

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, NOVEMBER 19, 2001

SESSION OF 2001

185TH OF THE GENERAL ASSEMBLY

No. 64

HOUSE OF REPRESENTATIVES

The House convened at 1 p.m., e.s.t.

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

PRAYER

VERY REV. WILLIAM C. FORREY, Chaplain of the House of Representatives and Secretary for Parish and Special Ministries, Diocese of Harrisburg, Harrisburg, Pennsylvania, offered the following prayer:

Let us pray:

All merciful and loving God, we gather here before You to offer You praise and thanksgiving for the blessings that flow to us from Your eternal bounty. Open wide for us the door of Your embracing love this day and all days.

During this time of national peril and challenge, we pray for this great Commonwealth and for all of the citizens across our land. May we continue to experience Your grace and consolation, which is that divine love that draws all Your children together, bonding us in fellowship and guiding us in the ways of harmony.

Bless the leaders of this esteemed body of public servants and give them courage, inspiration, and strength. Above all, give them the wisdom to seek Your ways in accomplishing the work of justice. May the elected members of this revered institution have foremost in their hearts the welfare of our society and the progress of the common good. Bestow upon our land renewed and just prosperity to the glory of Your name.

We pray this day that with Your guidance and direction, we can and will foster values of equality, life, and hope for all those who live in Pennsylvania. Above all, bless our noble efforts as we humbly seek to establish peace in our hearts, peace in our nation, and peace in our world.

All these things we ask in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, November 14, 2001, will be postponed until printed. The Chair hears no objection.

JOURNALS APPROVED

The SPEAKER. The Journals for Friday, June 22; Thursday, July 12; Wednesday, September 5; and Monday, September 24, 2001, are in print and available. Without objection, they will stand approved as printed. The Chair hears no objection.

HOUSE BILLS INTRODUCED AND REFERRED

No. 2145 By Representatives BISHOP, THOMAS and McGEEHAN

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for special election prior to implementation of a provision relating to distress in school districts of the first class.

Referred to Committee on EDUCATION, November 15, 2001.

No. 2146 By Representatives METCALFE, JOSEPHS, ARMSTRONG, T. STEVENSON, WILT, FORCIER, LEH, PETRARCA, THOMAS and ROHRER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, authorizing parents to exempt their children from tests and instruction.

Referred to Committee on EDUCATION, November 15, 2001.

No. 2147 By Representatives MAITLAND, ARMSTRONG, BARRAR, BUNT, CAPPELLI, CAWLEY, CREIGHTON, DALEY, FAIRCHILD, GABIG, GEIST, GRITZA, HARHAI, HARHART, HENNESSEY, HORSEY, HUTCHINSON, LAUGHLIN, MCGILL, PIPPY, SATHER, SAYLOR, SEMMEL, SOLOBAY, STABACK, STEIL, E. Z. TAYLOR, THOMAS, WILT, G. WRIGHT and YUDICHAK

An Act amending the act of December 1, 1977 (P.L.237, No.76), known as the Local Economic Revitalization Tax Assistance Act, providing for definitions and for development projects in currently underutilized industrial parks or development projects in critical economic areas within the county.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 15, 2001.

No. 2148 By Representatives BROWNE and MANN

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for allowances and service increments and for pensions and service increments.

Referred to Committee on URBAN AFFAIRS, November 15, 2001.

No. 2149 By Representatives HASAY, CALTAGIRONE, PERZEL, MUNDY, M. BAKER, BARD, BELFANTI, BENNINGHOFF, CAPPELLI, CREIGHTON, CURRY, DALLY, DeLUCA, FAIRCHILD, FICHTER, FREEMAN, GANNON, GEIST, GEORGE, HARHAI, HENNESSEY, HERSHEY, HESS, KELLER, KENNEY, PHILLIPS, ROBERTS, RUBLEY, SATHER, SCHRODER, SCRIMENTI, SEMMEL, SHANER, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, TRICH, WATSON, WILT, G. WRIGHT, YOUNGBLOOD, FRANKEL, TURZAI, MAHER, PALLONE, WANSACZ, TIGUE and McGEEHAN

An Act amending the act of February 17, 1906 (1 Sp.Sess., P.L.45, No.11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," prohibiting investments in countries identified as sponsors of terrorism.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 15, 2001.

No. 2150 By Representatives HASAY, CALTAGIRONE, PERZEL, MUNDY, M. BAKER, BARD, BELFANTI, BENNINGHOFF, CAPPELLI, CREIGHTON, CURRY, DALLY, DeLUCA, FAIRCHILD, FICHTER, FREEMAN, GANNON, GEIST, GEORGE, HARHAI, HENNESSEY, HERSHEY, HESS, KELLER, KENNEY, PHILLIPS, ROBERTS, RUBLEY, SATHER, SCHRODER, SCRIMENTI, SEMMEL, SHANER, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, TRICH, WATSON, WILT, G. WRIGHT, YOUNGBLOOD, FRANKEL, TURZAI, MAHER, PALLONE, WANSACZ, TIGUE and McGEEHAN

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, prohibiting investments in countries identified as sponsors of terrorism.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 15, 2001.

No. 2151 By Representatives HASAY, CALTAGIRONE, PERZEL, MUNDY, M. BAKER, BARD, BELFANTI, BENNINGHOFF, CAPPELLI, CREIGHTON, CURRY, DALLY, DeLUCA, FAIRCHILD, FICHTER, FREEMAN, GANNON, GEIST, GEORGE, HARHAI, HENNESSEY, HERSHEY, HESS, KELLER, KENNEY, PHILLIPS, ROBERTS, RUBLEY, SATHER, SCHRODER, SCRIMENTI, SEMMEL, SHANER,

B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, TRICH, WATSON, WILT, G. WRIGHT, YOUNGBLOOD, FRANKEL, TURZAI, MAHER, PALLONE, WANSACZ, TIGUE and McGEEHAN

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for prohibition of investments in countries identified as sponsors of terrorism.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 15, 2001.

No. 2152 By Representatives HASAY, CALTAGIRONE, PERZEL, MUNDY, M. BAKER, BARD, BELFANTI, BENNINGHOFF, CAPPELLI, CREIGHTON, CURRY, DALLY, DeLUCA, FAIRCHILD, FICHTER, FREEMAN, GANNON, GEIST, GEORGE, HARHAI, HENNESSEY, HERSHEY, HESS, KELLER, KENNEY, PHILLIPS, ROBERTS, RUBLEY, SATHER, SCHRODER, SCRIMENTI, SEMMEL, SHANER, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, TRICH, WATSON, WILT, G. WRIGHT, YOUNGBLOOD, FRANKEL, TURZAI, MAHER, PALLONE, WANSACZ, TIGUE and McGEEHAN

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations doing business in countries which sponsor terrorism; and prohibiting deposits from and loans to such countries and corporations.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 15, 2001.

No. 2153 By Representatives CALTAGIRONE, HASAY, PERZEL, MUNDY, M. BAKER, BARD, BELFANTI, BENNINGHOFF, CAPPELLI, CREIGHTON, CURRY, DALLY, DeLUCA, FAIRCHILD, FICHTER, FREEMAN, GANNON, GEIST, GEORGE, HARHAI, HENNESSEY, HERSHEY, HESS, KELLER, KENNEY, PHILLIPS, ROBERTS, RUBLEY, SATHER, SCHRODER, SCRIMENTI, SEMMEL, SHANER, B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, TRICH, WATSON, WILT, G. WRIGHT, YOUNGBLOOD, FRANKEL, TURZAI, MAHER, PALLONE, WANSACZ, TIGUE and McGEEHAN

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, prohibiting investments in corporations doing business in countries which sponsor terrorism.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 15, 2001.

No. 2154 By Representatives CALTAGIRONE, HASAY, PERZEL, MUNDY, M. BAKER, BARD, BELFANTI, BENNINGHOFF, CAPPELLI, CREIGHTON, CURRY, DALLY, DeLUCA, FAIRCHILD, FICHTER, FREEMAN, GANNON, GEIST, GEORGE, HARHAI, HENNESSEY, HERSHEY, HESS, KELLER, KENNEY, PHILLIPS, ROBERTS, RUBLEY, SATHER, SCHRODER, SCRIMENTI, SEMMEL, SHANER,

B. SMITH, SOLOBAY, R. STEVENSON, T. STEVENSON, STURLA, SURRA, TANGRETTI, E. Z. TAYLOR, TRICH, WATSON, WILT, G. WRIGHT, YOUNGBLOOD, FRANKEL, TURZAI, MAHER, PALLONE, WANSACZ, TIGUE and McGEEHAN

An Act prohibiting investments in, deposits from or loans to countries identified as sponsors of terrorism.

Referred to Committee on COMMERCE AND ECONOMIC DEVELOPMENT, November 15, 2001.

No. 2155 By Representatives SCRIMENTI, LEVDANSKY, McILHATTAN, SURRA, GEORGE, RUBLEY, STEIL, MARKOSEK, DALEY, FRANKEL, HERMAN, LAUGHLIN, BUNT, HERSHEY, CAPPELLI, WOJNAROSKI, SCHRODER, SOLOBAY, WATSON, TIGUE, STABACK, HUTCHINSON, CREIGHTON, SATHER, SHANER, TRAVAGLIO, STERN, CORRIGAN, BELFANTI, YOUNGBLOOD, DeLUCA, HESS, SAINATO, STEELMAN, BROWNE, HORSEY, HARHAI, DIVEN, MAHER, PETRARCA, PISTELLA and PALLONE

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for allocation of highway tax proceeds.

Referred to Committee on TRANSPORTATION, November 19, 2001.

No. 2156 By Representatives BENNINGHOFF, M. BAKER, BARD, BEBKO-JONES, CAPPELLI, CLYMER, CREIGHTON, EGOLF, J. EVANS, FAIRCHILD, GEIST, GEORGE, HARHART, HARPER, HERMAN, HERSHEY, HORSEY, JAMES, KELLER, McCALL, McGEEHAN, MCGILL, McILHATTAN, NAILOR, PALLONE, PICKETT, PIPPY, ROHRER, RUBLEY, SATHER, SCHRODER, SCHULER, B. SMITH, SOLOBAY, E. Z. TAYLOR, THOMAS, TRELLO, TURZAI, WANSACZ, WATSON, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further defining "volunteer license"; further providing for volunteer status, for regulations and for exemptions; and providing for indemnity and defense for active practitioners and for optional liability coverage.

Referred to Committee on HEALTH AND HUMAN SERVICES, November 19, 2001.

No. 2157 By Representatives CASORIO, BEBKO-JONES, CORRIGAN, CREIGHTON, CRUZ, D. EVANS, FRANKEL, GEORGE, HARHAI, JOSEPHS, LUCYK, LYNCH, ROBERTS, ROONEY, TRAVAGLIO, TRELLO, TRICH, WALKO, WANSACZ, J. WILLIAMS and YOUNGBLOOD

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting the transportation of equine animals for slaughter.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 19, 2001.

No. 2158 By Representatives CASORIO, BEBKO-JONES, CORRIGAN, CREIGHTON, CRUZ, D. EVANS, FRANKEL, GEORGE, HARHAI, JOSEPHS, LUCYK, LYNCH, ROBERTS, ROONEY, TRAVAGLIO, TRELLO, TRICH, WALKO, WANSACZ, J. WILLIAMS and YOUNGBLOOD

An Act amending the act of December 22, 1983 (P.L.303, No.83), referred to as the Animal Destruction Method Authorization Law, prohibiting the transportation of equine animals for slaughter; and further providing for penalties.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, November 19, 2001.

No. 2159 By Representatives HANNA, BARRAR, BELFANTI, BENNINGHOFF, CAPPELLI, CORRIGAN, CURRY, GEORGE, GRUCELA, HENNESSEY, HORSEY, KELLER, MAITLAND, MELIO, PALLONE, SCHULER, SHANER, THOMAS, TIGUE, TRELLO, WASHINGTON, WILT, WOJNAROSKI and YOUNGBLOOD

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, further providing for the bonding time period to secure structural integrity.

Referred to Committee on LOCAL GOVERNMENT, November 19, 2001.

No. 2160 By Representatives HANNA, CORRIGAN, CURRY, FREEMAN, GEORGE, GORDNER, HORSEY, JAMES, LEVDANSKY, MCGILL, MUNDY, DALEY, FORCIER, GEIST, HALUSKA, HARHAI, HUTCHINSON, KELLER, PISTELLA, ROBERTS, PALLONE, SATHER, SCRIMENTI, STABACK, TRELLO, G. WRIGHT and YOUNGBLOOD

An Act amending the act of November 24, 1976 (P.L.1176, No.261), known as the Mobile Home Park Rights Act, further providing for evictions and for park rules and regulations.

Referred to Committee on CONSUMER AFFAIRS, November 19, 2001.

No. 2161 By Representatives HANNA, BASTIAN, BELFANTI, CAPPELLI, COLAFELLA, CREIGHTON, CRUZ, DALEY, FORCIER, GEIST, GEORGE, HALUSKA, HARHAI, HORSEY, HUTCHINSON, JAMES, KELLER, PISTELLA, ROBERTS, SAINATO, SCHULER, SHANER, SOLOBAY, SURRA, TIGUE, WANSACZ, WILT and YEWIC

An Act providing for the annual addition of 100 miles of trails by the Department of Conservation and Natural Resources; and making an appropriation.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, November 19, 2001.

No. 2162 By Representatives HANNA, BEBKO-JONES, BELARDI, BELFANTI, CAPPELLI, CAWLEY, COLAFELLA, COSTA, CREIGHTON, DeWEESE, FICHTER, GEORGE, GRUCELA, HARHAI, HENNESSEY, HESS, HORSEY, HUTCHINSON, JAMES, McCALL, PALLONE, PETRARCA,

PISTELLA, READSHAW, SAINATO, SAYLOR, SCHULER, SHANER, SOLOBAY, STABACK, SURRA, TANGRETTI, TRELLO, WANSACZ, WASHINGTON, WATSON, WOJNAROSKI, G. WRIGHT, M. WRIGHT and YOUNGBLOOD

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for retirement definitions.

Referred to Committee on EDUCATION, November 19, 2001.

No. 2163 By Representative GEIST

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for an additional deputy secretary in the Department of Transportation.

Referred to Committee on TRANSPORTATION, November 19, 2001.

No. 2164 By Representative GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing penalties on department employees or agents who issue a fraudulent driver's license.

Referred to Committee on TRANSPORTATION, November 19, 2001.

No. 2165 By Representative GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the issuance and renewal of resident and nonresident commercial drivers' licenses.

Referred to Committee on TRANSPORTATION, November 19, 2001.

No. 2166 By Representatives L. I. COHEN and GEIST

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for persons ineligible for driver's licensing.

Referred to Committee on TRANSPORTATION, November 19, 2001.

No. 2167 By Representatives JADLOWIEC, ARMSTRONG, BARD, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HABAY, HERMAN, KENNEY, LEH, MARSICO, McNAUGHTON, R. MILLER, NAILOR, RUBLEY, E. Z. TAYLOR, TULLI and WOGAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidate and political committees and other persons.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2168 By Representatives FICHTER, ARMSTRONG, BARD, L. I. COHEN, CREIGHTON, FEESE, GABIG, GEIST,

HERMAN, JADLOWIEC, KENNEY, LEH, MARSICO, McNAUGHTON, RUBLEY, E. Z. TAYLOR, TULLI and WOGAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidate and political committees and other persons.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2169 By Representatives ALLEN, ARMSTRONG, BARD, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, KENNEY, LEH, MARSICO, McNAUGHTON, R. MILLER, NAILOR, RUBLEY, E. Z. TAYLOR and TULLI

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, imposing a criminal penalty for filing late reports.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2170 By Representatives ALLEN, ARMSTRONG, BARD, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, KENNEY, LEH, MARSICO, McNAUGHTON, R. MILLER, NAILOR, RUBLEY, E. Z. TAYLOR, TULLI, DALLY, SATHER and WOGAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for additional powers and duties of the Secretary of the Commonwealth.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2171 By Representatives DALLY, ARMSTRONG, BARD, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, KENNEY, LEH, MARSICO, McNAUGHTON, R. MILLER, RUBLEY, E. Z. TAYLOR, TULLI and WOGAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidate and political committees and other persons.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2172 By Representatives KENNEY, ARMSTRONG, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, LEH, MARSICO, McNAUGHTON, E. Z. TAYLOR, TULLI and WOGAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for reporting by candidate and political committees and other persons.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2173 By Representatives KENNEY, ARMSTRONG, BARD, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, LEH, MARSICO, McNAUGHTON, R. MILLER, RUBLEY, E. Z. TAYLOR, TULLI and WOGAN

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for late filing fees.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2174 By Representatives KENNEY, ARMSTRONG, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, LEH, MARSICO, McNAUGHTON, NAILOR, E. Z. TAYLOR, TULLI and BARD

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for criminal penalties relating to receipts and disbursements of primary and election expenses by persons other than candidates and treasurers, for receipts of primary and election expenses by unauthorized persons and for failure to file expense account.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2175 By Representatives KENNEY, ARMSTRONG, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, LEH, MARSICO, McNAUGHTON, E. Z. TAYLOR, TULLI, WOGAN, BARD, DALLY, R. MILLER, RUBLEY and SATHER

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for additional powers and duties of supervisors.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2176 By Representatives HABAY, ARMSTRONG, BARD, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, HERMAN, JADLOWIEC, KENNEY, LEH, MARSICO, McNAUGHTON, R. MILLER, NAILOR, RUBLEY, SATHER, E. Z. TAYLOR, TULLI and WOGAN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the period of limitations for commencing prosecutions in certain actions.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

No. 2177 By Representatives KENNEY, ARMSTRONG, L. I. COHEN, CREIGHTON, FEESE, FICHTER, GABIG, GEIST, HERMAN, JADLOWIEC, LEH, MARSICO, McNAUGHTON, E. Z. TAYLOR and TULLI

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for place of filing statements and reports.

Referred to Committee on STATE GOVERNMENT, November 19, 2001.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 356 By Representatives RUBLEY, BARLEY, BEBKO-JONES, BELARDI, CALTAGIRONE, CREIGHTON, FAIRCHILD, FICHTER, FRANKEL, GEORGE, GRUCELA, HERMAN, HERSHEY, KELLER, MANN, McCALL, MELIO, MUNDY, PICKETT, PIPPY, READSHAW, ROSS, SATHER, SCHULER, SCRIMENTI, STEELMAN, STRITTMATTER, SURRA, TULLI, VANCE, VITALI, WASHINGTON, WATSON, BARD, B. SMITH, BUNT, HORSEY, GABIG, HARHAI, WOJNAROSKI, CORRIGAN and JAMES

A Resolution encouraging the development of green energy sources in the Commonwealth of Pennsylvania.

Referred to Committee on RULES, November 19, 2001.

No. 359 By Representatives BEBKO-JONES, BELARDI, BELFANTI, CALTAGIRONE, CAPPELLI, L. I. COHEN, COY, DALEY, DeWEESE, D. EVANS, FICHTER, FRANKEL, FREEMAN, GABIG, GEORGE, HARHAI, HENNESSEY, HERSHEY, HORSEY, KELLER, LaGROTTA, LAUGHLIN, LESCOVITZ, MELIO, PALLONE, PISTELLA, READSHAW, ROONEY, SANTONI, SHANER, B. SMITH, SOLOBAY, SURRA, E. Z. TAYLOR, WASHINGTON, G. WRIGHT and YOUNGBLOOD

A Resolution urging the citizens of this Commonwealth to exercise a new level of awareness as our country prepares for the threat of biological terrorism.

Referred to Committee on RULES, November 19, 2001.

SENATE BILLS FOR CONCURRENCE

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

SB 372, PN 1518

Referred to Committee on JUDICIARY, November 15, 2001.

SB 986, PN 1197

Referred to Committee on URBAN AFFAIRS, November 15, 2001.

SB 1089, PN 1370

Referred to Committee on JUDICIARY, November 15, 2001.

LETTER SUBMITTED FOR THE RECORD

Mr. VEON submitted the following letter for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

November 2, 2001

The Honorable Matthew J. Ryan
Speaker, Pennsylvania House of Representatives
139 Main Capitol
Harrisburg, PA 17120

Dear Speaker Ryan:

On Friday, October 26, 2001 my office received a call from Rep. Louise Bishop's office indicating that she was requesting a Leave of Absence from the House Floor for Monday, October 29 and Tuesday, October 30, 2001. Unfortunately, due to an error in communication in the Minority Whip Office, we failed to place the Representative on Leave from the Official Roll that week.

We do understand that we cannot change the official House Records for those days, however, we would like it to be submitted that Rep. Louise Bishop had requested to be placed on leave and was not present in Harrisburg on the aforementioned days.

Please accept my sincere apologies in this oversight.

Sincerely,
Mike Veon
Minority Whip

cc: Ted Mazia

SENATE MESSAGE

HOUSE AMENDMENTS
CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, informed that the Senate has concurred in the amendments made by the House of Representatives to SB 977, PN 1441.

LEAVES OF ABSENCE

The SPEAKER. The Chair recognizes the majority whip, who requests a leave of absence for the gentleman from Delaware, Mr. MICOZZIE, for today and tomorrow; and for the gentleman from Northumberland, Mr. PHILLIPS; the gentleman from Centre, Mr. HERMAN; and the gentleman from Montgomery, Mr. BUNT, for today's session.

The Democratic whip requests leave for the gentleman from Luzerne, Mr. TIGUE; the gentleman from Philadelphia, Mr. EVANS; the lady from Philadelphia, Ms. JOSEPHS; the gentleman from Philadelphia, Mr. THOMAS; and the gentleman from Bucks, Mr. CORRIGAN. Mr. Corrigan would be for the week. Without objection, these leaves will be granted. The Chair hears no objection.

BILL REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED

HB 84, PN 2913 (Amended)

By Rep. STAIRS

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, further providing for creditable nonschool service and for creditable work experience.

EDUCATION.

MASTER ROLL CALL

The SPEAKER. The Chair is about to take today's master roll. Members will proceed to vote.

The following roll call was recorded:

PRESENT—194

Adolph	Evans, J.	Major	Schuler
Allen	Fairchild	Manderino	Scrimenti
Argall	Feese	Mann	Semmel
Armstrong	Fichter	Markosek	Shaner
Baker, J.	Fleagle	Marsico	Smith, B.
Baker, M.	Flick	Mayernik	Smith, S. H.
Bard	Forcier	McCall	Solobay
Barley	Frankel	McGeehan	Staback
Barrar	Freeman	McGill	Stairs
Bastian	Gabig	McIlhattan	Steelman
Bebko-Jones	Gannon	McIlhinney	Steil
Belardi	Geist	McNaughton	Stern
Belfanti	George	Melio	Stetler
Benninghoff	Godshall	Metcalfe	Stevenson, R.
Birmelin	Gordner	Michlovic	Stevenson, T.
Bishop	Grucela	Miller, R.	Strittmatter
Blaum	Gruitza	Miller, S.	Sturla
Boyes	Habay	Mundy	Surra
Browne	Haluska	Myers	Tangretti
Butkovitz	Hanna	Nailor	Taylor, E. Z.
Buxton	Harhai	Nickol	Taylor, J.
Caltagirone	Harhart	O'Brien	Travaglio
Cappelli	Harper	Oliver	Trello
Casorio	Hasay	Pallone	Trich
Cawley	Hennessey	Perzel	Tulli
Civera	Hershey	Petrarca	Turzai
Clark	Hess	Petrone	Vance
Clymer	Horshey	Pickett	Veon
Cohen, L. I.	Hutchinson	Pippy	Vitali
Cohen, M.	Jadlowiec	Pistella	Walko
Colafella	James	Preston	Wansacz
Coleman	Kaiser	Raymond	Washington
Cornell	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker

ADDITIONS—0

NOT VOTING—0

EXCUSED—9

Bunt	Herman	Micozzie	Thomas
Corrigan	Josephs	Phillips	Tigue
Evans, D.			

LEAVES CANCELED—2

Herman	Tigue
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ORDER OF MALTA DELEGATION PRESENTED

The SPEAKER. Members, may I have your attention, please? May I please have your attention. Sergeant at Arms, keep the area to the rear of the hall cleared, conversations down. We have a number of special guests here with us today, and I have asked Senator Tartaglione of Philadelphia if she would be kind enough to come over to the House and introduce us to these guests.

Senator, you are recognized.

Ms. TARTAGLIONE. Thank you, Mr. Speaker.

Mr. Speaker, it is with great honor and privilege for me to be here today. I sincerely appreciate the generosity of the Speaker, the House leadership, and the members of this chamber for allowing me the opportunity to introduce some very special guests visiting our great country.

Today, by virtue of House citation and Senate resolution, we recognize the worldwide humanitarian work of the Knights of Malta by declaring November 19, 2001, as "Recognition Day of the Ecumenical Hospitaller Order of St. John, Knights of Malta."

Mr. Speaker, at a time of such unrest in our nation and throughout the world, it is appropriate that we recognize those organizations that provide relief to those who are suffering. The Ecumenical Order of St. John, Knights of Malta operates hospitals and health clinics around the world as well as major ambulance services and disaster relief agencies and distributes food, medicine, medical supplies, clothing, and other relief supplies worldwide.

The Ecumenical Hospitaller Order of St. John, Knights of Malta was admitted to the United Nations by being granted Permanent Observer status, similar to our Red Cross and other relief organizations, which allows it to participate in the United Nations General Assembly.

Mr. Speaker, I am honored to introduce His Highness, Prince Peter Iossif of Lemessos, Grand Master of the Knights of Malta. Members of Prince Peter's delegation include Princess Michelle Iossif, Duke Francesco Maria Mariano, Knight Commander Mauro Gagliardi, Knight Commander Gerrardo Cannavo, Grand Officer Achille DeLuca, Knight Commander Vincenzo Stocco, Knight Gran Cross Massimo Pizza, Lady Marina Pasquini, Dr. Turchetti Alvaro, Knight Commander Spadoni Fabrizio, Count Bruno LaRocca, Lady Valentina Baldassarri, Sir Ricardo DeGovia, Sir Duke Piper and his wife, Trisha.

