

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 29, 2004

SESSION OF 2004

188TH OF THE GENERAL ASSEMBLY

No. 46

### HOUSE OF REPRESENTATIVES

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

#### THE SPEAKER PRO TEMPORE (ROBERT J. FLICK) PRESIDING

#### PRAYER

REV. JULIANN V. WHIPPLE, Chaplain of the House of Representatives, offered the following prayer:

Let us pray:

Eternal God, we come before You today our minds a blur with the things to be completed over the next 96 hours. May we honor You this one moment before we are redirected on our way. We ask that You would lift us up and set us down facing the right direction, the direction that perhaps we did not notice in our efforts to win others to our side. In whom shall we turn but to You? Our vision is clouded, and our hope is deferred. Grant that we may rest if for but a moment in Your arms of love.

Forgive us for our incessant whining, when we are so blessed to have so much. From the most important person in this Capitol to the one we may consider the least, we all are blessed, for we all have a job and so many around this country and around the world do not. Bless our work that in everything we do, we would do it as if we are serving You alone.

As the members of this body attempt to finalize various matters, keep them focused this day and the next so that Your work will be accomplished with as little impatience and anger as is possible. May all their meetings be fruitful and their conversations productive, and no matter how passionate the debate, may they shake hands at week's end, knowing that they are soldiers who fight on the same side, working for the good of this Commonwealth. Guide their hearts to make the right choices, and no matter which way a vote should go, teach them to be strong of character and continue to charter a better course for this State.

We thank You for loving us even when we are unlovable, and we praise You for all that You are. We do not deserve Your favor. Glory be to You, O God, now and forever. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, the approval of the Journal of Monday, June 28, 2004, will be postponed until printed.

### HOUSE BILLS INTRODUCED AND REFERRED

**No. 2773** By Representatives HERMAN, GINGRICH, HENNESSEY, BELFANTI, CAPPELLI, DeWEESE, GEIST, GERGELY, JAMES, THOMAS, YOUNGBLOOD and YUDICHAK

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for administrative expenses.

Referred to Committee on LOCAL GOVERNMENT, June 29, 2004.

**No. 2774** By Representative ZUG

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for election or appointment and term and organization of boards of trustees of community colleges.

Referred to Committee on EDUCATION, June 29, 2004.

**No. 2775** By Representatives ZUG, FAIRCHILD, HERSHEY, ARMSTRONG, BOYD, BUNT, CAPPELLI, CRAHALLA, DALEY, GEIST, GEORGE, GINGRICH, HERMAN, HORSEY, JAMES, MAJOR, REICHLEY, SCAVELLO, B. SMITH, SOLOBAY, STURLA, E. Z. TAYLOR, THOMAS, TIGUE and YOUNGBLOOD

An Act establishing the Chesapeake Bay Watershed Education Program; providing for the issuance of grants and for the powers and duties of the Department of Education; and making an appropriation.

Referred to Committee on APPROPRIATIONS, June 29, 2004.

**No. 2776** By Representatives NAILOR, BARRAR, GEORGE, MAITLAND, BALDWIN, BUNT, COY, EGOLF, GINGRICH, HENNESSEY, HERSHEY, LEH, MACKERETH, MARSICO, R. MILLER, NICKOL, O'NEILL, PICKETT, SCAVELLO, B. SMITH, THOMAS and VANCE

An Act amending the act of March 1, 1988 (P.L.82, No.16), known as the Pennsylvania Infrastructure Investment Authority Act, further providing for the contracting process.

Referred to Committee on APPROPRIATIONS, June 29, 2004.

### HOUSE RESOLUTIONS INTRODUCED AND REFERRED

**No. 808** By Representatives WASHINGTON, THOMAS, GEORGE, KIRKLAND, HORSEY and JAMES

A Resolution urging restoration of voting rights.

Referred to Committee on STATE GOVERNMENT, June 29, 2004.

**No. 809** By Representatives WASHINGTON, BEBKO-JONES, HERMAN, PISTELLA, TIGUE, THOMAS, READSHAW, GEORGE, HORSEY, JAMES, KIRKLAND and DeWEESE

A Resolution supporting small business insurance.

Referred to Committee on INSURANCE, June 29, 2004.

**No. 810** By Representatives WASHINGTON, ROEBUCK, THOMAS, GEORGE, HORSEY, JAMES, KIRKLAND and WHEATLEY

A Resolution urging automatic reinstatement of voter registration upon completion of sentence.

Referred to Committee on STATE GOVERNMENT, June 29, 2004.

**No. 811** By Representatives WASHINGTON, GEORGE, HORSEY, KIRKLAND, JAMES and THOMAS

A Resolution urging the repeal of mandatory minimum sentencing.

Referred to Committee on JUDICIARY, June 29, 2004.

**No. 812** By Representatives WASHINGTON, KIRKLAND, HORSEY, JAMES and THOMAS

A Resolution urging the Federal Government and states with death penalty statutes to pass bills imposing a moratorium on the death penalty.

Referred to Committee on JUDICIARY, June 29, 2004.

**No. 813** By Representatives WASHINGTON, TIGUE, PISTELLA, MYERS, JAMES, THOMAS, WATERS, READSHAW, ROEBUCK, KIRKLAND, HORSEY, GEORGE, DeWEESE and BEBKO-JONES

A Resolution supporting diabetic insurance coverage.

Referred to Committee on INSURANCE, June 29, 2004.

**No. 814** By Representatives WASHINGTON, THOMAS, TIGUE, ROEBUCK, PISTELLA, KIRKLAND, JAMES, HORSEY and DeWEESE

A Resolution establishing a task force for personal financial literacy initiatives for Pennsylvanians.

Referred to Committee on EDUCATION, June 29, 2004.

**No. 815** By Representatives WASHINGTON, HORSEY, JAMES, KIRKLAND and THOMAS

A Resolution recommending meeting equivalent accreditation for supplemental service providers.

Referred to Committee on EDUCATION, June 29, 2004.

**No. 816** By Representatives WASHINGTON, THOMAS, PISTELLA, KIRKLAND, JAMES and HORSEY

A Resolution urging state chief election officials and Congress to develop standards and enact legislation to be used in future elections.

Referred to Committee on STATE GOVERNMENT, June 29, 2004.

**No. 817** By Representatives WASHINGTON, KIRKLAND, HORSEY, JAMES, PISTELLA and THOMAS

A Resolution supporting the adoption of new election technology in all 50 states.

Referred to Committee on STATE GOVERNMENT, June 29, 2004.

**No. 818** By Representatives WASHINGTON, JAMES, HORSEY and THOMAS

A Resolution urging the Education Committee of the House of Representatives to create a task force to convene an educational summit.

Referred to Committee on EDUCATION, June 29, 2004.

**No. 819** By Representatives PETRI, KELLER, BUTKOVITZ, KENNEY, J. TAYLOR, McGEEHAN, LEDERER, DONATUCCI, YOUNGBLOOD, HORSEY and COHEN

A Resolution directing the Consumer Affairs Committee to study financial problems of Philadelphia Gas Works.

Referred to Committee on RULES, June 29, 2004.

### BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1139 be taken 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:

**SB 1139, PN 1757.**

### BILL RECOMMITTED

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1139 be recommitted to the Appropriations Committee.

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

### CALENDAR

### BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2097, PN 3260**, entitled:

An Act providing for the establishment of the Pennsylvania Corporate Tax Reform Commission to evaluate the structure and system of taxation of business enterprises in this Commonwealth, for the appointment of the members of the commission, for the appointment of advisory panels, for the powers and duties of the commission and for the cooperation by other Commonwealth entities; and providing for legislative impact statements.

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

### BILL TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2097 be placed on the table.

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

### BILL REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HB 2097 be taken off the table.

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

### RESOLUTION

Mr. S. SMITH called up **HR 219, PN 1456**, entitled:

A Concurrent Resolution memorializing Congress to pass legislation to amend Title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees and provide workers employed in small businesses and self-employed workers with access to and choice of affordable health plan options similar to those now enjoyed by workers in corporate and union health plans.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

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

Mr. S. SMITH. Mr. Speaker, I move that HR 219 be placed on the table.

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

### RESOLUTION REMOVED FROM TABLE

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

Mr. S. SMITH. Mr. Speaker, I move that HR 219 be taken off the table.

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

### ACTUARIAL NOTE

The SPEAKER pro tempore. The Chair acknowledges receipt of the following actuarial note: amendment No. 2721 to SB 200, PN 1729.

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

### SENATE MESSAGE

#### HOUSE BILL CONCURRED IN BY SENATE

The clerk of the Senate, being introduced, returned **HB 1488, PN 1878**, with information that the Senate has passed the same without amendment.

**SENATE MESSAGE**

**SENATE INSISTS ON AMENDMENTS  
NONCONCURRED IN BY HOUSE**

The clerk of the Senate, being introduced, informed that the Senate has insisted upon its amendments nonconcurrent in by the House of Representatives to **HB 564, PN 2474**.

**LEAVES OF ABSENCE**

The SPEAKER pro tempore. The Chair turns to leaves of absence. Are there requests for leaves?

The Chair recognizes the gentleman, Mr. Feese, who requests that the gentleman, Mr. METCALFE, from Butler County be placed on leave. Without objection, the leave is granted.

It is the understanding of the Chair, there are no requests for leaves of absence from the Democrat side of the aisle.

**MASTER ROLL CALL**

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

The following roll call was recorded:

**PRESENT—201**

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causser	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams

Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

**ADDITIONS—0**

**NOT VOTING—0**

**EXCUSED—2**

Metcalfe Raymond

**LEAVES CANCELED—1**

Metcalfe

**RESOLUTIONS REPORTED  
FROM COMMITTEE**

**HR 770, PN 3986**

By Rep. HERSHEY

A Resolution urging the United States Department of Agriculture to reconsider its recent policy change relating to Pennsylvania's Nutrition Education Program (PA NEP).

**AGRICULTURE AND RURAL AFFAIRS.**

**HR 797, PN 4217 (Amended)**

By Rep. HERSHEY

A Resolution directing the Joint State Government Commission to study the feasibility and suitability of transferring the regulatory authority of exotic wildlife maintained in captivity from the Pennsylvania Game Commission to the Department of Agriculture.

**AGRICULTURE AND RURAL AFFAIRS.**

**RULES COMMITTEE MEETING**

The SPEAKER pro tempore. The majority leader calls an immediate meeting of the Rules Committee.

**BILLS REREPORTED FROM COMMITTEE**

**HB 2036, PN 4166**

By Rep. S. SMITH

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, providing for mental health care declarations and powers of attorney.

**RULES.**

**HB 2452, PN 3488**

By Rep. S. SMITH

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "installment sales method of reporting" for purposes of the personal income tax.

RULES.

**HB 2724, PN 4111** By Rep. S. SMITH

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, providing for the definition of "structure"; and further providing for prohibited acts and penalties.

RULES.

**HB 2739, PN 4127** By Rep. S. SMITH

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for restitution for cleanup of clandestine laboratories.

RULES.

### RESOLUTION REPORTED FROM COMMITTEE

**HR 819, PN 4211** By Rep. S. SMITH

A Resolution directing the Consumer Affairs Committee to study financial problems of Philadelphia Gas Works.

RULES.

### 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 2036, PN 4166; HB 2452, PN 3488; HB 2724, PN 4111; and HB 2739, PN 4127.**

### BILLS RECOMMITTED

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

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

HB 2036;  
HB 2452;  
HB 2724; and  
HB 2739.

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

### PENNCREST HIGH SCHOOL ENVIROTHON TEAM PRESENTED

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Killion, for a presentation of a citation. The gentleman is recognized and may proceed.

Mr. KILLION. Thank you, Mr. Speaker.

I am very pleased today to welcome to the House floor members of the Penncrest High School 2004 Envirothon team, who on May 25 of this year, at the University of Pittsburgh, won the statewide Envirothon competition. They won all of the categories, all four of them. They won all four of the categories and now are on their way to Wesleyan College in West Virginia on July 26 in an international competition between Canada and the United States.

Behind me I would like to introduce the members of the team: Paul Scherer, Brad Potter, Joe Walker, and Roger Whittle, as well as their adviser, Mark Samilenko. Unable to be with us today are Chrissa Kuntz, adviser, and Cara McMahon, another team member.

Winning at Penncrest High School is no new thing to Penncrest High School for the Envirothon. They have won 10 countywide competitions, 3 State competitions, and in the year 2000, in Nova Scotia, won the international competition.

I am very proud of these young men and the young woman who could not be here from Penncrest High School, and I would like to ask the House to please join in a warm welcome and congratulations to the Penncrest Envirothon team and wish them the best of luck as they go on to the international competition.

Thank you.

I would now like to present the citation, and I will not take the time to read it, but we wish them the best of luck as they go on and represent our State in this international competition. Congratulations.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### GOLDEN GLOVES NATIONAL CHAMPION PRESENTED

The SPEAKER pro tempore. The Chair would like to recognize the gentleman, Mr. Sturla, for a presentation. The gentleman is recognized and may proceed.

Mr. STURLA. Thank you, Mr. Speaker.

Today I am presenting a House citation to recognize Israel Crespo for winning the Golden Gloves national championship in the 106-pound division. He is accompanied by Barry Stumpf, his trainer, and Albert Solis, his assistant coach. In the nationally televised championship bout on Mother's Day, Israel defeated Roberto Ceron via a four-round unanimous decision in Kansas City, Missouri.

To win the Golden Gloves championship, Israel had to defeat four opponents in 1 week, not to mention work hard to stay within the 106-pound limit, since he is naturally about 120 pounds when not in training. Between bouts he weighed upwards of 112 pounds and had to cut 6 pounds each day from his 5-foot-2-inch frame.

Only 18 years old, he has a 163-8 record as an amateur and six national titles, including three Silver Gloves crowns and two Junior Olympic titles. Israel also has fought on the international stage in the Pan Am Games in Mexico and the World Games in Bangkok. He currently is preparing for the Under-19 Olympic Tournament this summer and hopes to compete in the 2008 Olympic Games.

