HOUSE OF REPRESENTATIVES

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

THE SPEAKER (SAMUEL H. SMITH)
PRESIDING

PRAayer

HON. SID MICHAELS KAVULICH, member of the House of Representatives, offered the following prayer:

Father in Heaven, during these days of celebration of the anniversary of Your making of our world, You take stock of all that You have created. In these 10 days of awe, celebrated all over the world by people of the Jewish faith, let us all join together and look at what we have done and how we can repent to make ourselves more like You in all ways.

As we come together in these hallowed chambers, let us take stock of ourselves and look at how we act, what we say, and how we live in accordance with Your laws.

We ask for Your guidance, Father, in governing the people of this great Commonwealth and beg You to give us the strength to make the decisions that sometimes are extremely difficult, the wisdom to know what is right and what is wrong and what is best for the people of Pennsylvania, the compassion for those who are suffering and who look to us as legislators for hope, the love that You have commanded us to have for all our fellow human beings.

Father, You do nothing without purpose. May we realize that purpose and conduct our daily lives in a way that will make us pleasing and acceptable to You. May Your hand guide us and Your light lead us, that we will have Your purpose in our hearts and in our minds and we will one day see You as You are, the Almighty, all-knowing God of all creation.

And we ask all of this in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. However, the following Journals are in print and, without objection, will be approved:

Tuesday, June 14, 2011;
Wednesday, June 15, 2011;
Thursday, June 16, 2011; and
Friday June 17, 2011.

JOURNAL APPROVAL POSTPONED

No. 423

By Representatives PETRI, SCAVELLO, GINGRICH, MILLARD, MURT, O’NEILL, REICHLEY, TOOHIL, SCHRODER, KAUFFMAN, WATSON, BRADFORD, CUTLER, MILNE and GROVE

A Resolution directing the Legislative Budget and Finance Committee to study existing State aid funding formulas.

Referred to Committee on APPROPRIATIONS, September 29, 2011.

No. 424

By Representatives GODSHALL, METCALFE, AUMENT, BAKER, BLOOM, BOYD, CAUSER, CLYMER, COX, CREIGHTON, CUTLER, ELLIS, EMRICK, FLECK, GIBBONS, GILLEN, GRELLE, HAHN, HAHM, HARRIS, HEEFFLEY, KAUFFMAN, MILLARD, MILLER, MOUL, MULLERY, PAYNE, PERRY, READSHAW, REICHLEY, ROCK, SAINATO, SAYLOR, SCAVELLO, CULVER, SCHRODER, STERN, TALLMAN, TOEPEL, TOOHIL, TURZAI, VEREB, GROVE, VULAKOVICH and GEIST

A Resolution urging the Senate of the United States to oppose the United Nations’ arms trade treaty if it restricts the rights of Pennsylvania citizens under either the Second Amendment to the United States Constitution or Article I, Section 21 of the Pennsylvania Constitution.

Referred to Committee on STATE GOVERNMENT, October 3, 2011.
**HOUSE BILLS INTRODUCED AND REFERRED**

**No. 13** By Representatives HUTCHINSON and RAPP

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for local ordinances.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 3, 2011.

**No. 14** By Representatives PASHINSKI, BRENNAN, BRIGGS, CALTAGIRONE, CARROLL, DAVIS, DeLUCA, FABRIZIO, HARKINS, HORNAMAN, JOSEPHS, W. KELLER, KOTIK, MAHONEY, MARSHALL, MILLARD, MOUL, MURPHY, MURT, QUINN, READSHAW, SABATINA, K. SMITH, STABACK, STURLA and THOMAS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "maintaining a place of business in this Commonwealth" and for the collection of tax.

Referred to Committee on FINANCE, October 3, 2011.

**No. 16** By Representatives PASHINSKI, BRIGGS, CALTAGIRONE, CARROLL, CURRY, DAVIS, DePASQUALE, FABRIZIO, FARRY, HARKINS, JOSEPHS, KOTIK, KULA, MURT, NEUMAN, SANTARSIERO, SANTONI, K. SMITH, THOMAS and WHITE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, providing for living wills and advance directives discount.