Also joining me today are my mother, Margaret Tartaglione; my sister, Renee Tartaglione; my brother-in-law, Carlos Matos;

and Estanier Cassanna, who is providing security for the delegation today.

Mr. Speaker, I would appreciate the members of this House of Representatives giving our guests a warm welcome.

The SPEAKER. Members, please take your seats. I have invited the prince to address the House.

PRINCE PETER IOSSIF. Thank you.

Dear Mr. Speaker, it is with extreme pleasure to be present in this historical House of Representatives in Harrisburg and receiving from it and its members the honor of recognition of the Ecumenical Hospitaller Order of St. John, Knights of Malta. Our sovereign order was founded in 1176, and since then, our Knights have been champions of the cause in hospital services just like your House of Representatives, which has been the champion in causes of liberty and justice.

We open our hearts to the American public in its sorrow and suffering of late in which our order has been actively involved in manifestations in prayer for those departed.

This recognition is not a beginning for us but the continuous act in what we do for the betterment of mankind in assisting those that are in need. We have been given the opportunity in executing this cause within the State of Pennsylvania, and we are assessing our initial involvement in the Temple University Episcopal Hospital. Soon we will be commencing full diplomatic functions in establishing our base in Philadelphia in order to coordinate our efforts with your administration and bodies within the United States of America.

There is so much to say and do, but I leave those gestures for another occasion. For now I leave our gratitude and, in remembrance of this occasion, our hearts to this city of eternal brotherhood in which your founder, William Penn, so wish desired our commemoration medal in which its significance is in keeping with our values of equality before God and peace. Thank you.

The SPEAKER. The House will be at ease.

The prince has just shown me a very handsome medallion which has enclosed with it a card explaining exactly what it stands for, and each member will receive one compliments of this delegation from Italy, for which we thank you.

GUESTS INTRODUCED

The SPEAKER. The House will please come to order.

We have a former employee here today as a guest. I would like to give you a quick background. He is here today as the guest of Representative Egolf. He is Airman Nathaniel Liddick, who is stationed in Norfolk, Virginia, and he is here in the gallery today with his family. The airman just returned from Operation Enduring Freedom as part of the air wing of the U.S.S. Enterprise. He worked for the House during 1998 through 2000. Would the airman please rise.

There are several other guests today. I would like to welcome a guest page of Representative Shaner, Zachary Zeli. He is a student at Frazier High School. Would Zack please rise.

Today as a guest of Representative John Evans is Jamisen Etzel, currently in the 10th grade at General McLane High School. He resides in the Representative's district. Would he please rise.

In the gallery, as the guest of Representative Stanley Saylor, is Jason Malecko. He is a senior at Red Lion Area High School. Would this gentleman please rise.

DAVID STANCLIFF PRESENTED

The SPEAKER. Now, our next guest is here at the request of Representative Maitland. I ordinarily would not permit a special guest such as this gentleman, but under the circumstances I thought it was appropriate.

The person who is with us today as a special guest, soon to be introduced to you, is a member, as I understand it, of the legislative staff from Alaska, and he wrote a song called "Rise Up" in response to the terrorist attacks. It was recorded here in Gettysburg. Now, this is a little bit different for us, but we have invited him here today. I heard the record of this song, incidentally, and I thought it was very good. It sounded like he maybe copied Lee Greenwood a little bit with the idea, but that is okay because that was great.

Mr. Maitland, do you desire recognition or have I stolen the thunder?

Mr. MAITLAND. Thank you, Mr. Speaker and ladies and gentlemen.

When President Lincoln delivered his famous Gettysburg Address, he brought a gift of healing from the nation to the small Pennsylvania community. One hundred and thirty-nine years later, Gettysburg is releasing a song to help heal the wounds suffered through acts of terror.

What began as a simple song of tribute in the small hamlet of Tok, Alaska, is now a product of an enthusiastic collaboration of artists in Gettysburg. Alaska singer-songwriter David Stancliff, who had done previous work in Gettysburg, explains, and I quote, "No place in America knows better the need for healing than Gettysburg. What President Lincoln started here on behalf of our young nation has been enlarged. I think he would be pleased in this song and the willingness of Gettysburg to extend outward the gift of healing he so unselfishly bestowed so many years ago."

Stancliff brought the song to Gettysburg and, with the help of Catalyst Studios and other local and national artists, arranged and produced "Rise Up." The effort to achieve a truly American-sounding song was the goal.

Members of the House, ladies and gentlemen and guests, please welcome a legislative staff person for Representative Scott Ogan from Alaska, and you guys in northern Pennsylvania and northwestern Pennsylvania think you have large districts; you should represent northern Alaska if you think you have a big district. Please give a warm Pennsylvania welcome for David Stancliff.

Mr. STANCLIFF. Thank you.

Well, a long way from Tok, Alaska, about 4,000 miles, but I feel wedded to all of you as our country has come together to bolster each other during these difficult times.

The first American ancestor in my family hit these shores in 1635 in Connecticut, and nine generations before me have fought in the Revolutionary War, the Civil War; I had an ancestor that died of starvation in Andersonville. And I think, like all of us, we are Americans and we have something to say about what has happened to us, and this song is from the perspective of what the families and the victims would want us to do as we consider what has happened.

We are living in a time that is literally changing our world. I remember hearing my grandfather and my father talk about such times, never dreaming that I would be here alive during such times, and it is during these times that we need each other and we need to

make promises that lead to a better world and a better United States.

I have with me Scott Ainslie. I am a conservative from Alaska. We do control the House and the Senate. Of course, we know we do not control at all. My friend with me is of a much more liberal persuasion. He has helped me open this song up from being just an American song to a song for all those in this world who might be suffering from the violence that happens through evil deeds. And I am privileged here today, Mr. Speaker, Representative Maitland, to have had the Italian delegation that was here speaking to you, and hopefully we have given them a CD (compact disk) and we offer these words for them as well.

The song is called "We Shall Rise" or "Rise Up," still a working title, and I hope all of you can help me get this song out from the great State of Pennsylvania where America does begin.

("We Shall Rise" was sung by David Stancliff.)

Mr. STANCLIFF. God bless all of you. Thank you.

Representative Maitland does not know this yet, but you can get a copy of the lyrics in his office. Thank you very much.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. I am about to introduce a resolution, a condolence resolution, for all the citizens of Pennsylvania who were killed during the terrorist attacks of September, and without objection, I am going to include the names of all the members of the House as cosponsors. If for any reason you would not want to cosponsor it, tell the amendment clerk and we will see to it that your name is not included. Not hearing from you, this resolution will go in as a matter of course late today or tomorrow morning. Thank you.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The gentleman, Mr. Barley, calls for an immediate meeting of the Appropriations Committee in room 245.

REPUBLICAN CAUCUS

The SPEAKER. Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

Upon the announcement of the recess, the House Republicans will caucus downstairs, and we will require about 90 minutes.

DEMOCRATIC CAUCUS

The SPEAKER. Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, the House Democrats will also caucus. I think 90 minutes is a reasonable period of time.

**COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE MEETING**

The SPEAKER. Mr. Hasay.

Mr. HASAY. Thank you, Mr. Speaker.

Mr. Speaker, the House Commerce Committee will have a meeting in room 40 in the East Wing at the break. Thank you.

The SPEAKER. The Chair thanks the gentleman.

RECESS

The SPEAKER. Any other announcements? Do the majority or minority leaders have any announcements? Committee chairmen? All right.

Hearing none, this House will break until 3:30, unless sooner recalled by the Chair or extended by the Chair.

RECESS EXTENDED

The time of recess was extended until 4 p.m.

AFTER RECESS

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

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the gentleman, Mr. Veon, who requests that the gentleman, Mr. Tigie, be removed from the leave-of-absence list. Without objection, so ordered.

BILL SIGNED BY SPEAKER

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

SB 977, PN 1441

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for senior judge operational support grants.

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

**HOUSE BILL
INTRODUCED AND REFERRED**

No. 2180 By Representatives TULLI, RYAN, PERZEL and DeWEESE

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for legislative security officers.

Referred to Committee on JUDICIARY, November 19, 2001.

BILLS REREPORTED FROM COMMITTEE

HB 539, PN 582

By Rep. BARLEY

An Act providing for water resources conservation, planning and management; providing for drought response authority; imposing powers and duties on the Department of Environmental Protection in relation thereto; providing for penalties and enforcement; establishing the Water Conservation Fund; and making repeals.

APPROPRIATIONS.

HB 680, PN 2184

By Rep. BARLEY

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further defining "public venue"; and further providing for special occasion permits.

APPROPRIATIONS.

HB 974, PN 2854

By Rep. BARLEY

An Act amending the act of May 13, 1915 (P.L.286, No.177), known as the Child Labor Law, providing for youth peddling.

APPROPRIATIONS.

HB 1110, PN 1286

By Rep. BARLEY

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

APPROPRIATIONS.

HB 1290, PN 2915 (Amended)

By Rep. BARLEY

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing the Tapping Fee-Property Lateral Funding Program; making an appropriation; and making editorial changes.

APPROPRIATIONS.

HB 1436, PN 2185

By Rep. BARLEY

An Act requiring host municipality agreements for certain municipal and residual waste facilities; providing for a moratorium; establishing transportation and safety requirements, including a fee and registration for vehicles that collect and transport municipal and residual waste to certain municipal and residual waste disposal and processing facilities; imposing a municipal enhancement consideration fee on the deposit of certain solid waste; and establishing the Municipal Enhancement Consideration Fee Fund.

APPROPRIATIONS.

HB 1439, PN 2858

By Rep. BARLEY

An Act establishing a waste transportation safety program and the Waste Transportation Safety Account; and imposing penalties.

APPROPRIATIONS.

HB 1591, PN 2786

By Rep. BARLEY

An Act providing for the regulation of the location and construction of water wells, for licensing water-well contractors and for the collection of information on groundwater quality and quantity; conferring powers and duties on the Department of Environmental Protection; creating the Water-Well Construction Technical Advisory Committee; establishing the Water-Well Construction Fund; imposing penalties; and making a repeal.

APPROPRIATIONS.

HB 1883, PN 2445

By Rep. BARLEY

An Act requiring the Department of Environmental Protection to return to political subdivisions and municipal authorities for use in corrective action 80% of fines and assessments received from the political subdivisions and municipal authorities either directly or through the Federal Environmental Protection Agency.

APPROPRIATIONS.

HB 2044, PN 2736

By Rep. BARLEY

An Act establishing within the Department of Environmental Protection an accreditation program for environmental laboratories; and providing for whistleblower protection.

APPROPRIATIONS.

HB 2070, PN 2748

By Rep. BARLEY

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

APPROPRIATIONS.

SB 138, PN 281

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for compensation of multicounty investigating grand jurors.

APPROPRIATIONS.

SB 216, PN 223

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for limitations of actions.

APPROPRIATIONS.

SB 818, PN 1514

By Rep. BARLEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records.

APPROPRIATIONS.

BILL ON SECOND CONSIDERATION

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

HB 539, PN 582.**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 670;
 HB 705;
 HB 1449;
 HB 110;
 HB 307;
 HB 481;
 HB 529;
 HB 593;
 HB 767;
 HB 1483;
 HB 1731;
 HB 1805;
 HB 1955;
 HB 2013;
 HB 2033;
 HB 2048;
 HB 2062;
 HB 2063;
 SB 607; and
 SB 907.

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 1449, PN 2325; HB 110, PN 94; HB 307, PN 324; HB 481, PN 2853; HB 529, PN 572; HB 593, PN 650; HB 767, PN 2871; HB 1483, PN 1802; HB 1731, PN 2174; HB 1805, PN 2515; HB 1955, PN 2873; HB 2013, PN 2850; HB 2033, PN 2859; HB 2048, PN 2698; HB 2062, PN 2725; HB 2063, PN 2726; SB 607, PN 1513; and SB 907, PN 1512.

BILLS TABLED

The SPEAKER. The Chair recognizes the majority leader.

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

HB 670; and
HB 705.

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

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Mr. Barley.

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

- HB 1449;
- HB 110;
- HB 307;
- HB 481;
- HB 529;
- HB 593;
- HB 767;
- HB 1483;
- HB 1731;
- HB 1805;
- HB 1955;
- HB 2013;
- HB 2033;
- HB 2048;
- HB 2062;
- HB 2063;
- SB 607; and
- SB 907.

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

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

HB 2149, PN 2879 By Rep. HASAY

An Act amending the act of February 17, 1906 (1 Sp.Sess., P.L.45, No.11), entitled "An act to regulate the deposits of State funds, to prescribe the method of selecting State depositories, to limit the amount of State deposits, to provide for the security of such deposits, to fix the rate of interest thereon, to provide for the publication of monthly statements of moneys in the general and sinking funds, to declare it a misdemeanor to give or take anything of value for obtaining the same, and prescribing penalties for violations of this act," prohibiting investments in countries identified as sponsors of terrorism.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2150, PN 2880 By Rep. HASAY

An Act amending Title 71 (State Government) of the Pennsylvania Consolidated Statutes, prohibiting investments in countries identified as sponsors of terrorism.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2151, PN 2881 By Rep. HASAY

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for prohibition of investments in countries identified as sponsors of terrorism.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2152, PN 2882 By Rep. HASAY

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, prohibiting investments in corporations doing business in countries which sponsor terrorism; and prohibiting deposits from and loans to such countries and corporations.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2153, PN 2883 By Rep. HASAY

An Act amending the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, prohibiting investments in corporations doing business in countries which sponsor terrorism.

COMMERCE AND ECONOMIC DEVELOPMENT.

HB 2154, PN 2884 By Rep. HASAY

An Act prohibiting investments in, deposits from or loans to countries identified as sponsors of terrorism.

COMMERCE AND ECONOMIC DEVELOPMENT.

CALENDAR

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 100, PN 1517**, entitled:

An Act establishing the Infant Hearing Education, Assessment, Reporting and Referral Program; and providing for powers and duties of the Department of Health.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay

Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Hershey	Petrarca	Tulli
Civera	Hess	Petrone	Turzai
Clark	Horsey	Pickett	Vance
Clymer	Hutchinson	Pippy	Veon
Cohen, L. I.	Jadlowiec	Pistella	Vitali
Cohen, M.	James	Preston	Walko
Colafella	Kaiser	Raymond	Wansacz
Coleman	Keller	Readshaw	Washington
Cornell	Kenney	Reinard	Waters
Costa	Kirkland	Rieger	Watson
Coy	Krebs	Roberts	Williams, C.
Creighton	LaGrotta	Robinson	Williams, J.
Cruz	Laughlin	Roebuck	Wilt
Curry	Lawless	Rohrer	Wogan
Dailey	Lederer	Rooney	Wojnaroski
Daley	Leh	Ross	Wright, G.
Dally	Lescovitz	Rubley	Wright, M.
DeLuca	Levdansky	Ruffing	Yewcic
Dermody	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Lynch	Santoni	Zimmerman
Diven	Mackereth	Sather	Zug
Donatucci	Maher	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major	Schuler	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Bunt	Evans, D.	Josephs	Phillips
Corrigan	Herman	Micozzie	Thomas

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 552 is over temporarily.

BILL PASSED OVER

The SPEAKER. HB 932 is over.

The House proceeded to third consideration of **HB 300, PN 2860**, entitled:

An Act providing for management of outdoor night lighting.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

Mr. Smith.

Mr. B. SMITH. Thank you, Mr. Speaker.
I would like to speak on behalf of HB 300.

The SPEAKER. The gentleman is in order and may proceed.
Mr. B. SMITH. It is great timing for consideration of HB 300 in that we had the Leonid Meteor Shower on Sunday morning, and I became aware that a number of members as well as individuals tried to view the night sky to observe the meteor shower, and they became aware of the light pollution that we have in our society. Not only that, there were clouds in our area which prevented us from seeing the shower.

This bill only applies to State agencies, but local governments can enact their own light pollution ordinances. I never thought about light pollution until I visited two observatories in York County.

The SPEAKER. The gentleman will yield.

Members, please take your seats. The conference in the area of the majority leader, please break up.

Mr. Smith.

Mr. B. SMITH. Thank you, Mr. Speaker.

I never thought about light pollution until I visited two observatories in York County and became aware of how the light pollution from the neighborhoods and from the city of York and the city of Harrisburg were diminishing their ability to view the night sky. Seven States have already adopted light pollution ordinances. President Bush, when he was Governor of Texas, signed a light pollution bill into law. It is an energy conservation measure, it discourages energy waste, and finally, it allows a dark sky preserve to be designated in Pennsylvania at Cherry Springs State Park in Potter County. DCNR (Department of Conservation and Natural Resources) could manage the park in a manner to eliminate light pollution.

This is the first step in arousing public awareness and public interest in light pollution. It is an ever-growing problem in our society, and I urge all members to vote "yes" on HB 300.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Hershey	Petrarca	Tulli
Civera	Hess	Petrone	Turzai
Clark	Horsey	Pickett	Vance
Clymer	Hutchinson	Pippy	Veon
Cohen, L. I.	Jadlowiec	Pistella	Vitali
Cohen, M.	James	Preston	Walko
Colafella	Kaiser	Raymond	Wansacz
Coleman	Keller	Readshaw	Washington
Cornell	Kenney	Reinard	Waters
Costa	Kirkland	Rieger	Watson
Coy	Krebs	Roberts	Williams, C.
Creighton	LaGrotta	Robinson	Williams, J.
Cruz	Laughlin	Roebuck	Wilt
Curry	Lawless	Rohrer	Wogan
Dailey	Lederer	Rooney	Wojnaroski
Daley	Leh	Ross	Wright, G.
Dally	Lescovitz	Rublely	Wright, M.
DeLuca	Levdansky	Ruffing	Yewcic
Dermody	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Lynch	Santoni	Zimmerman
Diven	Mackereth	Sather	Zug
Donatucci	Maher	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major	Schuler	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Bunt	Evans, D.	Josephs	Phillips
Corrigan	Herman	Micozzie	Thomas

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

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

The House proceeded to third consideration of **HB 754, PN 838**, entitled:

An Act amending the act of December 19, 1996 (P.L. 1478, No. 190), entitled "An act relating to the recycling and reuse of waste tires; providing for the proper disposal of waste tires and the cleanup of stockpiled tires; authorizing investment tax credits for utilizing waste tires; providing remediation grants for the cleanup of tire piles and for pollution prevention programs for small business and households; establishing the Small Business and Household Pollution Prevention Program and management standards for small business hazardous waste; providing for a household hazardous waste program and for grant programs; making appropriations; and making repeals," adding definitions; further providing for disposal of whole waste tires, for the priority enforcement list and for remediation grants; providing for a registration program, for documentation and recordkeeping, for revocation of registration and for collection programs; authorizing civil penalties; repealing provisions relating to tire recycling investment tax credits; providing for grants, for waste tire storage and for demonstration projects; and making appropriations.

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

Mr. ARGALL offered the following amendment No. A3967:

Amend Title, page 1, lines 14 and 15, by striking out "a registration" and inserting

an authorization

Amend Title, page 1, line 16, by striking out "registration" and inserting

authorization

Amend Title, page 1, line 18, by removing the semicolon after "credits" and inserting a period

Amend Title, page 1, lines 18 through 20, by striking out "providing for grants," in line 18, and all of lines 19 and 20

Amend Sec. 1, page 2, line 11, by striking out "definitions" and inserting

a definition

Amend Sec. 1 (Sec. 104), page 2, lines 17 through 24, by striking out all of said lines and inserting

"Waste tire hauler." Any person that transports whole used or waste tires in this Commonwealth for business-related purposes. The Secretary of Environmental Protection shall promulgate regulations that establish a standard for determining the registration of an individual or business that transports whole used or waste tires. This term does not include persons who haul their own waste tires in the course of routine tire replacement.

Amend Sec. 2 (Sec. 106), page 2, line 29, by striking out the bracket before "used"

Amend Sec. 2 (Sec. 106), page 2, line 30, by striking out "[] or processed"

Amend Sec. 3 (Sec. 106.1), page 3, lines 10 through 19, by striking out all of said lines and inserting

(a) Duty of department.—The department shall establish an authorization program for waste tire haulers.

(b) Authorization number to be issued.—The department shall issue an authorization number for each waste tire hauler.

(c) Renewal required.—Authorization expiration and renewal shall be determined by the department.

(d) Authorization fee.—Each waste tire hauler shall pay an annual authorization fee of \$50.

(e) Authorization required.—It shall be unlawful for a waste tire hauler to transport waste tires without obtaining authorization from the department under this section.

(f) Nontransferability.—An authorization for a waste tire hauler shall not be transferable.

Amend Sec. 3 (Sec. 106.2), page 3, lines 21 through 23, by striking out all of lines 21 and 22 and “transported and processed.” in line 23 and inserting

(a) Duty of waste tire haulers.—Each waste tire hauler shall maintain records of waste tires transported.

Amend Sec. 3 (Sec. 106.2), page 3, lines 28 through 30, by striking out all of said lines and inserting

(1) The number of waste tires transported.

(2) The waste tire hauler authorization number.

(c) Records retention.—All records

Amend Sec. 3 (Sec. 106.2), page 4, line 1, by striking out “hauler and processor” and inserting

waste tire hauler

Amend Sec. 3 (Sec. 106.2), page 4, line 2, by striking out “three” and inserting

five

Amend Sec. 3 (Sec. 106.3), page 4, line 6, by striking out “waste tire transporters” and inserting

authorized waste tire haulers

Amend Sec. 3 (Sec. 106.3), page 4, line 8, by striking out “a permit” and inserting

an authorization

Amend Sec. 3 (Sec. 106.3), page 4, lines 11 and 12, by striking out “any person upon request.” and inserting

the public.

Amend Sec. 3 (Sec. 106.4), page 4, line 20, by striking out “registration” and inserting

authorization

Amend Sec. 3 (Sec. 106.4), page 4, line 24, by striking out all of said line and inserting

of waste tires transported.

Amend Sec. 3 (Sec. 106.4), page 4, lines 26 through 30, by striking out all of lines 26 through 29 and “(5)” in line 30 and inserting

(3)

Amend Sec. 3 (Sec. 106.4), page 5, lines 1 and 2 by removing the underscored period after “act” and all of line 2 and inserting
or the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

Amend Sec. 4 (Sec. 107), page 5, lines 21 through 28, by striking out “the department” in line 21, all of lines 22 through 28 and inserting
each municipality shall report to the department the existence and location of waste tire sites within its jurisdiction that contain more than 1,500 but less than 10,000 waste tires known or estimated to be stockpiled. Upon receipt of this information, the department shall develop and maintain a Statewide list of waste tire sites containing the amount of waste tires specified in this subsection.

Amend Sec. 6 (Sec. 108.1), page 6, line 6, by striking out “In lieu of” and inserting

In addition to

Amend Sec. 6 (Sec. 108.1), page 6, lines 12 and 13, by striking out “only if the” in line 12, all of line 13 and inserting

whether or not the violation was willful or negligent.

Amend Sec. 6 (Sec. 108.1), page 6, line 21, by striking out “proposes to assess” and inserting

assesses

Amend Sec. 6 (Sec. 108.1), page 6, line 25, by striking out “proposed”

Amend Sec. 6 (Sec. 108.1), page 6, line 28, by striking out “Commonwealth Court” and inserting

the Environmental Hearing Board

Amend Sec. 8 (Sec. 111), page 7, line 17, by striking out all of said line and inserting

waste tires in landfills if the whole used or waste tires are acceptable for recycling, reuse or energy recovery.

Amend Sec. 9 (Sec. 114), page 9, line 7, by striking out all of said line and inserting

(3) The waste tire hauler authorization number.

Amend Sec. 9 (Sec. 115), page 9, line 27, by striking out “which” and inserting

that

Amend Sec. 9 (Sec. 115), page 10, lines 2 and 3, by striking out all of said lines and inserting

(d) Funding limitation.—Beginning with fiscal year 2001 and continuing through fiscal year 2006, the department may not expend more than \$250,000 each fiscal year from

Amend Sec. 9, page 10, lines 7 through 30; page 11, lines 1 through 22, by striking out all of said lines on said pages and inserting
this section.

On the question,

Will the House agree to the amendment?

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair notes the presence on the floor of the House of the gentleman, Mr. Herman, and asks that the master roll call reflect his presence.

CONSIDERATION OF HB 754 CONTINUED

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—195

Adolph	Feese	Manderino	Scrimenti
Allen	Fichter	Mann	Semmel
Argall	Fleagle	Markosek	Shaner
Armstrong	Flick	Marsico	Smith, B.
Baker, J.	Forcier	Mayernik	Smith, S. H.
Baker, M.	Frankel	McCall	Solobay
Bard	Freeman	McGeehan	Staback
Barley	Gabig	McGill	Stairs
Barrar	Gannon	McIlhattan	Steelman
Bastian	Geist	McIlhinney	Steil
Bebko-Jones	George	McNaughton	Stern
Belardi	Godshall	Melio	Stetler
Belfanti	Gordner	Metcalfe	Stevenson, R.
Benninghoff	Grucela	Michlovic	Stevenson, T.
Birmelin	Gruitza	Miller, R.	Strittmatter
Bishop	Habay	Miller, S.	Sturla
Blaum	Haluska	Mundy	Surra
Boyes	Hanna	Myers	Tangretti
Browne	Harhai	Nailor	Taylor, E. Z.
Butkovitz	Harhart	Nickol	Taylor, J.
Buxton	Harper	O'Brien	Tigue
Caltagirone	Hasay	Oliver	Travaglio
Cappelli	Hennessey	Pallone	Trello
Casorio	Herman	Perzel	Trich
Cawley	Hershey	Petrarca	Tulli
Civera	Hess	Petrone	Turzai
Clark	Horsey	Pickett	Vance
Clymer	Hutchinson	Pippy	Veon
Cohen, L. I.	Jadlowiec	Pistella	Vitali
Cohen, M.	James	Preston	Walko

Coleman	Kaiser	Raymond	Wansacz
Cornell	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, C.
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wogan
Daley	Lederer	Rooney	Wojnaroski
Dally	Leh	Ross	Wright, G.
DeLuca	Lescovitz	Rubley	Wright, M.
Dermody	Levdansky	Ruffing	Yewcic
DeWeese	Lewis	Sainato	Youngblood
DiGirolamo	Lucyk	Samuelson	Yudichak
Diven	Lynch	Santoni	Zimmerman
Donatucci	Mackereth	Sather	Zug
Eachus	Maher	Saylor	
Egolf	Maitland	Schroder	Ryan,
Evans, J.	Major	Schuler	Speaker
Fairchild			

NAYS-0

NOT VOTING-1

Colafella

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

Mr. DALLY offered the following amendment No. A3656:

Amend Title, page 1, line 14, by inserting after "for" where it appears the second time

remediation liens, for

Amend Sec. 8, page 7, lines 9 and 10, by striking out all of said lines and inserting

Section 8. Section 111(e) of the act is amended to read:

Amend Bill, page 7, by inserting between lines 21 and 22

Section 9. The act is amended by adding a section to read:

Section 111.1. Remediation liens.