He is a part of a national team championship that again this year won nationals and that they have done for 5 out of the past 6 years.

I commend Israel for his commitment to a work ethic and determination to be the best boxer he can be. He has made Lancaster and Pennsylvania very proud, and I wish him well in his bright boxing career. Please join me in congratulating him.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair would like to welcome to the House two individuals who are serving as guest pages. These students are from Trinity High School: Rohmin Vance and Shohin Vance. They are the grandsons of Representative Pat Vance. They are seated at the front, and if they would stand to be acknowledged.

The Chair is also pleased to welcome to the hall of the House Mr. Logan Shellenberger. He is acting as guest page today and is the guest of Representative Watson. His family is seated in the gallery, and Logan is up front. If they would all stand to be recognized.

The Chair welcomes Mike Sisk, who is the Center Township supervisor, and Colin Sisk, who is serving as guest page. They are the guests of Representative Vince Biancucci. They are located to the left of the Speaker. Please rise.

The Chair would also like to welcome as guests those who are in the district office of Representative Dave Reed: staff members Patrick Coulson and Brian Issacoff. They are in the House gallery, if we would give them a warm welcome.

We would also like to welcome to the hall of the House guest page Ellen Benn, who is the guest of Representative Dave Reed and stepdaughter of his Harrisburg secretary, Karen McCarthy. If she would please rise.

### COMMUNICATION FROM GOVERNOR

#### WITHDRAWAL OF 2004 REAL PROPERTY DISPOSITION PLAN

The Speaker laid before the House the following communication in writing from the office of His Excellency, the Governor of the Commonwealth:

Commonwealth of Pennsylvania  
Office of the Governor  
Harrisburg

June 28, 2004

Mr. Mark. R. Corrigan, Secretary  
Senate of Pennsylvania  
462 Capitol Building  
Harrisburg, PA 17120

Mr. Ted Mazia, Chief Clerk  
House of Representatives  
129 Capitol Building  
Harrisburg, PA 17120

Re: 2004 Real Property Disposition Plan

Dear Mr. Corrigan and Mr. Mazia:

I am writing to advise you that I am hereby withdrawing the 2004 Real Property Disposition Plan forwarded to you on June 15, 2004. Under separate cover, I will submit a revised 2004 Real Property Disposition plan that incorporates several modifications requested by certain members of the General Assembly.

Thank you for your cooperation in this matter. Should additional information be required, please contact Secretary of General Services, Donald T. Cunningham, at 787-5996.

Sincerely,  
Edward G. Rendell  
Governor

On the question,  
Will the House permit withdrawal of the report?  
Withdrawal was agreed to.

### 2004 REAL PROPERTY DISPOSITION PLAN SUBMITTED

The SPEAKER pro tempore. Pursuant to the provisions of Act 48 of 1981, the Speaker is submitting for inclusion in tomorrow's House calendar the revised 2004 Real Property Disposition Plan prepared by the Department of General Services.

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

### FORMER MEMBER WELCOMED

The SPEAKER pro tempore. The Chair is pleased to recognize a former member of the House who is seated to my left, the Honorable Joseph Rhodes. Would you please rise. Welcome back.

### BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 2470**, **PN 4191**, entitled:

An Act amending the act of May 16, 2002 (P.L.315, No.46), known as the Community Services Block Grant Act, establishing the Commonwealth Community Action Partnership Program.

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?

For what purpose does the gentleman, Mr. Vitali, rise?  
Mr. VITALI. Just getting a brief explanation of this.

The SPEAKER pro tempore. The gentleman, Mr. Hasay, indicates that he will give a brief explanation of the bill. The Chair thanks the gentleman.

Mr. HASAY. This releases Federal moneys and allows community action centers to be more flexible in how to determine the poor and destitute in helping those people. This would allow the counties that have community action centers, just like Luzerne County has – they call it the Commission on Economic Opportunity – to allow them to decide if the money should go for food, heat, roofing, housing, et cetera, and it works for the community action centers, and they are the ones that had drafted this bill, and I had worked it through the

House Commerce Committee that oversees the community action centers through the Department of Community and Economic Development, DCED.

**POINT OF ORDER**

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

Mr. VITALI. Point of order.

I think the reason for my confusion is this, because I know I had drafted an amendment to this, because the voting schedule indicates this came onto the voting schedule yesterday, which means it would not be in order, as I understand it, to run until tomorrow, so I might suggest that this bill be passed over until tomorrow so it could comply with the House rules.

**BILL PASSED OVER TEMPORARILY**

The SPEAKER pro tempore. The bill will be passed over temporarily.

\* \* \*

The House proceeded to third consideration of **HB 109, PN 4085**, entitled:

An Act regulating tanning facilities; providing for the registration of persons operating tanning facilities; requiring that certain warnings be given and safeguards be taken; imposing penalties; and making a repeal.

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?

On that question, does the gentleman, Mr. Vitali, seek recognition?

Mr. VITALI. Yes. I am looking for a brief explanation of this.

The SPEAKER pro tempore. The gentelady, Mrs. Taylor, indicates that she will give a brief explanation of the bill. The gentelady is recognized.

Mrs. TAYLOR. I will be glad to do that, Mr. Speaker. The Republicans usually do that in their caucus. I guess you did not have an opportunity to have an explanation in your caucus, then you would not have to ask the whole House.

I will be very glad to tell you that this bill requires registration of facilities offering tanning services. These establishments would also have to follow safety requirements, offer consumer warnings, and face penalties if they do not adhere to the regulations set forth in this bill.

Now, I know you have been here for a while, and this bill has passed the House unanimously for the last two sessions.

Thank you for asking me.

The SPEAKER pro tempore. Does the gentleman, Mr. Vitali, seek recognition again?

Mr. VITALI. Well, initially I just wanted to thank the gentelady for her gracious response.

I also want to let her know, this is not showing up on our pre-session report. It was added at the last minute, as I understand it. It very well may be as benign as the lady is suggesting, but our job is to make sure of that fact. So since it is not on the pre-session report, I think it is part of our job to take a closer look at this.

I do not know, frankly, if we have caucused on this. We have caucused on it? Thank you.

I have no further questions.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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—201**

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	

Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

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

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

\* \* \*

The House proceeded to third consideration of **HB 2726, PN 4113**, entitled:

An Act amending the act of June 14, 1961 (P.L.324, No.188), known as The Library Code, providing for fiscal year waiver of standards.

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?

Does the gentleman, Mr. Vitali, seek recognition?  
Mr. VITALI. Yes. Could we have an explanation of that bill?  
Forget it; forget it.  
The SPEAKER pro tempore. The gentleman waives off.

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—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil

Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

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

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

\* \* \*

The House proceeded to third consideration of **HB 2289, PN 3179**, 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," further providing for the definition of "waste tire"; defining "waste tire recycling facility"; and further providing for the disposal of whole waste tires, for waste tire registry and for remediation liens.



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

The SPEAKER pro tempore. It is my understanding the gentleman, Mr. Vitali, has withdrawn his amendment. He indicates that he has.

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

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	

Eachus                      Leh                      Ruffing                      Perzel,  
Egolf                      Lescovitz                      Sainato                      Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalf                      Raymond

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 2269, PN 3120**, entitled:

An Act amending the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, providing for the certification of municipal pension costs and for the administration of the General Municipal Pension System State Aid Program.

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?

DECISION OF CHAIR RESCINDED

The SPEAKER pro tempore. Without objection, the Chair rescinds the announcement that the bill has been agreed to for the third time and recognizes the gentleman, Mr. Nickol, who has an amendment, which the clerk will read.

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

Mr. **NICKOL** offered the following amendment No. **A2263**:

Amend Title, page 1, lines 7 through 9, by striking out "further providing for the certification of" in line 7; all of lines 8 and 9 and inserting providing for the definitions of "IROP," "IROP participant" and "IROP participant account"; further providing for the definition of "municipal employee" and for contents of actuarial valuation report; providing for the certification of municipal pension costs; further providing for minimum funding standards and for revision of financing; and providing for in-service retirement option plans in local governments.

Amend Bill, page 1, lines 12 through 21; pages 2 through 9, lines 1 through 30; page 10, lines 1 through 29, by striking out all of said lines on said pages and inserting

Section 1. The title of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, is amended to read:

AN ACT

Mandating actuarial funding standards for all municipal pension systems; establishing a recovery program for municipal pension systems determined to be financially distressed; providing for the distribution of the tax on the premiums of foreign fire insurance companies; providing for the establishment and administration of in-service retirement option plans in local governments; and making repeals.

Section 2. The definition of "municipal employee" in section 102 of the act is amended and the section is amended by adding definitions to read:

Section 102. Definitions.

Except as provided in Chapter 7, the following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

\* \* \*

"IROP." An in-service retirement option plan created and operated by a local government or the Pennsylvania Municipal Retirement System under Chapter 11 or any deferred retirement option plan or similar program established by a local government that provides for the commencement and accumulation of retirement benefit payments for active employees with disbursement of the accumulated payments and interest earnings as a lump sum upon termination of employment.

"IROP participant." A retired member of a local government-defined benefit pension plan who is eligible to participate in an IROP under section 1112 and who has elected to participate in an IROP under section 1113.

"IROP participant account." A pension trust fund ledger account established under section 1121(a).

"Local government." A municipality or any county.

\* \* \*

"Municipal employee." Any person [other than an independent contractor] who provides regular services for a municipality in return for compensation from the municipality. The term does not include an independent contractor or an IROP participant.

\* \* \*

Section 3. Section 202(b) of the act, amended December 19, 1997 (P.L.611, No. 61), is amended to read:

Section 202. Contents of actuarial valuation report.

\* \* \*

(b) Contents of actuarial exhibits; defined benefit plans self-insured in whole or in part.—For any pension plan which is a defined benefit plan and which is self-insured in whole or in part, all applicable actuarial exhibits shall be prepared in accordance with the entry age normal actuarial cost method with entry age established as the actual entry age for all plan members unless the municipality applies for and is granted authorization by the commission to use an alternative actuarial cost method. Authorization shall be granted if the municipality demonstrates on an individual pension plan basis that there are compelling reasons of an actuarial nature for the use of an alternative actuarial cost method. The commission shall issue rules and regulations specifying the criteria which the commission will use to determine the question of the existence of compelling reasons for the use of an alternative actuarial cost method, the documentation which a municipality seeking the authorization will be required to supply and the acceptable alternative actuarial cost methods which the commission may authorize. The actuarial cost method shall be used to value all aspects of the benefit plan or plans of the pension plan unless the municipality applies for and is granted authorization by the commission to use approximation techniques other than the actuarial cost method for aspects of the benefit plan or plans of the pension plan other than the retirement benefit. Authorization shall be granted if the municipality demonstrates on an individual pension plan basis that there are compelling reasons of an actuarial nature for the use of these

approximation techniques. The commission shall issue rules and regulations specifying the criteria which the commission will use to determine the question of the existence of compelling reasons for the use of approximation techniques, the documentation which a municipality seeking the authorization will be required to supply and the acceptable approximation technique which the commission may authorize. The actuarial exhibits shall use actuarial assumptions which are, in the judgment of the actuary and the governing body of the plan, the best available estimate of future occurrences in the case of each assumption. With respect to economic actuarial assumptions, the assumptions shall either be within the range specified in rules and regulations issued by the commission or documentation explaining and justifying the choice of assumptions outside the range shall accompany the report. The actuarial exhibits shall measure all aspects of the benefit plan or plans of the pension plan in accordance with modifications in the benefit plan or plans, if any, and salaries which as of the valuation date are known or can reasonably be expected to be in force during the ensuing plan year. In preparing the actuarial exhibits or any actuarial valuation report, the municipality shall exclude the compensation of all IROP participants from the active member payroll, all IROP participants from active member data and the balance in the IROP participant account from the assets of the pension trust fund. The actuarial valuation report shall contain the following actuarial exhibits:

(1) An exhibit of the normal cost of the benefits provided by the benefit plan as of the date of the actuarial valuation, expressed as a percentage of the future covered payroll of the active membership of the pension plan as of the date of the actuarial valuation.

(2) An exhibit of the actuarial accrued liability of the benefit plan as of the date of the actuarial valuation in total which shall be the actuarial present value of all projected benefits provided by the benefit plan reduced by the actuarial present value of future normal costs, and in particular, which shall include the following required actuarial present values for pension plan benefits of related items:

(i) Required actuarial present values on account of active members:

(A) Retirement benefits.

(B) Disability benefits.

(C) Survivor benefits.

(D) Refund liability due to withdrawal from active service or death.

(E) Other benefits, specifying the nature of each type.

This item shall include a footnote indicating the amount of accumulated member contributions without accrued interest.

(ii) Required actuarial present values on account of former members with a deferred, vested or otherwise nonforfeitable right to a retirement benefit.

(iii) Required actuarial present values on account of former members who do not have a deferred, vested or otherwise nonforfeitable right to the retirement benefit and who have not withdrawn any accumulated member contributions.

(iv) Required actuarial present values on account of benefit recipients:

(A) Retirement benefits.

(B) Disability benefits.

(C) Surviving spouse benefits.

(D) Surviving child benefits.

(E) Other benefits, specifying the nature of each type.

(v) Required actuarial present values for other benefits provided by the benefit plan, specifying the nature of each type.

(vi) Actuarial present value of future normal cost.

(3) An exhibit of the unfunded actuarial accrued liability of the pension plan in total, which shall be the actuarial accrued liability of the pension plan calculated pursuant to paragraph (2) less the actuarial value of assets of the pension plan calculated pursuant to subsection (e)(1), and which, in particular, shall include the following:

(i) The remaining balance of the unfunded actuarial accrued liability in existence as of the first actuarial valuation report required by this section occurring next following the date of enactment of this section.

(ii) The remaining balance of each increment of unfunded actuarial accrued liability attributable to modifications in the benefit plan governing the pension plan which were applicable to active members, separately indicating each and designating each by the plan year in which the benefit plan modification was made effective.

