuters travel this section that will be serviced by E-ZPass starting December 2, and so I expect this will be a major help to those commuters.

Thank you very much, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—189

Adolph	Fairchild	Mann	Schroder
Allen	Fargo	Markosek	Schuler
Argall	Feese	Marsico	Scrimenti
Armstrong	Fichter	Masland	Semmel
Baker	Fleagle	Mayermik	Shaner
Bard	Flick	McCall	Smith, B.
Barley	Forcier	McGeehan	Smith, S. H.
Barrar	Frankel	McGill	Snyder
Bastian	Freeman	McLhattan	Solobay
Battisto	Gannon	McIlhinney	Steelman
Bebko-Jones	Geist	McNaughton	Steil
Belardi	George	Melio	Stern
Belfanti	Gladeck	Metcalfe	Stetler

Benninghoff	Godshall	Michlovic	Stevenson
Birmelin	Gordner	Micozzie	Strittmatter
Bishop	Grucela	Miller, R.	Sturla
Blaum	Gruitza	Miller, S.	Surra
Browne	Habay	Mundy	Tangretti
Butkovitz	Haluska	Myers	Taylor, E. Z.
Buxton	Hanna	Nailor	Taylor, J.
Caltagirone	Harhai	Nickol	Thomas
Cam	Harhart	O'Brien	Tigue
Casorio	Hasay	Oliver	Travaglio
Cawley	Hennessey	Orie	Trello
Chadwick	Herman	Perzel	True
Civera	Hershey	Pesci	Tulli
Clark	Hess	Petrarca	Vance
Clymer	Hutchinson	Petrone	Van Horne
Cohen, L. I.	Jadlowiec	Phillips	Veon
Cohen, M.	James	Pippy	Vitali
Colafella	Josephs	Pistella	Walko
Cornell	Kaiser	Raymond	Wansacz
Corrigan	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Williams
Curry	Krebs	Roberts	Wilt
Dailey	LaGrotta	Robinson	Wogan
Daley	Laughlin	Roebuck	Wojnaroski
Dally	Lawless	Rohrer	Wright
DeLuca	Lederer	Rooney	Yewcic
Dempsey	Lescovitz	Ross	Youngblood
Dermody	Levdansky	Rubley	Yudichak
DeWeese	Lucyk	Ruffing	Zimmerman
DiGiolamo	Lynch	Sainato	Zug
Donatucci	Maher	Samuelson	
Eachus	Maitland	Santoni	
Egolf	Major	Sather	Ryan,
Evans	Manderino	Saylor	Speaker

NAYS—1

Horsley

NOT VOTING—0

EXCUSED—10

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca	Preston		

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

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

CONSIDERATION OF HB 2286 CONTINUED

The SPEAKER pro tempore. Turn to page 5 of today's calendar. HB 2286, PN 3694.

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

(Amendment A4391, offered earlier by Mr. George, was withdrawn.)

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

Adolph	Fairchild	Manderino	Saylor
Allen	Fargo	Mann	Schroder
Argall	Feese	Markosek	Schuler
Armstrong	Fichter	Marsico	Scrimenti
Baker	Fleagle	Masland	Semmel
Bard	Flick	Mayernik	Shaner
Barley	Forcier	McCall	Smith, B.
Barrar	Frankel	McGeehan	Smith, S. H.
Bastian	Freeman	McGill	Snyder
Battisto	Gannon	McIlhattan	Solobay
Bebko-Jones	Geist	McIlhinney	Steelman
Belardi	George	McNaughton	Steil
Belfanti	Gladeck	Melio	Stern
Benninghoff	Godshall	Metcalfe	Stetler
Birmelin	Gordner	Michlovic	Stevenson
Bishop	Grucela	Micozzie	Strittmatter
Blaum	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Butkovitz	Haluska	Mundy	Tangretti
Buxton	Hanna	Myers	Taylor, E. Z.
Caltagirone	Harhai	Nailor	Taylor, J.
Carn	Harhart	Nickol	Thomas
Casorio	Hasay	O'Brien	Tigue
Cawley	Hennessey	Oliver	Travaglio
Chadwick	Herman	Oric	Trello
Civera	Hershey	Perzel	True
Clark	Hess	Pesci	Tulli
Clymer	Horsey	Petrarca	Vance
Cohen, L. I.	Hutchinson	Petrone	Van Horne
Cohen, M.	Jadlowiec	Phillips	Veon
Colafella	James	Pippy	Vitali
Cornell	Josephs	Pistella	Walko
Corrigan	Kaiser	Raymond	Wansacz
Costa	Keller	Readshaw	Washington
Coy	Kenney	Reinard	Waters
Curry	Kirkland	Rieger	Williams
Dailey	Krebs	Roberts	Wilt
Daley	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright
Dempsey	Lederer	Rooney	Yewcic
Dermody	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rubley	Yudichak
DiGirolamo	Lucy	Ruffing	Zimmerman
Donatucci	Lynch	Sainato	Zug
Eachus	Maher	Samuelson	
Egolf	Maitland	Santoni	Ryan,
Evans	Major	Sather	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca	Preston		

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

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

RULES COMMITTEE MEETING

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

BILL ON CONCURRENCE
REPORTED FROM COMMITTEE

HB 1604, PN 4070

By Rep. PERZEL

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for recording plats and deeds, for applicability of ordinance amendments and for validity of ordinance and substantive questions.

RULES.

CONSIDERATION OF SB 712 CONTINUED

The SPEAKER pro tempore. Page 5 of today's calendar. SB 712, PN 2274.

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

Mr. GODSHALL offered the following amendment No. A4475:

Amend Title, page 1, line 15, by striking out "AND" and inserting a comma

Amend Title, page 1, line 15, by removing the period after "REQUIREMENTS" and inserting
and for water and sewer service to tenants.

Amend Sec. 1, page 1, lines 18 through 20, by striking out all of said lines and inserting

Section 1. Section 4A and B of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, amended or added June 12, 1947 (P.L.571, No.249), January 21, 1952 (1951 P.L.2188, No.626), August 24, 1953 (P.L.1338, No.381), May 31, 1957 (P.L.211, No.105), December 28, 1972 (P.L.1654, No.351), January 2, 1973 (1972 P.L.1740, No.375), April 10, 1980 (P.L.105, No.41), July 3, 1980 (P.L.360, No.91), December 19, 1980 (P.L.1290, No.230), February 18, 1982 (P.L.86, No.31), December 21, 1984 (P.L.1246, No.236), October 21, 1988 (P.L.1041, No.117), June 22, 1990 (P.L.236, No.54), November 21, 1990 (P.L.535, No.132), December 19, 1990 (P.L.1227, No.203) and December 19, 1990 (P.L.1396, No.217) and repealed in part November 26, 1978 (P.L.1399, No.330), are amended to read:

Amend Sec. 1 (Sec. 4), page 8, line 9, by striking out all of said line and inserting

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

(a) To have existence for a term of fifty years and for such further period or periods as may be provided in articles of amendment approved under subsection E of section three point two.

(b) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(c) To adopt, use and alter at will, a corporate seal.

(d) To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it.

(e) To acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair and operate projects.

(e.1) To finance projects by making loans, which may be evidenced by, and secured as may be provided in, loan agreements, mortgages, security agreements or any other contracts, instruments or agreements, which contracts, instruments or agreements may contain such provisions as the Authority shall deem necessary or desirable for the security or protection of the Authority or its bondholders.

(f) To make by-laws for the management and regulation of its affairs.

(g) To appoint officers, agents, employes and servants, to prescribe their duties and to fix their compensation.

(h) To fix, alter, charge and collect rates and other charges in the area served by its facilities at reasonable and uniform rates to be determined exclusively by it, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, and, in the case of an Authority created for the purpose of making business improvements or providing administrative services, a charge for such services which is to be based on actual benefits and which may be measured on among other things gross sales or gross or net profits, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, or with the municipality incorporating or municipalities which are members of said Authority or with any municipality, served or to be served by said Authority, and to determine by itself exclusively the services and improvements required to provide adequate, safe and reasonable service, including extensions thereof, in the areas served: Provided, That if the service area includes more than one municipality, the revenues from any project shall not be expended directly or indirectly on any other project, unless such expenditures are made for the benefit of the entire service area. Any person questioning the reasonableness or uniformity of any rate fixed by any Authority or the adequacy, safety and reasonableness of the Authority's services, including extensions thereof, may bring suit against the Authority in the court of common pleas of the county wherein the project is located, or if the project is located in more than one county then in the court of common pleas of the county wherein the principal office of the project is located. The court of common pleas shall have exclusive jurisdiction to determine all such questions involving rates or service. Except in municipal corporations having a population density of three hundred persons or more per square mile, all owners of real property in eighth class counties may decline, in writing, the services of a solid waste authority.

(h.1) In the case of an Authority which has agreed to provide water service through a separate meter and separate service line to a residential dwelling unit in which the owner does not reside, the owner shall be liable to pay the tenant's bill for service rendered to the tenant by the Authority only if the Authority notifies the owner and the tenant within thirty days after the bill first becomes overdue. Such notification shall be provided by first class mail to the address of the owner provided to the Authority by the owner and to the billing address of the tenant, respectively. Nothing herein shall be construed to require an Authority to terminate service to a tenant, provided that the owner shall not be liable for any service which the Authority provides to the tenant ninety or more days after the tenant's bill first becomes due unless the Authority has been prevented by court order from terminating service to that tenant.

(h.2) In the case of an Authority which has agreed to provide sewer service to a residential dwelling unit in which the owner does not reside, the Authority shall notify the owner and the tenant within thirty days after the tenant's bill for that service first becomes overdue.

Such notification shall be provided by first class mail to the address of the owner provided to the Authority by the owner and to the billing address of the tenant, respectively. Nothing herein shall be construed to relieve the owner of liability for such service unless the Authority fails to provide the notice required herein.

(i) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations (herein called "bonds") of the Authority, said bonds to have a maturity date not longer than forty years from the date of issue, except that no refunding bonds shall have a maturity date later than the life of the Authority, and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security for said bonds and the rights of the holders thereof, and in respect to any project constructed and operated under agreement with any Authority or any public Authority of any adjoining state, to borrow money and issue such notes, bonds and other evidences of indebtedness and obligations jointly with any such Authority. Notwithstanding any of the foregoing, no Authority shall borrow money on obligations to be paid primarily out of lease rentals or other current revenues other than charges made to the public for the use of the capital projects financed if the net debt of the lessee municipality or municipalities shall exceed any limit provided by any law of the Commonwealth.

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(k) Without limitation of the foregoing, to borrow money and accept grants from and to enter into contracts, leases or other transactions with any Federal agency, Commonwealth of Pennsylvania, municipality, school district, corporation or Authority.

(l) To have the power of eminent domain.

(m) To pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

(n) To do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority, to carry out the powers granted to it by this act or any other acts.

(o) To contract with any municipality, corporation, or any public Authority of this or any adjoining state, on such terms as the said Authority shall deem proper, for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state.