(a) Effect of remediation activity.—The amount of a grant issued under section 111 for remediation that is attributable to or expended on a specific site where the grant recipient conducts remediation activity and the benefits accruing to the land on which the site is located shall be chargeable against the land and shall mitigate or offset any claim in or any action brought by any owner of any interest in the land for any damages by virtue of the remediation activity. This subsection shall not be construed to establish a new right of action or eliminate any existing immunity.

(b) Statement to be filed with prothonotary.—Within six months after the completion of remediation activity by a grant recipient on a site, the department shall itemize the amount of grant moneys expended on remediation of the site and may file a statement thereof in the office of the prothonotary of the county in which the land is situated. The department shall affix to the statement a notarized appraisal by an independent appraiser of the value of the land before and after the remediation, if the moneys so expended shall result in a significant increase in property

value. The statement shall constitute a lien upon the land as of the date of the expenditure of the moneys and shall have priority as a lien second only to the lien of real estate taxes imposed on the land.

(c) Amount of lien.—The amount of the lien shall not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the remediation immediately after the grant recipient has completed its work and the lien shall extend only to that portion of the land directly involved in the remediation activity.

(d) Rights of landowner.—The landowner may proceed as provided in the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code, to petition for a board of view within 60 days of the filing of the lien to determine the increase in the market value of that portion of the land directly involved in the remediation activity. The amount reported by the board of viewers to be the increase in value of the land shall constitute the amount of the lien and shall be recorded with the statement required by subsection (b).

(e) Right of appeal.—Any party aggrieved by the decision of the board of viewers may appeal as provided in the Eminent Domain Code.

(f) Entry and enforcement of lien.—The lien authorized by this section shall be entered in the judgment index and shall be given the effect of a judgment against the land. The lien shall be enforced by the direct issuance of a writ of execution without prosecution to judgment of a writ of scire facias in the manner provided by law for enforcement, collection and enforcement of Commonwealth liens.

(g) Construction.—Entry by a grant recipient upon lands for the purpose of remediation under this act shall not be construed as an act of condemnation of property or of trespass thereon.

Section 10. Section 113 of the act is amended to read:

Amend Sec. 9, page 8, line 15, by striking out "9" and inserting

11

Amend Sec. 10, page 11, line 23, by striking out "10" and inserting

12

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayermik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhirney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko

Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnarowski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

The SPEAKER. The Chair recognizes Mr. Vitali, who offers the following amendment, which the clerk will read. The gentleman will yield.

Mr. Vitali, would you please come to the desk for a moment.
Mr. Argall.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Mr. Vitali, who withdraws his amendment and asks the consent of the House to make a statement. The gentleman may proceed. Just— Will the gentleman yield for a moment.

The House will please come to order. Conferences in the last section, please break up, section 4.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I will be withdrawing this amendment, not because I do not think it is a good amendment; I think it is a very valid, important amendment, but for two reasons: one, I do not think it is going to pass, and two, I want to be cooperative with this chamber and I have been requested to withdraw it, so I will. But what this amendment would have done is delete the portion of this bill which would have used the Recycling Fund for funding this bill, and I think the reasons for not taking moneys out of the recycling bill are important.

One, the Recycling—

The SPEAKER. The gentleman will yield.
Please. Conferences in the area of the minority leader's desk, please break up.

Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

The purpose of the Recycling Act is to provide municipalities trucks and other recycling implements such as containers, to provide grant moneys for recycling coordinators, to give communities cash incentives, all for one purpose, which is to increase the rate of recycling in Pennsylvania. Our stated goal is a 35-percent recycling rate. Now, we are not on track to meet that; we are stalled at about 25 percent, but we continue to pull moneys from this fund. We have pulled out through the Growing Greener program \$25 million, and this bill, although pulling out a much smaller amount, still the principle is the same. We should not be pulling out moneys from a fund that has an important goal and is not reaching those goals.

So, Mr. Speaker, my hope, as we proceed with further legislation, we keep in mind the importance of keeping the Recycling Fund at a healthy level. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Ms. Mundy, you are recognized.

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in order to thank Representative Dally, Representative Argall, and the members of the Joint Legislative Air and Water Pollution Control and Conservation Commission and especially Craig Brooks for their efforts in negotiating with DEP (Department of Environmental Protection) and working with me in a bipartisan way to get this bill passed.

In 1998 I introduced HB 2236 in response to the increasing number of small tire piles dumped by unregulated tire haulers and dumpers operating in my district and throughout Luzerne County. That bill provided for help to establish a registry of tire haulers, required permits for retailers, created a toll-free number for citizens to report suspected violations, and established penalties for violations. Representative Argall introduced similar legislation that year, and then we had a joint hearing on the issue which reinforced the need for this legislation. Three years later these piles continue to create environmental and health and safety concerns for people in my region.

Just this past week a tire fire in a strip-mining pit in Luzerne County served as a reminder of the need for this legislation. The evidence is clear, and the time to pass HB 754 is now.

I am somewhat disappointed that the minimum number of tires that the DEP must put on the registry has increased from 500 to 1,500. I think that number is too high, but I hope that we can revisit that issue in the future. Still, this is a long-overdue measure that needs to be passed, and I would certainly urge my colleagues

in the Senate to take the legislation up as quickly as possible and help it become law.

But in closing I want to again thank Representative Dally and Representative Argall for their cooperation. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I also rise in support of HB 754. I believe there are three reasons that the House should pass this legislation today. The first is the threat of a serious health problem which waste tires play throughout the Commonwealth. The second is the successes of the program in cleaning up the existing waste tire sites throughout Pennsylvania as a result of Act 190, of which Representative Argall was the prime sponsor in 1996. And third, I think this provides us with an opportunity to do even more.

The threat, as many of us know that have tire piles in our district, from the West Nile virus is very real, and there are cases of that virus being confirmed in Pennsylvania. As Representative Mundy said, tire fires are always threats to public health, safety, and welfare, and HB 754 requires those who store waste tires to prevent and eliminate potentially dangerous conditions that are dangerous to our public health and safety.

The successes of the existing program, Mr. Speaker: Thirty-six million tires were in waste stock piles when Act 190 was passed, and as of today, over 60 percent of those tires have been remediated. I have a large tire pile in my district in the borough of Wind Gap in the township of Plainfield where nearly a million tires lay discarded on the land, and I have been working actively with DEP, and I hope to report soon of another grant that has been awarded to remediate that site. So there are successes very evident in Act 190, but we need to do more, as Representative Mundy said.

Over 12 million waste tires are generated in this Commonwealth annually, and a survey done by Mansfield University identified litter as the top environmental problem facing the residents of our Commonwealth. Also, as everyone knows, waste tires continue to pose problems from eyesores to safety concerns throughout this great State, and one problem seems to be that there is no efficient way of tracing abandoned tires, and that problem is addressed head-on by this bill. HB 754 would create a tracking system for waste tires so that new tire piles cannot crop up in this State. It would also impose civil penalties for violations of Act 190 to a maximum of \$25,000. It would also do a better job of keeping track of tire piles by registering those piles with fewer than 10,000 but more than 1,500 tires so that DEP can keep an ongoing watch on tire piles that are accumulating in this State. Also, the bill allows for DEP to place liens on properties that are remediated. I think that is an important provision so that in many cases, the generator of the piles that owns the land is not benefited by the use of taxpayer dollars to remediate the site.

So in conclusion, Mr. Speaker, HB 754 is the next step forward to improving an already proven program. It will improve health and safety, help eliminate tire piles and prevent creation of new piles, encourage new efforts to collect tires, continue finding new and different uses for waste tires, and better protect legitimate haulers and processors of waste tires more efficiently by punishing the violators.

For all these reasons, Mr. Speaker, I urge this House to vote in a positive way on HB 754. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Bucks County, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I rise to support the initiative. I think it is a very valid initiative. The money that is going to be paying for this is mostly coming out of Act 101, the Recycling Fund, and it absolutely fits the initiative and the ideals that we had initially put into this fund.

But I also want to caution, as the Speaker's representative to the Recycling Fund, I feel responsibility to raise a particular point. The fund is running out of money. In fact, this bill commits for the next 5 years a drawing down. The fee that funds the fund today is not going to be in place after the third year. So 3 years from now, there will be absolutely no money in the fund for any kind of recycling needs whatsoever.

The SPEAKER. The gentleman will yield.

Conferences in the rear of the House, please break up. Conferences along the wall, please break up.

Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Speaker.

I want to reiterate that I support the withdrawal of the money for this very good use, but I want to reiterate again that we actually have a bigger issue that is occurring: The Recycling Fund itself is going to go out of business in 3 years. There will not be any money left. We are actually spending money faster now than the fund, the \$2-per-ton fee, actually generates. So we are taking away its fund balance, its reserve fund, every single year, and the only reason why I am standing here is I have to point out to you that unless we recommit our efforts in the future to reauthorize that fund, we will not have the money for Growing Greener, we will not have the money for recycling, and we will not have the money for this. So even though I support this expenditure, I need to make this point clear, that if we do not take the next step in the near future to reauthorize the \$2-per-ton fee, there will be no money to support any of these worthwhile issues.

Thank you.

The SPEAKER. The gentleman, Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I rise in support of HB 754 today for a very personal reason. Just this past week, there was a tire fire in my district, in Plymouth Township. Plymouth Township is my hometown. My parents still live there. And just a few hundred yards from my parents' home, in an abandoned mine pit, a strip mine pit, there are several tires — hundreds, perhaps thousands, of tires — that periodically an irresponsible person will set ablaze and cause great distress to the neighboring communities. But a more important part is that there are still veins of coal in that region, and the environmental disaster that could occur if that tire fire set that vein of coal ablaze, there could be environmental repercussions felt for many, many years in northeastern Pennsylvania.

Yes, this is a small step but an important step. HB 754 is something we need to get a better handle on the waste tire problems we have in Pennsylvania, and more importantly, targeting the enforcement list at smaller piles of tires. I have one on the priority list right now, 250,000 tires in Edwardsville. But there are even more dangerous tires that are in dangerous locations, like our abandoned mine pits in northeastern Pennsylvania, that we have to get at.

These are smaller tire piles. We need to get at them. I urge my colleagues to support this legislation. Thank you.

The SPEAKER. The gentleman, Mr. Grucela.

Mr. GRUCELA. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in support of my friend and colleague from Northampton County in passage of this particular important piece of legislation. I know in Northampton County, in particular in that area he has referred to, we have a very serious tire problem there, and I know that Representative Dally has worked hard on this. I hope this legislation will pass and soon become law so that a serious problem could be corrected.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Argall.

Mr. ARGALL. Thank you, Mr. Speaker.

As several of the previous speakers, Representative Dally and Representative Mundy, have noted, we have been at this subject for a while, and since the original legislation passed 5 years ago, we have cleaned up tens of millions of tires. That is the good news. The bad news is, of course, 40 percent of the piles, 40 percent of the tires, are still there, and so we cannot declare victory.

But I just want to thank especially the staff of the Joint Conservation Committee and the House Environmental Resources and Energy Committee. I know Representative Hershey has been very focused on this. Representative George has been very helpful. So I think this legislation that is before us today provides a classic success story of not just bipartisan cooperation but a lot of hard work by a lot of staff and a lot of members, and I ask all for a "yes" vote.

The SPEAKER. The lady from Philadelphia, Mrs. Lederer.

Mrs. LEDERER. Thank you, Mr. Speaker.

I rise in support of HB 754, because my district suffered the worst tire fire in the history of this Commonwealth. Representative Argall and the committee visited my district and saw the devastation caused by the fire. The fire closed I-95. It destroyed a complete section of I-95. The interstate was closed for 2 1/2 months, at a tremendous cost to the Commonwealth and a great inconvenience to all travelers from Maine to Florida.

We need to pay attention to where tires are dumped, how they are dumped, and how we dispose of them. Please support HB 754. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Major	Schuler
Allen	Feese	Manderino	Scrimenti
Argall	Fichter	Mann	Semmel
Armstrong	Fleagle	Markosek	Shaner
Baker, J.	Flick	Marsico	Smith, B.
Baker, M.	Forcier	Mayermik	Smith, S. H.
Bard	Frankel	McCall	Solobay
Barley	Freeman	McGeehan	Staback
Barrar	Gabig	McGill	Stairs
Bastian	Gannon	McIlhattan	Steelman
Bebko-Jones	Geist	McIlhinney	Steil
Belardi	George	McNaughton	Stern
Belfanti	Godshall	Melio	Stetler
Benninghoff	Gordner	Metcalfe	Stevenson, R.
Birmelin	Grucela	Michlovic	Stevenson, T.
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla

Boyes	Haluska	Mundy	Surra
Browne	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Tigue
Cappelli	Hasay	Oliver	Travaglio
Casorio	Hennessey	Pallone	Trello
Cawley	Herman	Perzel	Trich
Civera	Hershey	Petrarca	Tulli
Clark	Hess	Petrone	Turzai
Clymer	Horsey	Pickett	Vance
Cohen, L. I.	Hutchinson	Pippy	Veon
Cohen, M.	Jadlowiec	Pistella	Vitali
Colafella	James	Preston	Walko
Coleman	Kaiser	Raymond	Wansacz
Cornell	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker
Evans, J.			

NAYS—0

NOT VOTING—1

Washington

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 993. This bill is over temporarily.

BILLS PASSED OVER

The SPEAKER. Page 3 of today's calendar. The first three bills are over.

The House proceeded to third consideration of **HB 1933, PN 2522**, entitled:

An Act amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, authorizing police officers to record certain oral communications; and further providing for windshield obstructions and wipers.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 1933 be recommitted to Rules.

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

BILLS PASSED OVER

The SPEAKER. The first two bills on page 4 are over.

The House proceeded to third consideration of **HB 924, PN 2255**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for district election boards, for appointment of watchers, for manner of signing nominating petitions or papers and for number of signers required for nomination petitions for candidates at primaries.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader.
Mr. PERZEL. Mr. Speaker, I move that HB 924 be recommitted to Rules.

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

BILLS PASSED OVER

The SPEAKER. HB 997 is over.
The first three bills on page 5 are over.

RESOLUTION PURSUANT TO RULE 35

RESOLUTION PASSED OVER

The SPEAKER. HR 350 is over.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 552, PN 595**, entitled:

An Act amending the act of December 19, 1990 (P.L.1372, No.212), known as the Early Intervention Services System Act, further providing for intervention services for infants, toddlers and eligible young children with disabilities; expanding the membership of the Interagency Coordinating Council; further providing for the expenditure of certain appropriations; and making editorial changes.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentleman,
Mr. O'Brien.

Mr. O'BRIEN. Mr. Speaker, I move that the rules of the House be suspended to permit the immediate consideration of amendment A4180.

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Major	Schuler
Allen	Feese	Manderino	Scrimenti
Argall	Fichter	Mann	Semmel
Armstrong	Fleagle	Markosek	Shaner
Baker, J.	Flick	Marsico	Smith, B.
Baker, M.	Forcier	Mayernik	Smith, S. H.
Bard	Frankel	McCall	Solobay
Barley	Freeman	McGeehan	Staback
Barrar	Gabig	McGill	Stairs
Bastian	Gannon	McIlhattan	Steelman
Bebko-Jones	Geist	McIlhinney	Steil
Belardi	George	McNaughton	Stern
Belfanti	Godshall	Melio	Stetler
Benninghoff	Gordner	Metcalfe	Stevenson, R.
Birmelin	Grucela	Michlovic	Stevenson, T.
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla
Boyes	Haluska	Mundy	Surra
Browne	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Tigue
Cappelli	Hasay	Oliver	Travaglio
Casorio	Hennessey	Pallone	Trello
Cawley	Herman	Perzel	Trich
Civera	Hershey	Petrarca	Tulli
Clark	Hess	Petrone	Turzai
Clymer	Horsey	Pickett	Vance
Cohen, L. I.	Hutchinson	Pippy	Veon
Cohen, M.	Jadlowiec	Pistella	Vitali
Colafella	James	Preston	Walko
Coleman	Kaiser	Raymond	Wansacz

Cornell	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker
Evans, J.			

NAYS—0

NOT VOTING—1

Washington

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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. O'BRIEN offered the following amendment No. A4180:

Amend Sec. 1 (Sec. 103), page 5, line 27, by inserting after "as"
to the maximum extent

Amend Sec. 1 (Sec. 103), page 5, line 27, by inserting brackets
before and after "to" and inserting immediately thereafter
for

Amend Sec. 1 (Sec. 103), page 5, line 30, by inserting a bracket
before "consistent"

Amend Sec. 1 (Sec. 103), page 6, line 1, by inserting a bracket after
"abilities" and inserting immediately thereafter
appropriate

Amend Sec. 1 (Sec. 103), page 6, line 3, by inserting brackets
before and after "and each" and inserting immediately thereafter
must contain an explanation of why services will
not be in the natural environment. Each

Amend Sec. 1 (Sec. 103), page 6, line 4, by inserting after "IEP"
must contain an explanation of the extent to which
the child will not be educated with children with
no disabilities. Both plans

Amend Sec. 1 (Sec. 103), page 6, line 13, by inserting a bracket
before "autism/pervasive"

Amend Sec. 1 (Sec. 103), page 6, line 18, by inserting a bracket
after "impairment" and inserting immediately thereafter
autism, deaf-blindness, emotional disturbance, traumatic brain injury,
hearing impairment including deafness, specific learning disability,
mental retardation, multiple disabilities, physical disability, speech or
language impairment, visual impairment including blindness or other
health impairment

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Major	Schuler
Allen	Feese	Manderino	Scrimenti
Argall	Fichter	Mann	Semmel
Armstrong	Fleagle	Markosek	Shaner
Baker, J.	Flick	Marsico	Smith, B.
Baker, M.	Forcier	Mayernik	Smith, S. H.
Bard	Frankel	McCall	Solobay
Barley	Freeman	McGeehan	Staback
Barrar	Gabig	McGill	Stairs
Bastian	Gannon	McIlhattan	Steelman
Bebko-Jones	Geist	McIlhinney	Steil
Belardi	George	McNaughton	Stern
Belfanti	Godshall	Melio	Stetler
Benninghoff	Gordner	Metcalfe	Stevenson, R.
Birmelin	Grucela	Michlovic	Stevenson, T.
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla
Boyes	Haluska	Mundy	Surra
Browne	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Tigue
Cappelli	Hasay	Oliver	Travaglio
Casorio	Hennessey	Pallone	Trello
Cawley	Herman	Perzel	Trich
Civera	Hershey	Petrarca	Tulli
Clark	Hess	Petrone	Turzai
Clymer	Horsey	Pickett	Vance
Cohen, L. I.	Hutchinson	Pippy	Veon
Cohen, M.	Jadlowiec	Pistella	Vitali
Colafella	James	Preston	Walko
Coleman	Kaiser	Raymond	Wansacz
Cornell	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker
Evans, J.			

NAYS—0

NOT VOTING—1

Washington

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Major	Schuler
Allen	Feese	Manderino	Scrimenti
Argall	Fichter	Mann	Semmel
Armstrong	Fleagle	Markosek	Shaner
Baker, J.	Flick	Marsico	Smith, B.
Baker, M.	Forcier	Mayernik	Smith, S. H.
Bard	Frankel	McCall	Solobay
Barley	Freeman	McGeehan	Staback
Barrar	Gabig	McGill	Stairs
Bastian	Gannon	McIlhattan	Steelman
Bebko-Jones	Geist	McIlhinney	Steil
Belardi	George	McNaughton	Stern
Belfanti	Godshall	Melio	Stetler
Benninghoff	Gordner	Metcalfe	Stevenson, R.
Birmelin	Grucela	Michlovic	Stevenson, T.
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla
Boyes	Haluska	Mundy	Surra
Browne	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Tigue
Cappelli	Hasay	Oliver	Travaglio
Casorio	Hennessey	Pallone	Trello
Cawley	Herman	Perzel	Trich
Civera	Hershey	Petrarca	Tulli
Clark	Hess	Petrone	Turzai
Clymer	Horsey	Pickett	Vance
Cohen, L. I.	Hutchinson	Pippy	Veon
Cohen, M.	Jadlowiec	Pistella	Vitali
Colafella	James	Preston	Walko
Coleman	Kaiser	Raymond	Wansacz
Cornell	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker
Evans, J.			

NAYS—0

NOT VOTING—1

Washington

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1830, PN 2714**, entitled:

An Act amending the act of November 18, 1968 (P.L.1052, No.322), known as the Sewage Treatment Plant and Waterworks Operators' Certification Act, amending the title; further providing for definitions, for the State Board for Certification of Sewage Treatment Plant and Waterworks, for certification, for professional engineers, for special certificates, for reciprocity, for suspension and revocation, for administrative procedure and judicial review, for fees, for operation of plants, for penalties and enforcement, and for civil relief; establishing the Certification Program Advisory Committee; providing for continuing education and for interim program authorization; and making editorial changes.

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

Mr. **GEORGE** offered the following amendment No. **A3799**:

Amend Sec. 14 (Sec. 13), page 28, by inserting between lines 1 and 2

(g) The owner of a water system or wastewater system shall obtain a report of criminal history record from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information) for any individual employed as a certified operator by the owner.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla

Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

Mr. GEORGE offered the following amendment No. A4077:

Amend Title, page 1, line 16, by striking out "and" and inserting a comma

Amend Title, page 1, line 16, by inserting after "authorization" and for treatment of excess flow

Amend Bill, page 31, by inserting between lines 16 and 17

Section 17. Any municipality or municipal authority in the process of developing a capacity assurance plan revision as required by the department may use a chlorine contact chamber to treat excess flow during wet weather conditions for three years from the effective date of this section while long-term sewer system corrective actions are being taken. These forms of corrective actions shall include an application to the Pennsylvania Infrastructure Investment Authority (PENNVEST) for improvements to the wastewater system operated by the municipality or municipal authority.

Amend Sec. 17, page 31, line 17, by striking out "17" and inserting 18

Amend Sec. 18, page 31, line 21, by striking out "18" and inserting 19

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Sather.

Mr. SATHER. Thank you, Mr. Speaker.

If I could raise a question of the prime sponsor, to interrogate the prime sponsor.

The SPEAKER. Mr. Hershey indicates he will stand for interrogation. You may begin.

Mr. SATHER. Thank you, Mr. Speaker.

For the record, Mr. Speaker, I would like to know, if I could, I have a letter here from a plant operator, a person who works in one of these water treatment systems, and they had some concerns. I know this goes back some months. I am told, I am told, that all these seven issues have been resolved or the majority of them have been resolved. Could you comment on that? Could you clarify that for me?

Mr. HERSHEY. Yes, I will. Thank you, Mr. Speaker.

There were different associations that sent in nine requests on things that were concerns. Seven of them were addressed, and two of them we could not suit, so all but two out of the nine, and we keep getting those letters from these small watersheds, and when I talk to these people, the thing that I feel that is bothering them is continuing education, which I think is necessary. As these systems are expanded, they grow; there is new technology.

We have addressed seven out of the nine issues, and we have support from 29 other watershed associations.

Mr. SATHER. Thank you, Mr. Speaker.

I am finished with my interrogation.

The SPEAKER. The Chair thanks the gentleman.

Mr. Hershey, do you desire recognition?

Mr. HERSHEY. I just want to make some short comments, Mr. Speaker.

The SPEAKER. The gentleman may proceed.

Mr. HERSHEY. This certification and ongoing training is required by the EPA (Environmental Protection Agency). Oregon and Pennsylvania are the only two States that have failed to do this. If we do not do this this year, we will lose \$8 1/2 million in grants, \$6 million for the State Revolving Loan Fund, and \$3 1/2 million to train and certify operators annually.

HB 1830 is a product of numerous negotiations over the summer between DEP and numerous parties. This bill will grandfather anyone who is currently certified and they retain that certification, and anyone who is not currently required to be certified, they will be given certification for the specific type of system they now operate, and this will also have a continuing ed program.

This is supported by the DEP and 11 associations and companies, and thank you, and I urge your support.

BILL PASSED OVER TEMPORARILY

The SPEAKER. For technical reasons, the Chair at this time asks that HB 1830 go over at least temporarily, maybe until tomorrow.

Mr. Hershey, if you would like, I will be glad to explain the problem.

RULES COMMITTEE MEETING

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

BILLS REREPORTED FROM COMMITTEE

HB 1830, PN 2714

By Rep. S. SMITH

An Act amending the act of November 18, 1968 (P.L.1052, No.322), known as the Sewage Treatment Plant and Waterworks Operators' Certification Act, amending the title; further providing for definitions, for the State Board for Certification of Sewage Treatment Plant and Waterworks, for certification, for professional engineers, for special certificates, for reciprocity, for suspension and revocation, for administrative procedure and judicial review, for fees, for operation of plants, for penalties and enforcement, and for civil relief; establishing the Certification Program Advisory Committee; providing for continuing education and for interim program authorization; and making editorial changes.

RULES.

HB 1918, PN 2715

By Rep. S. SMITH

An Act prohibiting the sale or distribution of any gasoline containing methyl tertiary butyl ether; requiring the Department of Environmental Protection to report to the General Assembly; and imposing a penalty.