(iii) The remaining balance of each increment of unfunded actuarial accrued liability attributable to modifications in the benefit plan governing the pension plan which were applicable to retired members and other benefit recipients, separately indicating each and designating each by the plan year in which the benefit plan modification was made effective.

(iv) The remaining balance of each increment of net unfunded actuarial accrued liability attributable to modifications in the actuarial assumptions used to calculate the actuarial accrued liability of the pension plan separately indicating each and designating each by the plan year in which the actuarial assumption modification was made effective.

(v) The remaining balance of each increment or decrement of net unfunded actuarial accrued liability attributable to net actuarial experience losses or gains, separately indicating each and designating each by the plan year in which the actuarial experience loss or gain was recognized.

(vi) The remaining balance of each increment of unfunded actuarial accrued liability attributable to the provision of survivor benefits payable under section 5(e)(2) of the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, separately indicating each and designating each by the year in which the actuarial experience loss was recognized.

The initial determination of the unfunded actuarial accrued liability attributable to a modification in the benefit plan governing the pension plan or to a modification in the actuarial assumptions used to calculate the actuarial accrued liability of the pension plan shall be made by calculating the unfunded actuarial accrued liability of the pension plan in accordance with the benefit plan provisions and actuarial assumptions which were in effect prior to the modification and by calculating the unfunded actuarial accrued liability of the pension plan in accordance with the modification in the provisions of the benefit plan governing the pension plan or the actuarial assumptions used to calculate the actuarial accrued liability of the pension plan, whichever is applicable, and the remaining benefit plan provisions and actuarial assumptions. The initial determination of the unfunded actuarial accrued liability attributable to an actuarial loss shall be made in conjunction with the analysis of increases or decreases in the unfunded actuarial accrued liability of the pension plan required pursuant to paragraph (6).

(4) An exhibit of any additional funding costs associated with the amortization of any unfunded actuarial accrued liability of the pension plan, indicating for each increment of unfunded actuarial accrued liability specified in paragraph (3), the level annual dollar contribution required to pay an amount equal to the

actuarial assumption as to investment earnings applied to the principal amount of the remaining balance of the increment of unfunded actuarial accrued liability and to retire by the applicable amortization target date specified in this paragraph the principal amount of the remaining balance of the increment of unfunded actuarial accrued liability. The amortization target date applicable for each type of increment of unfunded actuarial accrued liability shall be as follows:

(i) (A) In the case of a pension plan established on or prior to January 1, 1985 for the unfunded actuarial accrued liability in existence as of the beginning of the plan year occurring in calendar year 1985, at the end of the plan year occurring in calendar year 2015; or

(B) In the case of a pension plan established after January 1, 1985, for the unfunded actuarial accrued liability then or subsequently determined to be or to have been in existence as of the date of the establishment of the plan, at the end of the plan year occurring 30 years after the calendar year in which the pension plan was established.

(ii) Increment or decrement of net unfunded actuarial accrued liability attributable to a change in actuarial assumptions, at the end of the plan year occurring 20 years after the calendar year in which actuarial assumption modification was effective.

(iii) Increment of net unfunded actuarial accrued liability attributable to a modification in the benefit plan applicable to active members, at the end of the plan year occurring 20 years after the calendar year in which the benefit plan modification was effective.

(iv) Increment of unfunded actuarial accrued liability attributable to a modification in the benefit plan applicable to retired members and other benefit recipients, at the end of the plan year occurring 10 years after the calendar year in which the benefit plan modification was effective.

(v) Increment or decrement of net unfunded actuarial accrued liability attributable to an actuarial experience loss or gain, at the end of plan year occurring 15 years after the calendar year in which the actuarial experience loss or gain was recognized.

(vi) Increment of unfunded actuarial accrued liability attributable to the provision of survivor benefits payable under section 5(e)(2) of the Municipal Police Pension Law at the end of the plan year occurring 40 years after the calendar year in which the survivor benefits were first payable.

With respect to any applicable pension plan other than a plan which comprises all or part of a moderately distressed or a severely distressed municipal pension system, if the remaining average period between the current average attained age of active members as of the valuation date and the later of their earliest average normal retirement age or their average assumed retirement age is less than the applicable period or periods ending with the amortization target date or dates specified in subparagraph (i), (ii), (iii) or (v), the appropriate amortization target date for the applicable subparagraph determined with reference to the longest applicable remaining average period rounded to the next largest whole number shall be used. With respect to any plan year beginning after December 31, 1997, if, as of the beginning of the plan year, the ratio of the actuarial value of assets to the actuarial accrued liability exceeds 0.70 and the governing body of the municipality has passed a resolution to irrevocably commit the municipality to apply the limit on the additional funding costs, as provided herein, in the preparation of the current and all future exhibits under this paragraph, then the

sum of the additional funding costs for subparagraphs (i), (ii), (iii), (iv) and (v) above shall not exceed the amount required to amortize the remaining unfunded actuarial accrued liability as of the beginning of the plan year over 10 years in level annual dollar contributions. The exhibit shall indicate the total dollar amount of additional funding costs associated with the amortization of any unfunded actuarial accrued liability of the pension plan applicable for that plan year and any subsequent plan year occurring prior to the preparation of the next required actuarial valuation report, which shall be the total of the additional funding costs associated with the amortization of each increment of unfunded actuarial accrued liability. The exhibit shall also indicate the plan year in which any unfunded actuarial accrued liability of the pension plan would be fully amortized if the total annual additional funding cost calculated pursuant to this paragraph were met continuously without increase or decrease in amount until the total unfunded actuarial accrued liability currently existing was fully amortized. In calculating the additional funding costs associated with the amortization of any unfunded actuarial accrued liability of the pension plan in any plan year, any amortization contribution made in the interval since the last actuarial valuation report shall be allocated to each type of increment of unfunded actuarial accrued liability in proportion to the remaining dollar amount of each type.

(5) An exhibit of the total administrative cost of the pension plan for the plan year occurring immediately prior to the plan year for which the actuarial valuation report is made.

(6) An exhibit containing an analysis of the increase or decrease in the unfunded actuarial accrued liability of the pension plan since the most recent prior actuarial valuation report, including specifically an indication of increases or decreases due to the following:

(i) Modifications in the benefit plan or plans of the pension plan.

(ii) Changes in actuarial assumptions.

(iii) Deviations in the actual experience of the pension plan from the experience expected by virtue of the actuarial assumptions.

(iv) Presence or absence of payments to amortize the unfunded accrued liability of the pension plan.

(v) Other reasons.

The analysis shall be based on the best professional judgment of the approved actuary reached after preparing the various applicable actuarial exhibits of the actuarial valuation report. If, in the opinion of the approved actuary, the inclusion of any portion of this information is not appropriate, that portion of the analysis may be omitted with the provision of adequate explanation or justification of the appropriateness of the omission.

(7) An exhibit summarizing the economic and demographic actuarial assumptions used in the preparation of the actuarial exhibits.

(8) A summary of the principal provisions of the benefit plan of the pension plan upon which the actuarial exhibits are based.

\*\*\*

Section 4. The act is amended by adding a section to read:

Section 209. Certification of municipal pension costs.

The commission shall determine annually the actual financial requirement for each municipal pension plan based on the data contained in the most recent complete report required to be filed by the municipality pursuant to this chapter and shall certify annually to the Auditor General the actual financial requirements for each municipal pension plan based on the data contained in the most recent actuarial valuation report required to be filed by the municipality pursuant to this chapter. The Auditor General shall use the data certified by the commission to implement the provisions of section 402(f)(2).

Section 5. Section 302(b)(2) of the act, amended December 18, 1990 (P.L.753, No.189), is amended to read:

Section 302. Minimum funding standard; defined benefit plans self-insured in whole or in part.

\*\*\*

(b) Financial requirements of the pension plan.—

\*\*\*

(2) The normal cost and administrative expense requirements for the following plan year shall be expressed as a dollar amount and shall be determined by applying the normal cost of the benefit plan and the administrative expense payable from the assets attributable to the benefit plan, as reported in the actuarial valuation report of the pension plan and expressed as a percentage of payroll, to the payroll of the active membership of the pension plan as of the date the financial requirements of the pension plan are determined. In expressing the normal cost and administrative expense requirements as a dollar amount, the municipality shall exclude the compensation of all IROP participants from the payroll of the active membership of the pension plan.

\*\*\*

Section 6. Section 402(e)(2) of the act is amended to read:

Section 402. Revision of financing from State revenue sources; General Municipal Pension System State Aid Program.

\*\*\*

(e) Allocation of general municipal pension system State aid.—

\*\*\*

(2) The applicable number of units shall be attributable to each active employee who was employed on a full-time basis for a minimum of six consecutive months prior to December 31 preceding the date of certification and who was participating in a pension plan maintained by that municipality, provided that the municipality maintains a generally applicable pension plan for that type of employee which was either established on or prior to December 31, 1984, or, if established after December 31, 1984, has been maintained by that municipality for at least three plan years. For the purpose of computing and reporting the applicable number of units, an IROP participant shall not be reported to the Auditor General as an active employee. The applicable number of units per employee attributable to each eligible recipient county of the second class shall be two units for each police officer. The applicable number of units attributable to each eligible recipient city, borough, incorporated town and township shall be as follows:

(i) Police officer - two units.

(ii) Firefighter - two units.

(iii) Employee other than police officer or firefighter - one unit.

\*\*\*

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

CHAPTER 11

IN-SERVICE RETIREMENT OPTION PLANS LAW

SUBCHAPTER A

PRELIMINARY PROVISIONS

Section 1101. Short title.

This chapter shall be known and may be cited as the In-Service Retirement Option Plans Law.

Section 1102. Declaration of purpose.

It is the purpose of this chapter to provide for an in-service retirement option plan under which an eligible member of the local government's retirement system may elect to participate in an IROP, defer receipt of retirement system benefits and continue employment with the local government.

Section 1103. Definitions.

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

“Normal retirement benefit.” The retirement benefit payable to a member of a defined benefit pension plan on or after the date on which the member first satisfies the age and service requirements for full, unreduced retirement benefits, including supplemental amounts provided to the member after retirement as cost-of-living increases.

“Subsidiary IROP participant account.” The separate, interest-bearing, subsidiary IROP participant account established for an IROP participant under section 1121.

Section 1104. Employment status.

Participation in an IROP does not guarantee the IROP participant’s employment by the local government during the specified period of the IROP.

#### SUBCHAPTER B GENERAL PROVISIONS

Section 1111. Establishment of IROP.

(a) Local governments.—A local government that has established or maintains a defined benefit pension plan for a group of its employees which is self-insured in whole or in part under section 202(b), except for a local government that has joined the Pennsylvania Municipal Retirement System, may establish by ordinance an IROP for those employees as part of the pension plan. The ordinance establishing the IROP shall specify a uniform participation period for the IROP that is not more than five years in duration.

(b) PMRS participants.—A local government that has established or maintains a defined benefit plan for a group of its employees which is self-insured in whole or in part under section 202(b) and has joined the Pennsylvania Municipal Retirement System may establish an IROP for those employees as a part of the pension plan only through participation in the IROP established and administered by the Pennsylvania Municipal Retirement System.

(c) PMRS standards.—The Pennsylvania Municipal Retirement Board shall establish an IROP for local government-defined benefit pension plans that have joined the Pennsylvania Municipal Retirement System. The IROP so established shall be uniform, in compliance with the provisions of this chapter, open to any local government and applicable to any of the defined benefit pension plans administered by the Pennsylvania Municipal Retirement System.

Section 1112. Eligibility of member to participate in IROP.

An active member of a local government retirement system that has an IROP as a part of its defined benefit pension plan who is eligible for a normal retirement benefit under the pension plan or will be eligible for a normal retirement benefit under the pension plan prior to participation in the IROP is eligible to participate in the IROP by filing a written application with the retirement system at least 30 days before the member’s effective date of retirement.

Section 1113. Participation in IROP.

(a) Election by an active member.—An eligible active member may elect to participate in an IROP for the period specified in the ordinance establishing the IROP.

(b) IROP participation election.—Upon deciding to participate in an IROP, a member shall submit on forms provided and required by the retirement system:

(1) A binding and irrevocable letter of resignation from regular employment with the local government that discloses the member’s intent to retire and specifies the member’s retirement date.

(2) An irrevocable written election to participate in the IROP that:

(i) Details an IROP participant’s rights and obligations under the IROP.

(ii) Includes an agreement to forgo:

(A) Active membership in the retirement system.

(B) Any growth in the salary base used for calculating the regular retirement benefit.

(C) Any additional benefit accrual for retirement purposes.

(iii) Specifies the effective date of IROP participation that shall be the day after the specified retirement date.

(iv) Specifies the IROP termination date that satisfies the limitation in subsection (a).

(3) Any other information required by the retirement system.

(c) IROP termination.—

(1) An IROP participant may change the IROP termination date to an earlier date within the limitations of subsection (a). No penalty shall be imposed for early termination of IROP participation.

(2) Upon either early or regular termination of IROP participation:

(i) The IROP participant shall be separated from employment by the local government.

(ii) The retirement system shall pay the balance in the IROP participant’s subsidiary IROP participant account to the terminating IROP participant as provided in section 1114(d).

(iii) The IROP participant shall be ineligible to reenroll in the IROP thereafter even if the former IROP participant is reemployed by the local government with renewed active membership in the retirement system.

Section 1114. Benefits payable under IROP.

(a) Fixing retirement benefit, retirement date, retirement benefits and IROP dates.—Effective with the date of retirement, which shall be the day before the effective date of IROP participation, the member’s monthly, normal retirement benefit under the pension plan, the member’s effective date of retirement and the member’s effective dates of beginning and terminating employment as an IROP participant shall be fixed.

(b) Effective dates of IROP participation.—

(1) A retired member’s effective date of participation in an IROP shall begin the day following the effective date of the member’s regular retirement.