Referred to Committee on INSURANCE, October 3, 2011.

**No. 17** By Representatives WATSON, CLYMER, DiGIROLAMO, MURT, O’NEILL, PETRI and QUINN

An Act designating the Pickertown Road Bridge carrying Pickertown Road over the U.S. Route 202 Parkway in Warrington Township, Bucks County, as the Robert V. Cotton Bridge.

Referred to Committee on TRANSPORTATION, October 3, 2011.

**No. 1801** By Representatives DAVIS, HANNA, BOBACK, BROOKS, CALTAGIRONE, DALEY, DeLUCA, DONATUCCI, EVERETT, GEIST, GEORGE, GODSHALL, HESS, HORNAMAN, KULA, MAHONEY, MOUL, MURT, READSHAW, REICHLEY, SANTARSIERO and YOUNGBLOOD

An Act amending the act of March 4, 1970 (P.L.128, No.49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for the display of the official POW/MIA flag.

Referred to Committee on STATE GOVERNMENT, October 3, 2011.

**No. 1860** By Representatives SACCOME, BLOOM, EVANKOVICH, REESE, AUMENT, BAKER, BROOKS, R. BROWN, CAUSER, CREEHTON, CUTLER, DENLINGER, DUNBAR, GABLER, GREGELY, GILLEN, GROVE, HARHART, HESS, HUTCHINSON, F. KELLER, KNOWLES, MALONEY, MARSHALL, METCALFE, METZGAR, MUSTIO, NEUMAN, OBERLANDER, PERRY, QUIGLEY, RAPP, READSHAW, ROAE, ROCK, SAYLOR, SCHRODER, SIMMONS, STEVENSON, SWANGER, TOBASH, TURZAI, VEREB, VULAKOVICH, KOTIK, KORTZ, WHITE and GEIST

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for use of force in self-protection.

Referred to Committee on JUDICIARY, October 3, 2011.

**No. 1880** By Representatives ADOLPH, MUNDY, HENNESSEY, DENLINGER, DePASQUALE, SONNEY, BARBIN, BARRAR, BOBACK, CARROLL, COHEN, D. COSTA, DALEY, DAVIDSON, DeLUCA, DiGIROLAMO, DONATUCCI, DUNBAR, FABRIZIO, GALLOWAY, GEORGE, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GROVE, HARHART, HARKINS, HARRER, HESS, HORNAMAN, JOSEPHS, F. KELLER, M. K. KELLER, W. KELLER, KILLION, KORTZ, KOTIK, MARSHALL, MICOZZIE, MILNE, MULLERY, MURPHY, MURT, M. O'BRIEN, PASHINSKI, PETRI, RAVENSTAHL, ROEBUCK, SAINATO, SANTONI, SIMMONS, STERN, THOMAS, WATSON, YOUNGBLOOD, PRESTON and MANN

An Act amending the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, providing for professional nurse staffing standards.

Referred to Committee on HEALTH, September 29, 2011.

**No. 1881** By Representatives WAGNER, V. BROWN, BROWNLEE, D. COSTA, FABRIZIO, FLECK, GEIST, GROVE, JOSEPHS, KORTZ, KULA, MIRABITO, MURT, M. O'BRIEN, PASHINSKI, SWANGER and DONATUCCI

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

Referred to Committee on LOCAL GOVERNMENT, October 3, 2011.

**No. 1882** By Representatives PRESTON, GEORGE, GODSHALL, BARBIN, BROWNLEE, CALTAGIRONE, FABRIZIO, MILLER, YOUNGBLOOD and DONATUCCI

An Act providing for the Cell Tower and Antenna Siting on Commonwealth Property Act; and imposing duties on the Office of Administration.

Referred to Committee on CONSUMER AFFAIRS, September 29, 2011.
An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for donated dental services.

Referred to Committee on FINANCE, September 29, 2011.

No. 1884 By Representatives STERN and FLECK

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Tyrone certain land and improvements situate in the Borough of Tyrone, Blair County, known as the Tyrone Armory.