RULES.

SB 837, PN 1361

By Rep. S. SMITH

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for payment of certain claims from the Underground Storage Tank Indemnification Fund; and providing for certain notification when there are releases from storage tanks.

RULES.

RESOLUTIONS REPORTED FROM COMMITTEE

HR 356, PN 2885

By Rep. S. SMITH

A Resolution encouraging the development of green energy sources in the Commonwealth of Pennsylvania.

RULES.

SR 114, PN 1350

By Rep. S. SMITH

A Concurrent Resolution directing the task force established by Senate Resolution No. 97, Printer's No. 1515 (1999) to conduct its study and present its findings and recommendations by November 30, 2002.

RULES.

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of HB 1830, PN 2714, entitled:

An Act amending the act of November 18, 1968 (P.L.1052, No.322), known as the Sewage Treatment Plant and Waterworks Operators' Certification Act, amending the title; further providing for definitions, for the State Board for Certification of Sewage Treatment Plant and Waterworks, for certification, for professional engineers, for special certificates, for reciprocity, for suspension and revocation, for administrative procedure and judicial review, for fees, for operation of plants, for penalties and enforcement, and for civil relief; establishing the Certification Program Advisory Committee; providing for continuing education and for interim program authorization; and making editorial changes.

On the question,

Will the House agree to the bill on third consideration?

Mr. GEORGE offered the following amendment No. A3799:

Amend Sec. 14 (Sec. 13), page 28, by inserting between lines 1 and 2

(g) The owner of a water system or wastewater system shall obtain a report of criminal history record from the Pennsylvania State Police pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal history record information) for any individual employed as a certified operator by the owner.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-196

Table listing names of members who voted 'YEAS' for the amendment, including Adolph, Allen, Argall, Armstrong, Baker, J., Baker, M., Bard, Barley, Barrar, Bastian, Bebko-Jones, Belardi, Belfanti, Benninghoff, Birmelin, Bishop, Blaum, Boyes, Browne, Butkovitz, Buxton, Fairchild, Feese, Fichter, Fleagle, Flick, Forcier, Frankel, Freeman, Gabig, Gannon, Geist, George, Godshall, Gordner, Grucela, Gruitza, Habay, Haluska, Hanna, Harhai, Harhart, Manderino, Mann, Markosek, Marsico, Mayernik, McCall, McGeehan, McGill, McIlhatten, McIlhinney, McNaughton, Melio, Metcalfe, Michlovic, Miller, R., Miller, S., Mundy, Myers, Nailor, Nickol, O'Brien, Scrimenti, Semmel, Shaner, Smith, B., Smith, S. H., Solobay, Staback, Stairs, Steelman, Steil, Stern, Stetler, Stevenson, R., Stevenson, T., Strittmatter, Sturla, Surra, Tangretti, Taylor, E. Z., Taylor, J., and Tiguel.

Table listing names of members who did not vote 'YEAS', including Caltagirone, Cappelli, Casorio, Cawley, Civera, Clark, Clymer, Cohen, L. I., Cohen, M., Colafella, Coleman, Cornell, Costa, Coy, Creighton, Cruz, Curry, Dailey, Daley, Dally, DeLuca, Dermody, DeWeese, DiGirolamo, Diven, Donatucci, Eachus, Egolf, Evans, J., Harper, Hasay, Hennessy, Herman, Hershey, Hess, Horsey, Hutchinson, Jadlowiec, James, Kaiser, Keller, Kenney, Kirkland, Krebs, LaGrotta, Laughlin, Lawless, Lederer, Leh, Lescovitz, Levdansky, Lewis, Lucyk, Lynch, Mackereth, Maher, Maitland, Major, Oliver, Pallone, Perzel, Petrarca, Petrone, Pickett, Pippy, Pistella, Preston, Raymond, Readshaw, Reinard, Rieger, Roberts, Robinson, Roebuck, Rohrer, Rooney, Ross, Rubley, Ruffing, Sainato, Samuelson, Santoni, Sather, Saylor, Schroder, Schuler, Travaglio, Trello, Trich, Tulli, Turzai, Vance, Veon, Vitali, Walko, Wansacz, Washington, Waters, Watson, Williams, C., Williams, J., Wilt, Wogan, Wojnaroski, Wright, G., Wright, M., Yewcic, Youngblood, Yudichak, Zimmerman, Zug, and Ryan, Speaker.

NAYS-0

NOT VOTING-0

EXCUSED-7

Table listing names of members who were excused: Bunt, Corrigan, Evans, D., Josephs, Micozzie, Phillips, and Thomas.

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?

Mr. GEORGE offered the following amendment No. A4077:

Amend Title, page 1, line 16, by striking out "and" and inserting a comma

Amend Title, page 1, line 16, by inserting after "authorization" and for treatment of excess flow

Amend Bill, page 31, by inserting between lines 16 and 17

Section 17. Any municipality or municipal authority in the process of developing a capacity assurance plan revision as required by the department may use a chlorine contact chamber to treat excess flow during wet weather conditions for three years from the effective date of this section while long-term sewer system corrective actions are being taken. These forms of corrective actions shall include an application to the Pennsylvania Infrastructure Investment Authority (PENNVEST) for improvements to the wastewater system operated by the municipality or municipal authority.

Amend Sec. 17, page 31, line 17, by striking out "17" and inserting 18

Amend Sec. 18, page 31, line 21, by striking out "18" and inserting 19

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Feese	Manderino	Scrimenti
Allen	Fichter	Mann	Semmel
Argall	Fleagle	Markosek	Shaner
Armstrong	Flick	Marsico	Smith, B.
Baker, J.	Forcier	Mayernik	Smith, S. H.
Baker, M.	Frankel	McCall	Solobay
Bard	Freeman	McGeehan	Staback
Barley	Gabig	McGill	Stairs
Barrar	Gannon	McIlhattan	Steelman
Bastian	Geist	McIlhinney	Steil
Bebko-Jones	George	McNaughton	Stern
Belardi	Godshall	Melio	Stetler
Belfanti	Gordner	Metcalfe	Stevenson, R.
Benninghoff	Grucela	Michlovic	Stevenson, T.
Birmelin	Gruitza	Miller, R.	Strittmatter
Bishop	Habay	Miller, S.	Sturla
Blaum	Haluska	Mundy	Surra
Boyes	Hanna	Myers	Tangretti
Browne	Harhai	Nailor	Taylor, E. Z.
Butkovitz	Harhart	Nickol	Taylor, J.
Buxton	Harper	O'Brien	Tigue
Caltagirone	Hasay	Oliver	Travaglio
Cappelli	Hennessey	Pallone	Trello
Casorio	Herman	Perzel	Trich
Cawley	Hershey	Petrarca	Tulli
Civera	Hess	Petrone	Turzai
Clymer	Horsey	Pickett	Vance
Cohen, L. I.	Hutchinson	Pippy	Veon
Cohen, M.	Jadlowiec	Pistella	Vitali
Colafella	James	Preston	Walko
Coleman	Kaiser	Raymond	Wansacz
Cornell	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, C.
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wogan
Daley	Lederer	Rooney	Wojnaroski
Dally	Leh	Ross	Wright, G.
DeLuca	Lescovitz	Rubley	Wright, M.
Dermody	Levdansky	Ruffing	Yewcic
DeWeese	Lewis	Sainato	Youngblood
DiGirolamo	Lucyk	Samuelson	Yudichak
Diven	Lynch	Santoni	Zimmerman
Donatucci	Mackereth	Sather	Zug
Eachus	Maher	Saylor	
Egolf	Maitland	Schroder	Ryan,
Evans, J.	Major	Schuler	Speaker
Fairchild			

NAYS—1

Clark

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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. For the benefit of the members, the reason that last bill was run over again, the first time that we voted it, it had not technically been reported from the Rules Committee, so we had it reported, and then we ran it fair and square, so that you understand what happened.

The House proceeded to third consideration of **HB 1918, PN 2715**, entitled:

An Act prohibiting the sale or distribution of any gasoline containing methyl tertiary butyl ether; requiring the Department of Environmental Protection to report to the General Assembly; and imposing a penalty.

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

Mr. **GEORGE** offered the following amendment No. **A4089**:

Amend Sec. 4, page 2, line 14, by striking out "JANUARY 1, 2005." and inserting as follows:

- (1) Section 3 and this section shall take effect immediately.
- (2) The remainder of this act shall take effect January 1, 2004.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio

Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Daily	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan, Speaker
Evans, J.	Major		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

Mr. **GEORGE** offered the following amendment No. **A4091**:

Amend Title, page 1, line 3, by inserting after "Assembly;" providing for public notice of spill;

Amend Bill, page 2, by inserting between lines 4 and 5 Section 3. Public notice of spill.

Following a confirmed release of any gasoline containing MBTE or other regulated substances, persons required to perform corrective action under 25 Pa.Code Ch. 245 (relating to administration of the storage tank and spill prevention program) when there has been a confirmed release of regulated substances from a storage tank shall comply with the following requirements for notifying the public and the Department of Environmental Protection:

(1) Notice of the submission of a site characterization report shall be submitted to the department. The department shall publish an acknowledgment noting receipt of the site characterization report in the Pennsylvania Bulletin. At the same time a notice of the submission of a site characterization report is submitted to the department, a copy of the notice shall be provided to the municipality in which the site is located and a summary of the notice shall be published in a newspaper of general circulation serving the area in which the site is located.

(2) Notice of the submission of a remedial action plan shall be submitted to the department. The department shall publish an

acknowledgment noting receipt of the remedial action plan in the *Pennsylvania Bulletin*. At the same time a notice of the submission of a remedial action plan is submitted to the department, a copy of the notice shall be provided to the municipality in which the site is located and a summary of the notice shall be published in a newspaper of general circulation serving the area in which the site is located.

Amend Sec. 3, page 2, line 5, by striking out "3" and inserting
4

Amend Sec. 4, page 2, line 13, by striking out "4" and inserting
5

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	
Evans, J.	Major		Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt Corrigan	Evans, D. Josephs	Micozzie Phillips	Thomas
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The majority having voted in the affirmative, the question was determined in the affirmative and the amendment was agreed to.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Vitali.

Mr. VITALI. On the bill.

The SPEAKER. On the bill. Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I have some concerns with this bill. Clearly, MTBE (methyl tertiary butyl ether) has deleterious effects on the water supply when released into the water, but on the other hand, it has beneficial effects as an additive to gasoline in keeping the air clean. What I really have not heard is a definitive word. It just seems that clean-water advocates want it banned and clean-air advocates do not, so it just seems like, and unless the prime sponsor of the bill can clarify this, it just seems to me that there are arguments to be made on both sides.

The second point here is, it is my understanding — and again, I could be corrected if I am wrong — but where other States have tried to ban this, those actions have been overruled by the U.S. Environmental Protection Agency.

So for those reasons, I am not comfortable supporting the bill. Thank you, Mr. Speaker.

The SPEAKER. On the question, Mr. Godshall.

Mr. GODSHALL. Mr. Speaker, I would ask the members to vote "yes" on this bill.

This MTBE issue is an important issue, especially in southeastern Pennsylvania. Water is being polluted on a regular basis, and it is very difficult to get and break this product down. There are 12 other States, which include Arizona, Colorado, Connecticut, Iowa, Maine, Michigan, Minnesota, Nebraska, New York, South Dakota, Washington, New Jersey, and now Pennsylvania, that have taken a positive road on this issue and said that something has to be done.

Carol Browner, before she left office, said it was a mistake putting MTBE in gasoline and that it should be removed. There was a meeting last week in Bucks County by the Health Department where there are a lot of problems. Again, the doctor that spoke said when this additive was added to gasoline, as per the Federal government's instruction, somebody did not do their homework. It is a bad product. It spreads like fire in any kind of water. It just mixes with the water. It does not float on top. It is very difficult to take out.

I would ask for a "yes" vote on this bill. Thank you.

The SPEAKER. The gentleman, Mr. Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I rise in support of HB 1918. Like my good friend from Bucks County, we, too, in Luzerne County have seen gasoline spills that have caused significant degradation of our groundwater.

HB 1918 and the amendment of Representative Bud George from Clearfield clearly improves a couple of things. Number one, it improves information that goes out quickly to the public about when these spills take place. Number two, it critically informs municipalities so that our municipal leadership can take action in working with the Department of Environmental Protection to quickly notify people and put together remediation plans for cleanup.

I support HB 1918 because it does those two things. Public awareness and municipal awareness are crucial to protect public safety.

Please support HB 1918. Thank you.

The SPEAKER. The gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, I urge this group of fine individuals that I have great faith in that they have a legitimate concern. This MTBE is a dangerous chemical. Since 1997 I have taken up the task and hope to encourage you to do exactly what you are doing today.

This chemical can move through our aquifers and soils, and it can harm our water supplies, and it can take a devastating toll on those people that send us here to protect them and their families. I think that we do a much responsible chore and task for the electorate, those who send us down, but more than that, unfortunately, we are following what other States have already taken up. We should have been the leader on this thing. We should have taken it by the grasp and done what was right years ago. Unfortunately, it was not done.

I echo my support for the gentleman, Mr. Godshall. I ask that we all support this to the fullest.

I thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. McIlhinney.

Mr. McILHINNEY. Thank you, Mr. Speaker.

Mr. Speaker, I would like to try to address the question of Mr. Vitali from Delaware County. We are not trying to exchange clean air for clean water here. The MTBE is an additive that does have a problem with dissolving in water, but we are not calling for a reduction in the pollutants, the air pollutants, in this bill. It is simply removing the MTBE. There are other avenues that we can explore to try to have a clean-burning gasoline that would not provide the deterioration of air qualities without using the MTBE. Ethanol is one. There are other reformulation methods that are out there that we need to go towards.

But we cannot sit by and wait for something in Washington to happen. We need to actually take action here and eliminate this MTBE to get this out of our water supplies so that we do not continue to contaminate our water while we are trying to find a different formulation of gasoline.

So I am asking for an affirmative vote on HB 1918. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Melio.

Mr. MELIO. Thank you, Mr. Speaker.

I support the passage of the bill.

As a matter of fact, several years ago I proposed a bill to eliminate MTBE, and I would just like to ask one question of the prime sponsor, Mr. Speaker.

The SPEAKER. Mr. Godshall indicates he will stand for interrogation. You may begin.

Mr. MELIO. Thank you, Mr. Speaker.

Mr. Speaker, I just was told that the Federal government refused to eliminate this MTBE. Do you have any other information that I do not have?

Mr. GODSHALL. I am sorry, Mr. Speaker. I cannot hear the question.

The SPEAKER. The conferences by the minority leader's desk, please break up. Sergeants at Arms, keep the area behind the rail clear. The various gentlemen conversing in the aisle where Mr. Melio is, please be seated.

Mr. Melio, would you be good enough to ask that question again.

Mr. MELIO. Thank you, Mr. Speaker.

Mr. Speaker, I was told several years ago when I proposed this bill that the Federal government was going to ban the MTBE and that when the other States tried to do it on their own, they were not allowed to. I just wanted to know if you know something that I do not know. Is the Federal government going to support this?

Mr. GODSHALL. I have absolutely no knowledge what the Federal government is going to do or not going to do. All I know is that Carol Browner, before she left office, asked the Federal government to reconsider the Clean Air Act, which mandates that these oxygenates be added to gasoline at a level of 2 percent or higher.

So there are about 12 other States besides Pennsylvania at this time, since nothing is happening at the Federal level, since nothing is going on there, that said, well, okay, you can mandate it but we do not want it in our borders.

Mr. MELIO. Thank you, Mr. Speaker.

May I speak on the bill?

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

Mr. MELIO. Thank you, Mr. Speaker.

I just support the bill, and I hope my colleagues will all support it also. Thank you.

The SPEAKER. Mr. James.

Mr. JAMES. Thank you, Mr. Speaker.

I just want to say, Mr. Speaker, that, first of all, I support the bill and I am glad to see it in here, because about a year ago, I wrote the chairman of the Health and Human Services Committee to try to get him to have hearings on MTBE because we have had reports of this being in gasoline, and there was a study done by a doctor out at the University of Pennsylvania that had said that the study showed that in cities, metropolitan areas, urban areas, where the study showed it was in the gasoline, that there was a high incident rate of asthma as well as ADD (attention deficit disorder) as it affects young people and children.

So I am just hopeful and glad that it will pass and that I support it.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Callagironne	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Petzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	
Evans, J.	Major		Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Godshall, remarks for the record?

Mr. GODSHALL. Yes. I would like to submit these remarks for the record.

The SPEAKER. The Chair thanks the gentleman.

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

I am hopeful that the House will pass my legislation today that will prohibit the sale or use of the gasoline additive methyl tertiary butyl ether in Pennsylvania, sending the bill to the State Senate for consideration.

HB 1918 phases out the use of MTBE in the oil refinement process over 4 years, after which the use of MTBE as a fuel additive is banned. The bill also requires the State Department of Environmental Protection to report the scope of MTBE contamination in Pennsylvania 6 months after it is enacted and annually after the initial report.

As a fuel additive, MTBE increases the octane level and reduces carbon monoxide and ozone levels. However, it is highly toxic if it seeps into groundwater — a situation that is rapidly escalating to crisis level in the five-county region of southeastern Pennsylvania. In fact, the condition poses a threat to the public health of our citizens and, additionally, has a significant economic impact on both motorists and gasoline retailers.

The Federal Environmental Protection Agency now recognizes the additive is a potential human carcinogen. It is polluting groundwater across the region from underground storage tanks, gas line sites, spills, or overfills at the gas pump.

Once present, MTBE moves rapidly through the groundwater and is slow to biodegrade. Furthermore, reformulated gasoline with MTBE can add 20 to 30 cents to the cost of a gallon of gas in our region, including Montgomery County.

MTBE in groundwater supplies is also making it more expensive to gas retailers to clean up leaky tanks.

This serious financial burden could force many of them into bankruptcy. That is why I am also pleased the House is taking up SB 837 — sponsored by Senator Joseph Conti (R-10) — which increases the maximum payments from the State to eligible owners and operators under the Underground Storage Tank Indemnification Fund to \$3 million from the current \$1 million per tank per occurrence.

Created in 1989, the Underground Storage Tank Indemnification Fund provides insurance coverage for the costs of corrective action and liability for damages resulting from a release from underground storage tanks. Money for the fund comes from surcharges on oil companies.

Enactment of this bill will ensure the much-needed resources are available to clean up the MTBE spills.

My legislation and the Conti bill are the next logical steps in the process of addressing and mitigating the public health threat posed by MTBE in Pennsylvania.

REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. Mr. Reinard, remarks for the record? Send them to the desk, please.

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

Mr. Speaker, it is my privilege to bring to the attention of the Speaker and the members of the Pennsylvania House of Representatives the name of Kyle W. Harris, who has recently been awarded Scouting's highest honor — *Eagle Scout*.

Mr. Speaker, I would like to read to the members of the House of Representatives the following citation of merit honoring Kyle W. Harris.

Whereas, Kyle W. Harris earned the Eagle Award in Scouting. This is the highest award that Boy Scouts can bestow and as such represents great sacrifice and tremendous effort on the part of this young man. He is a member of Troop 139.

Now therefore, Mr. Speaker and members of the House of Representatives, it is my privilege to congratulate and place in the Legislative Journal the name of Kyle W. Harris.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 837, PN 1361**, entitled:

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for payment of certain claims from the Underground Storage Tank Indemnification Fund; and providing for certain notification when there are releases from storage tanks.

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

Mr. **GEORGE** offered the following amendment No. **A4081**:

Amend Sec. 2 (Sec. 904), page 4, line 10, by striking out "24" and inserting

four

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

The **SPEAKER**. On the question of the adoption of the George amendment, the Chair recognizes the gentleman, Mr. George. Will the gentleman yield.

There are 11 people surrounding Mr. George. He does not need any help. Please be seated. I am not just counting; I want you to do something. Members of the staff, if you cannot find seats, get off the floor.

Mr. George.

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

Mr. Speaker, nothing is more important than our groundwater; nothing is more important than protecting the environment, even if a situation avails itself that has not been with intent or a purpose to do harm. Now, under the current law, in the Storage Tank Act, if there is a breakout, an involvement, a discharge, we are to notify the Department of Environmental Protection within 2 hours. I do not understand why either the department or someone else would want to change this to 24 hours.

Mr. Speaker, a lot of people can be hurt, can be harmed, can be impaired by this length of time. This amendment simply says, look, if 2 hours maybe is a little bit too fast and we do not have the information available or we cannot do it in a proper manner, all I am saying, Mr. Speaker, is, it has got to be a notification that will alert the people; the department has to be alerted, and the amendment says 4 hours rather than 24 hours.

Mr. Speaker, we ought to pass this amendment.

The **SPEAKER**. The gentleman, Eachus.

Mr. **EACHUS**. Mr. Speaker, I rise again to support the gentleman from Clearfield, because in gasoline spills, public notification is the crucial issue. So many of these gas spills have a direct effect on human health. I could tell you in the community that I represent, 480 households had a gasoline spill that affected

their neighborhood. They did not really know that a gasoline spill took place for 14 years.

I can assure you that with these spills, the oversight that the department needs to have is crucial to make sure that we do not move backward with notification. This amendment ensures that with a 4-hour period of notification, the citizens surrounding gasoline spills will have the information that is necessary to begin the process of remediation in working with the Department of Environmental Protection.

I urge passage of the George amendment.

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhatten	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	Ryan,
Egolf	Major	Schuler	Speaker
Evans, J.			

NAYS—1

Maitland

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

Mr. **McILHINNEY** offered the following amendment No. **A3962**:

Amend Sec. 1 (Sec. 704), page 2, line 4, by striking out all of said line and inserting

to exceed a total of [\$1,000,000] \$3,000,000 per tank per

Amend Sec. 1 (Sec. 704), page 2, lines 5 through 9, by striking out "THE PAYMENT LIMITATION OF \$1,000,000 MAY BE" in line 5 and all of lines 6 through 9

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafrilla	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kennedy	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.

Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan, Speaker
Evans, J.	Major		

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai

Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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.

CALENDAR CONTINUED

BILL ON THIRD CONSIDERATION

DECISION OF CHAIR RESCINDED
ON HB 932

The SPEAKER. Without objection, the Chair rescinds its announcement that HB 932 was over for the day.

The House proceeded to third consideration of **HB 932, PN 2258**, entitled:

An Act providing for a limited loan forgiveness program for certified Pennsylvania residents who teach in an empowerment district.

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

The SPEAKER. This bill has been considered on three different days and agreed to and is now on final passage.
The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1591**, **PN 2786**, entitled:

An Act providing for the regulation of the location and construction of water wells, for licensing water-well contractors and for the collection of information on groundwater quality and quantity; conferring powers and duties on the Department of Environmental Protection; creating the Water-Well Construction Technical Advisory Committee; establishing the Water-Well Construction Fund; imposing penalties; and making a repeal.

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

Mr. **McGILL** offered the following amendment No. **A4003**:

Amend Sec. 5, page 11, line 2, by inserting after "aspects" and incorporate the certification testing curricula developed by the National Ground Water Association

Amend Sec. 5, page 11, line 5, by inserting after "requirements", including those continuing requirements developed by the National Ground Water Association

Amend Sec. 7, page 16, line 10, by striking out "this act." and inserting
section 8(b)(4)(i) through (v) of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act.

Amend Sec. 7, page 17, lines 1 through 4, by striking out "Any other rules or regulations which the local" in line 1 and all of lines 2 through 4

Amend Sec. 7, page 18, lines 13 and 14, by striking out "the effective date of the regulations promulgated under this act" and inserting

or before November 1, 2001,

Amend Sec. 7, page 18, lines 19 and 20, by striking out "the effective date of the regulations promulgated under this act" and inserting

or before November 1, 2001,

Amend Sec. 7, page 18, lines 25 through 30; page 19, lines 1 through 11, by striking out all of said lines on said pages

Amend Sec. 7, page 19, line 12, by striking out "(f)" and inserting (e)

Amend Sec. 14, page 28, line 18, by striking out "20" and inserting 23

Amend Sec. 14, page 30, by inserting between lines 19 and 20
(xv) One member representing the public water suppliers shall be recommended by the American Water Works Association (AWWA).

(xvi) One member representing the bottled water industry who shall be recommended by the Pennsylvania Bottled Water Association.

Amend Sec. 14, page 30, lines 24 through 30; page 31, lines 1 through 9, by striking out all of said lines on said pages and inserting

(c) Meetings, chairperson, etc.—All actions of the committee shall be by majority vote of the members or alternates present. A quorum shall be at least one more than half of the number of committee members, however, vacancies shall not be counted when calculating the number needed for a quorum. The committee shall meet upon the call of the secretary, or call of the chair or upon request of eight committee members, but not less than semiannually, to carry out its duties under this act. The committee shall select a chairperson and other officers and

establish bylaws, as it deems appropriate. The department shall provide clerical and technical support as the committee may reasonably require.

(d) Regulations.—

(1) The department shall submit to the committee for review and comment all regulations, guidance documents, policy positions and similar activities promulgated, adopted, implemented or put into place under this act, when any of those documents are in the formulation, drafting or similar evolutionary stages of development and will affect, in any manner whatsoever, the related water-well standards.

(2) The committee shall be given a reasonable opportunity to review and comment on all regulations prior to their submission to the board for initial consideration. The written comments of the committee shall be presented to the board with any regulatory proposal.

(3) Should the committee desire to review and comment on any draft document, policy or guidance document not submitted to it by the department, the department shall submit that document for review and comment when a motion to receive and review that document is passed by a majority of the committee members.

Amend Sec. 17, page 35, line 7, by striking out "FIFTY" and inserting

Forty

Amend Sec. 17, page 35, line 16, by striking out "40%" and inserting

50%

Amend Sec. 23, page 36, line 23, by striking out all of said line and inserting

This act shall not apply to the following:

(1) With the exception of the rules and regulations regarding Amend Sec. 23, page 36, line 26, by striking out "the provisions of this act shall not apply to"

Amend Sec. 23, page 36, by inserting between lines 29 and 30

(2) Any well, borehole or probe drilled pursuant to the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, act of May 19, 1995 (P.L.4, No.2), known as the Land Recycling and Environmental Remediation Standards Act, and 42 U.S.C. § 321 and 9601 et seq.