(2) A retired member’s participation in an IROP shall end on the last day of the participation period specified in the ordinance establishing the IROP that is in effect on the effective date of the retired member’s participation in the IROP.

(c) Treatment of normal retirement benefit payments and accruals.—All of the retired member’s monthly, normal retirement benefit and interest thereon at the assigned rate shall be credited to the IROP participant’s subsidiary IROP participant account in the pension trust fund and a separate accounting of the IROP participant’s accrued benefit accumulation under the IROP shall be calculated annually and provided to the IROP participant.

(d) Payment of IROP benefits.—On the effective date of an IROP participant’s termination of employment with the local government as an IROP participant, participation in the IROP shall cease and the retirement system shall calculate and pay to the participant the participant’s total accumulated IROP benefits in the IROP participant’s subsidiary IROP participant account subject to the following provisions:

(1) Except as provided in paragraph (2), the terminating IROP participant or, if deceased, the participant’s named beneficiary shall elect on a form provided by the retirement system to receive payment of the IROP benefits in accordance with one of the following options:

(i) The balance in the IROP participant’s subsidiary IROP participant account less withholding taxes, if any, remitted to the Internal Revenue Service shall be paid within 45 days by the retirement system from the account to the IROP participant or surviving beneficiary.

(ii) The balance in the IROP participant’s subsidiary IROP participant account shall be paid within 45 days by the retirement system from the account

directly to the custodian of an eligible retirement plan as defined in section 402(c)(8)(b) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.), or, in the case of an eligible rollover distribution to the surviving spouse of a deceased IROP participant, an eligible retirement plan that is an individual retirement account or an individual retirement annuity as described in section 402(c)(9) of the Internal Revenue Code.

(2) If the IROP participant or beneficiary fails to elect a method of payment within 60 days after the participant's termination date, the retirement system shall pay the balance as a lump sum as provided in paragraph (1).

(3) The form of payment selected by the IROP participant or surviving beneficiary shall comply with the minimum distribution requirements of the Internal Revenue Code.

(e) Taxation, attachment and assignment of IROP participant's account.—

(1) Except as provided in paragraphs (2), (3) and (4), the right of an IROP participant to any benefit or right accrued or accruing under the provisions of this chapter and the moneys in the IROP participant's subsidiary IROP participant account are exempt from any State or municipal tax, levy and sale, garnishment, attachment, spouse's election or any other process whatsoever.

(2) Rights under this chapter shall be subject to forfeiture as provided by the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act. Forfeitures under this subsection or under any other provision of law may not be applied to increase the benefits that any IROP participant otherwise would receive under this chapter.

(3) Rights under this chapter shall be subject to attachment in favor of an alternate payee as set forth in a qualified domestic relations order.

(4) Under subsection (d)(1)(ii), a distributee may elect to have an eligible rollover distribution paid directly to an eligible retirement plan by way of a direct rollover. For purposes of this paragraph, a "distributee" includes an IROP participant, an IROP participant's designated beneficiary and an IROP participant's former spouse who is an alternate payee under a qualified domestic relations order. For purposes of this paragraph, "eligible rollover distribution" has the meaning given the term by section 402(f)(2)(A) of the Internal Revenue Code, except that a qualified trust shall be considered an eligible retirement plan only if it accepts the distributee's eligible rollover distribution and, in the case of an eligible rollover distribution to a surviving spouse, an eligible retirement plan is an "individual retirement account" or an "individual retirement annuity" as those terms are defined in section 408(a) and (b) of the Internal Revenue Code.

(f) Effect of disability pension benefits.—If an IROP participant becomes eligible for a disability pension benefit and terminates employment, the monthly normal retirement benefit of the IROP participant shall terminate.

(g) Eligibility for active member benefits.—Except for those benefits specified under section 1113(b)(2)(ii) as forgone by the member, an IROP participant shall be eligible for any employee benefits provided to active employees before retirement as set forth in the ordinance instituting the IROP.

(h) Eligibility for benefits otherwise provided by law.—An IROP participant shall be eligible for all preretirement benefits for employees otherwise provided by law, including, but not limited to, benefits under the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act; the act of June 28, 1935 (P.L.477, No.193), referred to as the Enforcement Officer Disability Benefits Law; the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law; the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act; and the Public Safety

Officers' Benefit Act of 1976 (Public Law 94-430, 42 U.S.C. § 90 stat. 1347).

Section 1115. Death benefits under IROP.

(a) IROP benefits for named beneficiary.—If an IROP participant dies, the IROP participant's named beneficiary shall be entitled to apply for and receive the benefits accrued in the IROP participant's subsidiary IROP participant account as provided in section 1114(d).

(b) Final credited monthly retirement benefit.—The monthly retirement system benefit accrued in the IROP participant's subsidiary IROP participant account during the month of an IROP participant's death shall be the final monthly retirement system benefit credited for IROP participation.

(c) IROP eligibility terminates upon participant's death.—An IROP participant's eligibility to participate in the IROP terminates upon the death of the IROP participant. If an IROP participant dies on or after the effective date of participation in the IROP but before the monthly retirement system benefit of the participant accruable for the month has accrued in the IROP participant's subsidiary IROP participant account, the local government shall pay the monthly retirement system benefits as though the participant had not elected IROP participation and had died after the member's effective date of retirement but before receipt of the retired member's first regular retirement benefit.

(d) Survivors ineligible for active member's death benefit.—Except as provided in subsection (e), the survivors of an IROP participant who dies shall not be eligible to receive retirement system death benefits payable in the event of the death of an active member.

(e) IROP participant killed in service.—If otherwise qualified as a family member under the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, the named beneficiary of an IROP participant who is killed in service shall be entitled to apply for and receive a recalculation for payment of survivor benefits at 100% of the IROP participant's salary as fixed at the participant's date of retirement.

Section 1116. Subsequent employment and renewal of active membership.

After both the termination of the IROP participant's employment as an IROP participant by the local government and the expiration of the IROP participation period, a former IROP participant shall be subject to such reemployment limitations as other retired members and shall be eligible for renewed membership as an active member in the local government employees' retirement system.

#### SUBCHAPTER C

#### ADMINISTRATIVE PROVISIONS

Section 1121. IROP participant account.

(a) General rule.—If a local government creates an IROP, it shall establish an IROP participant account as an interest-bearing ledger account in its pension trust fund. The account balance shall be accounted for separately but need not be physically segregated from other pension trust fund assets.

(b) Subsidiary IROP participant accounts.—A separate interest-bearing subsidiary IROP participant account shall be established for each IROP participant. While a retired member is employed as an IROP participant, the member's monthly, normal retirement benefit and interest thereon shall be credited to the IROP participant's subsidiary IROP participant account under section 1114(c). The interest shall be compounded and credited monthly at an annual rate specified in the ordinance establishing the IROP that shall be not less than 1% nor more than 4 1/2%.

(c) Termination of employment.—When an IROP participant terminates employment with the local government as an IROP participant, the IROP participant's total accumulated benefits shall be calculated, charged to the IROP participant account and paid out of the pension trust fund under section 1114(d). Under section 202(b), the balance in the IROP participant account shall be excluded from actuarial valuation reports of the retirement system prepared and filed under this act.

(d) Account held in trust.—The IROP participant account shall be held in trust for the exclusive benefit of IROP retired members who are or were IROP participants and for the beneficiaries of the members.

Section 1122. Audit of Pennsylvania Municipal Retirement System.

The IROP established by the Pennsylvania Municipal Retirement Board shall be subject to financial and compliance audits conducted by the Auditor General with the initial audit conducted within one year of its establishment.

Section 1123. Existing IROPs.

A local government with an IROP in existence on the effective date of this chapter that does not conform to the provisions of this chapter shall amend its plan within 180 days of the effective date of this chapter or when the current labor-management contract creating the plan expires, whichever is later, to conform with the provisions of this chapter with respect to future IROP participants.

Section 1124. Noncompliance.

If a local government that established an IROP under section 1111(a) or the Pennsylvania Municipal Retirement Board that established an IROP under section 1111(c) fails to comply within 90 days with a finding by the Auditor General of noncompliance with this chapter or if the finding is appealed within 90 days of conclusion of the appeal process, the failure to comply shall be deemed sufficient refusal by the local government or the Pennsylvania Municipal Retirement Board to comply with its duty antecedent to the commencement of a mandamus action and the Auditor General shall refer the finding to the Attorney General. Upon receipt of the finding from the Auditor General, the Attorney General, following an administrative proceeding in accordance with 2 Pa.C.S. (relating to administrative law and procedure), shall proceed in the name of the Commonwealth to institute a legal proceeding for mandamus and no other remedy at law shall be deemed to be sufficiently adequate and appropriate to bar the commencement of this action.

Section 8. This act shall take effect in 60 days.

On the question,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—199

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nickol	Tigue
Cawley	Harhai	O'Brien	Travaglio
Civera	Harhart	Oliver	True
Clymer	Harris	O'Neill	Turzai
Cohen	Hasay	Pallone	Vance

Coleman	Hennessey	Payne	Veon
Cornell, S. E.	Herman	Petrarca	Vitali
Corrigan	Hershey	Petri	Walko
Costa	Hess	Petrone	Wansacz
Coy	Hickernell	Phillips	Washington
Crahalla	Horsey	Pickett	Waters
Creighton	Hutchinson	Pistella	Watson
Cruz	James	Preston	Weber
Curry	Josephs	Readshaw	Wheatley
Dailey	Keller	Reed	Williams
Daley	Kenney	Reichley	Wilt
Dally	Killion	Rieger	Wojnaroski
DeLuca	Kirkland	Roberts	Wright
Denlinger	Kotik	Roebuck	Yewcic
Dermody	LaGrotta	Rohrer	Youngblood
DeWeese	Laughlin	Rooney	Yudichak
DiGirolamo	Leach	Ross	Zug
Diven	Lederer	Rubley	
Donatucci	Leh	Ruffing	Perzel,
Eachus	Lescovitz	Sainato	Speaker
Egolf			

NAYS—2

Harper Nailor

NOT VOTING—0

EXCUSED—2

Metcalf Raymond

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 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—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler

Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

The Chair recognizes the gentleman from Allegheny, Mr. Petrone.

Mr. PETRONE. Thank you, Mr. Speaker.

Mr. Speaker, HB 2022 amends the Assessors Certification Act to include Allegheny County under the act. The bill also provides for a 3-year transition period from the effective date for individuals who are employees of the county of the second class to become State certified. Currently Allegheny County assessors are not required by law to be certified by the department of the State Board of Certified Real Estate Appraisers, which have led to inconsistencies in property assessments. Presently only the counties of the second class, Allegheny, and first class, Philadelphia, are excluded from the act.

I believe by fully training and certifying county assessors, we can decrease discrepancies in the county's property assessments, help to restore faith and confidence in the system by the citizens of Allegheny County, and I ask my colleagues for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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:

NAYS-0

NOT VOTING-0

EXCUSED-2

Metcalfe Raymond

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 2022, PN 4073**, entitled:

An Act amending the act of April 16, 1992 (P.L.155, No.28), known as the Assessors Certification Act, further providing for nonapplicability.

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?

YEAS-201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson



Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalfe Raymond

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 (JOHN M. PERZEL)  
PRESIDING**

The House proceeded to third consideration of **HB 1620, PN 3821**, entitled:

An Act authorizing the release of Project 500 restrictions on certain land owned by the Township of Wright, Luzerne County, in return for the imposition of Project 500 restrictions on other land owned by the Township of Wright, Luzerne County.

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

Mr. **CAWLEY** offered the following amendment No. **A2510**:

Amend Title, page 1, line 4, by removing the period after "County" and inserting  
; and authorizing the release of Project 70 restrictions imposed on certain lands owned by the City of Scranton, Lackawanna County, being conveyed by the city in return for the imposition of Project 70 restrictions on certain lands being conveyed to the city.

Amend Sec. 1, page 1, line 7, by striking out "Authorization." and inserting

Township of Wright; Luzerne County.

Amend Bill, page 5, by inserting between lines 2 and 3 Section 2. City of Scranton; Lackawanna County.

(a) Authorization.—Pursuant to the requirements of section 20(b) of the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act, the General Assembly hereby authorizes the release of the restrictions imposed by section 20 of the Project 70 Land Acquisition and Borrowing Act from the land owned by the City of Scranton, Lackawanna County, being conveyed to Lackawanna Land & Energy, Inc., and more particularly described

in subsection (c), in exchange for the imposition of section 20 of the Project 70 Land Acquisition and Borrowing Act restriction on lands owned by Lackawanna Land & Energy, Inc., being conveyed to the City of Scranton, and more particularly described in subsection (d).

(b) Freedom of restrictions.—The lands described in subsection (c), owned by the City of Scranton and being conveyed to Lackawanna Land & Energy, Inc., shall be free of the restrictions on use and alienation imposed by section 20 of the Project 70 Land Acquisition and Borrowing Act upon the imposition of and recording of the Project 70 deed restrictions set forth in subsection (e) on the parcel of replacement land owned by Lackawanna Land & Energy, Inc., and being conveyed to the City of Scranton.

(c) Land to be released from restrictions.—The parcel of land authorized to be released from restrictions is located in the City of Scranton, Lackawanna County, and more particularly described as follows:

All that certain lot, piece or parcel of land situate, lying and being in the City of Scranton, County of Lackawanna, Pennsylvania, bounded and described as follows:

Beginning at a point along the southerly side of Gilbert Street, on a bearing South fifty three Degrees thirty two Minutes forty three Seconds East, (S 53 Degrees 32 Minutes 43 Seconds E), a distance of four hundred eighty and no hundredths feet, (480.00 feet) from the intersection of the southerly right-of-way line of Gilbert Street, and the easterly right-of-way line of Rockwell Avenue.