Referred to Committee on STATE GOVERNMENT, September 29, 2011.

No. 1885 By Representatives K. BOYLE, McGEEHAN, BARBIN, D. COSTA, DONATUCCI, FABRIZIO, GOODMAN, JOSEPHS, KORTZ, KULA, MAHONEY, PAYTON, SABATINA, V. BROWN, GEORGE, HALUSKA, MURT, READSHAW, TAYLOR and B. BOYLE

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, providing for narcotic treatment programs.

Referred to Committee on HUMAN SERVICES, September 29, 2011.

No. 1886 By Representatives SACCON E, DALEY, AUMENT, BENNINGHOFF, BRADFORD, BROOKS, CAUSER, CLYMER, CUTLER, DENLINGER, DigiROLAMO, FARRY, FLECK, GABLER, GEORGE, GILLEN, GROVE, HAHN, HAHAI, HAHART, HEFFLEY, HELM, HENNESSE Y, HESS, KNOWLES, MAHER, MAJOR, MALONEY, MARSHALL, METZGAR, MICCARELLI, MILLARD, MOUL, MULLERY, O'NEILL, PERRY, RAPP, ROAE, ROCK, SAYLOR, SONNEY, STEVENSON, VULAKOVICH and YOUNGBLOOD

An Act designating the bridge carrying State Route 136 over the Monongahela River connecting Forward Township, Allegheny County, to the City of Monongahela, Washington County, as the General Carl E. Vuono Bridge.

Referred to Committee on TRANSPORTATION, October 3, 2011.

No. 1888 By Representatives DeLUCA, M. O'BRIEN, D. COSTA, FABRIZIO, KOTIK, BROWNLEE, CALTAGIRONE, GILLESPIE, DALEY, THOMAS, MOUL, QUINN, STURLA, MUNDY and DAVIS

An Act amending Title 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, providing for vehicle storage facilities and for vehicle towing and booting; and imposing duties on the Department of Transportation.

Referred to Committee on TRANSPORTATION, October 3, 2011.

No. 1890 By Representatives HANNA, BRENNAN, CALTAGIRONE, CARROLL, D. COSTA, DigiROLAMO, EVERETT, FABRIZIO, JOSEPHS, KORTZ, KULA, MAHONEY, MILLARD, MILNE, MIRABITO and YOUNGBLOOD

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Centre County Industrial Development Corporation certain lands situate in Benner Township, Centre County.

Referred to Committee on STATE GOVERNMENT, October 3, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 957, PN 1535
Referred to Committee on PROFESSIONAL LICENSURE, October 3, 2011.

SB 967, PN 1536
Referred to Committee on PROFESSIONAL LICENSURE, October 3, 2011.

SB 1167, PN 1604
Referred to Committee on JUDICIARY, October 3, 2011.

COMMUNICATION FROM PHILADELPHIA PARKING AUTHORITY

The SPEAKER. The Speaker acknowledges receipt of the Philadelphia Parking Authority Fiscal Year 2011 Audit Report pursuant to Act 94 of 2004.

(Copy of communication is on file with the Journal clerk.)
LEAVES OF ABSENCE

The SPEAKER. The Speaker is about to take the leaves of absence. Are there requests for leaves?

The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the day, and the gentleman, Mr. John TAYLOR, from Philadelphia County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. BRIGGS, from Montgomery County for the day; the gentleman, Mr. Dwight EVANS, from Philadelphia County for the day; and the gentleman, Mr. SAMUELSON, from Northampton County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT–198