(3) Any well, borehole or probe drilled for the purpose of conducting a characterization of a potentially contaminated site.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayemik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra

Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubleby	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

The SPEAKER. Without objection, HB 1591 is over for the day.

The House proceeded to third consideration of **HB 1883, PN 2445**, entitled:

An Act requiring the Department of Environmental Protection to return to political subdivisions and municipal authorities for use in corrective action 80% of fines and assessments received from the political subdivisions and municipal authorities either directly or through the Federal Environmental Protection Agency.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

The question is, shall the bill pass finally?

The gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to HB 1883.

I might note that I want to congratulate Representative DeLuca on the good work he has done in this regard. I know he had a personal, local situation to deal with. But this bill, in my view, takes the teeth out of enforcement provisions of the State Department of Environmental Protection. I also might note that our State Department of Environmental Protection opposes this bill, and I think the opposition comes from a number of reasons.

But what this bill basically does is it reduces by 80 percent the fine that the department imposes on a municipality or a municipal authority and gives that money back to the municipality for remediation, and I think it is great in one regard that if a municipality is fined, it gets a source of funds for remediation, but the real problem is no deterrent effect. The real problem is, if you reduce the penalty by 80 percent, you do not give a municipality at the outset the incentive to not pollute its water supply to begin with, and the problem is not just with the municipality but those municipalities downstream. You do not want to create a situation where it is just worth the gamble for a municipality not to deal with the expense of treating its wastewater system; you do not want to make it a good gamble. And I think what this bill does is say to a municipality, if you are caught and if you are fined, do not worry; you are getting 80 percent of the money back, and conceptually, I think that is a problem, and I think that is why the Department of Environmental Protection opposes it.

Again, I think Representative DeLuca has done a fine job moving this bill and no disrespect to him. I just do not think it is good environmental policy.

The SPEAKER. The gentleman from Chester County, Mr. Hershey.

Mr. HERSHEY. Thank you, Mr. Speaker.

I just want to clarify one thing. When we were negotiating this bill with the DEP, they said they lightly opposed it. Now, you can take that for whatever it is worth.

But I know some of our boroughs and municipalities took a while before they could come to agreement on how they were going to raise the money to upgrade their sewers and water systems, and in the meantime, the clock ran and their fines were huge. Some had to borrow the money to pay the fines. And we think the cost today to remediate some of these failed systems, that this taxpayers' money that goes into the paying of the fines, part of that should go back to rebuild the system.

I think this is a fine bill, and I urge the people to support it. Thank you.

The SPEAKER. The gentleman from Blair, Mr. Stern.

Mr. STERN. Thank you, Mr. Speaker.

I would like to applaud the main maker of this bill, Representative DeLuca. I think he put together a compromise that is fair to everyone involved. And whenever we talk about the municipalities that are downstream, we are also looking at the municipalities that are upstream that are imposed a fine if they are in violation, and DEP currently goes in and fines many of these municipalities. I believe that the 80-percent compromise that the prime sponsor of this bill has come up with is a fine agreement to

make this bill very workable, and I applaud the prime sponsor of this amendment for the fine job that he did in coming up with that agreement.

And whether or not DEP supports this or not, I think it is something that many of our municipalities can use, because that money that is being taken out of the local municipalities is actually a fine on the citizens of those communities, and it raises the rates and it raises the fees that they have to pay in many instances, and how are they to correct many of these problems that they have within a municipality unless they have some of those resources back? I know in one of my townships, particularly about 6 years ago, we had a situation where they were fined very heavily from DEP, and I had a bill similar to Representative DeLuca's whenever I first came to the legislature, and my bill would have put all the money back into mitigating the circumstances surrounding the pollution.

But I think Representative DeLuca has come up with a very good compromise, and I would ask support of this bill. Thank you, Mr. Speaker.

The SPEAKER. The gentleman, Mr. DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

First of all, I want to thank Representative Hershey and the Environmental Committee for realizing the merits of this bill.

I personally come from a municipality who was affected very strongly with this type of legislation, and although it is too late for my municipality to take advantage of this, it certainly will help a lot of our small municipalities and other municipalities out there with their problems, especially with the infrastructure that we are facing in the Commonwealth of Pennsylvania. The old infrastructure out there needs to be replaced.

So I just want to thank them, and I certainly would appreciate an affirmative vote on this legislation. Thank you very much.

The SPEAKER. The gentleman, Mr. Cappelli.

Mr. CAPPELLI. Thank you, Mr. Speaker.

I, too, rise in support of HB 1883. I would like to commend Representative DeLuca for his leadership and sponsorship of the legislation.

I think anytime we are talking about environmental issues, especially contamination at the municipal level, we should be insisting that our Department of Environmental Protection cooperate and assist those municipalities in terms of remediation and compliance and not be financially penalizing the same.

So I think this legislation goes a long way in that direction, and I thank the sponsor for his leadership. Thank you, Mr. Speaker.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Major	Schuler
Allen	Feese	Manderino	Scrimenti
Argall	Fichter	Mann	Semmel
Armstrong	Fleagle	Markosek	Shaner
Baker, J.	Flick	Marsico	Smith, B.
Baker, M.	Forcier	Mayernik	Smith, S. H.
Bard	Frankel	McCall	Solobay
Barley	Freeman	McGeehan	Staback
Barrar	Gabig	McGill	Stairs

Bastian	Gannon	McIlhattan	Steelman
Bebko-Jones	Geist	McIlhinney	Steil
Belardi	George	McNaughton	Stern
Belfanti	Godshall	Melio	Stetler
Benninghoff	Gordner	Metcalfe	Stevenson, R.
Birmelin	Grucela	Michlovic	Stevenson, T.
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla
Boyes	Haluska	Mundy	Surra
Browne	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Tigue
Cappelli	Hasay	Oliver	Travaglio
Casorio	Hennessey	Pallone	Trello
Cawley	Herman	Perzel	Trich
Civera	Hershey	Petrarca	Tulli
Clark	Hess	Petrone	Turzai
Clymer	Horsey	Pickett	Vance
Cohen, L. I.	Hutchinson	Pippy	Veon
Cohen, M.	Jadlowiec	Pistella	Walko
Colafella	James	Preston	Wansacz
Coleman	Kaiser	Raymond	Washington
Cornell	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.
Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker
Evans, J.			

NAYS—1

Vitali

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

The House proceeded to third consideration of **HB 2044, PN 2736**, entitled:

An Act establishing within the Department of Environmental Protection an accreditation program for environmental laboratories; and providing for whistleblower protection.

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

Daley	Lederer	Ross	Wright, M.
Dally	Leh	Rubley	Yewcic
DeLuca	Lescovitz	Ruffing	Youngblood
Dermody	Levdansky	Sainato	Yudichak
DeWeese	Lewis	Samuelson	Zimmerman
DiGirolamo	Lucyk	Santoni	Zug
Diven	Lynch	Saylor	
Donatucci	Mackereth	Schroder	
Eachus	Maher	Schuler	Ryan,
Egolf	Maitland	Scrimenti	Speaker

NAYS-7

Clark	Hutchinson	Metcalfe	Smith, S. H.
Forcier	McIlhattan	Sather	

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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 2044 CONTINUED

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue

Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civiera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

The House proceeded to third consideration of HB 1439, PN 2858, entitled:

An Act establishing a waste transportation safety program and the Waste Transportation Safety Account; imposing penalties.

On the question,

Will the House agree to the bill on third consideration?

Mr. GODSHALL offered the following amendment No. A4069:

Amend Sec. 4, page 17, lines 25 through 28, by striking out "NOTHING IN THIS SECTION SHALL PRECLUDE THE" in line 25 and all of lines 26 through 28

Amend Sec. 4, page 20, by inserting between lines 2 and 3

(1) Prohibition.—This section shall preclude the operation of a municipal waste transportation authorization or license program and the charging of a fee by municipalities or counties.

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

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Gabig	McGill	Stairs
Barrar	Gannon	McIlhattan	Steelman
Bastian	Geist	McIlhinney	Steil
Bebko-Jones	George	McNaughton	Stern
Belardi	Godshall	Melio	Stetler
Belfanti	Gordner	Metcalfe	Stevenson, R.
Benninghoff	Grucela	Michlovic	Stevenson, T.
Birmelin	Gruitza	Miller, R.	Strittmatter
Bishop	Habay	Miller, S.	Sturla
Blaum	Haluska	Mundy	Surra
Boyes	Hanna	Myers	Tangretti
Browne	Harhai	Nailor	Taylor, E. Z.
Butkovitz	Harhart	Nickol	Taylor, J.
Buxton	Harper	O'Brien	Tigue
Caltagirone	Hasay	Oliver	Travaglio
Cappelli	Hennessey	Pallone	Trello
Casorio	Herman	Perzel	Trich
Cawley	Hershey	Petrarca	Tulli
Civera	Hess	Petrone	Turzai
Clark	Horsey	Pickett	Vance
Clymer	Hutchinson	Pippy	Veon
Cohen, L. I.	Jadlowiec	Pistella	Vitali
Cohen, M.	James	Preston	Walko
Colafella	Kaiser	Raymond	Wansacz
Coleman	Keller	Readshaw	Washington
Cornell	Kenney	Reinard	Waters
Costa	Kirkland	Rieger	Watson
Coy	Krebs	Roberts	Williams, C.
Creighton	LaGrotta	Robinson	Williams, J.
Cruz	Laughlin	Roebuck	Wilt
Curry	Lawless	Rohrer	Wogan
Dailey	Lederer	Rooney	Wojnaroski
Daley	Leh	Ross	Wright, G.
Dally	Lescovitz	Rubley	Wright, M.
DeLuca	Levdansky	Ruffing	Yewcic
Dermody	Lewis	Sainato	Youngblood
DeWeese	Lucyk	Samuelson	Yudichak
DiGirolamo	Lynch	Santoni	Zimmerman
Diven	Mackereth	Sather	Zug
Donatucci	Maher	Saylor	
Eachus	Maitland	Schroder	Ryan,
Egolf	Major	Schuler	Speaker
Evans, J.			

NAYS—1

Freeman

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

Mr. GEORGE offered the following amendment No. A4083:

Amend Title, page 2, line 2, by striking out "AND"
Amend Title, page 2, line 2, by removing the period after "PENALTIES" and inserting
; and providing for liability of operator of commercial solid waste landfill.
Amend Sec. 2, page 15, by inserting between lines 4 and 5
"Commercial solid waste landfill." A landfill permitted or proposed for permitting under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, for the disposal of municipal waste, residual waste, construction and demolition waste or mixed municipal and residual waste, including mixed municipal or residual waste and construction and demolition debris. The term does not include a captive residual waste facility.
Amend Bill, page 27, by inserting between lines 11 and 12
Section 9. Rebuttable presumption and defenses.
(a) Liability of operator of commercial solid waste landfill.—It shall be rebuttably presumed, as a matter of law, that an operator of a commercial solid waste landfill is liable without proof of fault, negligence or causation for all pollution or diminution of public or private water supplies within 2,500 linear feet of the boundaries of the commercial solid waste landfill.
(b) Defenses limited.—There shall only be five defenses to the rebuttable presumption of liability provided for in subsection (a). The operator must affirmatively prove by a preponderance of evidence that one of the following conditions exists:
(1) The landowner is not within 2,500 linear feet of the boundary of the commercial solid waste landfill.
(2) The landowner or water supply company refused to allow the operator access to conduct a survey prior to commencing operations.
(3) The pollution or diminution existed prior to operation of the commercial solid waste landfill as determined by a survey conducted prior to commencing operations.
(4) The pollution or diminution occurred as a result of some cause other than the operation of the commercial solid waste landfill.
(5) The landowner, water supply user or water company refused to allow the operator access to determine the cause of pollution or diminution or to replace or restore the water supply.
Amend Sec. 9, page 27, line 12, by striking out "9" and inserting
10

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

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. George.
Mr. GEORGE. Thank you, Mr. Speaker.
Mr. Speaker, a decade ago when we passed the Solid Waste Act, we had placed within that act a 2,500-foot rebuttable presumption in regard to water loss whenever there was an area that was polluted from a hazardous waste facility but only a quarter a mile for a municipal landfill, yet, Mr. Speaker, we all know that when you set up a landfill, you are concentrating waste in one area and you are putting tons and tons of material that could

be toxic in one individual place. All that stands between that toxicity material and the groundwater is a thin liner.

So, Mr. Speaker, this amendment places a 2,500-foot rebuttable presumption into law, the same as it is in mining, the same as it is in aggregate, and that is what we need to protect our water supplies. Today I read from the Department of Environmental Resources that we are involved with a drought. Several areas were involved with a drought watch. Water is at a premium, and more today than ever, we need to protect it, and I ask that we accept this amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	
Evans, J.	Major		Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

Mr. GEORGE offered the following amendment No. A4084:

Amend Bill, page 27, by inserting between lines 11 and 12 Section 9. Additional penalties.

(a) General rule.—If a driver knowingly attempts to deliver a load of municipal waste rejected by a disposal facility according to the radioactivity standards outlined in 25 Pa. Code § 273.223 (relating to radiation monitoring and response) to another disposal facility without receiving department approval and an authorized United States Department of Transportation exemption form as required in 25 Pa. Code § 273.223(g), the driver who has a commercial driver's license shall have that license suspended for a period of one year. A tractor and semitrailer used in violation of this subsection shall be deemed contraband and may be forfeited to the department. The provisions of law relating to seizure, summary and judicial forfeiture and condemnation of intoxicating liquor shall apply to seizures and forfeitures under this subsection. Proceeds from the sale of forfeited tractors and semitrailers shall be deposited in the Solid Waste Abatement Fund.

(b) Construction.—Unless specifically defined in this act, the terms in this section have the same meaning as provided in the Solid Waste Management Act or the Municipal Waste Planning, Recycling and Waste Reduction Act, or regulations of the department promulgated thereunder.

Amend Sec. 9, page 27, line 12, by striking out "9" and inserting 10

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

AMENDMENT WITHDRAWN

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman, Mr. George.

Mr. GEORGE. To your delight, 4084 has been pulled.

The SPEAKER. Would you repeat that, please?

Mr. GEORGE. I hope to your delight, 4084 has been pulled, but to my delight, I am running another one.

The SPEAKER. Well, it is a short delightful statement then.

Mr. GEORGE. Well, as long as I am pleased, I think that is all that really matters.

The SPEAKER. All right. And what would you like us to consider now?

Mr. GEORGE. I would like, if you would, to give me your perusal on 4086, if you will.

The SPEAKER. Mr. Clerk, would you—

Mr. GEORGE. Hold on a minute.

I would hope, Mr. Speaker, that this would be agreed to. Last session we passed a—

The SPEAKER. Will the gentleman yield.
The clerk will read the amendment.

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

Mr. GEORGE offered the following amendment No. A4086:

Amend Title, page 2, line 2, by striking out "AND"

Amend Title, page 2, line 2, by removing the period after "PENALTIES" and inserting
; and providing a moratorium.

Amend Bill, page 27, by inserting between lines 11 and 12
Section 9. Moratorium.

(a) General rule.—For a period of three years from the effective date of this section, and subject to continuation of such period under subsection (b):

(1) The department may not accept an application for a permit modification nor issue a permit or permit modification under the Solid Waste Management Act for the construction, expansion or operation of a facility.

(2) The department may not accept for review nor issue a permit modification that would result in an increase in average daily volume or maximum daily volume at a facility.

(b) Annual review of Statewide landfill capacity and usage.—Ninety days before the first and the second anniversary of the imposition of the moratorium period set forth in subsection (a), the secretary shall review Statewide landfill capacity and usage. If the secretary determines that unused Statewide landfill capacity continues to be equal or more than six years of unused landfill capacity remains, then the moratorium shall continue to the original ending date of the moratorium and the secretary shall publish notice of such continuation as a notice in the Pennsylvania Bulletin.

(c) Construction.—Unless specifically defined in this act, the terms in this section have the same meaning as provided in the Solid Waste Management Act or the Municipal Waste Planning, Recycling and Waste Reduction Act or regulations of the department promulgated thereunder.

Amend Sec. 9, page 27, line 12, by striking out "9" and inserting
10

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

The SPEAKER. Mr. George.
Mr. GEORGE. Yes, Mr. Speaker.
The SPEAKER. You are recognized.
Mr. GEORGE. Thank you.

Mr. Speaker, last session we passed a moratorium bill, and it went to the Senate, and as you would expect, they left it die. The Senate does not have the same complexities or legitimate concerns, Mr. Speaker, that you and I have.

My amendment, Mr. Speaker, should we adopt it and hopefully we will, would establish a 3-year moratorium on new disposal permits. Fifty House members, Mr. Speaker, including almost 30 Republicans, have cosponsored, and rightfully so, a 3-year moratorium in the past. The problems, Mr. Speaker, with trash matters are getting worse, and we need to be tougher, not weaker, on a moratorium.

So if you look at section 6 of this bill, there was language that regulates landfills. So my amendment is appropriate and most necessary, and to my fellow members, I thank you for supporting this much-needed legislation.

The SPEAKER. The gentleman, Mr. Feese.
Mr. FEESE. Thank you, Mr. Speaker.
Mr. Speaker, I rise to support the George amendment.
The amendment offered by the gentleman is one of the versions proposed by the Ridge administration to establish a landfill moratorium, and I would ask my colleagues to support that amendment. Thank you.

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

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

The SPEAKER. Mr. George, do you have any further amendments for us to consider?

Mr. GEORGE. If that guy would turn on the power, I would give you— Thank you.

Yes, Mr. Speaker. I have 4093 I would like to bring to the attention of these fine, stalwart people.

The SPEAKER. The clerk will address the request of the gentleman.

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

Mr. GEORGE offered the following amendment No. A4093:

Amend Bill, page 22, by inserting between lines 5 and 6
Section 7. Inspection of waste transportation vehicles or waste trailers.

In the event a combination used to transport solid waste to a municipal waste processing or disposal facility, in the reasonable judgment of a qualified Commonwealth employee, is in such condition that further operation would be hazardous, the Department of Transportation shall make a determination if the certificate of inspection for the waste transportation vehicle and/or waste trailer was issued by an official inspection station appointed pursuant to the provisions of 75 Pa.C.S. § 4723 (relating to certificate of appointment for inspecting fleet vehicles). After making such determination, the Department of Transportation may suspend the certificate of appointment for inspecting fleet vehicles pursuant to the provisions of 75 Pa.C.S. § 4724 (relating to suspension of certificates of appointment) if an item of a combination's equipment did not meet standards established in Department of Transportation regulations. When inspections performed pursuant to the provisions of 75 Pa.C.S. § 4704 (relating to inspection by police or Commonwealth personnel) result in equipment violations in combinations used to transport solid waste to a municipal processing or disposal facility that has previously been cited but has not been satisfactorily repaired, the Department of Transportation shall make a determination if the certificate of inspection for the waste transportation vehicle and/or waste trailer was issued by an official inspection station appointed pursuant to the provisions of 75 Pa.C.S. § 4723. After making such determination, the Department of Transportation shall suspend the certificate of appointment for inspecting fleet vehicles pursuant to the provisions of 75 Pa.C.S. § 4724 if an item of a combination's equipment did not meet standards established in Department of Transportation regulations.

Amend Sec. 7, page 22, line 6, by striking out "7" and inserting 8

Amend Sec. 8, page 22, line 30, by striking out "8" and inserting 9

Amend Sec. 9, page 27, line 12, by striking out "9" and inserting 10

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

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

Mr. GEORGE. Mr. Speaker, we have all heard of the thousands of violations and news matters over trucks that have violated our environment and equally as important our safety laws in the State of Pennsylvania. We continue to go out on these highways and do the most responsible thing we can. We pull them over and we search their trucks and we look at the safety aspect, and after 400 or 500, 400 or 500 by one company alone that was billed \$180,000, I daresay there is not a man or woman in this room that would expect if they went out and violated laws of Title 75 and transportation or environment that they would let us do something 180 times.

So, Mr. Speaker, my amendment states that if the Department of Transportation finds instances where trash trucks were cited for safety violations and then these trucks were caught again with the same violations, then these trucks' owners should lose the right to self-inspect their trucks. Mr. Speaker, how many more thousands of safety violations should we put up with before we take action that the law insists that we have insisted upon? These trash truck companies should be held accountable as all, and I ask that we accept this amendment.

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

The following roll call was recorded:

YEAS-195

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalf	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsy	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson

Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	Ryan,
Egolf	Major	Schuler	Speaker
Evans, J.			

NAYS-1

Maitland

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

On the question recurring,

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McLhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio

Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

The House proceeded to third consideration of **HB 1436, PN 2185**, entitled:

An Act requiring host municipality agreements for certain municipal and residual waste facilities; providing for a moratorium; establishing transportation and safety requirements, including a fee and registration for vehicles that collect and transport municipal and residual waste to certain municipal and residual waste disposal and processing facilities; imposing a municipal enhancement consideration fee on the deposit of certain solid waste; and establishing the Municipal Enhancement Consideration Fee Fund.

On the question,

Will the House agree to the bill on third consideration?

Mr. FEESE offered the following amendment No. **A4014**:

Amend Title, page 1, line 2, by inserting after "facilities;" and

Amend Title, page 1, line 2, by removing the semicolon after "MORATORIUM" and inserting a period

Amend Title, page 1, lines 3 through 9, by striking out all of said lines

Amend Table of Contents, page 2, lines 4 through 26, by striking out all of said lines and inserting

Section 1. Short title.

Section 2. Legislative findings and declaration of policy.

Section 3. Definitions.

Section 4. Construction of act.

Section 5. Moratorium.

Section 6. Host municipality agreements.

Section 7. Enforcement.

Section 8. Civil penalties.

Section 9. Regulations.

Section 10. Severability.

Section 11. Repeals.

Section 12. Effective date.

Amend Bill, page 2, line 30; pages 3 through 44; lines 1 through 30; page 45, lines 1 through 24, by striking out all of said lines on said pages and inserting

Section 1. Short title.

This act shall be known and may be cited as the Solid Waste Control and Host Municipality Agreement Act.

Section 2. Legislative findings and declaration of policy.

(a) Legislative findings.—The General Assembly hereby determines, declares and finds that:

(1) Solid waste practices create public health hazards, environmental pollution and nuisances and can cause irreparable harm to the public health, safety and welfare.

(2) All aspects of solid waste management, particularly the disposal of solid waste, pose a critical threat to the health, safety and welfare of the residents of this Commonwealth when solid waste is improperly managed.

(3) The Commonwealth is responsible for the protection of the health, safety and welfare of its residents concerning solid waste management.

(4) The construction and expansion of commercial solid waste landfills and resource recovery facilities usually consumes natural lands, thereby impinging upon wildlife habitat and the public's use and enjoyment of the natural resources, including air, water and natural scenic, historic and esthetic values of the environment.

(5) Concentrated traffic in the vicinity of commercial solid waste landfills and resource recovery facilities can contribute to and cause substantial harm to this Commonwealth's roadways and environment and to the health and safety of the residents of this Commonwealth.

(6) Communities in the areas located near and along the approach routes to commercial solid waste landfills and resource recovery facilities experience traffic problems, litter, odors, noise, dust and other nuisances that are threats to public health and safety resulting from the operation of the facilities and from the transportation of waste to these facilities.

(b) Purposes and goals.—The purposes and goals of this act are to:

(1) Provide municipalities across this Commonwealth with the ability to control the disposal of solid waste in their communities.

(2) Enhance the protection of the public health, safety and welfare from the short-term and long-term dangers associated with the disposal of solid waste.

(3) Implement section 27 of Article I of the Constitution of Pennsylvania.

(4) Conserve the environment and the natural resources of this Commonwealth.

(5) Limit the magnitude of environmental and transportation problems in and around communities which host commercial solid waste landfills or resource recovery facilities.

(6) Provide for greater local input from affected residents and communities in the planning of commercial solid waste landfills and resource recovery facilities.

(7) Protect residents of the communities affected by commercial solid waste landfills and resource recovery facilities from unnecessary traffic problems, litter, odors, noise, dust and other nuisances that are threats to public health and safety which may result from the operation of the facilities and from the transportation of waste to these facilities.

Section 3. Definitions.

(a) General rule.—Unless specifically defined in this section, the terms in this act have the same meaning as provided in the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, or the act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, or regulations of the Department of Environmental Protection promulgated thereunder.

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

"Commercial solid waste landfill." A landfill permitted or proposed for permitting under the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, for the disposal of municipal waste, residual waste, construction and demolition waste or mixed municipal and residual waste, including mixed municipal or residual waste and construction and demolition debris. The term does not include a captive residual waste facility.

"Department." The Department of Environmental Protection of the Commonwealth and its authorized representatives.

"Expansion modification." An application for permit modification filed by an owner or operator of a commercial solid waste landfill or resource recovery facility which requests an expansion, either laterally or vertically, of a permit area.

"Host municipality." A municipality other than the county which meets one of the following criteria:

(1) a commercial solid waste landfill or resource recovery facility or any portion of a permit area is located or proposed to be located within the municipality; or

(2) the municipality is located within one-half mile of any portion of a permit area of a proposed or operating commercial solid waste landfill or resource recovery facility.

"Host municipality agreement." A written, legally binding document or documents executed by authorized officials of each host municipality and an owner or operator of a commercial solid waste landfill or resource recovery facility.

"Municipal Waste Planning, Recycling and Waste Reduction Act." The act of July 28, 1988 (P.L.556, No.101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act.

"Pennsylvania Municipalities Planning Code." The act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code.

"Permit." A permit issued pursuant to the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

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

"Solid Waste Management Act." The act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act.

"Volume modification." An application for permit modification filed by an owner or operator of a commercial solid waste landfill or resource recovery facility which requests an increase in average or maximum daily waste volume.

Section 4. Construction of act.