THENCE continuing along said southerly right-of-way line of Gilbert Street, South fifty three Degrees thirty two Minutes forty three Seconds East, (S 53 Degrees 32 Minutes 43 Seconds E), a distance of one hundred one and twenty one hundredths feet, (101.21 feet), to a point;

THENCE North twenty eight Degrees fifty two Minutes seventeen Seconds East, (N 28 Degrees 52 Minutes 17 Seconds E), a distance of two hundred five and fifty hundredths feet, (205.50 feet), to a point;

THENCE North fifty six Degrees twenty five Minutes fifty eight Seconds West, (N 56 Degrees 25 Minutes 58 Seconds W), a distance of two hundred seventeen and forty seven hundredths feet, (217.47 feet), to a point, along the easterly right-of-way line of Leach Street;

THENCE along the easterly right-of-way line of Leach Street, North thirty five Degrees thirty five Minutes thirty six Seconds East, (N 35 Degrees 35 Minutes 36 Seconds E), a distance of two hundred eighty one and ninety one hundredths feet, (218.91 feet), to a point;

THENCE South sixty Degrees twelve Minutes six Seconds East, (S 60 Degrees 12 Minutes 06 Seconds E), a distance of three hundred sixty eight and sixty nine hundredths feet, (368.69 feet), to a point;

THENCE South fifty nine Degrees eight Minutes forty nine Seconds East (S 59 Degrees 08 Minutes 49 Seconds E), a distance of six hundred seventy two and sixty two hundredths feet, (672.62 feet), to a point;

THENCE South sixty seven Degrees fifty one Minutes ten Seconds West, (S 67 Degrees 51 Minutes 10 Seconds W), a distance of three hundred nine and ninety three hundredths feet, (309.93 feet), to a point;

THENCE North twenty two Degrees eight Minutes fifty Seconds West, (N 22 Degrees 08 Minutes 50 Seconds W), a distance of one hundred forty and no hundredths feet, (140.00 feet), to a point, along the southerly right-of-way line of Gilbert Street, on a curve;

THENCE along the southerly right-of-way line of said Gilbert Street, on a curve to the right having a radius of three hundred twenty five and no hundredths feet, (325.00 feet), having a chord bearing South seventy seven Degrees forty Minutes forty nine Seconds West, (S 77 Degrees 40 Minutes 49 Seconds W), a chord distance of one hundred ten and ninety three hundredths feet, (110.93 feet), to a point, the start of a tangent, along the southerly right-of-way line of Gilbert Street;

THENCE South eighty seven Degrees thirty Minutes seventeen Seconds West, (S 87 Degrees 30 Minutes 17 Seconds W), a distance of one hundred forty and no hundredths feet, (140.00 feet), to a point;

THENCE South two Degrees twenty nine Minutes forty three Seconds East (S 02 Degrees 29 Minutes 43 Seconds E), a distance of one hundred thirty four and ninety eight hundredths feet, (134.98 feet), to a point;

THENCE South eighty seven Degrees thirty Minutes seventeen Seconds West, (S 87 Degrees 30 Minutes 17 Seconds W), a distance of four hundred thirty seven and forty three hundredths feet, (437.43 feet), to a point;

THENCE North fifty three Degrees thirty two Minutes forty three Seconds West, (N 53 Degrees 32 Minutes 43 Seconds W), a distance of one hundred seventy and no hundredths feet, (170.00 feet), to a point;

THENCE North thirty six Degrees twenty seven Minutes seventeen Seconds East, (N 36 Degrees 27 Minutes 17 Seconds E), a distance of one hundred sixty and no hundredths feet, (160.00 feet), to a point, the place of beginning.

Containing 8.784 Acres of land, more or less.

(d) Land on which restrictions are to be imposed.—The replacement parcel to be subject to the restrictions in exchange for the parcel described in subsection (c) is located in the City of Scranton, Lackawanna County, and more particularly described as follows:

ALL that certain lot, piece or parcel of land, situate, lying and being in the City of Scranton, County of Lackawanna and Commonwealth of Pennsylvania, bounded and described as follows to wit:

Beginning along the southerly right-of-way line of Wells Street, at the intersection of the lot herein described and Lot No. 93 of the Leggetts Creek Park Subdivision;

Thence along the southerly right-of-way line of Wells Street, South fifty five Degrees forty four Minutes forty four seconds East (S 55 Degrees 44 Minutes 44 Seconds E), a distance of one hundred thirty six and sixty five hundredths (136.65 feet) feet, to a point;

Thence leaving said right-of-way, South seventeen Degrees twenty four Minutes four Seconds West (S 17 Degrees 24 Minutes 04 Seconds W), a distance of one hundred forty one and thirty four hundredths (141.34 feet) feet, to a point;

Thence South sixty Degrees forty nine Minutes fourteen Seconds West (S 60 Degrees 49 Minutes 14 Seconds W), a distance of one hundred and no hundredths (100.00 feet) feet; to a point;

Thence South eighty eight Degrees twenty four Minutes forty four Seconds West (S 88 Degrees 24 Minutes 44 Seconds W), a distance of one thousand one hundred eleven and ninety seven hundredths (1111.97 feet) feet, to a point;

Thence South seventy two degrees four Minutes thirty three Seconds West (S 72 degrees 04 Minutes 33 Seconds W) a distance of twenty seven and ninety eight hundredths (27.98 feet) feet, to a point;

Thence along Lands of The City of Scranton, North fifty nine Degrees eight Minutes forty nine Seconds West (N 59 Degrees 08 Minutes 49 Seconds W), a distance of four hundred sixty eight and sixty eight hundredths (468.68 feet) feet, to a point, at the southwest corner of Lot No. 75;

Thence along the southerly line of Lots Nos. 75, 76, 77, 78, 79, 80 and 81, North eighty six degrees thirty four Minutes fifty Seconds East (N 86 Degrees 34 Minutes 50 Seconds E), a distance of six hundred forty three and forty two hundredths (643.42 feet) feet, to a point;

Thence along Lot No. 81 of the Leggetts Creek Subdivision North three Degrees twenty five Minutes ten Seconds West (N 03 Degrees 25 Minutes 10 Seconds W) a distance of one hundred seventy four and ninety two hundredths (174.92 feet) feet, to the point, along the southerly right-of-way line of Gilbert Street;

Thence along the southerly right-of-way line of Gilbert Street on a curve to the left having a radius of 225.00 ft., having an arc length of 200.45 ft., Chord Bearing North sixty one Degrees three Minutes thirty Seconds East (N 61 Degrees 03 Minutes 30 Seconds E), a chord distance of one hundred ninety three and eighty nine hundredths (193.89 feet) feet, to a point, along lands of the Marvine Dutch Gap Little League;

Thence leaving said southeasterly right-of-way line of Gilbert Street, and along lands of the Little League South fifty six Degrees twenty six Minutes Eighteen Seconds East (S 56 Degrees 26 Minutes

18 Seconds E), a distance of sixty seven and fifty six hundredths (67.56 feet) feet to a point;

Thence along said Marvine Gap Little League South eighteen Degrees thirty seven Minutes forty two Seconds West (S 18 Degrees 37 Minutes 42 Seconds W), a distance of two hundred thirty five and no hundredths (235.00 feet) feet, to a point;

Thence continuing along said Little League property North eighty five Degrees seven Minutes forty two Seconds East (N 85 Degrees 07 Minutes 42 Seconds E), a distance of two hundred seventy five and no hundredths (275.00 feet) feet, to a point;

Thence along a curve to the left, having a radius of six hundred eighty and no hundredths (680.00 feet) feet, arc length of three hundred forty two and eighty seven hundredths (342.87 feet) feet, Chord of three hundred thirty nine and twenty five hundredths (339.25 feet) feet, Chord Bearing North seventy degrees forty one Minutes no Seconds East (N 70 Degrees 41 Minutes 00 Seconds E), to the point.

Thence along the southerly right-of-way line of Wells Street, South fifty five degrees forty four Minutes forty four Seconds East (S 55 Degrees 44 Minutes 44 Seconds E), a distance of eighteen and six hundredth (18.06 feet) feet, to a point, common to Lot No. 92 and Lot No. 90;

Thence along line of Lot No. 92 South thirty five Degrees seven Minutes five Seconds West (S 35 Degrees 07 Minutes 05 Seconds W), a distance of one hundred forty four and eighty seven hundredths (144.87 feet) feet to a point at the start of a curve to the right;

Thence along a curve to the right, having a radius of two hundred fifty and thirty hundredths (250.30 feet) feet, arc length of fifty and eleven hundredths (55.11 feet) feet and a Chord of fifty five (55 feet) feet, Chord Bearing South fifty nine Degrees twenty six Minutes twenty six Seconds West (S 59 Degrees 26 Minutes 26 Seconds W), to a point.

Thence along the westerly line of Lot No. 92 and Lot No. 93, South thirty five Degrees twenty nine Minutes four Seconds East (S 35 Degrees 29 Minutes 04 Seconds E), a distance of one hundred forty eight and twenty four hundredths (148.24 feet) feet, to a point;

Thence along Lot No. 93, North seventy eight Degrees ten Minutes forty two seconds East (N 78 Degrees 10 Minutes 42 Seconds E), a distance of fifty five and forty seven hundredths (55.47 feet) feet, to a point;

Thence along Lot No. 93, North sixty one Degrees nine Minutes forty four seconds East, (N 61 Degrees 09 Minutes 44 Seconds E), a distance of one hundred thirty and eighty eight hundredths (130.88 feet), to a point;

Thence along Lot No. 93, North twenty seven Degrees six Minutes thirty one seconds East, (N 27 Degrees 06 Minutes 31 Seconds E), a distance of eighty nine and ninety nine hundredths (89.99 feet) feet, to a point, along the southerly right-of-way line of Wells Street, to the point of beginning.

Containing 9.253 Acres of land, more or less.

(e) Deed restriction.—The Deed restriction to be transferred to the parcel described in subsection (d) shall read as follows:

This indenture is given to provide land for recreation, conservation and historical purposes as said purposes are defined in the act of June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land Acquisition and Borrowing Act.

(f) Costs.—The parties to this transaction shall bear their respective costs.

(g) Execution.—The deed of conveyance shall be executed and approved as provided by law.

Amend Sec. 2, page 5, line 3, by striking out “2” and inserting

3

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Cawley.

Mr. CAWLEY. Thank you, Mr. Speaker.

Mr. Speaker, I discussed this with the bill's prime sponsor, Representative Yudichak, who said he is willing to do everything he can, in addition to his own district, to help surrounding districts such as the city of Scranton.

This amendment, Mr. Speaker, if passed and becomes law, will mean 83 new homes in the city of Scranton, 30 acres of parkland. We have already secured a \$200,000 grant, Growing Greener grant, and the developer is Lackawanna Land and Energy Corporation. The grant was received by the Lackawanna River Corridor Association.

I ask for your affirmative vote and thank Representative Yudichak.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsley	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug

Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

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

On the question,  
Will the House agree to the bill on 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—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsley	Pickett	Watson

Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalfe Raymond

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 2409, PN 3404**, entitled:

An Act amending the act of December 20, 1991 (P.L.398, No.45), entitled "An act designating a certain bridge on Pennsylvania Route 45 in Northumberland and Union Counties as the Judge Herbert W. Cummings/Judge Harold M. McClure Memorial Bridge; and designating the bridge on which Main Street crosses Trout Creek in the Borough of Slatington, Lehigh County, as the General Thomas R. Morgan Bridge," further designating the General Thomas R. Morgan Bridge.

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?

**REMARKS SUBMITTED FOR THE RECORD**

The SPEAKER. The Chair recognizes the lady from Northampton County, Mrs. Harhart, who submits remarks for the record.

Mrs. HARHART submitted the following remarks for the Legislative Journal:

Mr. Speaker, the bill I have sponsored changes the name of the General Thomas R. Morgan Bridge on which Main Street or State Route 873 crosses Trout Creek in the borough of Slatington to the General Thomas R. Morgan USMC Bridge.

I felt it appropriate that the bridge also carry a tribute to the United States Marine Corps, for which General Morgan so ably served for years.

The enactment of this bill will allow PENNDOT to change the name of the bridge to show support for our Marines and all troops overseas by bringing them to mind each time we in the Allentown area cross the bridge.

The United States Marine Corps organization is important to our country's defense, so recognizing them and their importance to American history and liberty on a local bridge is both important and necessary.

Thank you, Mr. Speaker, and I thank all members for their affirmative votes.

On the question recurring,  
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Bianucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	

Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

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

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

\* \* \*

The House proceeded to third consideration of **HB 2498, PN 3617**, entitled:

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, designating a portion of State Route 6 in Wyoming County as a scenic byway.

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

Miss **MAJOR** offered the following amendment No. **A2710**:

Amend Title, page 1, line 3, by removing the period after “byway” and inserting

; and designating a certain portion of State Route 92 in Susquehanna County as a scenic byway.

Amend Sec. 1, page 1, line 7, by striking out “a section” and inserting sections

Amend Sec. 1, page 3, by inserting between lines 8 and 9 § 8306. Designation of State Route 92 in Susquehanna County as a scenic byway.

(a) General rule.—Because of its outstanding scenic, historic, natural, recreational and archeological characteristics and qualities and because of opportunities for economic development and tourism and for conservation of the outstanding qualities along the road, State Route 92 in Susquehanna County from Lenox Township Segment No. 0130/0904 continuing to Jackson Township border Segment No. 0460/2408, and further continuing from the Susquehanna Borough Segment No. 0510/0747 and continuing to Oakland Borough Segment No. 0540/1702 is hereby designated as a scenic byway.