(p) To enter into contracts to supply water and other services to and for municipalities that are not members of the Authority, or to and for the Commonwealth of Pennsylvania, municipalities, school districts, persons or authorities, and fix the amount to be paid therefor.

(q) To make contracts of insurance with any insurance company, association or exchange authorized to transact business in the Commonwealth of Pennsylvania, insuring its employes and appointed officers and officials under an individual policy or policies of insurance covering life, accidental death and dismemberment, and disability income or under a policy or policies of group insurance covering life, accidental death and dismemberment, and disability income provided that statutory requirements for such group insurance, including but not limited to requisite number of eligible employes and/or appointed officers and officials, are met as provided for in section 621.2 of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921," and sections 1, 2, 6, 7 and 9 of the act of May 11, 1949 (P.L.1210, No.367).

To make contracts with any insurance company, association or exchange or any hospital plan corporation or professional health service corporation authorized to transact business in the Commonwealth of Pennsylvania, insuring or covering its employes and/or their dependents (but not its appointed officers and officials nor their dependents) for hospital and/or medical benefits; and to contract

for its employes (but not its appointed officers and officials) with any insurance company, association or exchange authorized to transact business in the Commonwealth of Pennsylvania granting annuities or to establish, maintain, operate and administer its own pension plan covering its employes (but not its appointed officers and officials).

For such purposes, to agree to pay part or all of the cost thereof including the premiums or charges for carrying such contracts, and to appropriate out of its treasury any money necessary to pay such costs, premiums or charges, or portions thereof. The proper officers of the authority having authority to enter into such contracts are hereby authorized, enabled and permitted to deduct from the officers' or employes' pay, salary or compensation such part of the premium or cost as is payable by the officer or employe and as may be so authorized by the officer or employe in writing.

(r) To charge the cost of construction of any sewer or water main constructed by the Authority against the properties benefited, improved or accommodated thereby to the extent of such benefits. Such benefits shall be assessed in the manner provided by section eleven of this act for the exercise of the right of eminent domain.

(s) To charge the cost of construction of any sewer or water main constructed by the Authority against the properties benefited, improved or accommodated thereby according to the foot front rule. Such charges shall be based upon the foot frontage of the properties so benefited, and shall be a lien against such properties. Such charges may be assessed and collected and such liens may be enforced in the manner provided by law for the assessment and collection of charges and the enforcement of liens of the municipality in which such Authority is located: Provided, That no such charge shall be assessed unless prior to construction of such sewer or water main the Authority shall have submitted the plan of construction and estimated cost to the municipality in which such project is to be undertaken, and the municipality shall have approved such plan and estimated cost: And provided further, That there shall not be charged against the properties benefited, improved or accommodated thereby an aggregate amount in excess of the estimated cost as approved by the municipality.

(s.1) To require the posting of financial security to insure the completion, in accordance with the approved plat and with the rules and regulations of the Authority, of any water mains or sanitary sewer lines, or both, and related apparatus and facilities, required to be installed by or on behalf of a developer pursuant to an approved land development or subdivision plat as such terms are defined in the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code." If financial security is required by the Authority, and without limitation as to other types of financial security which the Authority may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, if the bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond or other security shall provide for, and secure to the Authority, the completion of any improvements which may be required within one year from the date of posting of the security. The amount of financial security shall be equal to one hundred ten per centum of the cost of the required improvements for which financial security is to be posted. The cost of the required improvements shall be established by submission to the Authority of a bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Authority's engineer. If the party posting the financial security requires more than one year from the date of posting of such financial security to complete the required improvements, the amount of financial security may be increased by an additional ten per centum for each one-year period beyond the first anniversary date from the posting of financial security or to one hundred ten per centum of the cost of

completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. As the work of installing the required improvements proceeds, the party posting the financial security may request the Authority to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Authority, and the Authority shall have forty-five days from receipt of such request within which to allow the Authority engineer to certify, in writing, to the Authority that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Authority shall authorize release by the bonding company or lending institution of an amount as estimated by the Authority engineer fairly representing the value of the improvements completed or, if the Authority fails to act within said forty-five-day period, the Authority shall be deemed to have approved the release of funds as requested. The Authority may, prior to final release at the time of completion and certification by its engineer, require retention of ten per centum of the estimated cost of the aforesaid improvements. Where the Authority accepts dedication of all or some of the required improvements following completion, the Authority may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat and the Authority's rules and regulations for a term not to exceed eighteen months from the date of acceptance of dedication. Said financial security shall be of the same type as set forth in this clause with regard to installation of the improvements, and the amount of the financial security shall not exceed fifteen per centum of the actual cost of installation of the improvements. Any ordinance, resolution or statute inconsistent herewith is hereby expressly repealed.

(t) To charge certain enumerated fees to property owners who desire to or are required to connect to the Authority's sewer or water system. Such fees shall be based upon the duly adopted fee schedule at the time of payment and shall be payable at the time of application for connection or at such other time as the property owner and the authority agree or in the case of projects to serve existing development, such fees shall be payable at a time to be determined by the Authority. An Authority shall have the right to require that no capacity shall be guaranteed for a property owner or owners until such time as the tapping fees enumerated herein have, at the option of the Authority, been paid or secured by other financial security. The fees shall be in addition to any charges assessed against the property in the construction of a sewer or water main by the Authority in accordance with clauses (r) and (s) as well as any other user charges imposed by the Authority pursuant to clause (h) and shall not include costs included in the calculation of such fees.

(1) The fees may include some or all of the following fee components, which shall be separately set forth in the appropriate resolution of the Authority establishing such fees:

(i) Connection fee. A fee which shall not exceed an amount based upon the actual cost of the connection of the property extending from the Authority's main to the property line or curb stop of the property so connected. The Authority may also base such fee upon an average cost for previously installed connections of similar type and size. In lieu of the payment of the fees, an Authority may require the construction and dedication of those facilities by the property owner or owners requesting such connection.

(ii) Customer facilities fee. A fee which shall not exceed an amount based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served. The fee shall be chargeable only in the event that the Authority and not the property owner or owners installs the customer facilities. In lieu of the payment of the customer facilities fee, an Authority may require the construction of those facilities by the property owner or owners requesting customer facilities. In the case of water service, the fee may include the cost of a water meter and

installation if the Authority provides or installs the same. In any case where the property connected or to be connected with the sewer system of the Authority is not equipped with a water meter, the Authority may install such a meter at its own cost and expense; provided, however, that if the property is supplied with water from the facilities of a public water supply agency, the Authority shall not install such meter without the consent and approval of the public water supply agency.

(iii) Tapping fee. A fee which shall not exceed an amount based upon some or all of the following fee components, which shall be separately set forth in the appropriate resolution of the Authority establishing the fee. In lieu of the payment of the fee, an Authority may require the construction and dedication of only such capacity, distribution-collection or special purpose facilities necessary to supply service to the property owner or owners.

(A) Capacity part. A fee for capacity-related facilities which may not exceed an amount that is based upon the cost of such facilities, including, but not limited to, source of supply, treatment, pumping, transmission, trunk, interceptor and outfall mains, storage, sludge treatment or disposal, interconnection or other general system facilities. Such facilities may include those that provide existing service and/or those that will provide future service. The cost of existing facilities, which shall not include facilities contributed to the Authority by any person, government or agency, shall be based upon their replacement cost or upon historical cost trended to current cost using published cost indexes, or upon the historical cost plus interest and other financing fees paid on bonds financing such facilities. In the case of existing facilities, outstanding debt related to the facilities shall be subtracted from the cost, provided however, no debt shall be subtracted which is attributable to facilities exclusively serving new customers. In the case of facilities to be constructed or acquired, the cost of such facilities shall not exceed their reasonable estimated cost provided that any such facilities must be included in a duly adopted annual budget or a five-year capital improvement plan and the Authority has taken action in furtherance of said facilities such as the following:

- (I) obtained financing for the facilities;
- (II) entered into a contract obligating the Authority to construct or pay for the cost of construction of the facilities or its portion thereof in the event that multiple parties are constructing said facilities;
- (III) has obtained a permit for the facilities;
- (IV) has spent substantial sums or resources in furtherance of the facilities;
- (V) has entered into a contract obligating the Authority to purchase or acquire facilities owned by another;
- (VI) has prepared an engineering feasibility study specifically related to the facilities, which study recommends the construction of the facilities within a five-year period;
- (VII) has entered into a contract for the design of the facilities.

Under all cost approaches, the cost of said facilities shall be reduced by the amount of any grants or capital contributions which have financed such facilities. The capacity part of the tapping fee per unit of capacity required by the new customer shall not exceed the cost of the facilities as described herein divided by the design capacity of the facilities. Nothing contained herein shall prevent an Authority from allocation of its capacity-related facilities to different sections or districts of its system, nor shall an Authority be prohibited from imposing additional capacity-related tapping fees on specific groups of existing customers such as commercial and industrial customers, in conjunction with additional capacity requirements of such customers.

(B) Distribution or collection part. A fee which may not exceed an amount based upon the cost of distribution or collection facilities required to provide service, such as mains, hydrants and pumping stations. Such facilities may include those that provide existing service and/or those that will provide future service. The cost of existing facilities, which shall not include facilities contributed to the Authority by any person, government or agency, shall be based upon their replacement cost or upon historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on bonds financing such facilities. In the case

of existing facilities, outstanding debt related to the facilities shall be subtracted from the cost, provided however, no debt shall be subtracted which is attributable to facilities exclusively serving new customers. In the case of facilities to be constructed or acquired, the cost of such facilities shall not exceed their reasonable estimated cost. Under all cost approaches, the cost of said facilities shall be reduced by the amount of any grants or capital contributions which have financed such facilities. The distribution or collection part of the tapping fee per unit of capacity required by the new customer shall not exceed the cost of the facilities as described herein divided by the design capacity of the facilities. Nothing contained herein shall prevent an Authority from allocation of its distribution or collection-related facilities to different sections or districts of its system, nor shall an Authority be prohibited from imposing additional distribution or collection-related tapping fees on specific groups of existing customers such as commercial and industrial customers, in conjunction with additional capacity requirements of such customers.

(C) Special purpose part. Fees for special purpose facilities applicable only to a particular group of customers, or serving a particular purpose and/or serving a specific area, based upon the cost of such facilities, including, but not limited to, booster pump stations, fire service facilities and industrial wastewater treatment facilities. Such facilities may include those that provide existing service and/or those that will provide future service. The cost of existing facilities, which shall not include facilities contributed to the Authority by any person, government or agency, shall be based upon their replacement cost or upon historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on bonds financing such facilities. In the case of existing facilities, outstanding debt related to the facilities shall be subtracted from the cost, provided however, that no debt shall be subtracted which is attributable to facilities exclusively serving new customers. In the case of facilities to be constructed or acquired, the cost of such facilities shall not exceed their reasonable estimated cost. Under all cost approaches, the cost of said facilities shall be reduced by the amount of any grants or capital contributions which have financed such facilities. The special purpose part of the tapping fee per unit of capacity required by the new customer shall not exceed the cost of the facilities as described herein divided by the design capacity of the facilities. Nothing contained herein shall prevent an Authority from allocation of its special purpose-related facilities to different sections or districts of its system, nor shall an Authority be prohibited from imposing additional special purpose-related tapping fees on specific groups of existing customers such as commercial and industrial customers, in conjunction with additional capacity requirements of such customers.