(a) Liberal construction.—This act shall be liberally construed so as best to achieve and effectuate the goals and purposes of this act.

(b) *Pari materia*.—This act shall be construed in *pari materia* with the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and sections 1935-A and 1936-A of

the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.

Section 5. Moratorium.

(a) Permits relating to construction, expansion or operation.—For a period of two years following the effective date of this act, the department shall not accept an application for a permit or permit modification nor issue a permit or permit modification under the Solid Waste Management Act for the construction, expansion or operation of a municipal waste landfill, construction/demolition waste landfill, resource recovery facility or commercial residual waste disposal facility.

(b) Permit modifications relating to daily volume.—For a period of two years following the effective date of this act, the department shall not accept for review nor issue a permit modification that would result in an increase in average daily volume or maximum daily volume at a municipal waste landfill, construction/demolition waste landfill, resource recovery facility or commercial residual waste disposal facility.

(c) Return of applications.—Immediately following the effective date of this act, the department shall return the following applications and shall conduct no further review during the pendency of the moratorium established in subsections (a) and (b).

(1) Applications for new municipal waste landfills, construction/demolition waste landfills, resource recovery facilities or commercial residual waste disposal facilities.

(2) Applications for expansions of municipal waste landfills, construction/demolition waste landfills or commercial residual waste disposal facilities.

(3) Applications for permit modifications to increase average daily volume or maximum daily volume at municipal waste landfills, construction/demolition waste landfills, resource recovery facilities or commercial residual waste disposal facilities.

(d) Monitoring of remaining capacity.—During the pendency of the moratorium established in this section and at all times thereafter, the department shall monitor the remaining capacity at all municipal waste landfills, construction/demolition waste landfills, resource recovery facilities and commercial residual waste disposal facilities. Following the expiration of the moratorium, no permit modification application identified in subsection (a) or (b) will be accepted by the department until the remaining disposal capacity for the facility is five years or less. Following the expiration of the moratorium, an application for a new facility identified in subsection (a) will not be accepted if the disposal capacity is greater than ten years.

(e) Exceptions.—This section shall not prohibit the review or issuance of the following during the pendency of the moratorium:

(1) A permit renewal or reissuance.

(2) A permit modification to allow the receipt of a residual waste not previously approved by the department in the facility's waste acceptance plan.

(3) An operational modification that does not affect capacity.

(4) A permit amendment to increase the capacity of a facility whose remaining capacity is five years or less to increase its capacity to ten years or less.

(f) Special circumstances.—

(1) Notwithstanding any other provision of law or this act to the contrary, the department may modify any permit listed in subsection (a), (b) or (c) during the pendency of the moratorium to allow increased maximum or average daily waste volumes if the department:

(i) Finds in writing that the modification is necessary to prevent a public health or environmental emergency.

(ii) Publishes notice of the finding in the Pennsylvania Bulletin.

(2) Action under this subsection shall be taken in accordance with section 503(e) of the Solid Waste Management Act.

(g) Emergencies.—Nothing in this section shall supersede any other authority of the Governor or the department to act in the event of an emergency.

Section 6. Host municipality agreements.

(a) General rule.—Each host municipality may enter into negotiations for the development of a host municipality agreement. If a host municipality agreement is developed, the governing body of each host municipality shall vote to adopt or reject the agreement.

(b) Public notice and public involvement requirements.—

(1) If negotiations are entered into, each host municipality shall publish notice that discussions for developing a host municipality agreement with the commercial solid waste landfill or resource recovery facility have begun. The notice also shall describe the public involvement process that the host municipality will use to develop the agreement. The notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in the municipality where the facility or proposed facility is located. The public involvement process shall, at a minimum, include the following:

(i) The host municipality shall hold a special public hearing at which a proposed host municipality agreement is presented to the public and at which the public is provided an opportunity to provide oral and written testimony. Notice of the hearing shall be published in a newspaper of general circulation in the municipality not less than ten days nor more than 30 days prior to the hearing. A public comment period of no less than 30 calendar days shall be provided after the public hearing to accept written comments on the proposed host municipality agreement.

(ii) The host municipality shall hold a special public meeting at which revisions to the proposed host municipality agreement are presented to the public by the municipality, including changes to the proposed host municipality agreement that were adopted after the public hearing and public comment period. The public shall be provided a reasonable opportunity to ask questions to the host municipality on the host municipality agreement and to provide public comment. Notice of the hearing shall be published in a newspaper of general circulation in the municipality not less than ten days nor more than 30 days prior to the hearing.

(iii) The host municipality shall publish the decision on adopting or rejecting the final agreement within 30 calendar days of acting.

(2) The public involvement process may contain additional public notice and involvement in a manner determined by the municipality.

(c) Contents of agreement.—

(1) A host municipality agreement agreed to and executed by the parties shall address the following:

(i) The nature of the proposed facility.

(ii) The site of the proposed facility or expansion of the existing facility.

(iii) Measures to alleviate local issues, such as haul routes, traffic problems, litter, odors, noise, dust and any other nuisances that might result from the operation of the facility. Such local issues shall be identified by the host municipality.

(iv) The host benefit fee to be paid by the owner or operator of the facility to the host municipality, which fee shall not be less than the statutory minimum fee established under the Municipal Waste Planning, Recycling and Waste Reduction Act and any other financial and in-kind contributions.

(v) The maximum and daily average waste volume to be received at the facility.

- (vi) The days and hours of operation of the facility.
- (vii) The availability of capacity at the facility for the disposal of solid waste generated within the host municipality.
- (viii) Activities to promote recycling, waste reduction and the proper management and disposal of solid waste generated within the host municipality.
- (ix) The process for resolution in a cooperative and nonbinding manner of complaints and other grievances concerning the construction and operation of the facility.
- (x) Provision for access to the facility and its records by the host municipality inspector.
- (xi) A statement that if Congress enacts a law that places restrictions on out-of-State waste, the host municipality may renegotiate its host municipality agreement in regard to out-of-State waste.

(2) A host municipality agreement agreed to and executed by the parties may address any other terms or conditions to which the parties agree should be included in the agreement.

(d) Requirement for host municipality agreement.—

(1) The department shall revoke the permit of any currently permitted commercial solid waste landfill or resource recovery facility that does not execute a host municipality agreement in accordance with the schedule established in this section.

(2) For a commercial solid waste landfill or resource recovery facility for which a host municipality agreement was executed prior to or on the effective date of this act, except as provided in paragraphs (3) and (4), a new host municipality agreement shall be:

(i) executed by the owner or operator and the host municipality or municipalities on the date the existing host municipality agreement expires or five years after the effective date of this act, whichever occurs first; and

(ii) submitted to the department for review within 30 days of execution.

(3) For a commercial solid waste landfill or resource recovery facility for which:

(i) no host municipality agreement has been executed as of the effective date of this act; or

(ii) a host municipality agreement was executed on or before the effective date of this act but which agreement expires within two years of the effective date of this act, a host municipality agreement shall be executed by the owner or operator and the host municipality or municipalities within two years of the effective date of this act and submitted to the department for review within 30 days of execution.

(4) For any commercial solid waste landfill or resource recovery facility for which a host municipality agreement was executed prior to or on the effective date of this act but which has not begun to accept solid waste as of the effective date of this act, a new host municipality agreement shall be executed by the owner or operator and the host municipality or municipalities within two years of the effective date of this act and submitted to the department for approval within 30 days of execution.

(5) A new host municipality agreement for each host municipality shall be executed in accordance with this section and submitted to the department for review for any expansion modification or volume modification filed by an owner or operator of a commercial solid waste landfill or resource recovery facility after the effective date of this act.

(6) A host municipality agreement shall be executed in accordance with this section by an owner or operator and the host municipality or municipalities and shall be submitted to the department for review for any new commercial solid waste landfill or resource recovery facility.

(e) Relationship to permit applications.—

(1) An application for a permit, volume modification or expansion modification for a commercial solid waste landfill or resource recovery facility which is submitted to the department for review after the effective date of this act shall only be accepted as administratively complete under section 512(a) of the Municipal Waste Planning, Recycling and Waste Reduction Act and the regulations promulgated thereunder if it includes written evidence that a host municipality agreement complies with the requirements of this section and has been executed by the applicant and each host municipality. Such written evidence shall be contained as part of the application.

(2) An application for a permit, volume modification or expansion modification for a commercial solid waste landfill or resource recovery facility which is submitted to the department for review on, before or after the effective date of this act shall be issued by the department only if a host municipality agreement that complies with this section has been executed by the applicant and each host municipality. The department shall not issue the permit or permit modification until an executed host municipality agreement has been submitted to the department.

(f) Department review of host municipality agreements.—

(1) For all host municipality agreements submitted to the department for review under this section, the department shall review each executed host municipality agreement to ensure that the agreement addresses the requirements of subsection (c)(1) and also to ensure that there has been compliance with the public notice and public comment requirements of subsection (b).

(2) The department shall review the terms and conditions of the host municipality agreement that address subsection (c)(1)(iii), (v), (vi), (vii) and (viii) to ensure the terms and conditions of the host municipality agreement are not in conflict with the terms and conditions of the existing or proposed permit and applicable regulations. Where the department determines there is a conflict between the terms and conditions of the host municipality agreement and the terms and conditions of the regulations or existing or proposed permit, the more stringent or restrictive requirement or condition as determined by the department shall apply. In making its determination, the department shall consider any comments submitted by any affected or potentially affected party. The department shall modify the permit to incorporate any such term or condition, including any term or condition that is not addressed in the proposed or existing permit.

(g) Enforcement of host municipality agreement.—

(1) The terms of a host municipality agreement shall be enforceable by the parties to the agreement. The courts of common pleas are hereby given jurisdiction over disputes between the host municipality and the facility owner or operator regarding the enforcement of a host municipality agreement.

(2) A host municipality which is successful in an action brought under this subsection to enforce an agreement involving a facility owner or operator shall be awarded reasonable attorney fees and costs of litigation.

(h) Reimbursement of host municipality costs.—At the request of a host municipality, the department shall reimburse the host municipality for costs incurred in negotiating a host municipality agreement under this section. Costs covered shall be limited to costs incurred for professional fees for lawyers, engineers and other professionals used in the efforts to reach an agreement. Any reimbursement shall be provided from funds in the recycling fund established by section 706 of the Municipal Waste Planning, Recycling and Waste Reduction Act or in the Solid Waste Abatement Fund established under section 701 of the Solid Waste Management Act, upon approval by the Governor. Reimbursement shall not exceed \$50,000 for each host municipality agreement. The combined total reimbursement from the two funds shall not exceed \$750,000 annually or \$2,500,000 over a five-year period from the effective date of this act.

(i) Relationship to other laws.—

(1) To the extent the terms of a host municipality agreement differ from any existing ordinance adopted pursuant to section 304(b) of the Municipal Waste Planning, Recycling and Waste Reduction Act and concerning:

(i) the hours and days during which vehicles may deliver waste to the commercial solid waste facility or resource recovery facility; or

(ii) the routing of traffic to and from the commercial solid waste landfill or resource recovery facility, the host municipality shall amend the ordinance to comply with the agreement within 90 days of the adoption of the host municipality agreement.

(2) Host municipality agreements shall be executed by the parties in the manner provided for in this act and shall not be subject to competitive bidding or other competitive procurement requirements.

(3) The provisions of section 1305 of the Municipal Waste Planning, Recycling and Waste Reduction Act shall be applicable to any host benefit fee set forth in any host municipality agreement executed pursuant to this act.

(4) Except as required by this section, the discussions for developing a host municipality agreement shall not be subject to the requirements of 65 Pa.C.S. Ch. 7 (relating to open meetings).

Section 7. Enforcement.

(a) Orders.—

(1) The department may issue orders to persons and municipalities as it deems necessary to aid in the enforcement of this act. An order issued under this act shall take effect upon notice unless the order specifies otherwise.

(2) An appeal to the Environmental Hearing Board shall not act as a supersedeas.

(3) The power of the department to issue an order under this act is in addition to any other remedy which may be afforded to the department pursuant to this act or any other act.

(b) Duty to comply with orders of department.—It shall be the duty of any person and municipality to proceed diligently to comply with any order issued pursuant to this section. If the person or municipality fails to proceed diligently or fails to comply with the order within the time, if any, as may be specified, the person or municipality shall be guilty of contempt and shall be punished by the court in an appropriate manner and, for this purpose, application may be made by the department to the court.

Section 8. Civil penalties.

(a) Authority.—

(1) In addition to proceeding under any other remedy available at law or in equity for a violation of any provision of this act, any rule or regulation of the department or order of the department, the department may assess a civil penalty upon a person for the violation. The penalty may be assessed whether or not the violation was willful or negligent.

(2) In determining the amount of the penalty, the department shall consider the willfulness of the violation, damage to air, water, land or other natural resources of this Commonwealth or their uses, cost or restoration and abatement, savings resulting to the person in consequence of the violation and other relevant factors.

(3) The maximum civil penalty that may be assessed pursuant to this section is \$25,000 per offense. Each violation for each separate day and each violation of any provision of this act, any rule or regulation under this act, any order of the department or any term or condition of a permit or permits shall constitute a separate and distinct offense under this section.

(b) Procedure.—

(1) When the department proposes to assess a civil penalty, it shall inform the person of the proposed amount of the penalty. The person charged with the penalty shall then have 30 calendar days to pay the proposed penalty in full or, if the person wishes to

contest the amount of the penalty or the fact of the violation to the extent not already established, the person shall forward the proposed amount of the penalty to the Environmental Hearing Board within the 30-calendar day period for placement in an escrow account with the State Treasurer or any Commonwealth bank or post an appeal bond to the hearing board within 30 calendar days in the amount of the proposed penalty if the bond is executed by a surety licensed to do business in this Commonwealth and is satisfactory to the department.

(2) If through administrative or final judicial review of the proposed penalty it is determined that no violation occurred or that the amount of the penalty shall be reduced, the hearing board shall within 30 calendar days remit the appropriate amount to the person with any interest accumulated by the escrow deposit.

(3) Failure to forward the money or the appeal bond at the time of the appeal shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty unless the appellant alleges financial inability to prepay the penalty or to post the appeal bond. The hearing board shall conduct a hearing to consider the appellant's alleged inability to pay within 30 calendar days of the date of the appeal.

(4) The hearing board may waive the requirement to prepay the civil penalty or to post an appeal bond if the appellant demonstrates and the hearing board finds that the appellant is financially unable to pay. The hearing board shall issue an order within 30 calendar days of the date of the hearing to consider the appellant's alleged inability to pay.

(5) The amount assessed after administrative hearing or after waiver of administrative hearing shall be payable to the Commonwealth and shall be collectible in any manner provided by law for the collection of debts, including the collection of interest at the legal rate, which shall run from the date of assessment of the penalty.

(6) If any person liable to pay a penalty neglects or refuses to pay the same after demand, the amount, together with interest and any costs that may accrue, shall constitute a debt of the person, as may be appropriate, to the Solid Waste Abatement Fund. The debt shall constitute a lien on all property owned by the person when a notice of lien incorporating a description of the property of the person subject to the action is filed with the prothonotary of the court of common pleas where the property is located.

(7) The prothonotary shall promptly enter upon the civil judgment or order docket, at no cost to the department, the name and address of the person, as may be appropriate, and the amount of the lien as set forth in the notice of lien. Upon entry by the prothonotary, the lien shall attach to the revenues and all real and personal property of the person, whether or not the person is solvent.

(8) The notice of lien, filed pursuant to this subsection, which affects the property of the person shall create a lien with priority over all subsequent claims or liens which are filed against the person, but it shall not affect any valid lien, right or interest in the property filed in accordance with established procedure prior to the filing of a notice of lien under this subsection.

Section 9. Regulations.

The Environmental Quality Board shall have the power and its duty shall be to adopt the regulations of the department to accomplish the purposes and to carry out the provisions of this act.

Section 10. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application.

Section 11. Repeals.

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 12. Effective date.

This act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feesse	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhatten	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereith	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	
Evans, J.	Major		Ryan, Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. George, who moves that the rules of the House be suspended to permit the immediate consideration of an amendment and to permit the immediate consideration at the conclusion of this amendment of an amendment to be offered by the gentleman, Mr. Wansacz. The suspension covers both amendments.

On the question,

Will the House agree to the motion?

The SPEAKER. The gentleman, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, pardon me.

Could you clarify that motion to suspend, please?

The SPEAKER. You do not want to do two at once?

Mr. S. SMITH. That is correct.

The SPEAKER. All right. We will do Mr. George.

RULES SUSPENDED

The SPEAKER. Mr. George moves that the rules be suspended to permit him to offer amendment 4161.

On the question,

Will the House agree to the motion?

The SPEAKER. Mr. Smith.

Mr. GEORGE. Mr. Speaker—

The SPEAKER. Will the gentleman yield. I have recognized the gentleman, Mr. Smith.

Mr. S. SMITH. I will yield, Mr. Speaker.

The SPEAKER. Mr. George.

Mr. GEORGE. Everybody respects age, Mr. Speaker, even I.

The SPEAKER. I have found that, yes.

Mr. GEORGE. Thank you, Mr. Speaker.

This amendment simply says that we have waste all over Pennsylvania. We have hundreds of thousands of acres. What we want to do is keep it more than 25—

The SPEAKER. The gentleman, we are not debating the amendment now. We are—

Mr. GEORGE. I thought that I had the prerogative and also the obligation to convince Mr. Smith—

The SPEAKER. Will the gentleman yield for a moment.

Will the minority leader yield to the gentleman, Mr. George, on the question?

Mr. George, briefly explain what your amendment would do. Do not debate it.

Mr. GEORGE. So I do not get blamed for debating this amendment, Mr. Speaker, this simply allows for the law to contain a very important piece of language to insist that we stay 2,500 feet away from a State park. I would hope that all of you could accept that amendment and suspend the rules so we could place it in.

The SPEAKER. The question before the House is suspension of the rules.

Mr. Smith, on the question of suspension of the rules?

Mr. S. SMITH. Thank you, Mr. Speaker.

Mr. Speaker, I was unaware that we were going to be asked to vote this particular amendment. Could I have just another minute here?

The SPEAKER. Indeed.

The House will stand at ease.

(Conference held.)

The SPEAKER. Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

We will support the suspension of the rules for this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—195

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug

Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	Ryan,
Egolf	Major	Schuler	Speaker
Evans, J.			

NAYS—1

Maitland

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

On the question recurring,

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

Mr. GEORGE offered the following amendment No. A4161:

Amend Bill, page 1, lines 1 through 6 (A4014), by striking out all of said lines and inserting

Amend Title, page 1, lines 2 through 9 (A4014), by striking out the comma after "MORATORIUM" in line 2, all of lines 3 through 9 and inserting

and for proximity to State parks.

Amend Table of Contents, page 1, lines 15 through 20 (A4014), by striking out all of said lines and inserting

Section 7. Proximity to State parks.

Section 8. Enforcement.

Section 9. Civil penalties.

Section 10. Regulations.

Section 11. Severability.

Section 12. Repeals.

Section 13. Effective date.

Amend Bill, page 9, by inserting between lines 15 and 16 (A4014) Section 7. Proximity to State parks.

No new municipal waste or residual waste landfill or resource recovery facility may be permitted to operate within 2,500 feet of a Pennsylvania State park.

Amend Sec. 7, page 9, line 16 (A4014), by striking out "7" and inserting

8

Amend Sec. 8, page 9, line 37 (A4014), by striking out "8" and inserting

9

Amend Sec. 9, page 11, line 6 (A4014), by striking out "9" and inserting

10

Amend Sec. 10, page 11, line 11 (A4014), by striking out "10" and inserting

11

Amend Sec. 11, page 11, line 17 (A4014), by striking out "11" and inserting

12

Amend Sec. 12, page 11, line 20 (A4014), by striking out "12" and inserting

13

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Manderino	Scrimenti
Allen	Fairchild	Mann	Semmel
Argall	Feese	Markosek	Shaner
Armstrong	Fichter	Marsico	Smith, B.
Baker, J.	Fleagle	Mayernik	Smith, S. H.
Baker, M.	Flick	McCall	Solobay
Bard	Forcier	McGeehan	Staback
Barley	Frankel	McGill	Stairs
Barrar	Freeman	McIlhattan	Steelman
Bastian	Gabig	McIlhinney	Steil
Bebko-Jones	Gannon	McNaughton	Stern
Belardi	Geist	Melio	Stetler
Belfanti	George	Metcalfe	Stevenson, R.
Benninghoff	Godshall	Michlovic	Stevenson, T.
Birmelin	Gordner	Miller, R.	Strittmatter
Bishop	Grucela	Miller, S.	Sturla
Blaum	Gruitza	Mundy	Surra
Boyes	Habay	Myers	Tangretti
Browne	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Tigue
Caltagirone	Harhart	Oliver	Travaglio
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Pickett	Vance
Clymer	Hess	Pippy	Veon
Cohen, L. I.	Horse	Pistella	Vitali
Cohen, M.	Hutchinson	Preston	Walko
Colafella	Jadlowiec	Raymond	Wansacz
Coleman	James	Readshaw	Washington
Cornell	Kaiser	Reinard	Waters
Costa	Keller	Rieger	Watson
Coy	Kenney	Roberts	Williams, C.
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wogan
Dailey	Laughlin	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	Ryan,
Egolf	Major	Schuler	Speaker

NAYS—2

Lawless	Maitland
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NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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?

The SPEAKER. Mr. George, I have only that one amendment for you. Is that accurate? Mr. George, you had only one amendment?

Mr. GEORGE. I had just one amendment, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

RULES SUSPENDED

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

Mr. WANSACZ. Mr. Speaker, I move that the rules of the House be suspended to permit me to offer amendment 4206.

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Manderino	Scrimenti
Allen	Fairchild	Mann	Semmel
Argall	Feese	Markosek	Shaner
Armstrong	Fichter	Marsico	Smith, B.
Baker, J.	Fleagle	Mayernik	Smith, S. H.
Baker, M.	Flick	McCall	Solobay
Bard	Forcier	McGeehan	Staback
Barley	Frankel	McGill	Stairs
Barrar	Freeman	McIlhattan	Steelman
Bastian	Gabig	McIlhinney	Steil
Bebko-Jones	Gannon	McNaughton	Stern
Belardi	Geist	Melio	Stetler
Belfanti	George	Metcalfe	Stevenson, R.
Benninghoff	Godshall	Michlovic	Stevenson, T.
Birmelin	Gordner	Miller, R.	Strittmatter
Bishop	Grucela	Miller, S.	Sturla
Blaum	Gruitza	Mundy	Surra
Boyes	Habay	Myers	Tangretti
Browne	Haluska	Nailor	Taylor, E. Z.
Butkovitz	Hanna	Nickol	Taylor, J.
Buxton	Harhai	O'Brien	Tigue
Caltagirone	Harhart	Oliver	Travaglio
Cappelli	Harper	Pallone	Trello
Casorio	Hasay	Perzel	Trich
Cawley	Hennessey	Petrarca	Tulli
Civera	Herman	Petrone	Turzai
Clark	Hershey	Pickett	Vance
Clymer	Hess	Pippy	Veon
Cohen, L. I.	Horse	Pistella	Vitali
Cohen, M.	Hutchinson	Preston	Walko
Colafella	Jadlowiec	Raymond	Wansacz
Coleman	James	Readshaw	Washington
Cornell	Kaiser	Reinard	Waters
Costa	Keller	Rieger	Watson
Coy	Kenney	Roberts	Williams, C.
Creighton	Kirkland	Robinson	Williams, J.
Cruz	Krebs	Roebuck	Wilt
Curry	LaGrotta	Rohrer	Wogan
Dailey	Laughlin	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman

Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	Ryan,
Egolf	Major	Schuler	Speaker

NAYS—2

Lawless Maitland

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

On the question recurring,

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

Mr. WANSACZ offered the following amendment No. A4206:

Amend Sec. 3, page 3, line 23 (A4014), by striking out "one-half" and inserting

one

On the question,

Will the House agree to the amendment?

The SPEAKER. On the question of the adoption of the amendment, the Chair recognizes the gentleman.

Mr. WANSACZ. Thank you, Mr. Speaker.

First of all, I would just like to recognize my colleague, Sam Smith, who really brought this matter to fruition here.

The landfill issue is a very dear issue to myself, and a lot of times we hear about the harms versus the benefits, and adjacent municipalities receive all the harms but do not receive any of the benefits.

What this amendment does is call for any municipality that is 1 mile away from the footprint now have a say at the negotiation table, whether they want to have the right to deny a landfill permit or whether they want to have the right to negotiate in the existing permit with the host municipality agreement.

I would like to ask the members to vote in favor of this, please.

The SPEAKER. Ms. Harper, do you desire recognition?

Ms. HARPER. Mr. Speaker, it is not on the computer. We cannot see what the amendment is about.

The SPEAKER. Ms. Harper, with your permission, I would ask the gentleman, Mr. Wansacz, to read the amendment. It is a one-line amendment, and if there is any question about it, we will put the bill over.

Mr. Wansacz.

Mr. WANSACZ. All the amendment does is eliminate one-half mile. It deletes "one-half" and puts in "one" mile for adjacent municipalities.

The SPEAKER. The amendment is on "...Sec. 3, page 3, line 23...by striking out 'one-half' and inserting one."

Mr. Birmelin.

Mr. BIRMELIN. May I be allowed to speak on the amendment, Mr. Speaker?

The SPEAKER. The gentleman is in order.

Mr. BIRMELIN. Let me interrogate the maker of the amendment first, if I could, please.

The SPEAKER. The gentleman indicates he will stand for interrogation. You may begin. Will the gentleman yield.

Will the conferences around the gentleman, Mr. Wansacz, please break up.

Mr. Birmelin.

Mr. BIRMELIN. Thank you, Mr. Speaker.

Mr. Speaker, since I do not have this in front of me and I am not able to plug it in to where it belongs in the bill, could you explain what your amendment does? I am under the impression that if your amendment goes into the bill, that means that any municipality within a mile of a proposed landfill, a new one either or an expansion, would have veto power over whether or not the permit would be given by the DEP. Is that what this amendment does?