Adolph  Dunbar  Kirkland  Quinn
Aumont  Ellis  Knowles  Rapp
Baker   Emrick  Kortz  Ravenstahl
Barbin  Evankovich  Kotik  Readshaw
Barrar  Evans, J.  Krieger  Reed
Bear    Everett  Kula  Reese
Benninghoff  Fabrizio  Lawrence  Reichley
Bishop  Farrey  Longietti  Roak
Bloom   Fleck  Maher  Rock
Boback  Frankel  Mahoney  Roebuck
Boyd    Freeman  Major  Ross
Boyle, B.  Gabler  Maloney  Sabatina
Boyle, K.  Gallaway  Mann  Saccone
Bradford Geiss  Markosek  Sainato
Brennan George  Marshall  Santarsiero
Brooks  Gerber  Marsico  Santoni
Brown, R.  Gergely  Masser  Saylor
Brown, V.  Gibbons  Matzie  Scavello
Brownlee  Gillen  McGeehan  Schroeder
Burns   Gillespie  Metcalfe  Simmons
Buxton  Gingrich  Metzgar  Shapiro
Caltagirone Godshall  Miccarelli  Smith, K.
Carroll  Goodman  Miccozzi  Smith, M.
Causer  Grell  Millard  Sonney
Christiana Grove  Miller  Staback
Clymer  Hackett  Milne  Stephens
Cohen   Hahn  Mirabito  Stern
Conklin Halaska  Moul  Stevenson
Costa, D.  Hanna  Mullery  Sturla
Costa, P. Harhai  Mundy  Swanger
Cox     Harhart  Murphy  Tallman
Creighton Harkins  Murt  Thomas
Cruz    Harper  Mustio  Tobash
Culver  Harris  Myers  Toepel
Curry   Hefley  Neuman  Toohil
Cutler  Heln  O'Brien, M.  Trout
Daley   Hennessy  O'Neill  Turzai
Davidson Hess  Oberlander  Vreb
Davis   Hickernell  Parker  Vitali
Day     Hronman  Pazinski  Vukalovich
Deasy   Hutchinson  Payne  Wagner
DeLissio Johnson  Payton  Waters
DeLosier Josephs  Peifer  Watson
DeLuca  Kampf  Perry  Wheatley
Denlinger Kaufman  Petrarca  White
DePasquale Kavulich  Petri  Williams

ADDITIONS–0
NOT VOTING–0
EXCUSED–5

Briggs  O'Brien, D.  Samuelson  Taylor

LEAVES ADDED–2
Maher  Shapiro

LEAVES CANCELED–2

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

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, we would like to recognize some of the guests we have with us in the hall of the House today.

Located to the left of the rostrum, we welcome Darran and Phyllis Sudman. They are cofounders of Simon's Fund, and members of their family are Sally and Jaden Sudman and Ellen Satinsky, and they are here as guests of Representative Mike Vereb. Will the guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum, as a guest of Representative Cutler, we would like to welcome Ainsley Howze. Shawn is a junior at Mansfield University majoring in communications, and he is actually interning in the Speaker's Office this semester. Welcome, Shawn.

And some additional guests we have with us up in the balcony, as guests of Representative Paul Clymer and other members of the General Assembly, some AFS (American Field Service) exchange students. These students are here from countries like Germany, Mali, Indonesia, Thailand, and also their AFS volunteer, Carol Mattes is with them. Will our guests please rise. Welcome to the hall of the House.

NATIONAL FUTURE BUSINESS LEADERS OF AMERICA SPEAKING AND DEBATE WINNERS

The SPEAKER. If we could have the members' attention, please.

We would like to invite Representative Kurt Masser to the rostrum for the purpose of presenting a citation to the national winners of the "Emerging Business Issues" event, a Future Business Leaders of America speaking and debating contest.
Mr. MASSER. Thank you, Mr. Speaker.

It certainly is my honor to recognize and honor two outstanding young gentlemen from my district, Danville High School sophomores Ben Fait and Ryan Conrad, on the National Future Business Leaders of America competition by defeating 55 other State and regional champions in a competitive speaking and debating event at the week-long National FBLA Leadership Conference in Orlando, Florida, in late June 2011.

Their event, "Emerging Business Issues," provides FBLA members with an opportunity to develop and demonstrate skills in researching and presenting a contemporary business issue. This year's topic was focused on government subsidies for green technology. Fait and Conrad had to be prepared to argue in the affirmative that, yes, the government should offer incentives in order to encourage business to build green and be prepared to argue the negative that, no, the government should not subsidize overhead costs of businesses that have built or operate in an environmentally efficient manner.