(b) Effect of designation.—No outdoor advertising device, as defined in section 3 of the act of December 15, 1971 (P.L.596, No.160), known as the Outdoor Advertising Control Act of 1971, may be erected:

(1) within 660 feet of the nearest edge of the right-of-way; or

(2) more than 660 feet from the nearest edge of the right-of-way, outside of urban areas, if the sign is visible from the main-traveled way of the scenic byway and the purpose of the sign is that its message be read from the main-traveled way of the scenic byway, except:

(i) the official signs and notices which are required or authorized by law and which conform to the national standards promulgated by the Secretary of

Transportation of the United States pursuant to 23 U.S.C. § 131 (relating to control of outdoor advertising);

(ii) outdoor advertising devices advertising the sale or lease of the real property upon which they are located;

(iii) outdoor advertising devices advertising activities conducted on the property on which they are located, including devices which display a message that may be changed at reasonable intervals by electronic process or remote control;

(iv) directional signs, including, but not limited to, signs pertaining to natural wonders, scenic and historical attractions and other points of interest to the traveling public which conform to the national standards promulgated by the Secretary of Transportation of the United States pursuant to 23 U.S.C. § 131; and

(v) signs approved by the department designating the route as a scenic byway installed in accordance with department requirements.

(c) Public use maps.—All public use maps produced by the department for travel, tourism and business interests shall give special identification of this route and briefly summarize that the General Assembly established the designation because of the outstanding scenic, historic, natural, recreational and archeological characteristics and outstanding qualities and opportunities for economic development, tourism and conservation of the sights along the route.

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O’Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O’Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson

Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnarowski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalfe Raymond

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—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Bianucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio

Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsley	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnarowski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalfe Raymond

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 2029, PN 2670**, entitled:

An Act authorizing cities of the first class that have adopted a home rule charter to enforce ordinances, rules and regulations prohibiting dumping or disposal of waste, trash or debris.

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

Mr. **CRUZ** offered the following amendment No. **A2575**:

Amend Sec. 1, page 1, line 7, by inserting before "Notwithstanding"

(a) General rule.—

Amend Sec. 1, page 1, lines 11 and 12, by striking out "dumping or disposal of waste, trash or debris" and inserting short dumping

Amend Sec. 1, page 1, by inserting between lines 15 and 16

(b) Definitions.—As used in this section, "short dumping" means activity by which an owner or operator, or an agent of either, of a trash, garbage or debris collection vehicle, including private automobiles and small trucks, or any other type of vehicles used to collect or transport trash, garbage or debris, knowingly causes to be deposited or deposits the vehicle's load or any part thereof on any road, street, highway, alley or railroad right-of-way, or on the land of another or into the waters of this Commonwealth.

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

The SPEAKER. On that question, the Chair recognizes the gentleman, Mr. Cruz. Mr. Cruz, a brief explanation of the amendment, please, for the gentleman, Mr. Vitali.

Mr. CRUZ. This amendment is a short definition of what actually “short dumping” really does and what are we targeting under the “short dumping,” sir.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O’Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O’Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalfé Raymond

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—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O’Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O’Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood

DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS-0

NOT VOTING-0

EXCUSED-2

Metcalf            Raymond

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 2758, PN 4169**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for fire company reduction and closure provisions for cities of the first class.

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

Mr. **KENNEY** offered the following amendment No. **A2545**:

Amend Sec. 1 (Sec. 2962), page 2, line 17, by removing the period after "study" and inserting  
which shall be released no earlier than 90 days from the date of commission.

Amend Sec. 1 (Sec. 2962), page 2, line 21, by striking out "30" and inserting

60

Amend Sec. 1 (Sec. 2962), page 2, line 21, by striking out "45" and inserting

75

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Kenney.

Mr. **KENNEY**. Mr. Speaker, this amendment would require the impact study to take at least 90 days to complete, thereby assuring that it is an accurate and thorough review. As well, this amendment would give interested parties 60 days to review the impact study rather than the 30 days currently in the legislation.

I would like to ask the members for an affirmative vote.

Thank you, Mr. Speaker.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-200

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	Schroder
Barrar	Flick	Manderino	Scrimenti
Bastian	Forcier	Mann	Semmel
Bebko-Jones	Frankel	Markosek	Shaner
Belardi	Freeman	Marsico	Smith, B.
Belfanti	Gabig	McCall	Smith, S. H.
Benninghoff	Gannon	McGeehan	Solobay
Biancucci	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gergely	McIlhinney	Steil
Blaum	Gillespie	McNaughton	Stern
Boyd	Gingrich	Melio	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Good	Millard	Stevenson, T.
Butkovitz	Goodman	Miller, R.	Sturla
Buxton	Grucela	Miller, S.	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappelli	Habay	Mustio	Taylor, E. Z.
Casorio	Haluska	Myers	Taylor, J.
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Daley	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz		Speaker

NAYS-1

Thomas

NOT VOTING-0

EXCUSED-2

Metcalf            Raymond

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. **KENNEY** offered the following amendment No. **A2661**:

Amend Bill, page 3, by inserting between lines 4 and 5 Section 2. This act shall be retroactive to June 1, 2004.  
Amend Sec. 2, page 3, line 5, by striking out “2” and inserting  
3

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

The **SPEAKER**. On that question, the Chair recognizes the gentleman, Mr. Kenney.

Mr. **KENNEY**. Thank you, Mr. Speaker.

This amendment simply makes the provision of the bill retroactive to June 1, 2004, thereby encompassing current fire department cuts that are scheduled to take place later this week.

I would ask that the members vote in the affirmative for this amendment, Mr. Speaker.

Thank you.

The **SPEAKER**. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—200

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	Schroder
Barrar	Flick	Manderino	Scrimenti
Bastian	Forcier	Mann	Semmel
Bebko-Jones	Frankel	Markosek	Shaner
Belardi	Freeman	Marsico	Smith, B.
Belfanti	Gabig	McCall	Smith, S. H.
Benninghoff	Gannon	McGeehan	Solobay
Biancucci	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gergely	McIlhinney	Steil
Blaum	Gillespie	McNaughton	Stern
Boyd	Gingrich	Melio	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Good	Millard	Stevenson, T.
Butkovitz	Goodman	Miller, R.	Sturla
Buxton	Grucela	Miller, S.	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappelli	Habay	Mustio	Taylor, E. Z.
Casorio	Haluska	Myers	Taylor, J.
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O’Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O’Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington

Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnarowski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz		Speaker

NAYS—1

Thomas

NOT VOTING—0

EXCUSED—2

Metcalfe Raymond

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. **VITALI** offered the following amendment No. **A2655**:

Amend Title, page 1, line 2, by inserting after “for”  
State government access to cable television and  
for  
Amend Bill, page 1, lines 6 and 7, by striking out all of said lines and inserting  
Section 1. Title 53 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 12  
STATE GOVERNMENT ACCESS  
TO CABLE TELEVISION

- Sec.  
1201. Scope of chapter.  
1202. Declaration of policy.  
1203. Definitions.  
1204. Cable television coverage of State government proceedings.  
1205. Modification of existing authorizations.  
1206. Additional terms of authorizations.  
1207. Municipal corporations operating cable television systems.

§ 1201. Scope of chapter.  
This chapter applies to all municipal corporations.

§ 1202. Declaration of policy.  
The General Assembly finds and declares as follows:  
(1) All members of the public would benefit from televised coverage of the proceedings of State government, including public proceedings of the executive and judicial branches and the deliberations, policy formulations and decision making of the General Assembly.  
(2) Public access to State government proceedings is vital to the proper functioning and enhancement of the democratic process.

(3) Secrecy in State government affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society.

(4) It is the intent of the General Assembly that the citizens of this Commonwealth benefit from the valuable informational, educational and other public service programming that is available through a cable television system and that cable television systems serve these public interests.

(5) For the purpose of promoting the policy provided herein, the General Assembly, by exercising the Commonwealth's sovereign power to prescribe the powers and duties of its municipalities, establishes requirements for coverage of State government proceedings as part of municipal authorizations of cable television systems.

§ 1203. Definitions.

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

"Coverage of State government proceedings." Live or same-day unedited coverage of:

- (1) the floor proceedings of the General Assembly;
- (2) committee meetings and public hearings of the General Assembly;
- (3) press conferences of the executive and legislative branches of State government;
- (4) en banc sessions of the Pennsylvania Superior Court;
- (5) other conferences on State-related issues; and
- (6) public State administrative meetings and hearings.

"Municipal corporation." Any city, borough or incorporated town.

§ 1204. Cable television coverage of State government proceedings.

(a) General rule.—In exercising its authority to grant initial authorization for the construction or operation of a cable television system or to renegotiate or renew the authorization, whether the authorization, renegotiation or renewal is designated as an agreement, franchise, permit, license, resolution, contract, certificate or otherwise, a municipal corporation shall, subject to applicable Federal laws and regulations, require a cable television system with 13 or more usable activated channels to provide coverage of State government proceedings on the system.

(b) Government access channel.—The requirements of subsection (a) may be satisfied through the availability on the system of at least one channel or network primarily dedicated to coverage of State government proceedings. The channel or network may cover other proceedings only if coverage of State government proceedings does not fill the daily programming hours of the channel or network.

§ 1205. Modification of existing authorizations.

A municipal corporation shall require cable television systems to provide coverage of State government proceedings under the terms of any agreement, franchise, permit, license, resolution, contract, certificate or other authorization to operate a cable television system existing on the effective date of this section to the extent that such modification is not prohibited by the terms of the authorization or Federal or State law.

§ 1206. Additional terms of authorizations.

Nothing in this chapter is intended to restrict the power of a municipal corporation to negotiate for any other channel or service, including local public, educational and governmental access channels or networks, in accordance with Federal and State law.

§ 1207. Municipal corporations operating cable television systems.

Municipal corporations operating cable television systems shall be subject to the programming requirements of section 1204 (relating to cable television coverage of State government proceedings) and shall add any appropriate channel or network necessary to achieve the requirements.

Section 2. Section 2962 of Title 53 is amended by adding a subsection to read:

Amend Sec. 2, page 3, line 5, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

- (1) The addition of 53 Pa.C.S. § 1207 shall take effect in one year.
- (2) The remainder of this act shall take effect immediately.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

What this amendment does is adds a new chapter to this act, and that chapter would require municipalities, when they negotiate with cable companies such as Comcast and the others in the State, to require that as a provision of that contract, there be one designated channel for State government programming. It would require that PCN (Pennsylvania Cable Network) or stations like it have an exclusive channel so that members of the public could view House proceedings and Senate proceedings and committee meetings, gubernatorial press conferences, and so forth.

You will recall that perhaps 2 weeks ago we debated this issue, and ultimately, I believe the Representative from Montgomery County moved to have this tabled because there was some uncertainty about an agreement between Comcast and PCN, and that uncertainty was an agreement that required PCN to be on some digital channels. I have changed this amendment to deal with those concerns.

This amendment has a provision that would only allow it to go into effect a year after it is signed into law. That would give stations, broadcasters like Comcast, time to comply with this, so if there are any problems, they would have a year to do it.

I think it is important that we adopt this amendment to keep the pressure on Comcast and the other cable providers throughout the State, because I think citizens of Pennsylvania are entitled to view their State government in action. The airways belong to the public, and government works best when it is open, and that is what this amendment is designed to do.

Also, I think making a case just a little bit further, Comcast is seeking and perhaps will be receiving an enormous tax break because of their office complex in center-city Philadelphia — all the more reason to require them to give back to the public, since they are receiving that tax break from the public.

So I would ask that this amendment receive an affirmative vote.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

**AMENDMENT TABLED**

The SPEAKER. The Chair recognizes the gentleman, Mr. Kenney.

Mr. KENNEY. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose this amendment.

It is an amendment that continues, I think, to cause problems among some members of the General Assembly. It is still in the State Government Committee being discussed and debated. As you know, this legislation that I have proposed is time sensitive, so at this time, in the interest of getting my legislation

to the Senate, I would make a motion to table this amendment, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Kenney, has made a motion to table the amendment.

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

The SPEAKER. This motion is only debatable by the floor leaders.

The minority leader defers to the gentleman from Delaware, Mr. Vitali. On that motion, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I do not think that the gentleman from Philadelphia has stated really any grounds to table this amendment. This amendment is in fact ripe for consideration. This amendment was introduced in bill form, HB 1956, over a year ago. We have had hearings, a public hearing, on this, the House Democratic Policy Committee. We had representatives of Comcast speak, we had representatives of PCN speak, we had other experts in the cable industry speak, and all gave their input, and based on what they said, I have made adjustments. I am not saying I have agreed with everything they said, but we have made adjustments.

This issue is ripe for consideration. Obviously, everybody wants a clean bill, and I understand Mr. Kenney's thoughts there, but that is really not the issue here. The issue for tabling is whether this is not ripe for consideration.

It has been introduced; it has been discussed; we have had hearings on it, and I think if you do not support the bill, if you do not support the amendment, simply vote it down with a clean vote. But we have really done all of the things that were needed to do to vet an amendment.

So I would ask that a "no" vote be rendered on the motion to table.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the designee of the majority leader, the gentleman from Bucks, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, indeed, we have had discussions on the Vitali amendment, and I have offered to him a time to move his bill out of committee or at least put it on the schedule for a vote, but it would not be until later in the year.

At this time I would support the motion that has been made to table the bill and ask members to join me in doing that.

The SPEAKER. I think the gentleman meant to say table the amendment.

Those in favor of tabling amendment A2655 will vote "yea"; those opposed will vote "no."