Mr. WANSACZ. Correct. Currently the way the bill is written right now is it says any municipality within one-half mile already has these same powers. All this does is extend it another half mile to a mile, which a lot of the experts have agreed that the harms will exceed up to a mile long for any environmental damage.

Mr. BIRMELIN. Okay. Thank you.

Mr. Speaker, I would like to speak on the amendment, if I may.

The SPEAKER. The gentleman is in order.

Mr. BIRMELIN. I would be somewhat concerned about this amendment. I understand the rationale for it being a half mile, but many of the municipalities in Pennsylvania are only 2, 3 miles wide, and so what you are actually going to be doing if you adopt this amendment is you are going to have to so narrowly focus a landfill in the center of any municipality to have to avoid having all of the surrounding municipalities have a vote on it. It seems to me that you are really going to make it very difficult to locate any landfills. That is not to say that a municipality within a mile would not approve of it, but chances are they would not, particularly since it is not going to be in their municipality and they are not going to receive any benefit from it.

So my concern is that this is just going to make it a whole lot more difficult to either expand or increase landfills in Pennsylvania, and unless I hear a better explanation, I am going to vote "no." Thank you.

Mr. WANSACZ. Mr. Speaker, if I may.

The SPEAKER. The gentleman, Mr. Wansacz.

Mr. WANSACZ. I am sorry, Mr. Speaker.

Right now, currently, they can say no, but what they can do within a half a mile is they can also negotiate into receiving some of the benefits. So what it does is give the adjacent municipalities, they can either veto it if they do not want a landfill or they can negotiate to be part of the host municipality agreement. So this is not a vote, this is not just to say no. They have a choice now of receiving some of the benefits instead of just the harms of a landfill.

The SPEAKER. Mr. McNaughton.

Mr. McNAUGHTON. Thank you, Mr. Speaker.

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

I know of personally in our landfill in upper Dauphin County that the harms of the landfill extend for some 15 miles, and so to

have the impacts reviewed by a radius greater than one-half mile to 1 mile is not an unreasonable burden. In fact, I think it is a positive aspect for the review process.

I would ask the members to support this amendment. Thank you.

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

The following roll call was recorded:

YEAS—194

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Gordner	Metcalfe	Stevenson, R.
Benninghoff	Grucela	Michlovic	Stevenson, T.
Bishop	Gruitza	Miller, R.	Strittmatter
Blaum	Habay	Miller, S.	Sturla
Boyes	Haluska	Mundy	Surra
Browne	Hanna	Myers	Tangretti
Butkovitz	Harhai	Nailor	Taylor, E. Z.
Buxton	Harhart	Nickol	Taylor, J.
Caltagirone	Harper	O'Brien	Tigue
Cappelli	Hasay	Oliver	Travaglio
Casorio	Hennessey	Pallone	Trello
Cawley	Herman	Perzel	Trich
Civera	Hershey	Petrarca	Tulli
Clark	Hess	Petrone	Turzai
Clymer	Horsey	Pickett	Vance
Cohen, L. I.	Hutchinson	Pippy	Veon
Cohen, M.	Jadlowiec	Pistella	Vitali
Colafella	James	Preston	Walko
Coleman	Kaiser	Raymond	Wansacz
Cornell	Keller	Readshaw	Washington
Costa	Kenney	Reinard	Waters
Coy	Kirkland	Rieger	Watson
Creighton	Krebs	Roberts	Williams, C.
Cruz	LaGrotta	Robinson	Williams, J.
Curry	Laughlin	Roebuck	Wilt
Dailey	Lawless	Rohrer	Wogan
Daley	Lederer	Rooney	Wojnaroski
Dally	Leh	Ross	Wright, G.
DeLuca	Lescovitz	Rubley	Wright, M.
Dermody	Levdansky	Ruffing	Yewic
DeWeese	Lewis	Sainato	Youngblood
DiGirolamo	Lucyk	Samuelson	Yudichak
Diven	Lynch	Santoni	Zimmerman
Donatucci	Mackereth	Sather	Zug
Eachus	Maher	Saylor	
Egolf	Maitland	Schroder	Ryan,
Evans, J.	Major	Schuler	Speaker

NAYS—2

Birmelin Godshall

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

The Chair recognizes the gentleman, Mr. Gordner.

Mr. GORDNER. Thank you, Mr. Speaker.

The passage of this bill is an important event in our State's efforts to address the landfill issues that confront us.

Back in June DEP Secretary Dave Hess testified before the House Environmental Resources and Energy Committee. At the time Secretary Hess mentioned that Pennsylvania has 12 years' worth of waste disposal capacity and we think that is enough for quite a while. He went on to say that we need a moratorium because there are now 25 applications for new or expanded landfills in review that would add 71.5 million more tons and a substantial number of years of new waste disposal capacity in Pennsylvania.

We have landfill permits pending in Pennsylvania for new landfills, landfill expansions, and landfill modifications that are unnecessary and unwanted by many of the communities in which they are pending.

The host municipal agreement provision is also important. It provides for public notice, public participation in the process, and it makes sure that the public is involved and aware of the negotiations and the details of the agreement.

I have enjoyed working with Representative Smith and Representative Feese on this issue over the last couple months, and I certainly want to thank Chairman Bud George, who has led this effort for many years in the past, as well as Representative Jim Wansacz and would urge passage of this bill. Thank you.

The SPEAKER. On the question, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this legislation and especially the Feese amendment have a lot of things in it that are worthy and that are good for Pennsylvania, but — but — in the effort to pass a moratorium, it is really nothing but a ruse, a guise, a camouflage to lead us to believe that we are doing something about the problem of the importation of out-of-State trash when in reality it does nothing, and it does nothing, Mr. Speaker, because of the following: Contrary to DEP claims, Pennsylvania does not have 12 years of permanent capacity in the Commonwealth. In fact, it is more like 8 years of permanent capacity with actually only 4 years underconstructed. Understand that landfills do not construct everything that they have been permitted to. They construct what they need.

Last year, Mr. Speaker, Pennsylvania, we disposed of 27 million tons of garbage in our landfills. That is approximately

95,000 tons a day of trash was disposed of in Pennsylvania landfills and a little over half of that came from out-of-State sources. That is what actually was disposed. The landfills in this Commonwealth are authorized, are authorized to dispose of 135,000 tons a day. They are authorized at 135,000; last year they actually disposed of 95,000. So this moratorium, this freeze on permits, locks into place an additional 35,000 to 40,000 tons of capacity to be deposited per day. That is an additional 3,500 to 4,000 trucks from out of State, under this amendment and under this bill, will come rolling into Pennsylvania and deposit trash and we have a moratorium in place. So the moratorium means nothing if we continue to authorize a disposal of 135,000 tons a day. Understand, last year they took in 95,000 tons a day.

So, Mr. Speaker, the moratorium, the ban, whatever you want to call it, on landfill expansions will not reduce traffic, noise, odors, vectors, or leachate. Only a decrease in approved average daily volumes at landfills will address the public concern and reduce our vulnerability to substantial increases in waste imports. Think about that, Mr. Speaker. All the trash deposited at Freshkills in New York, even with this moratorium, all that trash and two to three times more than that can all be brought into Pennsylvania if this legislation passes. We will have locked in, we will commit ourselves, with this amendment and this bill, to a net increase of 40 percent in out-of-State trash. We already in Pennsylvania import more trash than we produce and we already import more trash by far than any other State in the nation. This bill, this amendment, will lock us in to that distinction for the rest of our legislative careers here. So what do we do about that, Mr. Speaker?

Now, I just want to point out that these increases in average daily volume have occurred over the last 7 years. This department has approved virtually every request for an increase in daily volumes at landfills, and as a result, we are now authorized, as I said, to increase the tonnage per day deposited in Pennsylvania 37 percent. That is what this bill and this amendment guarantees us — an additional 37-percent increase in out-of-State trash. The only action that we can do to address this concern is to reduce the authorized average daily volumes that are in the present permits.

One final thing, Mr. Speaker. There is a piece of— You know, there is some language in here that deals with the issue of what Congress is going to do on the issue of out-of-State trash. The Federal legislation that has been supported by this administration will have no material effect on waste imports, and passage will not result in a decrease or a restriction on our future waste imports. The administration is fully aware that the bills in Congress will not provide the Governor with the authority to roll back or limit out-of-State waste accepted at landfills — important — where there is a host community agreement which expressly authorizes the importation of that trash.

Mr. Speaker, 83 percent of out-of-State trash is deposited in only 15 landfills in Pennsylvania, and 14 of those 15 landfills have host contracts that expressly authorize the importation of out-of-State trash.

The SPEAKER. Mr. Levdansky, you are drifting from the bill. Would you come back onto the bill.

Mr. LEVDANSKY. No problem, Mr. Speaker.

The SPEAKER. I am sure of that.

Mr. LEVDANSKY. It is not too late to do something about this. We could correct these two fatal flaws in this bill. We could do that, Mr. Speaker, very simply. I filed an amendment months

ago. That is why we have a 24-hour rule. When we did the rules change many sessions ago, we have a 24-hour rule so we all—

The SPEAKER. On the bill, please, Mr. Levdansky.

MOTION TO SUSPEND RULES

Mr. LEVDANSKY. So, Mr. Speaker, we could correct these two fatal flaws if we could vote on one simple amendment. That amendment is A3114, which I filed to the bill months ago. So I make the motion, Mr. Speaker, to suspend the rules so that I may offer amendment A3114.

The SPEAKER. Mr. Levdansky, would you be kind enough to bring a copy of the amendment to the desk. This amendment was not turned in, I assume.

Mr. LEVDANSKY. No, Mr. Speaker; it was filed months ago.

The SPEAKER. It was filed where? As an amendment to this bill?

Mr. Levdansky, a review of your amendment indicates, first, that it is not necessary to suspend the rules because, as you point out, it was on the voting schedule. However — and we are doublechecking this — Mr. Feese's amendment stripped the bill so that your amendment is now out of order, and we are worrying our way through that now. If you would like to come up and look at it with the Parliamentarian, you are welcome to come.

Mr. Smith.

The House will be at ease a moment.

(Conference held at Speaker's podium.)

The SPEAKER. It is my understanding that the gentleman, Mr. Levdansky, and the gentleman, Mr. Smith, have agreed to disagree, and Mr. Levdansky finds himself at a position where he has an amendment that is drafted to the wrong text at the moment because of the Feese amendment. The Chair had already moved this bill to final passage before the gentleman, Mr. Levdansky, was recognized, and I have not rescinded that. So anything you do at this point is out of order, is the simple truth of the matter.

Mr. Levdansky, the only alternative I see available to you at the moment is moving to put the bill over for the day, which we would, of course, vote on, or to table, or one of those type motions.

Mr. LEVDANSKY. Mr. Speaker, I just want to make sure I understand this. I filed this amendment months ago when the bill came out of committee. I filed the amendment months ago. It has been out there in the public domain for months. Last week another member files an amendment that is considered first, and that effectively renumbers and reorders the bill, and technically, we can say that my amendment and others are out of order despite the fact that they had been filed months in advance for public scrutiny and members to look at. Correct?

The SPEAKER. That is exactly right.

Mr. LEVDANSKY. So this is how you render a 24-hour requirement; it is how you—

The SPEAKER. Mr. Levdansky, you have been here too long. This is not some plot against you. It is the way things happen. It happened a little while ago with another member.

Mr. LEVDANSKY. It is nothing personal, Mr. Speaker. It is how the majority— You know, the majority has their way and the minority—

The SPEAKER. The gentleman is out of order; the gentleman is out of order.

MOTION TO POSTPONE

Mr. LEVDANSKY. I will make a motion, Mr. Speaker, to postpone final action on this bill until tomorrow. I have already made the request of Reference Bureau. They are already redrafting this amendment so that it will fall in line with the Feese amendment. It is being redrafted. Either, you know, we could postpone for an hour or two or we could postpone until tomorrow, at which time the amendment would be—

The SPEAKER. That is a proper motion.

Mr. LEVDANSKY. So I will make a motion, Mr. Speaker, that we postpone action on this bill until tomorrow.

The SPEAKER. The Chair understands the gentleman's motion, and the question is, shall the House postpone action on this bill until tomorrow? The bill, HB 1436, is put over until tomorrow, is the motion of the gentleman, together with any amendments that are already on the bill.

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

The SPEAKER. On that question, Mr. Smith.

Mr. S. SMITH. Mr. Speaker, I simply ask the members to oppose that motion to postpone.

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Mr. Speaker, are all the membership allowed to speak on this motion to postpone?

The SPEAKER. Unfortunately, yes.

Mr. DeWEESE. I will yield to the gentleman from Elk.

The SPEAKER. The gentleman, Mr. Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, this issue has been something that we have been talking about for many years, since I have been elected. We have a good work in progress here.

What the gentleman, Mr. Levdansky, is proposing is very reasonable; it makes sense. Unfortunately, while the Ridge administration was talking about limiting out-of-State trash, they have opened the floodgates. What we are trying to do with the Levdansky amendment is to try to close the floodgates and maybe keep some of that onslaught from coming. So why cannot we wait until tomorrow? Let us postpone this legislation until tomorrow so we could address that issue.

I would urge the members to vote in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Mr. Levdansky, for the second time.

Mr. LEVDANSKY. Mr. Speaker, I have just been notified by the Sergeant at Arms that the Reference Bureau has sent word that the amendment is on its way down here.

So I will further amend my motion, Mr. Speaker, that we delay final action on this bill for 10 or 15 minutes, until the corrected version of the amendment shows up here within the next 10 or 15 minutes.

The SPEAKER. On the question to postpone, those in favor of postponing consideration of this bill will vote "aye"; opposed, "no."

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

(Members proceeded to vote.)

The SPEAKER. You have been recognized twice, Mr. Levdansky. There is nothing in order but the taking of the roll call right now.

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

The following roll call was recorded:

YEAS—100

Bebko-Jones	Frankel	Mayernik	Shaner
Belardi	Freeman	McCall	Solobay
Belfanti	George	McGeehan	Staback
Bishop	Gordner	Melio	Steelman
Blaum	Grucela	Michlovic	Stetler
Butkovitz	Gruitza	Mundy	Sturla
Buxton	Haluska	Myers	Surra
Caltagirone	Hanna	Oliver	Tangretti
Casorio	Harhai	Pallone	Tigue
Cawley	Hennessey	Petrarca	Travaglio
Cohen, M.	Horsey	Petrone	Trello
Colafella	James	Pistella	Trich
Costa	Kaiser	Preston	Veon
Coy	Keller	Readshaw	Vitali
Creighton	Kirkland	Rieger	Walko
Cruz	LaGrotta	Roberts	Wansacz
Curry	Laughlin	Robinson	Washington
Daley	Lawless	Roebuck	Waters
DeLuca	Lederer	Rooney	Williams, C.
Dermody	Lescovitz	Ruffing	Williams, J.
DeWeese	Levdansky	Sainato	Wojnaroski
Diven	Lucyk	Samuelson	Wright, G.
Donatucci	Manderino	Santoni	Yewic
Eachus	Mann	Schroder	Youngblood
Fairchild	Markosek	Scrimenti	Yudichak

NAYS—95

Adolph	Evans, J.	Mackereth	Saylor
Allen	Feese	Maher	Schuler
Argall	Fichter	Maitland	Semmel
Armstrong	Fleagle	Major	Smith, B.
Baker, J.	Flick	Marsico	Smith, S. H.
Baker, M.	Forcier	McGill	Stairs
Bard	Gabig	McIlhattan	Steil
Barley	Gannon	McIlhinney	Stern
Barrar	Geist	McNaughton	Stevenson, R.
Bastian	Godshall	Metcalfe	Stevenson, T.
Benninghoff	Habay	Miller, R.	Taylor, E. Z.
Birmelin	Harhart	Miller, S.	Taylor, J.
Boyes	Harper	Nailor	Tulli
Browne	Hasay	Nickol	Turzai
Cappelli	Herman	O'Brien	Vance
Civera	Hershey	Perzel	Watson
Clark	Hess	Pickett	Wilt
Clymer	Hutchinson	Pippy	Wogan
Cohen, L. I.	Jadlowiec	Raymond	Wright, M.
Coleman	Kenney	Reinard	Zimmerman
Cornell	Krebs	Rohrer	Zug
Dailey	Leh	Ross	
Dally	Lewis	Rubley	Ryan,
DiGirolamo	Lynch	Sather	Speaker
Egolf			

NOT VOTING—1

Strittmatter

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

The SPEAKER. The bill is postponed until the amendment comes down, and lo and behold, is that the amendment, Mr. Levdansky? Would you share that with us, please.

DECISION OF CHAIR RESCINDED

The SPEAKER. Without objection, the Chair at this time rescinds its announcement that the bill has been considered for the third time as amended.

On the question recurring,

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

MOTION TO SUSPEND RULES

The SPEAKER. The Chair recognizes the gentleman, Mr. Levdansky, who moves that the rules of the House be suspended to permit him to immediately consider House amendment A4210 to HB 1436. Is that an accurate motion, Mr. Levdansky?

PARLIAMENTARY INQUIRY

Mr. LEVDANSKY. Must I suspend the rules?

The SPEAKER. Yes.

Mr. LEVDANSKY. It is an inquiry.

The SPEAKER. Yes.

Mr. LEVDANSKY. Okay. Then I move that we suspend the rules so that we consider this amendment which solves the problem that I identified.

The SPEAKER. The Chair thanks the gentleman.

Mr. Vitali, there is no one permitted to debate this other than the floor leaders.

PARLIAMENTARY INQUIRY

Mr. VITALI. A parliamentary inquiry.

The SPEAKER. State it.

Mr. VITALI. We have been in this situation before where if you file an identical amendment and then they just change the printer's number. I have been in this situation a number of times where you do not have to suspend the rules because you have already filed the identical amendment to a prior printer's number. I know we have had that situation before.

The SPEAKER. Mr. Vitali, the Parliamentarian advises me — and we do not have it before us at the moment — that his best guess is that it was November of last year. Mr. Feese was in the Chair. The same question came up. The gentleman, Mr. Lescovitz, raised the question opposing the immediate consideration of amendments such as this which were being offered by one of the Republican

members, and it was determined that that Republican member at the urging of the gentleman, Mr. Lescovitz, had to suspend the rules to amend it.

Now, I am not going to debate this with you. I am just telling you what I believe it to be, and if you will wait a moment, I will see if I can get the exact cite on that. I am not going to debate with you. If you want to discuss it, you come up here.

(Conference held at Speaker's podium.)

The SPEAKER. I have before me the Journal of November 15 of last year. The Speaker pro tem was in the Chair and recognized the gentleman, Mr. Lescovitz. Mr. Lescovitz made a parliamentary inquiry, and he stated it in this way: "...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. ...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." — I do not know how this next part comes in, but it is — "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." I guess it was Mr. Godshall that Mr. Lescovitz was questioning at that time.

That being the most recent ruling of the Chair, it is my ruling of the Chair. If you have some objection to it, appeal the ruling of the Chair.

Mr. Levdansky.

Mr. LEVDANSKY. So, Mr. Speaker, I just want to make sure I understand, Mr. Speaker. So this is the same bill; it is the same printer's number. The only thing different is that the Feese amendment has been adopted that changes the reordering of the numbering of the sections of the bill.

The SPEAKER. The ruling of the Chair is that it would be improper for you to offer the amendment at this time based on the ruling of November 15, 2000.

Mr. LEVDANSKY. Yes. Mr. Speaker, but—

The SPEAKER. We are not going to debate.

PARLIAMENTARY INQUIRY

The SPEAKER. Do you have a parliamentary inquiry?

Mr. LEVDANSKY. A parliamentary inquiry.

Your ruling said that if it was a different printer's number. In this instance the bill was still the same printer's number and my amendment was timely filed.

The SPEAKER. In the last case the amendments were timely filed. In your case the text of your amendment has been changed around, and that is a different amendment. That is why you had to go to Reference Bureau. That is why you need a suspension of the rules, because your amendment is different than what it was. Now, that is my ruling. If you are not happy, take an appeal.

Mr. LEVDANSKY. Okay.

Mr. Speaker?

The SPEAKER. I am not going to debate any further.

Mr. LEVDANSKY. I am not going to debate it either.

The SPEAKER. All right.

Mr. LEVDANSKY. All I know is it is the same bill, it is the same printer's number. I filed the amendments. I think clearly—

The SPEAKER. Mr. Levdansky, make a motion or be seated.

RULING OF CHAIR APPEALED

Mr. LEVDANSKY. So with all deference to your parliamentary acumen, Mr. Speaker, I would appeal the ruling of the Chair, that we vote not to sustain the ruling of the Chair so that this amendment can be considered by the body.

The SPEAKER. The gentleman, Mr. Levdansky, appeals the ruling of the Chair.

On the question,

Shall the decision of the Chair stand as the judgment of the House?

The SPEAKER. Those in favor of sustaining the Chair's decision will vote "aye"—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

The SPEAKER. Mr. DeWeese.

Mr. DeWEESE. Just for the benefit of the chamber, would the Speaker please elaborate for 30 seconds on what it is that is being appealed, just in the—

The SPEAKER. The Chair has determined in its mind, and it is under appeal, that the gentleman, Mr. Levdansky, cannot offer the amendment that was just sent to the Chair, 4210, which was a change from an earlier 4210 amendment, without a suspension of the rules.

On that question, those sustaining the Chair's decision will vote "aye"; opposed, "no."

On the question recurring,

Shall the decision of the Chair stand as the judgment of the House?

The following roll call was recorded:

YEAS—110

Adolph	Evans, J.	Lewis	Saylor
Allen	Fairchild	Lynch	Schroder
Argall	Feese	Mackereth	Schuler
Armstrong	Fichter	Maher	Semmel
Baker, J.	Fleagle	Maitland	Smith, B.
Baker, M.	Flick	Major	Smith, S. H.
Bard	Forcier	Marsico	Solobay
Barley	Gabig	McGill	Stairs
Barrar	Gannon	McIlhattan	Steil
Bastian	Geist	McIlhinney	Stern
Benninghoff	Godshall	McNaughton	Stevenson, R.
Birmelin	Gordner	Metcalfe	Stevenson, T.
Boyes	Habay	Miller, R.	Strittmatter
Browne	Harhart	Miller, S.	Taylor, E. Z.
Cappelli	Harper	Mundy	Taylor, J.
Cawley	Hasay	Nailor	Tigue
Civera	Hennessey	Nickol	Tulli
Clark	Herman	O'Brien	Turzai
Clymer	Hershey	Oliver	Vance

Cohen, L. I.	Hess	Perzel	Watson
Coleman	Hutchinson	Pickett	Wilt
Cornell	Jadlowiec	Pippy	Wogan
Coy	Kaiser	Raymond	Wright, M.
Creighton	Kenney	Reinard	Zimmerman
Dailey	Krebs	Rohrer	Zug
Dally	Lawless	Ross	
DiGirolamo	Leh	Rublely	Ryan,
Egolf	Lescovitz	Sather	Speaker

NAYS—86

Bebko-Jones	Freeman	Melio	Stelman
Belardi	George	Michlovic	Stetler
Belfanti	Grucela	Myers	Sturra
Bishop	Gruitza	Pallone	Surra
Blaum	Haluska	Petrarca	Tangretti
Butkovitz	Hanna	Petrone	Travaglio
Buxton	Harhai	Pistella	Trello
Caltagirone	Horseley	Preston	Trich
Casorio	James	Readshaw	Veon
Cohen, M.	Keller	Rieger	Vitali
Colafella	Kirkland	Roberts	Walko
Costa	LaGrotta	Robinson	Wansacz
Cruz	Laughlin	Roebuck	Washington
Curry	Lederer	Rooney	Waters
Daley	Levdansky	Ruffing	Williams, C.
DeLuca	Lucyk	Sainato	Williams, J.
Dermody	Manderino	Samuelson	Wojnaroski
DeWeese	Mann	Santoni	Wright, G.
Diven	Markosek	Scrimenti	Yewwic
Donatucci	Mayernik	Shaner	Youngblood
Eachus	McCall	Staback	Yudichak
Frankel	McGeehan		

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

The majority having voted in the affirmative, the question was determined in the affirmative and the decision of the Chair stood as the judgment of the House.

The SPEAKER. Mr. Levdansky, at this point it would be in order for you to continue your suspension of the rules quest.

Mr. LEVDANSKY. Yes, Mr. Speaker.

I mean, I understand that, you know, your interpretation has been sustained, but nonetheless, I think this issue is that important if we are going to make this moratorium meaningful.

So I would move that we suspend the rules so that I may offer amendment A4210 to HB 1436.

The SPEAKER. The gentleman, Mr. Levdansky, moves that the rules of the House be suspended to permit him to offer immediately amendment A4210.

On the question recurring,

Will the House agree to the motion?

The SPEAKER. Mr. Smith, do you want recognition on the question?

Mr. S. SMITH. Mr. Speaker, there has been a lot of work that has gone into this bill, and I believe that the work that Representative Feese's amendment provided is the key thing to this

point in this day, and I would urge the members to oppose the suspension of the rules.

The SPEAKER. The Chair thanks the gentleman.

Mr. DeWeese, I assumed that you had yielded to the gentleman, Mr. Levdansky.

Mr. Levdansky, the gentleman is recognized.

Mr. DeWEESE. Thank you, Mr. Speaker.

I would like to yield to the gentleman from Elk County.

The SPEAKER. Mr. Levdansky was already recognized on your behalf, although that was my assumption. Now, are you telling me I should not have recognized the person who made the motion to suspend? This will create problems in the future, of course.

Mr. DeWEESE. I understand. That is why I hesitated.

The SPEAKER. That is good.

Mr. DeWEESE. May I approach the Chair for 1 minute?

The SPEAKER. Of course.

(Conference held at Speaker's podium.)

The SPEAKER. Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

At this point I would defer if I could, but I cannot, so I will finish this.

Mr. Speaker, the problem I pointed out to in my initial remarks can be addressed by this simple amendment, and all this amendment does is to simply say that the average daily volume limit for landfills and resource recovery facilities shall not exceed the volume equal to the computed average daily volume actually received at that landfill or resource recovery facility in the highest average quarter last year.