(D) Reimbursement component. An amount necessary to recapture the allocable portion of facilities in order to reimburse the property owner or owners at whose expense such facilities were constructed, as set forth in clauses (z.1) and (z.2) hereof.

(E) Calculation of tapping fee components. (I) In arriving at the cost to be included in the tapping fee components, the same cost shall not be included in more than one part of the tapping fee.

(II) No tapping fee may be based upon or include the cost of expanding, replacing, updating or upgrading facilities serving existing customers in order to meet stricter efficiency, environmental, regulatory or safety standards or to provide better service to, or meet the needs of, existing customers.

(III) The cost used in calculating tapping fees shall not include maintenance and operation expenses. As used in this clause, "maintenance and operation expenses" are those expenditures made during the useful life of a sewer or water system for labor, materials, utilities, equipment accessories or appurtenances and other items which are necessary to manage and maintain the system capacity and performance and to provide the service for which the system was constructed.

(2) Every Authority charging a tapping, customer facilities or connection fee shall do so at a public meeting of the Authority. The Authority shall have available for public inspection a detailed

itemization of all calculations clearly showing the manner in which the fees were determined. A revised tapping, customer facilities or connection fee may be imposed upon those who subsequently connect to the system.

(3) No Authority shall have the power to impose any connection fee, customer facilities fee, tapping fee or any similar fee except as provided specifically in this section.

(4) A municipality or municipal authority with available excess sewage capacity, wishing to sell a portion of that available capacity to another municipality or municipal authority, shall charge the same cost for the capacity portion of the tapping fee as the selling entity charges to its customers for the capacity portion of the tapping fee. In turn, the municipality or municipal authority buying this excess capacity cannot charge a higher cost for the capacity portion of the tapping fee to its residential customers than that charged to them by the selling entity. For purposes of this section, residential customer will also include those developing property for residential dwellings that require multiple tapping fee permits. This section shall not be applicable to intermunicipal or interauthority agreements relative to the purchase of excess capacity by an Authority or municipality in effect prior to the effective date of this subclause.

(u) Subject to the approval of the Pennsylvania Public Utility Commission before which an Authority may institute proper proceedings to construct tunnels, bridges, viaducts, underpasses, or other structures, and relocate the facilities of public service companies to effect or permit the abolition of a grade crossing or grade crossings: Provided, however, That such project or projects shall only be undertaken in accordance with a duly issued order of the Pennsylvania Public Utility Commission, which order shall provide that any portion of the costs payable by any public utility, political subdivision, or by the Commonwealth, or others, shall be payable to the Authority: And provided further, That before any proceedings are instituted before the commission to secure its requisite approval for any structure herein provided, an agreement, which is hereby authorized, shall be entered into between the Authority and the public utilities or the political subdivisions concerned to provide for the conveyance to the Authority of title to the land, structure or improvement involved as security for bonds issued to finance the improvement and the leasing thereof to the utility or utilities or the political subdivision or subdivisions involved, on such terms as will provide for interest and sinking fund charges on the bonds issued for the improvement.

(v) To appoint police officers who shall have the same rights as other peace officers in the Commonwealth with respect to the property of the Authority.

(w) An Authority, created to provide business improvements and administrative services, may impose an assessment on each benefited property within a business improvement district which shall be based upon the estimated cost of the improvements or services in such district stated in the planning or feasibility study.

Such individual assessments shall be determined by one of the following methods:

(1) By an assessment determined by multiplying the total improvement or service cost by the ratio of the assessed value of the benefited property to the total assessed valuation of all benefited properties in the district.

(2) By an assessment upon the several properties in the district in proportion to benefits as ascertained by viewers appointed in accordance with municipal law.

No assessment or charge shall be made unless such Authority has submitted the plan for business improvements and administrative services together with estimated costs and the proposed method of assessments for business improvements and charges for administrative services to the municipality in which the project is to be undertaken and the municipality shall have approved the plan, the estimated costs and the proposed method of assessment and charges.

There shall not be assessed any charges against the improved properties an aggregate amount in excess of the estimated cost.

Such Authority may by resolution authorize the payment of the assessment or charge in equal annual, or more frequent installments over such time and bearing interest at such rate not in excess of six per centum as may be specified in the resolution. Where bonds shall have been issued and sold, or notes or guarantees given or issued, to provide for the cost of the improvements or services the assessment in equal installments for bond repayment shall not be payable beyond the term for which the bonds, notes or guarantees are payable.

Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the form and shall be collected in the same manner as municipal claims are filed and collected notwithstanding the provisions of this section as to installment payments.

In the case of default in the payment of any installment and interest for a period of sixty days after it becomes due, the entire assessment and accrued interest shall be due.

Any owner of property, against whom an assessment has been made, may pay the same in full, at any time, with accrued interest and costs thereon, and such payment shall discharge the lien of such assessment.

(x) To adopt rules and regulations that would provide for the safety of persons using the facilities of an airport Authority pertaining to vehicular traffic control. Such rules and regulations shall be enforced by the police officers appointed under clause (v).

(y) To provide financing for insurance reserves by making loans, which may be evidenced by, and secured as may be provided in, loan agreements, security agreements or any other instruments or agreements, which instruments or agreements may contain such provisions as the Authority shall deem necessary or desirable for the security or protection of the Authority or its bondholders.

(z) Where a sewer or water system of an Authority is to be extended at the expense of the owner or owners of properties or where the Authority otherwise would construct the customer facilities referred to in clause (t)(1)(ii) (other than water-meter installation), the property owner or owners shall have the right to construct the extension or install the customer facilities himself or themselves or through a subcontractor approved by the Authority, which approval shall not be unreasonably withheld: Provided That the Authority shall have the right, at its option, to perform the construction itself only if the Authority provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property owner or owners or his or their approved subcontractor. Construction by the property owner or owners shall be in accordance with an agreement for the extension of the Authority's system and plans and specifications approved by the Authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Authority applicable to such construction and shall be further subject to inspection by an inspector authorized to approve such construction and employed by the Authority during construction. When a main is to be extended at the expense of the owner or owners of properties, the property owner or owners may be required to deposit with the Authority, in advance of construction, the Authority's estimated reasonable and necessary cost of reviewing plans, construction inspections, administrative, legal and engineering services. The Authority may require that construction shall not commence until the property owner has posted appropriate financial security in accordance with clause (s.1). The Authority may prescribe that the property owner or owners shall reimburse the Authority for reasonable and necessary expenses incurred as a result of the extension. If an independent firm is employed for engineering review of the plans and the inspection of improvements, reimbursement for such services shall be reasonable and in accordance with the ordinary and customary fees charged by the independent firm for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the independent firm to the Authority when fees are not reimbursed or otherwise imposed on applicants. Upon completion of construction, the property owner or owners shall dedicate and the Authority shall accept the extension of the Authority's system,

provided dedication of facilities and the installation complies with the plans, specification, regulations of the Authority and the agreement. An Authority may provide in its regulations those facilities which, having been constructed at the expense of the owner or owners of properties, the Authority will accept as a part of its system.

(z.1) Where a property owner constructs or causes to be constructed at his expense any extension of a sewer or water system of an Authority, the Authority shall provide for the reimbursement to the property owner when the owner of another property not in the development for which the extension was constructed connects a service line directly to the extension within ten years of the date of the dedication of such extension to the Authority in accordance with the following provisions:

(1) Such reimbursement shall be equal to the distribution or collection part of each tapping fee collected as a result of subsequent connections. An Authority shall be entitled to deduct from each reimbursement payment an amount equal to five per centum which shall be deemed to represent the appropriate charge for administrative expenses and services rendered in calculating, collecting, monitoring and disbursing the reimbursement payments to the property owner entitled thereto.

(2) Reimbursement shall be limited to those lines which have not previously been paid for by the Authority.

(3) The Authority shall, in the preparation of the necessary reimbursement agreement with the property owner or owners for whose benefit reimbursement will be provided, attach as an exhibit an itemized listing of all sewer and water facilities for which reimbursement shall be provided.

(4) The total reimbursement to which a property owner or owners shall be entitled shall not exceed the cost of all labor and material, engineering design charges, the cost of performance and maintenance bonds, Authority review and inspection charges, as well as flushing and televising charges and any and all charges involved in the acceptance and dedication of such facilities by the Authority, less the amount which would be chargeable to such property owner based upon the Authority's collection and distribution tapping fees which would be applicable to all lands of the property owner served directly or indirectly through such extensions if the property owner did not fund the extension.

(5) An Authority shall be required to notify by certified mail, to their last known address, the property owner or owners for whose benefit such reimbursement shall apply within thirty days of the Authority's receipt of any such reimbursement payment. In the event that the property owner or owners have not claimed a reimbursement payment within one hundred twenty days of the mailing of the notice, the payment shall revert to and become the sole property of the Authority with no further obligation on the part of the Authority to refund the payment to the property owner or owners.

(z.2) Whenever a sewer system or water system or any part or extension thereof owned by an Authority has been constructed by the Authority at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the Authority at the expense of the private person or corporation, the Authority shall have the right to charge a tapping fee and refund said tapping fee or any part thereof to the person or corporation who has paid for the construction of said sewer or water system or any part or extension thereof.

(z.3) Provisions of clauses (z), (z.1) and (z.2) shall also be applicable to residential customers in a municipality where the sewer service is being purchased by the municipality or sewer Authority from another municipality or sewer Authority having excess sewage capacity.

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

The SPEAKER pro tempore. On that question, the Chair recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

This amendment is basically a technical amendment to correct a flaw in previous legislation that this House passed back in 1990, which became Act 203 of 1990. It was my legislation at that time, and I had sat down with the Builders Association, the Authorities Association, and other interested parties and came up with a consumer bill which established through a formula as to what price could be charged for the capacity portion of a tapping fee — a tapping fee is a hookup for water or sewer. We sat down with the Authorities Association and came up with this formula.

Exactly what the bill said was what an individual could be charged; the formula said what an individual could be charged. To get around the individual and how an individual could be charged, we found that some authorities are now selling these tapping fees in bulk to a second authority at whatever price they want to sell them for. The second authority is then selling them on to their constituents, which are your constituents, at whatever price they can get for those tapping fees.

The same is happening with the sale to a developer. They could sell to a developer in bulk. The developer then can sell on to individuals for whatever price he wants to pay. So all this amendment does is to put in law essentially what we tried to do back in 1990 and say we have a formula as to what the legal, established legal fee should be, and whether it goes to a second party or not, the legal fee holds.

So it is a consumer bill and it is a technical bill to make absolutely sure that your constituents are going to pay the established legal fee for that tapping fee. Thank you, Mr. Speaker.

The SPEAKER pro tempore. Mr. Godshall, as you know, this bill has a new printer's number. Can you give the members of the House the printer's number of the amendment that this amendment replaces, just for their information?