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

The following roll call was recorded:

YEAS—137

Adolph	Feese	Lewis	Rooney
Allen	Fichter	Lynch	Ross
Argall	Fleagle	Mackereth	Rublely
Armstrong	Flick	Maher	Sather
Baker	Forcier	Maitland	Saylor
Baldwin	Gabig	Major	Scavello

Bard	Gannon	Markosek	Schroder
Barrar	Geist	Marsico	Semmel
Bastian	Gergely	McGeehan	Smith, B.
Birmelin	Gillespie	McGill	Smith, S. H.
Bishop	Gingrich	McIlhattan	Stairs
Boyd	Godshall	McIlhinney	Steil
Browne	Good	McNaughton	Stern
Bunt	Habay	Micozzie	Stevenson, R.
Butkovitz	Haluska	Millard	Stevenson, T.
Buxton	Hanna	Miller, R.	Taylor, E. Z.
Cappelli	Harhart	Miller, S.	Taylor, J.
Causer	Harper	Mustio	Tigue
Cawley	Harris	Myers	True
Civera	Hasay	Nailor	Turzai
Clymer	Hennessey	Nickol	Vance
Coleman	Herman	O'Brien	Wansacz
Cornell, S. E.	Hershey	Oliver	Washington
Crahalla	Hess	O'Neill	Watson
Creighton	Hickernell	Payne	Weber
Cruz	Horsey	Petri	Williams
Dailey	Hutchinson	Phillips	Wilt
Daley	James	Pickett	Wright
Dally	Keller	Preston	Yewcic
Denlinger	Kenney	Readshaw	Youngblood
DiGirolamo	Killion	Reed	Zug
Diven	Kirkland	Reichley	
Donatucci	Lederer	Rieger	
Egolf	Leh	Roberts	Perzel,
Evans, J.	Lescovitz	Rohrer	Speaker

NAYS—63

Bebko-Jones	Evans, D.	Manderino	Solobay
Belfanti	Fabrizio	Mann	Staback
Benninghoff	Fairchild	McCall	Stetler
Biancucci	Frankel	Melio	Sturla
Blaum	Freeman	Mundy	Surra
Caltagirone	George	Pallone	Tangretti
Casorio	Goodman	Petrarca	Thomas
Cohen	Grucela	Petrone	Travaglio
Corrigan	Gruitza	Pistella	Veon
Costa	Harhai	Roebuck	Vitali
Coy	Josephs	Ruffing	Walko
Curry	Kotik	Sainato	Waters
DeLuca	LaGrotta	Samuelson	Wheatley
Dermody	Laughlin	Santoni	Wojnaroski
DeWeese	Leach	Scrimenti	Yudichak
Eachus	Levdansky	Shaner	

NOT VOTING—1

Belardi

EXCUSED—2

Metcalf                      Raymond

The majority 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?  
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—199

Adolph	Evans, D.	Levdansky	Sainato
Allen	Evans, J.	Lewis	Samuelson
Argall	Fabrizio	Lynch	Santoni
Armstrong	Fairchild	Mackereth	Sather
Baker	Feese	Maher	Saylor
Baldwin	Fichter	Maitland	Scavello
Bard	Fleagle	Major	Schroder
Barrar	Flick	Manderino	Scrimenti
Bastian	Forcier	Mann	Semmel
Bebko-Jones	Frankel	Markosek	Shaner
Belardi	Freeman	Marsico	Smith, B.
Belfanti	Gabig	McCall	Smith, S. H.
Benninghoff	Gannon	McGeehan	Solobay
Biancucci	Geist	McGill	Staback
Birmelin	George	McIlhattan	Stairs
Bishop	Gergely	McIlhinney	Steil
Blaum	Gillespie	McNaughton	Stern
Boyd	Gingrich	Melio	Stetler
Browne	Godshall	Micozzie	Stevenson, R.
Bunt	Good	Millard	Stevenson, T.
Butkovitz	Goodman	Miller, R.	Sturla
Buxton	Grucela	Miller, S.	Surra
Caltagirone	Gruitza	Mundy	Tangretti
Cappelli	Habay	Mustio	Taylor, E. Z.
Casorio	Haluska	Myers	Taylor, J.
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Keller	Readshaw	Williams
Daley	Kenney	Reed	Wilt
Dally	Killion	Reichley	Wojnaroski
DeLuca	Kirkland	Rieger	Wright
Denlinger	Kotik	Roberts	Yewcic
Dermody	LaGrotta	Roebuck	Youngblood
DeWeese	Laughlin	Rohrer	Yudichak
DiGirolamo	Leach	Rooney	Zug
Diven	Lederer	Ross	
Donatucci	Leh	Rublely	Perzel,
Eachus	Lescovitz	Ruffing	Speaker
Egolf			

NAYS—2

Josephs	Thomas
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NOT VOTING—0

EXCUSED—2

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

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

GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House a group of residents from Washington County. They are here today as guests of Representative Tim Solobay, and they are located in the balcony. Would those guests please rise and be recognized by the General Assembly.

RESOLUTION

Mr. ADOLPH called up **HR 786, PN 4140**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to study and report on filing and reporting requirements imposed by the Pennsylvania Public Utility Commission on local exchange carriers operating in a competitive telecommunications environment.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causer	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley
Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug

Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalfe Raymond

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

**RESOLUTION PURSUANT TO RULE 35**

Mr. BASTIAN called up **HR 805, PN 4173**, entitled:

A Resolution congratulating Somerset Borough, Somerset County, on the bicentennial anniversary of its founding.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Evans, D.	Levdansky	Samuelson
Allen	Evans, J.	Lewis	Santoni
Argall	Fabrizio	Lynch	Sather
Armstrong	Fairchild	Mackereth	Saylor
Baker	Feese	Maher	Scavello
Baldwin	Fichter	Maitland	Schroder
Bard	Fleagle	Major	Scrimenti
Barrar	Flick	Manderino	Semmel
Bastian	Forcier	Mann	Shaner
Bebko-Jones	Frankel	Markosek	Smith, B.
Belardi	Freeman	Marsico	Smith, S. H.
Belfanti	Gabig	McCall	Solobay
Benninghoff	Gannon	McGeehan	Staback
Biancucci	Geist	McGill	Stairs
Birmelin	George	McIlhattan	Steil
Bishop	Gergely	McIlhinney	Stern
Blaum	Gillespie	McNaughton	Stetler
Boyd	Gingrich	Melio	Stevenson, R.
Browne	Godshall	Micozzie	Stevenson, T.
Bunt	Good	Millard	Sturla
Butkovitz	Goodman	Miller, R.	Surra
Buxton	Grucela	Miller, S.	Tangretti
Caltagirone	Gruitza	Mundy	Taylor, E. Z.
Cappelli	Habay	Mustio	Taylor, J.
Casorio	Haluska	Myers	Thomas
Causar	Hanna	Nailor	Tigue
Cawley	Harhai	Nickol	Travaglio
Civera	Harhart	O'Brien	True
Clymer	Harper	Oliver	Turzai
Cohen	Harris	O'Neill	Vance
Coleman	Hasay	Pallone	Veon
Cornell, S. E.	Hennessey	Payne	Vitali
Corrigan	Herman	Petrarca	Walko
Costa	Hershey	Petri	Wansacz
Coy	Hess	Petrone	Washington
Crahalla	Hickernell	Phillips	Waters
Creighton	Horsey	Pickett	Watson
Cruz	Hutchinson	Pistella	Weber
Curry	James	Preston	Wheatley

Dailey	Josephs	Readshaw	Williams
Daley	Keller	Reed	Wilt
Dally	Kenney	Reichley	Wojnaroski
DeLuca	Killion	Rieger	Wright
Denlinger	Kirkland	Roberts	Yewcic
Dermody	Kotik	Roebuck	Youngblood
DeWeese	LaGrotta	Rohrer	Yudichak
DiGirolamo	Laughlin	Rooney	Zug
Diven	Leach	Ross	
Donatucci	Lederer	Rubley	
Eachus	Leh	Ruffing	Perzel,
Egolf	Lescovitz	Sainato	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—2

Metcalfe Raymond

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

**BILL SIGNED BY SPEAKER**

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

**HB 1488, PN 1878**

An Act repealing the act of July 15, 1919 (P.L.961, No.378), entitled "An act fixing the salaries and compensation of the officers, clerks, and employes in the office of the recorder of deeds of any county having a population of one million five hundred thousand inhabitants or over."

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

**BILLS REPORTED FROM COMMITTEES,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES**

**HB 42, PN 46**

By Rep. LEH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for school district real property tax relief for qualified owners of homesteads or farmsteads and for certain Commonwealth payments.

FINANCE.

**HB 1019, PN 1194**

By Rep. LEH

An Act amending the act of December 19, 1990 (P.L.1200, No.202), known as the Solicitation of Funds for Charitable Purposes Act, further providing for audit of certain financial reports.

FINANCE.

**HB 2270, PN 3121**

By Rep. KENNEY

An Act providing for the development and implementation of pilot projects with the goal of establishing a Statewide system of family support services program for families of persons with disabilities; and providing for the powers and duties of the Department of Public Welfare.

HEALTH AND HUMAN SERVICES.

**HB 2383, PN 3361**

By Rep. LEH

An Act amending the act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act, providing for exemption of military personnel from occupational privilege tax.

FINANCE.

**HB 2440, PN 4222 (Amended)**

By Rep. ALLEN

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further providing for rules of procedure.

LABOR RELATIONS.

**HB 2500, PN 4225 (Amended)**

By Rep. KENNEY

An Act establishing a program to develop a disease management program to improve the health care of medical assistance recipients who are at risk of or diagnosed with certain ailments or chronic diseases that require frequent medical attention and to improve health care and health outcomes, reduce inpatient hospitalization and reduce the number of emergency room visits for medical assistance fee-for-service recipients diagnosed with certain illnesses.

HEALTH AND HUMAN SERVICES.

**HB 2734, PN 4121**

By Rep. KENNEY

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for the definition of "eligible adult."

HEALTH AND HUMAN SERVICES.

**HB 2749, PN 4223 (Amended)**

By Rep. ALLEN

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for referenced standards; and abrogating regulations.

LABOR RELATIONS.

**HB 2771, PN 4186**

By Rep. KENNEY

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, further providing for purpose of certain provisions, for definitions, for powers of the Department of Health, for administration and for issuance of license; and for the establishment of State clinical advisory committees.

HEALTH AND HUMAN SERVICES.

**BILLS REPORTED AND REREFERRED TO  
COMMITTEE ON LOCAL GOVERNMENT****HB 1951, PN 2545**

By Rep. LEH

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further providing for service allowance, change of employment and military service relating to municipal employees, municipal firemen and municipal police.

FINANCE.

**HB 2748, PN 4161**

By Rep. LEH

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, further defining "municipal employe"; providing for part-time employees; and further providing for existing local retirement systems and compulsory and optional membership and for return to service relating to certain municipal employees and optional retirement plans.

FINANCE.

**BILL REPORTED AND REREFERRED  
TO COMMITTEE ON  
AGING AND OLDER ADULT SERVICES****HB 2741, PN 4134**

By Rep. LEH

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

FINANCE.

**RESOLUTION REPORTED  
FROM COMMITTEE****HR 804, PN 4172**

By Rep. KENNEY

A Resolution encouraging the Department of Health to develop a plan for identifying chronic kidney disease in the early stages and evaluating and managing persons with chronic kidney disease and to circulate to physicians and other health care providers the generally accepted standards regarding clinical care for the early identification of chronic kidney disease and clinical management of persons at the highest risk for the disease.

HEALTH AND HUMAN SERVICES.

**STATE GOVERNMENT  
COMMITTEE MEETING**

The SPEAKER. The Chair recognizes the gentleman from Bucks, Mr. Clymer, for the purpose of a committee announcement.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, at 2:30 this afternoon the State Government Committee will be meeting in room 39 to discuss several bills.

That is 2:30 this afternoon in room 39, the State Government Committee. We have several bills on the agenda. I ask the members to be prompt.

Thank you.

The SPEAKER. At 2:30 this afternoon the State Government Committee will meet in room 39.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the chairman of the Appropriations Committee, the gentleman from Schuylkill, Mr. Argall, for the purpose of an announcement.

Mr. ARGALL. Thank you, Mr. Speaker.

At the declaration of the recess, the House Appropriations Committee will meet in room 245.

The SPEAKER. The Chair thanks the gentleman.

At the declaration of the recess, the House Appropriations Committee will meet in room 245.

### REPUBLICAN CAUCUS

The SPEAKER. Does the gentelady from Chester seek recognition?

Mrs. TAYLOR. Thank you, Mr. Speaker.

At the call of the recess, the Republican majority caucus will meet for a brief caucus in the caucus room, immediately following the break, for a brief meeting.

The SPEAKER. The Chair thanks the gentelady.

The Chair recognizes the gentleman from Philadelphia, Mr. Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, point of personal privilege.

Are we going to come back today?

The SPEAKER. No; we are done.

Mr. COHEN. Okay. Thank you.

### DEMOCRATIC CAUCUS

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, there will be informal discussions and discussions of any legislative odds and ends in the Democratic caucus room immediately upon the call of the recess.

In addition, we are going to have a caucus tomorrow at 10 a.m. to deal with new legislation that will be given to us between now and that time.

The SPEAKER. The Chair thanks the gentleman.

### VOTE CORRECTION

The SPEAKER. The Chair recognizes the gentleman from Allegheny, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, earlier the House considered HB 2042. I would like to be recorded in the negative.

The SPEAKER. The Chair thanks the gentleman. The gentleman's remarks will be spread across the record.

### REMARKS SUBMITTED FOR THE RECORD

The SPEAKER. The gentleman, Mr. Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I would like to submit remarks for the record.

The SPEAKER. The gentleman is in order. He may submit his remarks for the record.

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

The Waste Tire Recycling Act of 1996 was a landmark piece of legislation that has removed more than 20 million waste tires from our communities.

Regrettably, 12 million waste tires continue to be generated each year in PA.

DEP (Department of Environmental Protection) continues the battle to keep waste tires out of our communities but are frustrated by court rulings that have allowed the owners of certain waste tire piles to evade the legislative intent of the Waste Tire Recycling Act.

HB 2289 seeks to strengthen the Waste Tire Recycling Act.

1. Clearly define waste tire and a waste tire facility.
2. Require waste tire facilities to be permitted by DEP.
3. Hold the person responsible for creating the waste tire pile accountable by streamlining the process to recover State grant moneys issued for cleanup.

HB 2289 will ensure rogue operations like the Broody Tire Pile in Edwardsville Borough never happen again in Luzerne County or anywhere else in our Commonwealth.