The event is based on team rather than individual participation. In addition to learning research skills, team participants develop speaking ability and poise through oral presentations. Students must be prepared to debate both sides of the topic. Twenty minutes before the presentation, students drew the side of the argument they would be advocating. After their 5-minute presentation, a panel of judges, including business leaders and educators, cross-examined the speakers for a maximum of 3 minutes. Evaluations were based on the thoroughness of their advocacy and the effectiveness of their delivery.

Fait and Conrad won a regional competition earlier this year at Bloomsburg University and the State championship in this event awarded at the FBLA State Leadership Conference in Hershey in April. They competed in Orlando this summer with teams of students from across the nation. By placing first they were awarded the national championship and a $750 scholarship award.

The FBLA National Leadership Conference drew more than 6,000 high school students to the Orlando Hilton to participate in over 50 competitive and skills events from the areas of technology, public speaking, business, finance, and management.

Laurie Allison is the adviser of the FBLA chapter at Danville High School and Michael Nailor is the forensics team coach. Both Allison and Nailor have accompanied the team through the various levels of competition.

FBLA is the largest business career student organization in the world. The high school division has 215,000 members nationwide. The FBLA National Awards Program recognizes and rewards excellence in a broad range of business and career-related areas. Through State-based competition at the spring State Leadership Conferences, the students compete in events testing their business knowledge and skills. Top State winners are then eligible to compete for honors at the National Leadership Conference. The FBLA concept was developed in 1937 by Dr. Hamden L. Forkner of Columbia University.

Ben Fait and Ryan Conrad are also active members of the Danville High School's speech and debate team. As a team last year, they qualified to the National Forensic League competition in Dallas, Texas, by defeating teams from all of eastern Pennsylvania. They qualified for the National Catholic Forensic League competition in Washington, DC, by beating teams from northeast Pennsylvania. At the State competition of the Pennsylvania High School Speech League, Ryan and Ben placed in the top eight teams in the State. The team won more than 50 interscholastic debates and lost less than 10 on their way to compiling the best record of any Danville High School debate team.

Ben and Ryan have both been named AP (Advanced Placement) Scholars and are members of the National Honor Society. Ben is currently ranked number 1 in his class of 155 and Ryan is number 7. In future plans Ryan would like to study physics at the University of Chicago and Ben hopes to study both biology and philosophy at the University of Pennsylvania.

And it is my honor to congratulate both of these young men for their accomplishments.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If I could have the members' attention, I wanted to make one other announcement of a personal nature.

Representative Dave Maloney became a grandfather for the first time when Connor Jay Johnston was born Friday, September 30, to his daughter, Caitlin, and husband, Jonathan. So congratulations to Representative Maloney.

ANNOUNCEMENT BY MR. BAKER

The SPEAKER. For the purpose of making an announcement, the gentleman from Tioga, Mr. Baker, is recognized.

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

I am pleased to announce that one of our very nice, capable, intelligent lawyers in the Republican Caucus recently had a baby girl. Whitney Krosse, who was our 1996 Olympian, competed in the Olympics in 1996, she had her third child. It is a baby girl, and her name is Bryn Amelia Krosse and weighed in at 7 pounds 15 ounces and 20 1/2 inches long. Congratulations, Whitney.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. SCAVELLO called up HR 385, PN 2360, entitled:

A Resolution designating the week of October 10 through 14, 2011, as "DECA Week" in Pennsylvania.

* * *

Mr. ROEBUCK called up HR 386, PN 2361, entitled:

A Resolution designating the month of October 2011 as "Parent Involvement Month" in Pennsylvania.

* * *
Mr. ROEBUCK called up HR 405, PN 2396, entitled:

A Resolution designating the month of October 2011 as "Disability Employment Awareness Month" in Pennsylvania.

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Mr. DePASQUALE called up HR 416, PN 2434, entitled:

A Resolution designating the month of November 2011 as "Hydrocephalus Awareness Month" in Pennsylvania.