Mr. GODSHALL. The previous amendment was No. 4067.

The SPEAKER pro tempore. 4067.

Mr. GODSHALL. Yes.

The SPEAKER pro tempore. The Chair thanks the gentleman.

PARLIAMENTARY INQUIRY

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Lescovitz.

Mr. LESCOVITZ. Just a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state the point.

Mr. LESCOVITZ. Mr. Speaker, it is my understanding this amendment was not posted, and in order to run it, we would have to suspend the rules.

The SPEAKER pro tempore. It is the Chair's understanding that the gentleman did timely file an amendment to the other printer's number, and this bill got a new printer's number, and so it has been the policy, as the Chair understands it, to allow an amendment that is identical to the one that was timely filed to be printed to the new printer's number.

Mr. LESCOVITZ. Mr. Speaker, one more inquiry.

To clarify it for the record, is it going to be the opinion of the Chair then from now on that if amendments are drafted to other printer's numbers, then therefore they are going to be considered timely filed?

The SPEAKER pro tempore. Mr. Godshall, it is the opinion of the Chair that it is the appropriate procedure in a situation like this for you to suspend the rules.

RULES SUSPENDED

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

Mr. GODSHALL. Mr. Speaker, I move that the rules of the House be suspended so that I may offer amendment A4475 to SB 712.

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

The SPEAKER pro tempore. On the motion.
Mr. GODSHALL. I would like to ask for the motion to suspend the rules so I can offer this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—186

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Evans | Manderino | Saylor |
| Allen | Fairchild | Mann | Schroder |
| Argall | Fargo | Markosek | Schuler |
| Armstrong | Feese | Marsico | Scrimenti |
| Baker | Fichter | Masland | Semmel |
| Bard | Fleagle | Mayernik | Shaner |
| Barley | Flick | McCall | Smith, B. |
| Barrar | Forcier | McGeehan | Smith, S. H. |
| Bastian | Frankel | McGill | Snyder |
| Battisto | Freeman | McIlhattan | Solobay |
| Bebko-Jones | Gannon | McIlhinney | Steil |
| Belardi | Geist | McNaughton | Stern |
| Belfanti | George | Melio | Stetler |
| Benninghoff | Gladeck | Metcalfe | Stevenson |
| Birmelin | Godshall | Michlovic | Strittmatter |
| Bishop | Gordner | Miller, R. | Sturla |
| Blaum | Grucela | Miller, S. | Surra |
| Browne | Gruitza | Mundy | Tangretti |
| Butkovitz | Habay | Myers | Taylor, E. Z. |
| Buxton | Haluska | Nailor | Taylor, J. |
| Caltagirone | Harhai | Nickol | Thomas |
| Cam | Harhart | O'Brien | Tigue |
| Casorio | Hasay | Oliver | Travaglio |
| Cawley | Hennessey | Orie | Trello |
| Chadwick | Herman | Perzel | True |
| Civera | Hershey | Pesci | Tulli |
| Clark | Hess | Petrarca | Vance |
| Clymer | Hutchinson | Petrone | Van Horne |
| Cohen, L. I. | Jadlowiec | Phillips | Veon |
| Cohen, M. | James | Pippy | Vitali |
| Colafella | Josephs | Pistella | Walko |
| Cornell | Kaiser | Raymond | Wansacz |
| Corrigan | Keller | Readshaw | Washington |
| Costa | Kenney | Reinard | Waters |
| Coy | Kirkland | Rieger | Williams |
| Curry | Krebs | Roberts | Wilt |
| Dailey | LaGrotta | Robinson | Wogan |
| Daley | Laughlin | Roebuck | Wojnaroski |
| Dally | Lawless | Rohrer | Wright |

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|------------|-----------|-----------|------------|
| DeLuca | Lederer | Rooney | Yewcic |
| Dempsey | Lescovitz | Ross | Youngblood |
| Dermody | Levdansky | Rubley | Yudichak |
| DeWeese | Lucyk | Ruffing | Zimmerman |
| DiGirolamo | Lynch | Sainato | Zug |
| Donatucci | Maher | Samuelson | |
| Eachus | Maitland | Santoni | Ryan, |
| Egolf | Major | Sather | Speaker |

NAYS—2

- | | |
|-------|----------|
| Hanna | Steelman |
|-------|----------|

NOT VOTING—2

- | | |
|--------|----------|
| Horsey | Micozzie |
|--------|----------|

EXCUSED—10

- | | | | |
|-------------|---------|---------|--------|
| Boyes | Leh | Ramos | Stairs |
| Bunt | Platts | Staback | Trich |
| Cappabianca | Preston | | |

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

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

Mr. GODSHALL reoffered the following amendment No. A4475:

Amend Title, page 1, line 15, by striking out "AND" and inserting a comma

Amend Title, page 1, line 15, by removing the period after "REQUIREMENTS" and inserting
and for water and sewer service to tenants.

Amend Sec. 1, page 1, lines 18 through 20, by striking out all of said lines and inserting

Section 1. Section 4A and B of the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945, amended or added June 12, 1947 (P.L.571, No.249), January 21, 1952 (1951 P.L.2188, No.626), August 24, 1953 (P.L.1338, No.381), May 31, 1957 (P.L.211, No.105), December 28, 1972 (P.L.1654, No.351), January 2, 1973 (1972 P.L.1740, No.375), April 10, 1980 (P.L.105, No.41), July 3, 1980 (P.L.360, No.91), December 19, 1980 (P.L.1290, No.230), February 18, 1982 (P.L.86, No.31), December 21, 1984 (P.L.1246, No.236), October 21, 1988 (P.L.1041, No.117), June 22, 1990 (P.L.236, No.54), November 21, 1990 (P.L.535, No.132), December 19, 1990 (P.L.1227, No.203) and December 19, 1990 (P.L.1396, No.217) and repealed in part November 26, 1978 (P.L.1399, No.330), are amended to read:

Amend Sec. 1 (Sec. 4), page 8, line 9, by striking out all of said line and inserting

B. Every Authority is hereby granted, and shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purposes, including but without limiting the generality of the foregoing, the following rights and powers:

(a) To have existence for a term of fifty years and for such further period or periods as may be provided in articles of amendment approved under subsection E of section three point two.

(b) To sue and be sued, implead and be impleaded, complain and defend in all courts.

(c) To adopt, use and alter at will, a corporate seal.

(d) To acquire, purchase, hold, lease as lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or

any interest therein necessary or desirable for carrying out the purposes of the Authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it.

(e) To acquire by purchase, lease or otherwise, and to construct, improve, maintain, repair and operate projects.

(e.1) To finance projects by making loans, which may be evidenced by, and secured as may be provided in, loan agreements, mortgages, security agreements or any other contracts, instruments or agreements, which contracts, instruments or agreements may contain such provisions as the Authority shall deem necessary or desirable for the security or protection of the Authority or its bondholders.

(f) To make by-laws for the management and regulation of its affairs.

(g) To appoint officers, agents, employes and servants, to prescribe their duties and to fix their compensation.

(h) To fix, alter, charge and collect rates and other charges in the area served by its facilities at reasonable and uniform rates to be determined exclusively by it, for the purpose of providing for the payment of the expenses of the Authority, the construction, improvement, repair, maintenance and operation of its facilities and properties, and, in the case of an Authority created for the purpose of making business improvements or providing administrative services, a charge for such services which is to be based on actual benefits and which may be measured on among other things gross sales or gross or net profits, the payment of the principal of and interest on its obligations, and to fulfill the terms and provisions of any agreements made with the purchasers or holders of any such obligations, or with the municipality incorporating or municipalities which are members of said Authority or with any municipality, served or to be served by said Authority, and to determine by itself exclusively the services and improvements required to provide adequate, safe and reasonable service, including extensions thereof, in the areas served: Provided, That if the service area includes more than one municipality, the revenues from any project shall not be expended directly or indirectly on any other project, unless such expenditures are made for the benefit of the entire service area. Any person questioning the reasonableness or uniformity of any rate fixed by any Authority or the adequacy, safety and reasonableness of the Authority's services, including extensions thereof, may bring suit against the Authority in the court of common pleas of the county wherein the project is located, or if the project is located in more than one county then in the court of common pleas of the county wherein the principal office of the project is located. The court of common pleas shall have exclusive jurisdiction to determine all such questions involving rates or service. Except in municipal corporations having a population density of three hundred persons or more per square mile, all owners of real property in eighth class counties may decline, in writing, the services of a solid waste authority.

(h.1) In the case of an Authority which has agreed to provide water service through a separate meter and separate service line to a residential dwelling unit in which the owner does not reside, the owner shall be liable to pay the tenant's bill for service rendered to the tenant by the Authority only if the Authority notifies the owner and the tenant within thirty days after the bill first becomes overdue. Such notification shall be provided by first class mail to the address of the owner provided to the Authority by the owner and to the billing address of the tenant, respectively. Nothing herein shall be construed to require an Authority to terminate service to a tenant, provided that the owner shall not be liable for any service which the Authority provides to the tenant ninety or more days after the tenant's bill first becomes due unless the Authority has been prevented by court order from terminating service to that tenant.

(h.2) In the case of an Authority which has agreed to provide sewer service to a residential dwelling unit in which the owner does not reside, the Authority shall notify the owner and the tenant within thirty days after the tenant's bill for that service first becomes overdue. Such notification shall be provided by first class mail to the address of the owner provided to the Authority by the owner and to the billing address of the tenant, respectively. Nothing herein shall be construed to

relieve the owner of liability for such service unless the Authority fails to provide the notice required herein.

(i) To borrow money, make and issue negotiable notes, bonds, refunding bonds, and other evidences of indebtedness or obligations (herein called "bonds") of the Authority, said bonds to have a maturity date not longer than forty years from the date of issue, except that no refunding bonds shall have a maturity date later than the life of the Authority, and to secure the payment of such bonds or any part thereof by pledge or deed of trust of all or any of its revenues and receipts, and to make such agreements with the purchasers or holders of such bonds, or with others in connection with any such bonds, whether issued or to be issued, as the Authority shall deem advisable, and in general to provide for the security for said bonds and the rights of the holders thereof, and in respect to any project constructed and operated under agreement with any Authority or any public Authority of any adjoining state, to borrow money and issue such notes, bonds and other evidences of indebtedness and obligations jointly with any such Authority. Notwithstanding any of the foregoing, no Authority shall borrow money on obligations to be paid primarily out of lease rentals or other current revenues other than charges made to the public for the use of the capital projects financed if the net debt of the lessee municipality or municipalities shall exceed any limit provided by any law of the Commonwealth.

(j) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.

(k) Without limitation of the foregoing, to borrow money and accept grants from and to enter into contracts, leases or other transactions with any Federal agency, Commonwealth of Pennsylvania, municipality, school district, corporation or Authority.

(l) To have the power of eminent domain.

(m) To pledge, hypothecate or otherwise encumber all or any of the revenues or receipts of the Authority as security for all or any of the obligations of the Authority.

(n) To do all acts and things necessary or convenient for the promotion of its business and the general welfare of the Authority, to carry out the powers granted to it by this act or any other acts.