So what this does, Mr. Speaker, is just very simply authorizes the average daily volumes at the highest quarter of last year.

The SPEAKER. Mr. Levdansky, suspension of the rules.

Mr. LEVDANSKY. And thus, Mr. Speaker, this simple three- or four-sentence amendment will solve this problem and make the moratorium language in the bill actually mean something.

So I would urge, Mr. Speaker, that my colleagues suspend the rules so that I may offer this amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, those in favor of suspending the rules to permit the introduction immediately of the Levdansky amendment will vote "aye"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—99

Bebko-Jones	Freeman	Mayernik	Solobay
Belardi	George	McCall	Staback
Belfanti	Gordner	McGeehan	Steelman
Bishop	Grucela	Melio	Stetler
Blaum	Gruitza	Michlovic	Sturla
Butkovitz	Haluska	Mundy	Surra
Buxton	Hanna	Myers	Tangretti
Caltagirone	Harhai	Oliver	Tigue
Casorio	Hasay	Pallone	Travaglio
Cawley	Horsey	Petrarca	Trello
Cohen, M.	James	Petrone	Trich
Colafella	Kaiser	Pistella	Veon

Costa	Keller	Preston	Vitali
Coy	Kirkland	Readshaw	Walko
Cruz	LaGrotta	Rieger	Wansacz
Curry	Laughlin	Roberts	Washington
Daley	Lawless	Robinson	Waters
DeLuca	Lederer	Roebuck	Williams, C.
Dermody	Lescovitz	Rooney	Williams, J.
DeWeese	Levdansky	Ruffing	Wojnaroski
Diven	Lucyk	Sainato	Wright, G.
Donatucci	Lynch	Samuelson	Yewcic
Eachus	Manderino	Santoni	Youngblood
Fairchild	Mann	Scrimenti	Yudichak
Frankel	Markosek	Shaner	

NAYS—97

Adolph	Egolf	Maher	Schuler
Allen	Evans, J.	Maitland	Semmel
Argall	Feese	Major	Smith, B.
Armstrong	Fichter	Marsico	Smith, S. H.
Baker, J.	Fleagle	McGill	Stairs
Baker, M.	Flick	McIlhattan	Steil
Bard	Forcier	McIlhinney	Stern
Barley	Gabig	McNaughton	Stevenson, R.
Barrar	Gannon	Metcalfe	Stevenson, T.
Bastian	Geist	Miller, R.	Strittmatter
Benninghoff	Godshall	Miller, S.	Taylor, E. Z.
Birmelin	Habay	Nailor	Taylor, J.
Boyes	Harhart	Nickol	Tulli
Browne	Harper	O'Brien	Turzai
Cappelli	Hennessey	Perzel	Vance
Civera	Herman	Pickett	Watson
Clark	Hershey	Pippy	Wilt
Clymer	Hess	Raymond	Wogan
Cohen, L. I.	Hutchinson	Reinard	Wright, M.
Coleman	Jadlowiec	Rohrer	Zimmerman
Cornell	Kenney	Ross	Zug
Creighton	Krebs	Rubley	
Dailey	Leh	Sather	
Dally	Lewis	Saylor	Ryan,
DiGirolamo	Mackereth	Schroder	Speaker

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

Bill as amended was agreed to.

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

The question is, shall the bill pass finally?

Mr. Surra, on final passage.

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

Mr. Speaker, I rise to voice my support of HB 1436 on final passage in its current form, and I want to really thank all the members, particularly the members that were on the Environmental Committee, both Democrat and Republican, who put a tremendous

amount of work into this legislation and brought it to the point today where we have what I consider a very good piece of legislation.

I wish that we could have entertained the Levdansky amendment to try to roll back the average daily volumes, which the administration just could not say no to expansion requests by landfills, but the majority would not let us do that, but still, in fact, HB 1436 is a good piece of legislation, something that needs to be done, Mr. Speaker.

In 1994 Pennsylvania was importing about 4 million tons of solid waste a year from out of State. Today that is 12 million tons per year from out of State. Approximately 800 pounds of trash every second of every minute of every day, 24 hours a day, 365 days a year, Mr. Speaker, flows across the borders of Pennsylvania, and that is why we need this legislation. Pennsylvania is number one in some of the wrong things, and one of them is the importation of out-of-State waste.

This bill contains language in it with the Feese amendment that has a moratorium which stops all new landfills from being constructed and also disallows any expansions of the average daily volumes. This is very important, Mr. Speaker, the provision that allows local veto power for local municipalities. Originally the bill had language in it that put municipalities into binding arbitration. Mr. Speaker, municipalities have no way of saying no when they are forced to sit at the table with the waste landfill developer and have an agreement forced down their throats. Under the current language of the bill, they actually have veto power and they can say no, and that is a giant step for every municipality that has ever had to face one of these things.

The binding arbitration language is very important, because if you look at any legislation that is in Washington, legislation at the Federal level which is designed to give States the ability to stop trash from crossing their borders, because you all know every time we try to do anything like this at the State level we are told that the courts consider trash interstate commerce and you cannot do it without Federal authority, every piece of legislation at the Federal level which would give States that authority has language in it that says, unless there is a host municipality agreement in place, and what the original bill did, it made every landfill have a host municipality agreement in place so we would not be able to stop out-of-State waste. That has been changed in this version of the bill, and it is why it is something we need to support.

Mr. Speaker, this bill is going over to the Senate. It is very important that every member of this House that votes on this bill require that the Senate bring that bill back clean. The Senate needs to send us a bill that has a moratorium, that empowers locally elected officials to negotiate in these things and give them local veto power. If those things are not in this legislation when it comes back from the Senate, we must say no, and I am telling you right now, I am asking you that when the Senate deals with this matter and what they send back to this House, it must have local veto power, it must empower locally elected officials, and it must have a moratorium. If it does not do that, then I would hope this House has enough backbone and I hope the majority would stand with us to make those changes.

Again I want to thank all the members on both sides of the aisle for working on this legislation. I think what we have crafted here in HB 1436 is a very giant step in addressing this problem, and I encourage the members' support. Thank you, Mr. Speaker.

THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING

The SPEAKER pro tempore. On final passage, the Chair recognizes the lady from Philadelphia, Ms. Youngblood.

Ms. YOUNGBLOOD. Thank you.

I rise in support of HB 1436, and I guess many of you are wondering, since I am from the city of Philadelphia, why am I standing? Recently I had an experience where we had right in my legislative district a construction demolition site. The contractor was bringing in 100 tons a day of cement, rebar, and maybe asbestos from a site that they were paid by the city of Philadelphia to demolish. This site was set up in a residential community, so it was not transferred from out of State. The site ended up being 300 feet high in the air. The citizenry in that area experienced asthma and a lot of other respiratory illnesses.

In the city of Philadelphia, we have contractors, and these are not contractors bringing in from other States, and buildings that are being demolished in the city, and this came from Richard Allen projects. Everything that was demolished there was moved into a residential community with homes in the back, homes on the side. So I am here to say it is not only happening in other areas; it is happening right here in the city of Philadelphia. All a contractor has to do is to go to L&I (Labor and Industry) and get a permit, and they can set up shop. And if it were not for EPA (Environmental Protection Agency) stating that if the city continues this practice, they will not only sue the city, they will sue the contractor for cleanup, and I think a moratorium is needed.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady and recognizes the gentleman from Clearfield County, Mr. George.

Mr. GEORGE. Thank you, Madam Speaker.

Madam Speaker, I will not be long, but I would like to say this at the start: For those on the outside and the few on the inside that feel that the motions that we go through here daily are not in the best interests always of those that we represent, perhaps they do not catch the true meaning of what, first, the two-party system is and what goes on when there is a majority and a minority, which there must be.

Now, to start with, the former speaker, the gentleman from Elk, had mentioned moratoriums. Now, we sent a moratorium that I had sponsored over to the Senate several years ago only to be held up and changed or whatever. But I think what we are forgetting, Madam Speaker, is that evidently what comes around goes around, because the truth of the matter is that what we have today is a little bit of difference in attitude from what we had a year ago. I look at an amendment that the gentleman, Mr. Feese, had placed in this bill. I did not concern myself that there were eight or nine amendments that I had that were automatically ruled out simply because of that change. But I was more interested, Madam Speaker, in what are we doing, and does this thing now that we deal with become a matter where we as individuals are more concerned about what is happening in Pennsylvania, what is happening to our districts, more than whether we are Republican or Democrat? And I daresay that I am happy to be able to insist that what has happened today has been what we are all about, where an amendment can be offered and it can change the complexity and the complexion of any bill, and sometimes it is done rightfully so, and it benefits more than what some may agree to.

Now, this moratorium and this bill and the language in this bill, I must admit, for some reason, whether there are an equal amount of Representatives, both Democrat and Republican, who have districts and they are concerned about what the people are talking about and the activities that are going on, that brings a legislator to understand that there is a genuine concern, and the concern is that even though we are responsible for the handling of waste material that is generated in Pennsylvania, rightfully so, we have become a State that is handling twice as much of this waste material from out of State, and that should concern all of us.

And I do not know why the Department of Environmental Resources stands silently by and lets these things continue to take place. I do not know why the department has not come to many of us and said, hey, look, the Governor wanted a 3-year moratorium, and it has not been put forward until today. The Governor wanted to do something to prevent all of these millions of tons of waste that are coming in, but I want to remind all of you, and it may not be of interest but I think it is of an interest to me, that from the time the Governor insisted on a moratorium, there have been a dozen new permits issued, there have been thousands of applications that have been put forward literally, and there have been some applications that have allowed expansions.

So we have not really contained waste; we have not really worried about our landfill space. We simply continued to lay back until finally Republicans and Democrats alike have said, hey, look, we hear what these people back home are saying. They have had enough. They want to know why a Department of Environmental Protection does not take up the guise of those people that have concerns about this material coming in from out of State. They want to know why we refuse to put controls in to make these people responsible. They want to know why we allow these things to go on and on just for the big dollar, just for the waste industry. They want to know, somebody might say, is this the bill that came out of committee? No, it is not the bill that came out of committee. We brought a bill out of committee, and every Democrat and one Republican voted "no" because it was a bad bill. It was a bill that did nothing but support the waste industry, who drew that bill, and admittedly so, in front of a public forum. They drew that bill, and there was not the Republican chairman or the Democrat chairman around when that was taking place, but rather Waste Management and the Department of Environmental Protection drew that bill. So it is changed, and thank God for you men and women on both sides of the aisle that have now begun to understand that we are not responsible in worrying about a multimillion-dollar waste industry, one whose trucks have violated 473 times, or another trucking firm that has had 300 violations. It is not enough for DEP (Department of Environmental Protection) to go out and say, well, we have had a TrashNet and we fined all those people. I am not interested in all of those people that were fined; I am interested in all those trucks that snuck by and were not caught and were not fined and were not forced to live with the demands of the law and to respect the concerns of our people. So we have a bill that is not perfect.

I commend the gentleman, Mr. Feese, that there are more of you today than just individuals on this side that have to be concerned about what the Department of Environmental Resources has done, and more so what they have not done, because what they have not done is not what the legislation that put them into being insisted upon, where they should be responsible for the protection of the environment. It is not enough that they go out and say, we are going to have a water drought or we are going to be concerned

about this, because they have not done anything in the last 7 years to be able to protect your people and mine, Republicans and Democrats. The truth of the matter is that we have to from this point forward make not only both leaderships understand that this House of Representatives no longer is going to stand by and worry about the party and worry about the leaders and worry about anything but those people that send us down here, because they are going to speak more loudly than ever. They think that we have done them wrong by allowing this to drag out all of these years and to turn a deaf ear to the cries in the dark. That is exactly what has happened, that at this moment it was not the bill that came out of the committee; it was a bill that you men and women agreed to several amendments, have made a bill palatable and responsible, and as one of the speakers said, the Senate had that obligation.

So do not rejoice in the fact that probably this bill will pass by a unanimous amount; worry about when it comes back. Will it be in any form, any form, of what you and I and those people that we are concerned about really believe we should give them? Let us not be irresponsible anymore on this matter of waste products and what is happening to our people and what is happening to our water supplies and what is happening to our highways. We have to be responsible, and thank God you were responsible today, and let us continue.

Thank you very much.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Lackawanna County, Mr. Wansacz.

Mr. WANSACZ. Thank you, Madam Speaker.

The Commonwealth of Pennsylvania has the deplorable distinction of being known as America's dumping ground, but we have an opportunity to do something about that right now, and I firmly believe that we will see this bill pass by a wide margin. But the problem is not going to be here today in the House; it is going to be when we send it off to the Senate. When that bill comes back from the Senate, are we going to accept less than what we have in HB 1436 or are we going to stand up to continue to protect the rights of all Pennsylvanians? And what I am asking for is to please do not ignore the hard work that has been put into this bill from members of both the Democrat and the Republican side, that when we send this over to the Senate and it comes back, that we do not take anything less than what HB 1436 offers.

Thank you.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Westmoreland County, Mr. Casorio.

Mr. CASORIO. Thank you, Madam Speaker.

Madam Speaker, I have the privilege of having 1 of the 50 landfills in my legislative district, and I had the opportunity this past July to tour that facility, and I was given an education on the procedures that landfill operators go through and the ability they have to clean up the area around them and what they do with the gas and how they use that to benefit the environment, Madam Speaker, but I am concerned about the trash coming in from out of State. Recently Secretary Hess of the DEP came to my legislative district and put 80 percent of the garbage trucks -- I also have a garbage truck storage depot in my legislative district in a neighboring municipality -- put 80 percent of those garbage trucks out of commission. That was in the summer when the garbage backed up in New York City because the garbage trucks that I have in western Westmoreland County were not able to service the surrounding counties and beyond.

We are receiving garbage, Madam Speaker, in Pennsylvania from Canada, from Puerto Rico, and from throughout the United States. Now, my legislative district constituents do not object to taking in trash if it is our own trash, but, Madam Speaker, they have been calling for a moratorium on landfills for the last several years. Madam Speaker, what happens when we run out of space for Pennsylvania's trash? Do we continue to take in trash from Canada and Puerto Rico? That is the concern from the folks in my legislative district. Beyond that, Madam Speaker, when we passed in '97, which I voted against, a monster-truck provision, we allowed those large trucks with all the mechanical defects, with one driver per truck to service the garbage area in and out of the truck, to rumble through communities, through neighborhoods where children play, where seniors are out in the neighborhoods, and that is another concern that we share about the increased traffic from these monster trucks, Madam Speaker.

We need to stop the flow of garbage from out of State into Pennsylvania. As the gentleman prior said, we are the number-one importer of all trash in the United States. No one takes in more trash than Pennsylvania — from New York, from Connecticut, from New Jersey, from Maryland, from Delaware, from West Virginia, from Ohio. We take in more trash than anyone else in the entire country, Madam Speaker, and the residents of my legislative district are very concerned not only with the health problems but with the truck problems. And then what do we do, Madam Speaker, when we do not have the landfill space here in Pennsylvania? Do the garbage rates go up? Do we pay to ship it somewhere else? Our concern has been, too, Madam Speaker, of what is coming in in those garbage trucks. Is there medical waste, biohazardous waste? What is inside those trucks that they put out of commission, Madam Speaker?

So I applaud the gentleman on this bill and I will support it, because we need a moratorium on landfills. This is a good first start; this is a good first step, and I am hoping that the current administration and my colleagues here in the House will use this as a *stepping stone to echo the sentiments of the residents of our community that we do not want any more out-of-State trash coming into Pennsylvania or into my legislative district in Penn Township. We need that stopped, and I think this moratorium will go a long way in doing that.*

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman from Allegheny County, Mr. Levdansky, for the second time.

Mr. LEVDANSKY. Thank you, Madam Speaker.

Madam Speaker, boy, what a few months and some serious work in committee makes towards a bill. This legislation was admittedly drafted by the waste industry in Pennsylvania. It was their idea; it was their language, and that bill came to committee and we made dozens of amendments in committee and obviously a few here on the floor, and those improvements are significant, especially relative to the authorities and powers of local municipalities to negotiate host agreements to deal with all the impacts of landfills. But again, Madam Speaker, the bill is largely illusory because it does not deal with the biggest issue, and that is the issue of importation of out-of-State trash. In the last 6 years Pennsylvania's importation of trash has grown from 6.7 million tons in 1995 to over 12.6 million tons in the year 2000, a nearly 100-percent increase in the importation of out-of-State trash in 6 years.

Madam Speaker, the moratorium in this bill will not address that problem. As a matter of fact, is it any wonder, you know, sometimes I am often told on issues about how maybe I ought to vote when I look at who is opposed to it. Well, look who is not opposed to this bill: the waste industry. So what should that tell you? What that should tell you is the moratorium has been neutered, has been defanged. It means nothing, so now that it means nothing, the industry will not oppose the bill. They have what they want. They have got all the increases in average daily volume over the last 7 years, and when those 3,500 to 4,000 trucks come rumbling down the highway and go through your district, do not forget you had a chance to do something about it. You had a chance earlier to vote on an amendment. It was the will of the majority of this body not to do something about out-of-State trash in that vote a little bit ago. But do not kid yourself for a minute. This false moratorium, the false promise that it holds, is going to be seen and understood by the people of Pennsylvania, maybe not quite today, but no doubt about it, they are going to see through this guise and this ruse in the near future.

Again, Madam Speaker, you have got to wonder about a bill when it is not opposed by the industry that we are designed to try to solve the problems about. But again, at least it has the host-municipal-contract provisions in it, and that is a vast improvement over what the bill was when it was first introduced.

Thank you, Madam 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—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickoi	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington

Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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 SUSPENDED

The SPEAKER pro tempore. Turning to supplemental calendar C, the Chair recognizes the lady, Mrs. Rubley.

Mrs. RUBLEY. Madam Speaker, I move that the rules of the House be suspended in order to offer HR 356.

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayemik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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.

SUPPLEMENTAL CALENDAR C

RESOLUTIONS

Mrs. RUBLEY called up HR 356, PN 2885, entitled:

A Resolution encouraging the development of green energy sources in the Commonwealth of Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayemik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback

Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maier	Schroder	
Egolf	Maitland	Schuler	
Evans, J.	Major		Ryan, Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

Mr. PERZEL called up SR 114, PN 1350, entitled:

A Concurrent Resolution directing the task force established by Senate Resolution No. 97, Printer's No. 1515 (1999) to conduct its study and present its findings and recommendations by November 30, 2002.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maier	Schroder	
Egolf	Maitland	Schuler	
Evans, J.	Major		Ryan, Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

Ordered, That the clerk inform the Senate accordingly.

SUPPLEMENTAL CALENDAR D

RESOLUTION PURSUANT TO RULE 35

Mr. STAIRS called up **HR 360, PN 2889**, entitled:

A Resolution designating the week of November 12 through 16, 2001, as "International Education Week" in Pennsylvania.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

SUPPLEMENTAL CALENDAR E

RESOLUTION PURSUANT TO RULE 35

Mr. McCALL called up **HR 355, PN 2874**, entitled:

A Resolution recognizing the great athletic achievements of Jim Thorpe and celebrating his appearance on the Wheaties cereal box.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman
Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Grucela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rublely	Wright, M.
DeLuca	Lescovitz	Ruffing	Yewcic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman

Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS-0

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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

RULES SUSPENDED

The SPEAKER pro tempore. The Chair recognizes the lady, Mrs. Rubley.

Mrs. RUBLEY. Madam Speaker, I move that the rules of the House be suspended in order to offer HB 1290.

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

The following roll call was recorded:

YEAS-195

Adolph	Fairchild	Major	Schuler
Allen	Feese	Manderino	Scrimenti
Argall	Fichter	Mann	Semmel
Armstrong	Fleagle	Markosek	Shaner
Baker, J.	Flick	Marsico	Smith, B.
Baker, M.	Forcier	Mayernik	Smith, S. H.
Bard	Frankel	McCall	Solobay
Barley	Freeman	McGeehan	Staback
Barrar	Gabig	McGill	Stairs
Bastian	Gannon	McIlhattan	Steil
Bebko-Jones	Geist	McIlhinney	Stern
Belardi	George	McNaughton	Stetler
Belfanti	Godshall	Melio	Stevenson, R.
Benninghoff	Gordner	Metcalfe	Stevenson, T.
Birmelin	Grucela	Michlovic	Strittmatter
Bishop	Gruitza	Miller, R.	Sturla
Blaum	Habay	Miller, S.	Surra
Boyes	Haluska	Mundy	Tangretti
Browne	Hanna	Myers	Taylor, E. Z.
Butkovitz	Harhai	Nailor	Taylor, J.
Buxton	Harhart	Nickol	Tigue
Caltagirone	Harper	O'Brien	Travaglio
Cappelli	Hasay	Oliver	Trello
Casorio	Hennessey	Pallone	Trich
Cawley	Herman	Perzel	Tulli
Civiera	Hershey	Petrarca	Turzai
Clark	Hess	Petrone	Vance
Clymer	Horsey	Pickett	Veon
Cohen, L. I.	Hutchinson	Pippy	Vitali
Cohen, M.	Jadlowiec	Pistella	Walko
Colafella	James	Preston	Wansacz
Coleman	Kaiser	Raymond	Washington
Cornell	Keller	Readshaw	Waters
Costa	Kenney	Reinard	Watson
Coy	Kirkland	Rieger	Williams, C.
Creighton	Krebs	Roberts	Williams, J.

Cruz	LaGrotta	Robinson	Wilt
Curry	Laughlin	Roebuck	Wogan
Dailey	Lawless	Rohrer	Wojnaroski
Daley	Lederer	Rooney	Wright, G.
Dally	Leh	Ross	Wright, M.
DeLuca	Lescovitz	Rubley	Yewcic
Dermody	Levdansky	Ruffing	Youngblood
DeWeese	Lewis	Sainato	Yudichak
DiGirolamo	Lucyk	Samuelson	Zimmerman
Diven	Lynch	Santoni	Zug
Donatucci	Mackereth	Sather	
Eachus	Maher	Saylor	Ryan,
Egolf	Maitland	Schroder	Speaker
Evans, J.			

NAYS-1

Steelman

NOT VOTING-0

EXCUSED-7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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.

SUPPLEMENTAL CALENDAR F

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1290, PN 2915**, entitled:

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, establishing the Tapping Fee-Property Lateral Funding Program; making an appropriation; and making editorial changes.

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

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

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

The following roll call was recorded:

YEAS-196

Adolph	Fairchild	Manderino	Scrimenti
Allen	Feese	Mann	Semmel
Argall	Fichter	Markosek	Shaner
Armstrong	Fleagle	Marsico	Smith, B.
Baker, J.	Flick	Mayernik	Smith, S. H.
Baker, M.	Forcier	McCall	Solobay
Bard	Frankel	McGeehan	Staback
Barley	Freeman	McGill	Stairs
Barrar	Gabig	McIlhattan	Steelman

Bastian	Gannon	McIlhinney	Steil
Bebko-Jones	Geist	McNaughton	Stern
Belardi	George	Melio	Stetler
Belfanti	Godshall	Metcalfe	Stevenson, R.
Benninghoff	Gordner	Michlovic	Stevenson, T.
Birmelin	Gruccela	Miller, R.	Strittmatter
Bishop	Gruitza	Miller, S.	Sturla
Blaum	Habay	Mundy	Surra
Boyes	Haluska	Myers	Tangretti
Browne	Hanna	Nailor	Taylor, E. Z.
Butkovitz	Harhai	Nickol	Taylor, J.
Buxton	Harhart	O'Brien	Tigue
Caltagirone	Harper	Oliver	Travaglio
Cappelli	Hasay	Pallone	Trello
Casorio	Hennessey	Perzel	Trich
Cawley	Herman	Petrarca	Tulli
Civera	Hershey	Petrone	Turzai
Clark	Hess	Pickett	Vance
Clymer	Horsey	Pippy	Veon
Cohen, L. I.	Hutchinson	Pistella	Vitali
Cohen, M.	Jadlowiec	Preston	Walko
Colafella	James	Raymond	Wansacz
Coleman	Kaiser	Readshaw	Washington
Cornell	Keller	Reinard	Waters
Costa	Kenney	Rieger	Watson
Coy	Kirkland	Roberts	Williams, C.
Creighton	Krebs	Robinson	Williams, J.
Cruz	LaGrotta	Roebuck	Wilt
Curry	Laughlin	Rohrer	Wogan
Dailey	Lawless	Rooney	Wojnaroski
Daley	Lederer	Ross	Wright, G.
Dally	Leh	Rubley	Wright, M.
DeLuca	Lescovitz	Ruffing	Yeweic
Dermody	Levdansky	Sainato	Youngblood
DeWeese	Lewis	Samuelson	Yudichak
DiGirolamo	Lucyk	Santoni	Zimmerman
Diven	Lynch	Sather	Zug
Donatucci	Mackereth	Saylor	
Eachus	Maher	Schroder	
Egolf	Maitland	Schuler	Ryan,
Evans, J.	Major		Speaker

NAYS—0

NOT VOTING—0

EXCUSED—7

Bunt	Evans, D.	Micozzie	Thomas
Corrigan	Josephs	Phillips	

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 pro tempore. There will be no further votes today.

BILL REMOVED FROM TABLE

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

Mr. PERZEL. Madam Speaker, I move that HB 936 be removed from the table.

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

BILL ON SECOND CONSIDERATION

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

HB 936, PN 2251.

BILL RECOMMITTED

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

Mr. PERZEL. Madam Speaker, I move that HB 936 be recommitted to Appropriations.

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

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Montgomery County, Mr. Godshall, who moves that on amendment 4161 to HB 1436, that he was recorded in the affirmative and wishes to be recorded in the negative.

ADJOURNMENT

The SPEAKER pro tempore. Does the majority leader have any further business or the minority leader have any further business?

The Chair recognizes the lady from Bradford County, Ms. Pickett.

Ms. PICKETT. Madam Speaker, I move that this House do now adjourn until Tuesday, November 20, 2001, at 11 a.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 7:23 p.m., e.s.t., the House adjourned.