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Mr. MYERS called up HR 417, PN 2435, entitled:

A Resolution recognizing September 2011 as "Hunger Action Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS–198

Adolph Dunbar Kirkland Quinn
Aument Ellis Knowles Rapp
Baker Emrick Kortz Ravinshall
Barbin Evankovich Kotik Readshaw
Barrar Evans, J. Krieger Reed
Bear Everett Kula Reese
Benninghoff Fabrizio Lawrence Rechley
Bishop Farry Longietti Roae
Bloom Fleck Maher Rock
Boback Frankel Mahoney Roebuck
Boyd Freeman Major Ross
Boyle, B. Gabler Maloney Sabatina
Boyle, K. Gallaway Mann Sacsone
Bradford Geist Markosek Sainato
Brennan George Marshall Santarsiero
Brooks Gerber Marsico Santoni
Brown, R. Gergely Masser Saylor
Brown, V. Gibbons Matzie Scavello
Brownlee Gillen McGeehan Schroder
Burns Gillespie Metcalfe Shapiro
Buxton Gingrich Metzgar Simmons
Caltagirone Godshall Miccarelli Smith, K.
Carroll Goodman Micozzi Smith, M.
Causer Grell Millard Sonney
Christiana Grove Miller Staback
Climer Hackett Milne Stephens
Cohen Hahn Mirabito Stern
Conklin Haluska Moul Stevenson
Costa, D. Hanna Mullery Sturla
Costa, P. Harhai Mundy Swanger
Cox Harhart Murphy Tallman
Creighton Harkins Murt Thomas
Cruz Harper Mustio Tobash
Culver Harris Myers Toepel
Curry Heffley Neuman Tooil
Cutler Helm O'Brien, M. Truitt
Daley Hennessey O'Neill Turzai
Davidson Hess Oberlander Veb
Davis Hickel Villali
Day Horman Pashinski Vulakovitch
Deasy Hutchinson Payne Wagner
DeLissio Johnson Payton Waters
DeLozier Josephs Peifer Watson
DeLuca Kampf Perry Wheatley
Denlinger Kaufman Petrarca White
DePasquale Kavulich Petri Williams
Dermody Keller, F. Pickett Youngblood

DeWeese Keller, M.K. Preston
DiGirolamo Keller, W. Pyle Quigley
Donatucci Killion Smith, S., Speaker

NAYS–0

NOT VOTING–0

EXCUSED–5

Briggs O'Brien, D. Samuelson Taylor
Evans, D.

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. For the purpose of making an announcement, the Speaker recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate Appropriations Committee meeting in the majority caucus room upon the break. Thank you.

The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room at the break.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce the Republicans will caucus today at 1:45. I would ask our Republican members to please report to our caucus room at 1:45. We would be prepared to come back on the floor, Mr. Speaker, at 3 p.m. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. For the purpose of a Democratic caucus announcement, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1:45; caucus at 1:45. Thank you.

RECESS

The SPEAKER. Seeing no further business, this House stands in recess until 3 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

The time of recess having expired, the House was called to order.
BILLS REREPOR TED FROM COMMITTEE

HB 823, PN 856  By Rep. ADOLPH
An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; and, in planned residential development, further providing for application for final approval.

HB 1192, PN 1297  By Rep. ADOLPH
An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

HB 1236, PN 1355  By Rep. ADOLPH
An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

HB 1237, PN 1356  By Rep. ADOLPH
An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

HB 1438, PN 2085  By Rep. ADOLPH
An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

HB 1582, PN 2440  By Rep. ADOLPH
An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

HB 1610, PN 2441  By Rep. ADOLPH
An Act establishing standards for preventing sudden cardiac arrest and death in student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

SB 389, PN 1200  By Rep. ADOLPH
An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in vocational education, further providing for the definition of "vocational agricultural education."

APPROPRIATIONS.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

HB 709, PN 723  By Rep. MILLER
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions; and providing for school district options.

HB 1191, PN 1304  By Rep. MILLER
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, excluding political subdivisions from the act; and authorizing optional prevailing wage ordinances.