(o) To contract with any municipality, corporation, or any public Authority of this or any adjoining state, on such terms as the said Authority shall deem proper, for the construction and operation of any project which is partly in this Commonwealth and partly in such adjoining state.

(p) To enter into contracts to supply water and other services to and for municipalities that are not members of the Authority, or to and for the Commonwealth of Pennsylvania, municipalities, school districts, persons or authorities, and fix the amount to be paid therefor.

(q) To make contracts of insurance with any insurance company, association or exchange authorized to transact business in the Commonwealth of Pennsylvania, insuring its employes and appointed officers and officials under an individual policy or policies of insurance covering life, accidental death and dismemberment, and disability income or under a policy or policies of group insurance covering life, accidental death and dismemberment, and disability income provided that statutory requirements for such group insurance, including but not limited to requisite number of eligible employes and/or appointed officers and officials, are met as provided for in section 621.2 of the act of May 17, 1921 (P.L.682, No.284), known as "The Insurance Company Law of 1921," and sections 1, 2, 6, 7 and 9 of the act of May 11, 1949 (P.L.1210, No.367).

To make contracts with any insurance company, association or exchange or any hospital plan corporation or professional health service corporation authorized to transact business in the Commonwealth of Pennsylvania, insuring or covering its employes and/or their dependents (but not its appointed officers and officials nor their dependents) for hospital and/or medical benefits; and to contract for its employes (but not its appointed officers and officials) with any insurance company, association or exchange authorized to transact business in the Commonwealth of Pennsylvania granting annuities or

to establish, maintain, operate and administer its own pension plan covering its employees (but not its appointed officers and officials).

For such purposes, to agree to pay part or all of the cost thereof including the premiums or charges for carrying such contracts, and to appropriate out of its treasury any money necessary to pay such costs, premiums or charges, or portions thereof. The proper officers of the authority having authority to enter into such contracts are hereby authorized, enabled and permitted to deduct from the officers' or employees' pay, salary or compensation such part of the premium or cost as is payable by the officer or employe and as may be so authorized by the officer or employe in writing.

(r) To charge the cost of construction of any sewer or water main constructed by the Authority against the properties benefited, improved or accommodated thereby to the extent of such benefits. Such benefits shall be assessed in the manner provided by section eleven of this act for the exercise of the right of eminent domain.

(s) To charge the cost of construction of any sewer or water main constructed by the Authority against the properties benefited, improved or accommodated thereby according to the foot front rule. Such charges shall be based upon the foot frontage of the properties so benefited, and shall be a lien against such properties. Such charges may be assessed and collected and such liens may be enforced in the manner provided by law for the assessment and collection of charges and the enforcement of liens of the municipality in which such Authority is located: Provided, That no such charge shall be assessed unless prior to construction of such sewer or water main the Authority shall have submitted the plan of construction and estimated cost to the municipality in which such project is to be undertaken, and the municipality shall have approved such plan and estimated cost: And provided further, That there shall not be charged against the properties benefited, improved or accommodated thereby an aggregate amount in excess of the estimated cost as approved by the municipality.

(s.1) To require the posting of financial security to insure the completion, in accordance with the approved plat and with the rules and regulations of the Authority, of any water mains or sanitary sewer lines, or both, and related apparatus and facilities, required to be installed by or on behalf of a developer pursuant to an approved land development or subdivision plat as such terms are defined in the act of July 31, 1968 (P.L.805, No.247), known as the "Pennsylvania Municipalities Planning Code." If financial security is required by the Authority, and without limitation as to other types of financial security which the Authority may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, if the bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such bond or other security shall provide for, and secure to the Authority, the completion of any improvements which may be required within one year from the date of posting of the security. The amount of financial security shall be equal to one hundred ten per centum of the cost of the required improvements for which financial security is to be posted. The cost of the required improvements shall be established by submission to the Authority of a bona fide bid or bids from the contractor or contractors chosen by the party posting the financial security or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Authority's engineer. If the party posting the financial security requires more than one year from the date of posting of such financial security to complete the required improvements, the amount of financial security may be increased by an additional ten per centum for each one-year period beyond the first anniversary date from the posting of financial security or to one hundred ten per centum of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. As the work of installing the required improvements

proceeds, the party posting the financial security may request the Authority to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Authority, and the Authority shall have forty-five days from receipt of such request within which to allow the Authority engineer to certify, in writing, to the Authority that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Authority shall authorize release by the bonding company or lending institution of an amount as estimated by the Authority engineer fairly representing the value of the improvements completed or, if the Authority fails to act within said forty-five-day period, the Authority shall be deemed to have approved the release of funds as requested. The Authority may, prior to final release at the time of completion and certification by its engineer, require retention of ten per centum of the estimated cost of the aforesaid improvements. Where the Authority accepts dedication of all or some of the required improvements following completion, the Authority may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat and the Authority's rules and regulations for a term not to exceed eighteen months from the date of acceptance of dedication. Said financial security shall be of the same type as set forth in this clause with regard to installation of the improvements, and the amount of the financial security shall not exceed fifteen per centum of the actual cost of installation of the improvements. Any ordinance, resolution or statute inconsistent herewith is hereby expressly repealed.

(t) To charge certain enumerated fees to property owners who desire to or are required to connect to the Authority's sewer or water system. Such fees shall be based upon the duly adopted fee schedule at the time of payment and shall be payable at the time of application for connection or at such other time as the property owner and the authority agree or in the case of projects to serve existing development, such fees shall be payable at a time to be determined by the Authority. An Authority shall have the right to require that no capacity shall be guaranteed for a property owner or owners until such time as the tapping fees enumerated herein have, at the option of the Authority, been paid or secured by other financial security. The fees shall be in addition to any charges assessed against the property in the construction of a sewer or water main by the Authority in accordance with clauses (r) and (s) as well as any other user charges imposed by the Authority pursuant to clause (h) and shall not include costs included in the calculation of such fees.

(1) The fees may include some or all of the following fee components, which shall be separately set forth in the appropriate resolution of the Authority establishing such fees:

(i) Connection fee. A fee which shall not exceed an amount based upon the actual cost of the connection of the property extending from the Authority's main to the property line or curb stop of the property so connected. The Authority may also base such fee upon an average cost for previously installed connections of similar type and size. In lieu of the payment of the fees, an Authority may require the construction and dedication of those facilities by the property owner or owners requesting such connection.

(ii) Customer facilities fee. A fee which shall not exceed an amount based upon the actual cost of facilities serving the connected property from the property line or curb stop to the proposed dwelling or building to be served. The fee shall be chargeable only in the event that the Authority and not the property owner or owners installs the customer facilities. In lieu of the payment of the customer facilities fee, an Authority may require the construction of those facilities by the property owner or owners requesting customer facilities. In the case of water service, the fee may include the cost of a water meter and installation if the Authority provides or installs the same. In any case where the property connected or to be connected with the sewer system of the Authority is not equipped with a water meter, the Authority may

install such a meter at its own cost and expense; provided, however, that if the property is supplied with water from the facilities of a public water supply agency, the Authority shall not install such meter without the consent and approval of the public water supply agency.

(iii) Tapping fee. A fee which shall not exceed an amount based upon some or all of the following fee components, which shall be separately set forth in the appropriate resolution of the Authority establishing the fee. In lieu of the payment of the fee, an Authority may require the construction and dedication of only such capacity, distribution-collection or special purpose facilities necessary to supply service to the property owner or owners.

(A) Capacity part. A fee for capacity-related facilities which may not exceed an amount that is based upon the cost of such facilities, including, but not limited to, source of supply, treatment, pumping, transmission, trunk, interceptor and outfall mains, storage, sludge treatment or disposal, interconnection or other general system facilities. Such facilities may include those that provide existing service and/or those that will provide future service. The cost of existing facilities, which shall not include facilities contributed to the Authority by any person, government or agency, shall be based upon their replacement cost or upon historical cost trended to current cost using published cost indexes, or upon the historical cost plus interest and other financing fees paid on bonds financing such facilities. In the case of existing facilities, outstanding debt related to the facilities shall be subtracted from the cost, provided however, no debt shall be subtracted which is attributable to facilities exclusively serving new customers. In the case of facilities to be constructed or acquired, the cost of such facilities shall not exceed their reasonable estimated cost provided that any such facilities must be included in a duly adopted annual budget or a five-year capital improvement plan and the Authority has taken action in furtherance of said facilities such as the following:

(I) obtained financing for the facilities;

(II) entered into a contract obligating the Authority to construct or pay for the cost of construction of the facilities or its portion thereof in the event that multiple parties are constructing said facilities;

(III) has obtained a permit for the facilities;

(IV) has spent substantial sums or resources in furtherance of the facilities;

(V) has entered into a contract obligating the Authority to purchase or acquire facilities owned by another;

(VI) has prepared an engineering feasibility study specifically related to the facilities, which study recommends the construction of the facilities within a five-year period;

(VII) has entered into a contract for the design of the facilities.

Under all cost approaches, the cost of said facilities shall be reduced by the amount of any grants or capital contributions which have financed such facilities. The capacity part of the tapping fee per unit of capacity required by the new customer shall not exceed the cost of the facilities as described herein divided by the design capacity of the facilities. Nothing contained herein shall prevent an Authority from allocation of its capacity-related facilities to different sections or districts of its system, nor shall an Authority be prohibited from imposing additional capacity-related tapping fees on specific groups of existing customers such as commercial and industrial customers, in conjunction with additional capacity requirements of such customers.

(B) Distribution or collection part. A fee which may not exceed an amount based upon the cost of distribution or collection facilities required to provide service, such as mains, hydrants and pumping stations. Such facilities may include those that provide existing service and/or those that will provide future service. The cost of existing facilities, which shall not include facilities contributed to the Authority by any person, government or agency, shall be based upon their replacement cost or upon historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on bonds financing such facilities. In the case of existing facilities, outstanding debt related to the facilities shall be subtracted from the cost, provided however, no debt shall be subtracted which is attributable to facilities exclusively serving new customers.

In the case of facilities to be constructed or acquired, the cost of such facilities shall not exceed their reasonable estimated cost. Under all cost approaches, the cost of said facilities shall be reduced by the amount of any grants or capital contributions which have financed such facilities. The distribution or collection part of the tapping fee per unit of capacity required by the new customer shall not exceed the cost of the facilities as described herein divided by the design capacity of the facilities. Nothing contained herein shall prevent an Authority from allocation of its distribution or collection-related facilities to different sections or districts of its system, nor shall an Authority be prohibited from imposing additional distribution or collection-related tapping fees on specific groups of existing customers such as commercial and industrial customers, in conjunction with additional capacity requirements of such customers.