1. Consisting of more than 250,000 waste tires, the Broody Tire Pile skirted the law by acting as a used tire dealer. The tire pile was torched by an arson's match and cost the Commonwealth more than \$250,000 to clean up the site.
2. The new definition of waste tire facility in HB 2289 will require businesses like Broody Tire to be duly permitted so their operations do not become illegal dumping grounds for waste tires.
3. Streamlining the recovery process will hold the owners of waste tire piles, like Broody, directly responsible for the illegal stockpiling of waste tires and protect the taxpayers from bearing the full burden of cleanup costs.

Key Points:

1. Definitions:
  - "Waste tire": any discarded tire by owner or user.
  - "Waste tire facility": a facility whose purpose is the systemic collection, sorting, storage, recapping, or cleaning of waste tires to return them to commerce for use as commodities. The term includes a facility that may use waste reduction, reuse, or recycling equipment to process or convert waste tires to beneficial use.
2. Permits:
  - Set by DEP regulations, should be no more than \$50 as is current fee for waste tire haulers.
3. Grant Recovery Process:
  - Provides a workable lien provision by asserting jurisdiction over person only.
  - Creates automatic judgment if person responsible for waste tire pile does not pay the amount of grant moneys expended on the site.
  - Judgment is indexed by prothonotary and is not limited to the piece of land that was reclaimed.
  - DEP has 20-year statute of limitations to recover grant funding.

### SUBCOMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. McIlhinney.

Mr. McILHINNEY. Thank you, Mr. Speaker.

Immediately upon the recess, the Subcommittee on Information Technology will be meeting in the rear of the hall of the House.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Subcommittee on Information Technology will be meeting in the rear of the House immediately upon the recess.

### APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Chair recognizes the gentleman, Mr. Argall, for the second time.

Mr. ARGALL. My staff has alerted me that I was a little too aggressive. The committee will not be ready to meet until 2 o'clock, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Appropriations Committee will be meeting at 2 p.m. today.

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2412, PN 3981, 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 2412, PN 3981.**

### BILL RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader.

Mr. S. SMITH. Mr. Speaker, I move that HB 2412, PN 3981, be recommitted to the Committee on Appropriations.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. Are there any further announcements?

### RECESS

This House is now recessed to the call of the Chair.

### AFTER RECESS

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

## THE SPEAKER PRO TEMPORE (ROBERT J. FLICK) PRESIDING

### BILLS REREPORTED FROM COMMITTEE

**HB 850, PN 3978**

By Rep. ARGALL

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, providing for insurance and other employee benefits; further providing for authority of county commissioners to make contracts; amending provisions relating to acquisition, use, leasing and disposing of property for county and to construction or alteration of county buildings; further prohibiting disorderly conduct in and about courthouses and jails; further providing for joining with municipality in improving certain streets and highways and for parks and comfort houses; amending provisions relating to monuments and memorials; further providing for acquiring of property for certain purposes and for authority to provide for morgues; amending provisions relating to bridges, viaducts, culverts, roads and recreation places; and making editorial changes.

### APPROPRIATIONS.

**HB 1470, PN 4226 (Amended)**

By Rep. ARGALL

An Act amending the act of July 22, 1974 (P.L.589, No.205), known as the Unfair Insurance Practices Act, further providing for definitions, for unfair acts and for exclusions.

### APPROPRIATIONS.

**HB 2035, PN 4227 (Amended)**

By Rep. ARGALL

An Act providing for minimum energy efficiency standards for certain appliances and equipment; and providing for the powers and duties of the Pennsylvania Public Utility Commission and of the Attorney General.

### APPROPRIATIONS.

**HB 2606, PN 3847**

By Rep. ARGALL

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for removal of vehicles from certain accident scenes where no serious personal injury has occurred.

### APPROPRIATIONS.

**HB 2719, PN 4228 (Amended)**

By Rep. ARGALL

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for waiting period after application for marriage license.

### APPROPRIATIONS.

**HB 2722, PN 4102**

By Rep. ARGALL

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, further providing for compensation laws allowed to General Assembly relating to medical professional liability actions.

### APPROPRIATIONS.



**SB 922, PN 1438**

By Rep. ARGALL

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for custodial care facilities.

## APPROPRIATIONS.

**SB 1052, PN 1704**

By Rep. ARGALL

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Erie-Western Pennsylvania Port Authority and to Robert L. and Karen N. Doult, Leona B. Disbrow, Louise F. Waller, Mary Schabacker, Paul D. and Mary Ann Brugger, and Ralph and Janet Toland, Sr., certain lands situate in the City of Erie, County of Erie.

## APPROPRIATIONS.

**SB 1100, PN 1573**

By Rep. ARGALL

An Act amending the act of May 22, 1933 (P.L.853, No.155), known as The General County Assessment Law, further providing for valuation of property.

## APPROPRIATIONS.

**SB 1102, PN 1764 (Amended)**

By Rep. ARGALL

An Act amending Titles 12 (Commerce and Trade) and 64 (Public Authorities and Quasi-Public Corporations) of the Pennsylvania Consolidated Statutes, providing for water supply and wastewater infrastructure capitalization; authorizing debt; defining "investor-owned water or wastewater enterprise"; and providing for Water Supply and Wastewater Infrastructure Program.

## APPROPRIATIONS.

**SB 1139, PN 1757**

By Rep. ARGALL

An Act amending the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act, further providing for definitions, for application of act, for adoption of regulations, for administration and enforcement, for changes in Uniform Construction Code and for exemptions.

## APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****SB 1040, PN 1762 (Amended)**

By Rep. ARGALL

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

## APPROPRIATIONS.

**SB 1042, PN 1763 (Amended)**

By Rep. ARGALL

An Act establishing the Pennsylvania Energy and Pollution Reduction Program; establishing the Office of Energy and Pollution Reduction within the Department of Environmental Protection;

providing an Environmental Compliance Report Card; and establishing the Rachel Carson Environmental Excellence Award.

## APPROPRIATIONS.

**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 2722, PN 4102; and SB 1102, PN 1764.****RECESS**

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

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE  
(SCOTT A. PETRI) PRESIDING****BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND  
RECOMMITTED TO COMMITTEE ON RULES****HB 2744, PN 4159**

By Rep. CLYMER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, reenacting provisions relating to comparative negligence; and making a repeal.

## STATE GOVERNMENT.

**BILL REPORTED FROM COMMITTEE,  
CONSIDERED FIRST TIME, AND TABLED****SB 1039, PN 1744**

By Rep. CLYMER

An Act amending Title 65 (Public Officers) of the Pennsylvania Consolidated Statutes, clarifying the definition of "agency."

## STATE GOVERNMENT.

**ANNOUNCEMENT BY  
SPEAKER PRO TEMPORE**

The SPEAKER pro tempore. There is no need for the members to report to the floor at this time. We will notify you in approximately a half an hour.

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Argall, who calls for a meeting of the Appropriations Committee in room 245 at 11:30.

There will be a meeting of the Appropriations Committee in room 245 at 11:30.

### **BILL REMOVED FROM TABLE**

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1039 be taken off the table.

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

### **BILL RECOMMITTED**

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

Mr. S. SMITH. Mr. Speaker, I move that SB 1039 be recommitted to the Appropriations Committee.

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

### **RECESS**

The SPEAKER pro tempore. The House will stand in recess until 11:40.

### **AFTER RECESS**

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

### **THE SPEAKER PRO TEMPORE (PATRICIA H. VANCE) PRESIDING**

#### **CHAMBERSBURG AREA SENIOR HIGH SCHOOL BASEBALL TEAM PRESENTED**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Franklin County, Mr. Coy, for the purpose of a citation presentation.

Would the members please take their seats. Would members please take their seats.

The gentleman, Mr. Coy, is recognized.

Mr. COY. Thank you, Madam Speaker.

Madam Speaker, I am very pleased today to introduce the Chambersburg Area Senior High School Trojan baseball team. These gentlemen were the winners of the PIAA Class AAA championships. The Trojans ended their banner year with a 25-and-4 record, the first AAA team to bring home three State titles since the playoffs began in 1977. The previous championships were in 1984 and 1999. In the states the Trojans outscored their opponents 33 to 11. Their 12-and-5 win in the championship game was highlighted by the 9 runs they scored in the fourth inning.

I also want to indicate that the rest of the team is in the back, but up front here we have Andy Carter, who is a catcher; Ryan Hinkle, the pitcher; Drew McGwin, outfielder; and Irvin Sleighter, the pitcher, and the rest of the team is in the back.

And, members of the House, I want to introduce you to the coach of the team, who is in the back, and I have asked him to stand up. Bob Thomas has coached this Chambersburg baseball team for 40 years, and quite, quite an accomplishment for public education athletics. So if you could join me in congratulating this championship Trojan baseball team from Chambersburg.

Thank you, Madam Speaker.

### **GUEST INTRODUCED**

The SPEAKER pro tempore. The Chair is pleased to welcome to the hall of the House Granger Bowman, a former candidate for Pennsylvania Superior Court judge, who is the guest of Representative Matt Baker and the Speaker pro tempore. Would the gentleman please rise.

### **APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER pro tempore. The Appropriations Committee will reconvene their meeting at 1 p.m. in room 245. Again, the Appropriations Committee will reconvene their meeting in room 245 at 1 p.m., 1 p.m.

Are there any caucus announcements?

### **VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS COMMITTEE MEETING**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Lehigh County, Mr. Semmel.

Mr. SEMMEL. Thank you, Madam Speaker.

I want to announce a Veterans Affairs and Emergency Preparedness Committee meeting at 1 o'clock in room 148; Veterans Affairs and Emergency Preparedness, 1 o'clock, room 148.

The SPEAKER pro tempore. Again, the Veterans Affairs Committee will meet at 1 o'clock in room 148.

### **REPUBLICAN CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the gentlelady from Chester County, Mrs. Taylor.

Mrs. TAYLOR. Thank you, Madam Speaker.

The Republican majority caucus will meet at the break for an informal, informal caucus and a formal caucus at noon in the majority caucus room.

Thank you, Madam Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

### **DEMOCRATIC CAUCUS**

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. Cohen, for the purpose of a caucus announcement.

Mr. COHEN. Thank you, Madam Speaker.

Madam Speaker, the Democratic Caucus will have informal discussions immediately upon the call of the recess. We will have a caucus at 2 o'clock. We will be going over four bills that are on concurrence as well as possibly other things.

The SPEAKER pro tempore. The Chair would like to inform the gentleman that we plan to return to the floor of the House at 2 p.m.

Mr. COHEN. Okay. In that case, Madam Speaker, we will have our caucus to go over the bills on concurrence at 1:30 p.m.; 1:30 p.m. to go over the bills on concurrence plus informal discussions immediately.

The SPEAKER pro tempore. The Chair thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence on the floor of the House of the gentleman, Mr. Metcalfe, and his name will be added to the master roll call.

### RECESS

The SPEAKER pro tempore. This House now stands in recess until 2 p.m., 2 p.m.

### AFTER RECESS

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

### JUDICIARY COMMITTEE MEETING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Philadelphia, Mr. O'Brien, for a committee meeting.

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

There will be a meeting of the Judiciary Committee immediately in the rear of the House.

The SPEAKER pro tempore. There will be an immediate meeting of the Judiciary Committee in the rear of the hall of the House. Would all Judiciary Committee members please report immediately.

### BILL REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

**SB 689, PN 1778** (Amended) By Rep. ARGALL

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further regulating duties of Department of Community and Economic Development; providing for definitions, for collection of cash deposits by public utilities as a condition of provision or reconnection of services and for procedures for notice of termination of utility service; authorizing the Pennsylvania Public Utility Commission to mediate payment agreements and accept customer complaints; providing for landlord duties, for tax increment districts and keystone opportunity zones, for reporting of delinquent customers and for reporting of recipients of public assistance; and abrogating certain regulations and ordinances of first class cities relating to public utilities.

### APPROPRIATIONS.

The SPEAKER pro tempore. The House will be at ease momentarily.

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

**SB 217, PN 1758** By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for the Pennsylvania Commission on Sentencing; further providing for intermediate punishment guidelines; providing for State intermediate punishment guidelines; further providing for sentencing generally, for partial confinement, for total confinement, for intermediate punishment and for modification of intermediate punishment; providing for revocation of State intermediate punishment; further providing for county intermediate punishment; providing for State intermediate punishment; codifying provisions relating to reporting functions of the Department of Corrections; making a repeal related to the codification; and making editorial changes.

### JUDICIARY.

**SB 679, PN 1549** By Rep. O'BRIEN

An Act amending the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, prohibiting possession or transporting of liquefied ammonia gas under certain circumstances; prohibiting possession of certain precursors and chemicals used in the manufacture of controlled substances; and imposing duties and responsibilities relating to clandestine drug laboratories upon the Pennsylvania State Police.

### JUDICIARY.

**SB 979, PN 1779** (Amended) By Rep. O'BRIEN

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for declaration of policy; defining "contemporaneous alternative method"; repealing provisions relating to videotaped depositions by a child victim or child material witness; further providing for recorded testimony, for testimony by contemporaneous alternative methods, for admissibility of certain statements, for hearsay, for use of dolls, for child victims of sexual or physical abuse and for comparative negligence.

### JUDICIARY.

### BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND RECOMMITTED TO COMMITTEE ON RULES

**HB 56, PN 4242** (Amended) By Rep. SEMMEL

An Act providing a bonus to Pennsylvanians who are United States Merchant Marine veterans who served during World War II; imposing certain duties on the Adjutant General; providing penalties; and making an appropriation.

### VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS.

**HB 2655, PN 3954**

By Rep. O'BRIEN

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

JUDICIARY.

**BILLS AND RESOLUTIONS PASSED OVER**

The SPEAKER pro tempore. Without objection, any remaining bills and resolutions on today's calendar will be passed over. The Chair hears no objection.

**ADJOURNMENT**

The SPEAKER pro tempore. The Chair recognizes the gentleman from McKean County, Mr. Causer.

Mr. CAUSER. Madam Speaker, I move that this House do now adjourn until Wednesday, June 30, 2004, at 2:20 p.m., e.d.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 2:19 p.m., e.d.t., Wednesday, June 30, 2004, the House adjourned.