(C) Special purpose part. Fees for special purpose facilities applicable only to a particular group of customers, or serving a particular purpose and/or serving a specific area, based upon the cost of such facilities, including, but not limited to, booster pump stations, fire service facilities and industrial wastewater treatment facilities. Such facilities may include those that provide existing service and/or those that will provide future service. The cost of existing facilities, which shall not include facilities contributed to the Authority by any person, government or agency, shall be based upon their replacement cost or upon historical cost trended to current cost using published cost indexes or upon the historical cost plus interest and other financing fees paid on bonds financing such facilities. In the case of existing facilities, outstanding debt related to the facilities shall be subtracted from the cost, provided however, that no debt shall be subtracted which is attributable to facilities exclusively serving new customers. In the case of facilities to be constructed or acquired, the cost of such facilities shall not exceed their reasonable estimated cost. Under all cost approaches, the cost of said facilities shall be reduced by the amount of any grants or capital contributions which have financed such facilities. The special purpose part of the tapping fee per unit of capacity required by the new customer shall not exceed the cost of the facilities as described herein divided by the design capacity of the facilities. Nothing contained herein shall prevent an Authority from allocation of its special purpose-related facilities to different sections or districts of its system, nor shall an Authority be prohibited from imposing additional special purpose-related tapping fees on specific groups of existing customers such as commercial and industrial customers, in conjunction with additional capacity requirements of such customers.

(D) Reimbursement component. An amount necessary to recapture the allocable portion of facilities in order to reimburse the property owner or owners at whose expense such facilities were constructed, as set forth in clauses (z.1) and (z.2) hereof.

(E) Calculation of tapping fee components. (I) In arriving at the cost to be included in the tapping fee components, the same cost shall not be included in more than one part of the tapping fee.

(II) No tapping fee may be based upon or include the cost of expanding, replacing, updating or upgrading facilities serving existing customers in order to meet stricter efficiency, environmental, regulatory or safety standards or to provide better service to, or meet the needs of, existing customers.

(III) The cost used in calculating tapping fees shall not include maintenance and operation expenses. As used in this clause, "maintenance and operation expenses" are those expenditures made during the useful life of a sewer or water system for labor, materials, utilities, equipment accessories or appurtenances and other items which are necessary to manage and maintain the system capacity and performance and to provide the service for which the system was constructed.

(2) Every Authority charging a tapping, customer facilities or connection fee shall do so at a public meeting of the Authority. The Authority shall have available for public inspection a detailed itemization of all calculations clearly showing the manner in which the fees were determined. A revised tapping, customer facilities or

connection fee may be imposed upon those who subsequently connect to the system.

(3) No Authority shall have the power to impose any connection fee, customer facilities fee, tapping fee or any similar fee except as provided specifically in this section.

(4) A municipality or municipal authority with available excess sewage capacity, wishing to sell a portion of that available capacity to another municipality or municipal authority, shall charge the same cost for the capacity portion of the tapping fee as the selling entity charges to its customers for the capacity portion of the tapping fee. In turn, the municipality or municipal authority buying this excess capacity cannot charge a higher cost for the capacity portion of the tapping fee to its residential customers than that charged to them by the selling entity. For purposes of this section, residential customer will also include those developing property for residential dwellings that require multiple tapping fee permits. This section shall not be applicable to intermunicipal or interauthority agreements relative to the purchase of excess capacity by an Authority or municipality in effect prior to the effective date of this subclause.

(u) Subject to the approval of the Pennsylvania Public Utility Commission before which an Authority may institute proper proceedings to construct tunnels, bridges, viaducts, underpasses, or other structures, and relocate the facilities of public service companies to effect or permit the abolition of a grade crossing or grade crossings: Provided, however, That such project or projects shall only be undertaken in accordance with a duly issued order of the Pennsylvania Public Utility Commission, which order shall provide that any portion of the costs payable by any public utility, political subdivision, or by the Commonwealth, or others, shall be payable to the Authority: And provided further, That before any proceedings are instituted before the commission to secure its requisite approval for any structure herein provided, an agreement, which is hereby authorized, shall be entered into between the Authority and the public utilities or the political subdivisions concerned to provide for the conveyance to the Authority of title to the land, structure or improvement involved as security for bonds issued to finance the improvement and the leasing thereof to the utility or utilities or the political subdivision or subdivisions involved, on such terms as will provide for interest and sinking fund charges on the bonds issued for the improvement.

(v) To appoint police officers who shall have the same rights as other peace officers in the Commonwealth with respect to the property of the Authority.

(w) An Authority, created to provide business improvements and administrative services, may impose an assessment on each benefited property within a business improvement district which shall be based upon the estimated cost of the improvements or services in such district stated in the planning or feasibility study.

Such individual assessments shall be determined by one of the following methods:

(1) By an assessment determined by multiplying the total improvement or service cost by the ratio of the assessed value of the benefited property to the total assessed valuation of all benefited properties in the district.

(2) By an assessment upon the several properties in the district in proportion to benefits as ascertained by viewers appointed in accordance with municipal law.

No assessment or charge shall be made unless such Authority has submitted the plan for business improvements and administrative services together with estimated costs and the proposed method of assessments for business improvements and charges for administrative services to the municipality in which the project is to be undertaken and the municipality shall have approved the plan, the estimated costs and the proposed method of assessment and charges.

There shall not be assessed any charges against the improved properties an aggregate amount in excess of the estimated cost.

Such Authority may by resolution authorize the payment of the assessment or charge in equal annual, or more frequent installments over such time and bearing interest at such rate not in excess of

six per centum as may be specified in the resolution. Where bonds shall have been issued and sold, or notes or guarantees given or issued, to provide for the cost of the improvements or services the assessment in equal installments for bond repayment shall not be payable beyond the term for which the bonds, notes or guarantees are payable.

Claims to secure the assessments shall be entered in the prothonotary's office of the county at the same time and in the form and shall be collected in the same manner as municipal claims are filed and collected notwithstanding the provisions of this section as to installment payments.

In the case of default in the payment of any installment and interest for a period of sixty days after it becomes due, the entire assessment and accrued interest shall be due.

Any owner of property, against whom an assessment has been made, may pay the same in full, at any time, with accrued interest and costs thereon, and such payment shall discharge the lien of such assessment.

(x) To adopt rules and regulations that would provide for the safety of persons using the facilities of an airport Authority pertaining to vehicular traffic control. Such rules and regulations shall be enforced by the police officers appointed under clause (v).

(y) To provide financing for insurance reserves by making loans, which may be evidenced by, and secured as may be provided in, loan agreements, security agreements or any other instruments or agreements, which instruments or agreements may contain such provisions as the Authority shall deem necessary or desirable for the security or protection of the Authority or its bondholders.

(z) Where a sewer or water system of an Authority is to be extended at the expense of the owner or owners of properties or where the Authority otherwise would construct the customer facilities referred to in clause (t)(1)(ii) (other than water-meter installation), the property owner or owners shall have the right to construct the extension or install the customer facilities himself or themselves or through a subcontractor approved by the Authority, which approval shall not be unreasonably withheld: Provided That the Authority shall have the right, at its option, to perform the construction itself only if the Authority provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property owner or owners or his or their approved subcontractor. Construction by the property owner or owners shall be in accordance with an agreement for the extension of the Authority's system and plans and specifications approved by the Authority and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Authority applicable to such construction and shall be further subject to inspection by an inspector authorized to approve such construction and employed by the Authority during construction. When a main is to be extended at the expense of the owner or owners of properties, the property owner or owners may be required to deposit with the Authority, in advance of construction, the Authority's estimated reasonable and necessary cost of reviewing plans, construction inspections, administrative, legal and engineering services. The Authority may require that construction shall not commence until the property owner has posted appropriate financial security in accordance with clause (s.1). The Authority may prescribe that the property owner or owners shall reimburse the Authority for reasonable and necessary expenses incurred as a result of the extension. If an independent firm is employed for engineering review of the plans and the inspection of improvements, reimbursement for such services shall be reasonable and in accordance with the ordinary and customary fees charged by the independent firm for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the independent firm to the Authority when fees are not reimbursed or otherwise imposed on applicants. Upon completion of construction, the property owner or owners shall dedicate and the Authority shall accept the extension of the Authority's system, provided dedication of facilities and the installation complies with the plans, specification, regulations of the Authority and the agreement. An Authority may provide in its regulations those facilities which,

having been constructed at the expense of the owner or owners of properties, the Authority will accept as a part of its system.

(z.1) Where a property owner constructs or causes to be constructed at his expense any extension of a sewer or water system of an Authority, the Authority shall provide for the reimbursement to the property owner when the owner of another property not in the development for which the extension was constructed connects a service line directly to the extension within ten years of the date of the dedication of such extension to the Authority in accordance with the following provisions:

(1) Such reimbursement shall be equal to the distribution or collection part of each tapping fee collected as a result of subsequent connections. An Authority shall be entitled to deduct from each reimbursement payment an amount equal to five per centum which shall be deemed to represent the appropriate charge for administrative expenses and services rendered in calculating, collecting, monitoring and disbursing the reimbursement payments to the property owner entitled thereto.

(2) Reimbursement shall be limited to those lines which have not previously been paid for by the Authority.

(3) The Authority shall, in the preparation of the necessary reimbursement agreement with the property owner or owners for whose benefit reimbursement will be provided, attach as an exhibit an itemized listing of all sewer and water facilities for which reimbursement shall be provided.

(4) The total reimbursement to which a property owner or owners shall be entitled shall not exceed the cost of all labor and material, engineering design charges, the cost of performance and maintenance bonds, Authority review and inspection charges, as well as flushing and televising charges and any and all charges involved in the acceptance and dedication of such facilities by the Authority, less the amount which would be chargeable to such property owner based upon the Authority's collection and distribution tapping fees which would be applicable to all lands of the property owner served directly or indirectly through such extensions if the property owner did not fund the extension.

(5) An Authority shall be required to notify by certified mail, to their last known address, the property owner or owners for whose benefit such reimbursement shall apply within thirty days of the Authority's receipt of any such reimbursement payment. In the event that the property owner or owners have not claimed a reimbursement payment within one hundred twenty days of the mailing of the notice, the payment shall revert to and become the sole property of the Authority with no further obligation on the part of the Authority to refund the payment to the property owner or owners.

(z.2) Whenever a sewer system or water system or any part or extension thereof owned by an Authority has been constructed by the Authority at the expense of a private person or corporation or has been constructed by a private person or corporation under the supervision of the Authority at the expense of the private person or corporation, the Authority shall have the right to charge a tapping fee and refund said tapping fee or any part thereof to the person or corporation who has paid for the construction of said sewer or water system or any part or extension thereof.

(z.3) Provisions of clauses (z), (z.1) and (z.2) shall also be applicable to residential customers in a municipality where the sewer service is being purchased by the municipality or sewer Authority from another municipality or sewer Authority having excess sewage capacity.

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

The SPEAKER pro tempore. Mr. Godshall, you are recognized.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would just like to follow up. I already discussed what is in the amendment. It is a technical, proconsumer amendment that does nothing more than put again in law what we fully intended to do back in 1990, which establishes through formula what a legal fee is or can be charged a consumer for the capacity portion of a tapping fee.

And I did want to say, which I did not before — I had forgotten — that there is an exception in here for Lehigh County, which has a unique situation, and that was grandfathered in this amendment. So I would ask for a favorable vote. Thank you.

The SPEAKER pro tempore. Mr. Michlovic, are you seeking recognition?

Mr. MICHLOVIC. Yes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. MICHLOVIC. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Godshall amendment.

There are a variety of reasons why a municipality may choose to charge a neighboring municipality a larger fee for tap-in fees for their construction, not the least of which is because the residents of the borough or the municipality that has the facility in it may simply have taken, they have taken the risk of making the investment in that. People in the outlying areas have not taken that risk. They should charge them whatever the market will bear.

Now, frankly, I do not know why we should be determining the price that those facilities may charge their neighbors. If you are like me, you may represent boroughs and municipalities that are older, that have the facilities and spent the money not only to build those facilities but to repair them. They got no help from residents in the outlying municipalities, oftentimes that used septic systems and other groundwater systems that are now being put out of business by the Department of Environmental Protection. Those other municipalities and the residents in them now want to come to the other community and say we want to tap in, and we are saying they have to let them tap in at the same price. What if the first municipality has developable property and they wish to develop it at some point down the road and do not yet have a developer there? We are removing their capacity to develop that property. We are saying that they have to charge the same price as they charge for their residents.

I think we are making a big mistake here. We are forcing people in one municipality to provide services to residents in another municipality at the same price. They should be allowed to charge a higher price if they so choose.

I think it is a wrong-headed way to go. I particularly think it is wrong of us to put this in law or require it in statute. We should let those two municipalities and the residents of those municipalities, the developer in those communities, determine the price here, and we should not get involved in it. For that reason I am going to vote "no," and I urge others to do the same. Thank you, Mr. Speaker.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Chester County, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

May I interrogate the sponsor of the amendment?

The SPEAKER pro tempore. The gentleman indicates he is willing to stand for interrogation. You may proceed.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, you have identified on page 9, line 58, a fee which you say is the capacity portion, a capacity portion of the

tapping fee. For my purposes, could you tell me what the other portion of the tapping fee would be or how it would be called?

Mr. GODSHALL. Distribution, collection, and so forth, and special purposes as it is defined in the act.

Mr. HENNESSEY. Okay. Thank you.

That concludes my interrogation. May I speak on the amendment?

The SPEAKER pro tempore. The gentleman is recognized.

Mr. HENNESSEY. Thank you, Mr. Speaker.

Mr. Speaker, the concern that I would have is by dictating at what price the municipality with excess capacity may sell to the second township, the second municipality, we may have the unexpected result of restricting the marketplace and not allowing for the sale of that excess capacity. It would make sense to me that whatever the second, the purchasing municipality, was paying for its tapping fee should be passed on at cost to its consumers, its population. But it would seem to me that for us to try to sit here and to tell the municipality which hosts the sewer plant that if it has excess capacity, we are going to tell it at what price it can sell it to its neighbor, we may have the unexpected effect of simply having them say, well, then in that case, if you are going to set the price, we are not going to sell it to our neighbor. I think that is probably not what we intend. We intend the opposite rather, to have the excess capacity freely available to the neighboring township, but I suspect that the language of this amendment does not do that and it may have the opposite effect. Thank you.

The SPEAKER pro tempore. Mr. Godshall, for the second time on the amendment.

Mr. GODSHALL. Thank you, Mr. Speaker.

The intent of the original Act 203 was to make sure our consumers were charged a fair and equitable fee — a fair and equitable fee. That was the intent of the law. There is a formula that was agreed to by the Authorities Association, by the municipal associations, by the homebuilders. We all sat down and put it together. We agreed on that fair and equitable cost for the capacity portion. Everything that you said about putting money up and so forth is all taken care of in that formula. It is in the formula now. And especially the gentleman from Allegheny County, the points that he raised, those points are covered with the formula in establishing a fair and equitable price to your constituents.

This language that is here before you today, which is corrective language really, this language, in fact, was drawn up by the lawyers from the Municipal Authorities Association. I did not draw the language up. The lawyer from the Municipal Authorities Association drew the language up. Everybody is aware of what we are doing; everybody is aware of what the intent of the original law was; and all we are doing is putting down in black and white exactly what we intended to do back in 1990, which was to establish a fair and equitable cost for this portion, which is the capacity portion of the tapping fee to your constituents.

Thank you, Mr. Speaker, and I would ask again for a favorable vote.

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman from Washington County, Mr. Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Will the speaker stand for brief interrogation?

The SPEAKER pro tempore. I think the gentleman, Mr. Godshall, will stand for interrogation.

Mr. DALEY. That is what I meant, Mr. Speaker.

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

Mr. DALEY. Mr. Speaker, a hypothetical situation, and tell me how your amendment would apply. Municipality C does not have the geography necessary to put in a sewage treatment plant, and municipality B does and it has a sewage plant. C is outside in the more rural sections of the town and it surrounds the more urbanized community which has the sewage treatment plant. There is an agreement that is made between the two communities in which the larger community that had the sewage treatment plant will extend its sewage lines out into municipality C, so to speak. Now, under your bill and under your amendment, in essence this community, being the host community that has the excess capacity that can do this, is it true then that they cannot charge the residents of that other community any higher fee than they are charging the residents within the host community that has the sewage treatment plant?

Mr. GODSHALL. The answer is you are talking about lines, connecting lines and so forth, which this does not cover. All we are talking about is a portion of the capacity of the main plant in that second municipality. We have a formula that establishes what that cost, the actual cost of that capacity, say, that I am buying, should cost. It is all done by formula, and it has been agreed to, as I said, by the municipalities, the authorities, and the homebuilders. It is only the portion, the capacity portion, which is a portion of the capacity of the plant, and we are trying to establish, really, a legal fee through the formula to do that.

So what is happening also beyond what you are saying, beyond what you just said, is that some authorities are saying, if we sell them in bulk, we can get away from the individual charge and the sky is the limit.

Mr. DALEY. Now, the second part of my question then, Mr. Speaker, would be, if the sewer lines are built in the community and the billing rate should be to the residents of the second community, the community that is utilizing the facility, it should be in essence the same rate, if it is my understanding of your amendment, it is the same rate they would charge the residents of the community in which the plant is located?

Mr. GODSHALL. I am not sure when you are saying the new lines. The new lines that would be extended would probably be part of the capacity fee, but again, it is established by formula in the legislation that everybody agreed to, you know, in day one.

Mr. DALEY. Okay.

Mr. GODSHALL. All we are trying to do here is to make sure that a fair price — and it is based on, you know, based on cost — is what they would charge the consumer.

Mr. DALEY. Then it is my understanding your amendment basically then deals only with the excess capacity that is charged upon the other community—

Mr. GODSHALL. That is exactly right.

Mr. DALEY. —that may lead to increased capacity at a certain point of that sewage treatment plant. Is that correct?

Mr. GODSHALL. That is exactly right. Right now I have an authority back home that has excess capacity. They have gone to the neighboring township and said, we have excess capacity and we would like to sell you this excess capacity, but it has to be at the legal fee as established by law.

Mr. DALEY. On the amendment, Mr. Speaker.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. DALEY. I fully understand what you are trying to do with this amendment. I have two communities in the Mon Valley region that are currently experiencing this very problem. The host community had built a sewage treatment plant and in 1970 entered into a contract with Carroll Township, which is a rural township, to extend service, and there is an excess capacity charge that once 550,000 cubic gallons per minute capacity is hit, then this excess capacity charge falls into place, and unfortunately now, between these two communities, Monongahela City and Carroll Township, we have almost a civil war going on concerning this treatment plant and the excess capacity charge. The people of Carroll Township are experiencing sewage bills that are up in the figure of \$125 per month while the host community sewage bills are something like \$15 to \$20 a month.

This is a real big problem, I know, in these two communities, and I wholeheartedly support this amendment, because I think it is going a step forward in resolving the problems like we have in the Carroll Township-Monongahela area, and I rise in support of this amendment. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS-160

Adolph	Eachus	Markosek	Saylor
Allen	Evans	Marsico	Schroder
Argall	Fairchild	Masland	Schuler
Armstrong	Feese	Mayernik	Scrimenti
Baker	Fichter	McCall	Semmel
Bard	Fleagle	McGeehan	Shaner
Barley	Flick	McGill	Smith, B.
Bastian	Frankel	McIlhattan	Smith, S. H.
Bebko-Jones	Gannon	McIlhinney	Snyder
Belardi	Geist	McNaughton	Solobay
Belfanti	George	Melio	Steil
Benninghoff	Gladeck	Micozzie	Stern
Bishop	Godshall	Miller, R.	Stevenson
Blaum	Grucela	Miller, S.	Strittmatter
Browne	Gruitza	Mundy	Surra
Butkovitz	Habay	Myers	Tangretti
Buxton	Haluska	Nailor	Taylor, E. Z.
Caltagirone	Hanna	O'Brien	Taylor, J.
Carn	Harhai	Oliver	Tigue
Casorio	Hasay	Orie	Travaglio
Cawley	Herman	Perzel	Truc
Chadwick	Hershey	Pesci	Tulli
Civera	Hess	Petrarca	Vance
Clark	Horsey	Phillips	Veon
Clymer	Hutchinson	Pippy	Walko
Cohen, L. I.	Jadlowiec	Pistella	Wansacz
Colafella	James	Raymond	Washington
Cornell	Kaiser	Readshaw	Waters
Corrigan	Keller	Reinard	Williams
Costa	Kenney	Rieger	Wilt
Coy	Kirkland	Roberts	Wogan
Curry	LaGrotta	Robinson	Wojnaroski
Dailey	Laughlin	Roebuck	Wright
Daley	Lawless	Rooney	Yewcic
Dally	Lederer	Ross	Youngblood
DeLuca	Lescovitz	Rublely	Yudichak
Dempsey	Lucyk	Sainato	Zimmerman
Dermody	Lynch	Samuelson	
DeWeese	Maitland	Santoni	
DiGirolamo	Major	Sather	Ryan,
Donatucci	Mann		Speaker

NAYS-30

Barrar	Gordner	Metcalf	Stetler
Battisto	Harhart	Michlovic	Sturla
Birmelin	Hennessey	Nickol	Thomas
Cohen, M.	Josephs	Petrone	Trello
Egolf	Krebs	Rohrer	Van Horne
Fargo	Levdansky	Ruffing	Vitali
Forcier	Maher	Steelman	Zug
Freeman	Manderino		

NOT VOTING-0

EXCUSED-10

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca	Preston		

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-190

Adolph	Fairchild	Manderino	Saylor
Allen	Fargo	Mann	Schroder
Argall	Feese	Markosek	Schuler
Armstrong	Fichter	Marsico	Scrimenti
Baker	Fleagle	Masland	Semmel
Bard	Flick	Mayernik	Shaner
Barley	Forcier	McCall	Smith, B.
Barrar	Frankel	McGeehan	Smith, S. H.
Bastian	Freeman	McGill	Snyder
Battisto	Gannon	McIlhattan	Solobay
Bebko-Jones	Geist	McIlhinney	Steelman
Belardi	George	McNaughton	Steil
Belfanti	Gladeck	Melio	Stern
Benninghoff	Godshall	Metcalf	Stetler
Birmelin	Gordner	Michlovic	Stevenson
Bishop	Grucela	Micozzie	Strittmatter
Blaum	Gruitza	Miller, R.	Sturla
Browne	Habay	Miller, S.	Surra
Butkovitz	Haluska	Mundy	Tangretti
Buxton	Hanna	Myers	Taylor, E. Z.
Caltagirone	Harhai	Nailor	Taylor, J.
Carn	Harhart	Nickol	Thomas
Casorio	Hasay	O'Brien	Tigue
Cawley	Hennessey	Oliver	Travaglio
Chadwick	Herman	Orie	Trello
Civera	Hershey	Perzel	Truc
Clark	Hess	Pesci	Tulli
Clymer	Horsey	Petrarca	Vance
Cohen, L. I.	Hutchinson	Petrone	Van Horne
Cohen, M.	Jadlowiec	Phillips	Veon
Colafella	James	Pippy	Vitali
Cornell	Josephs	Pistella	Walko

Corrigan	Kaiser	Raymond	Wansacz
Costa	Keller	Readshaw	Washington
Coy	Kenney	Reinard	Waters
Curry	Kirkland	Rieger	Williams
Dailey	Krebs	Roberts	Wilt
Daley	LaGrotta	Robinson	Wogan
Dally	Laughlin	Roebuck	Wojnaroski
DeLuca	Lawless	Rohrer	Wright
Dempsey	Lederer	Rooney	Yewcic
Dermody	Lescovitz	Ross	Youngblood
DeWeese	Levdansky	Rubley	Yudichak
DiGirolamo	Lucyk	Ruffing	Zimmerman
Donatucci	Lynch	Sainato	Zug
Eachus	Maher	Samuelson	
Egolf	Maitland	Santoni	Ryan,
Evans	Major	Sather	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—10

Boyes	Leh	Ramos	Stairs
Bunt	Platts	Staback	Trich
Cappabianca	Preston		

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.

**FAREWELL ADDRESS
BY MR. CHADWICK**

The SPEAKER pro tempore. I now have an opportunity to make a few remarks. This will be a little more difficult than usual. Usually when I preside, I have this script book to guide me, and if I make a mistake, I have Clancy to bail me out. There is no script for this, and I suspect that no matter how much trouble I get myself into here, there is not much Clancy is going to do to help me.

The past 16 years have been the happiest 16 years of my life. This is something that I have wanted to do ever since I was a child, and I am always amused when there is a vacancy for public office and we read in the paper that a potential candidate says that a number of people have approached him and urged him to run and that he is considering it. I can assure you that when Roger Madigan vacated my House seat to run for the Senate, about 10 minutes later I was down at the courthouse looking for nominating petitions. No one had to approach me.

Public service is a truly noble calling, and it is one that requires great personal sacrifice, despite what some in the press would have our constituents believe. And I truly believe that if you want to get involved in public service, there is no better place to do that than the Pennsylvania House of Representatives, the people's House.

I have often been asked over the past 16 years if I was interested in running for the State Senate when my Senator retired someday, and I have always answered no, and I always get this puzzled look from people, and simply put, I am happier here. I have always been happier here. I like to tell people that

the difference between the House and the Senate is that the Senate operates something like a country club and the House operates more like an Elks club, and I guess I am an Elks club kind of guy.

These past 16 years have been filled with a lot of joy, humor, occasionally some sadness, and the great satisfaction that comes with making Pennsylvania a better place to live and raise our families.

I did mention humor, and I think humor is important, because trying to find the humor in some of the things we do helps us keep our perspective, helps us keep our level-headedness when things get tense around here. Like my friend, Gaynor, I often try to find the humor in some of the things that we do, and I think it has been helpful to me. One of my fondest memories will be the time that the gentleman from Greene County — and this is some years ago; my apologies to some of you newer members — detached a cordless microphone from the podium and strode up and down the aisles like Phil Donahue pleading his case. I thought that was wonderful. It was never permitted to be done again, but it was wonderful.

I have had the opportunity to serve with some truly great people, some people who will be remembered a lot longer than most of us, and I am talking about people like Leroy Irvis and Jim Manderino and, of course, Matt Ryan. I think that I have been truly blessed to have the opportunity to serve with three such giants in the history of this chamber.

And I especially want to thank Matt Ryan for the opportunity to preside over the past few years as Speaker pro tem. It has been a great thrill, and it is one of the memories that I will truly treasure for the rest of my life.

But the most important thing that I will take with me as I leave is the friendships that I have made here. My life is truly the richer for having known all of you and been friends with all of you, and I wish you all Godspeed as you continue your service to the people of our Commonwealth. Thank you very much.

**THE SPEAKER (MATTHEW J. RYAN)
PRESIDING**

The SPEAKER. Scot, as you relied on Clancy, I relied on you, and I would like to give you this ceremonial gavel to take home and think of us from time to time and the good times and the bad times that we had together.

Mr. CHADWICK. Thank you, Matt. Thank you very much.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1596, PN 1940**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for probable cause arrests in misdemeanor sex offenses.

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

The SPEAKER. The Chair recognizes the gentleman, Mr. George, who offers— The gentleman, Mr. George, withdraws his amendments.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—190

- | | | | |
|--------------|------------|------------|---------------|
| Adolph | Fairchild | Manderino | Saylor |
| Allen | Fargo | Mann | Schroder |
| Argall | Feese | Markosek | Schuler |
| Armstrong | Fichter | Marsico | Scrimanti |
| Baker | Fleagle | Masland | Semmel |
| Bard | Flick | Mayernik | Shaner |
| Barley | Forcier | McCall | Smith, B. |
| Barrar | Frankel | McGeehan | Smith, S. H. |
| Bastian | Freeman | McGill | Snyder |
| Battisto | Gannon | McIlhattan | Solobay |
| Bebko-Jones | Geist | McIlhinney | Steelman |
| Belardi | George | McNaughton | Steil |
| Belfanti | Gladeck | Melio | Stern |
| Benninghoff | Godshall | Metcalf | Stetler |
| Birmelin | Gordner | Michlovic | Stevenson |
| Bishop | Grucela | Micozzie | Strittmatter |
| Blaum | Gruitza | Miller, R. | Sturla |
| Browne | Habay | Miller, S. | Surra |
| Butkovitz | Haluska | Mundy | Tangretti |
| Buxton | Hanna | Myers | Taylor, E. Z. |
| Caltagirone | Harhai | Nailor | Taylor, J. |
| Cam | Harhart | Nickol | Thomas |
| Casorio | Hasay | O'Brien | Tigue |
| Cawley | Hennessey | Oliver | Travaglio |
| Chadwick | Herman | Orie | Trello |
| Civera | Hershey | Perzel | Truc |
| Clark | Hess | Pesci | Tulli |
| Clymer | Horsey | Petrarca | Vance |
| Cohen, L. I. | Hutchinson | Petrone | Van Home |
| Cohen, M. | Jadlowiec | Phillips | Veon |
| Colafella | James | Pippy | Vitali |
| Cornell | Josephs | Pistella | Walko |
| Corrigan | Kaiser | Raymond | Wansacz |
| Costa | Keller | Readshaw | Washington |
| Coy | Kenney | Reinard | Waters |
| Curry | Kirkland | Rieger | Williams |
| Dailey | Krebs | Roberts | Wilt |
| Daley | LaGrotta | Robinson | Wogan |
| Dally | Laughlin | Roebuck | Wojnaroski |
| DeLuca | Lawless | Rohrer | Wright |
| Dempsey | Lederer | Rooney | Yewcic |
| Dermody | Lescovitz | Ross | Youngblood |
| DeWeese | Levdansky | Rublely | Yudichak |
| DiGirolamo | Lucyk | Ruffing | Zimmerman |
| Donatucci | Lynch | Sainato | Zug |
| Eachus | Maher | Samuelson | |
| Egolf | Maitland | Santoni | Ryan, |
| Evans | Major | Sather | Speaker |

NAYS—0

NOT VOTING—0

EXCUSED—10

- | | | | |
|-------------|---------|---------|--------|
| Boyes | Leh | Ramos | Stairs |
| Bunt | Platts | Staback | Trich |
| Cappabianca | Preston | | |

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

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

The SPEAKER. The Chair advises the members of the House there will be no further votes today.

HOUSE RESOLUTION
INTRODUCED AND REFERRED

No. 636 By Representative GANNON

A Resolution directing the Judiciary Committee to study the publication of legal notices.

Referred to Committee on RULES, November 15, 2000.

BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED

HB 2836, PN 4126

By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor and the Department of Transportation, to convey to the Grand Canyon Airport Authority certain lands situate in Shippen and Delmar Townships, Tioga County.

STATE GOVERNMENT.

SB 1468, PN 2023

By Rep. CLYMER

An Act amending the act of June 25, 1999 (P.L.205, No.27) entitled "An act authorizing the Department of General Services, with the approval of the Governor, to convey to East Allen Township, Northampton County, certain land situate in East Allen Township, Northampton County, and to convey to the trustees of the University of Pittsburgh certain land situate in the City of Pittsburgh, Allegheny County; and authorizing and directing the State Armory Board of the Department of Military and Veterans Affairs and the Department of General Services, with the approval of the Governor, to convey to the Historical and Genealogical Society of Indiana County a tract of land situate in the Borough of Indiana, County of Indiana, Pennsylvania," further providing for the purpose of the conveyance.

STATE GOVERNMENT.

SB 1502, PN 2220

By Rep. CLYMER

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Stepping Stone Counseling and Education Services, Inc., certain lands and building situate in the City of York, York County, Pennsylvania.

STATE GOVERNMENT.

SB 1547, PN 2171

By Rep. CLYMER

An Act authorizing the release of Project 70 restrictions imposed on a certain tract of land in Mercer County owned by the Pennsylvania Game Commission in exchange for the imposition of Project 70 restrictions on a certain tract of land in Mercer County to be conveyed to the commission.

STATE GOVERNMENT.

BILLS REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move the following bills from the table:

SB 1444;
 SB 1531;
 SB 552;
 SB 805;
 SB 1468;
 SB 1502;
 SB 1547;
 HB 2836;
 HB 2852;
 SB 1478;
 SB 1316; and
 SB 769.

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

BILLS ON SECOND CONSIDERATION

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

SB 552, PN 2184; and SB 1444, PN 1930.**BILLS RECOMMENDED**

The SPEAKER. The Chair recognizes the majority leader.

Mr. PERZEL. Mr. Speaker, I move that the following bills be recommitted to the Committee on Appropriations:

SB 1444;
 SB 1531;
 SB 552;
 SB 805;
 SB 1468;
 SB 1502;
 SB 1547;
 HB 2836;
 HB 2852;
 SB 1478;
 SB 1316; and
 SB 769.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Do the Republican or Democratic leaders have any further business?

Hearing none, the Chair recognizes the gentleman from Northampton County, Mr. Freeman.

Mr. FREEMAN. Mr. Speaker, I move that this House do now adjourn until Monday, November 20, 2000, 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 4:18 p.m., e.s.t., the House adjourned.