HB 1271, PN 2467 (Amended)  By Rep. MILLER
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions.

HB 1329, PN 2468 (Amended)  By Rep. MILLER
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, raising the threshold for applicability.

HB 1541, PN 1890  By Rep. MILLER
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions.

HB 1685, PN 2469 (Amended)  By Rep. MILLER
An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions; and providing for duties of department.

CALENDAR

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of SB 105, PN 982, entitled:

An Act providing for the establishment of a searchable budget database-driven Internet website detailing certain information concerning taxpayer expenditures and investments.
On the question,  
Will the House agree to the bill on second consideration?  

**BILL RECOMMITTED**  
The SPEAKER. The Speaker recognizes the majority leader,  
who moves that SB 105 be recommitted to the Rules Committee.  

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

**BILL RECOMMITTED**  
The SPEAKER. The Speaker recognizes the majority leader,  
who moves that SB 858 be recommitted to the Rules Committee.  

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

**BILL RECOMMITTED**  
The SPEAKER. The Speaker recognizes the majority leader,  
who moves that SB 227 be recommitted to the Rules Committee.  

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

**BILL RECOMMITTED**  
The SPEAKER. The Speaker recognizes the majority leader,  
who moves that SB 314 be recommitted to the Transportation Committee.  

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

**BILLS ON SECOND CONSIDERATION**  
The House proceeded to second consideration of HB 1326,  
PN 1505, entitled:  

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for adoption of preliminary budget proposals and for public referendum requirements for increasing certain taxes; providing for public referendum requirements for increasing certain taxes; and further providing for tax relief.  

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

**BILL RECOMMITTED**  
The SPEAKER. The Speaker recognizes the majority leader,  
who moves that HB 1326 be recommitted to the Rules Committee.  

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

**BILL RECOMMITTED**  
The SPEAKER. The Speaker recognizes the majority leader,  
who moves that SB 314 be recommitted to the Transportation Committee.  

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

**LEAVES OF ABSENCE CANCELED**  
The SPEAKER. The Speaker turns to leaves of absence and  
notices the presence of the gentleman from Northampton,  
Mr. Samuelson, on the floor of the House as well as the  
gentleman from Montgomery, Mr. Briggs, on the floor of the House. Their names will be added to the master roll call.
LEAVE OF ABSENCE

The SPEAKER. The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman from Allegheny County, Mr. MAHER, for the remainder of the day. Without objection, the leave will be granted.

RESOLUTION PURSUANT TO RULE 35

Mr. CLYMER called up HR 408, PN 2412, entitled:

A Resolution commemorating the 300th anniversary of the birth of Henry Melchior Muhlenberg.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that resolution, the Speaker recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, HR 408 commemorates the 300th anniversary of the birth of Henry Melchior Muhlenberg. He was born September 6, 1711, in Einbeck, Germany. He is considered the patriarch of the Lutheran Church in America. In 1742 he emigrated to North America in response to a request from Lutherans in Pennsylvania to assist in providing trained clergy for the German Lutheran churches here in Pennsylvania.

Mr. Speaker, in 1742 Henry Muhlenberg founded the Old Trappe Church located in Trappe, Pennsylvania, and I understand the facilities—

The SPEAKER. Will the gentleman suspend for a second.

If we could have the members' attention, please. I appreciate it if the members would take their seats and hold the conversations to a minimum.

The Speaker thanks the members.

The gentleman, Mr. Clymer, may proceed.

Mr. CLYMER. It is my understanding that the first early Lutheran Church is in existence even today.

Shortly after arriving in Pennsylvania, Henry Melchior Muhlenberg married Anna Maria Weiser, the daughter of colonial leader Conrad Weiser. The couple had 11 children and founded the Muhlenberg family dynasty, where generations were very active in the military, politics, academia, and ministry. For example, of their children three sons entered the ministry and became prominent in other fields as well. Their son, Peter, became a Major General in the Continental Army and later was elected to the U.S. Congress. Frederick served as the first Speaker of the House in the U.S. Congress after his election to office. Henry, Jr., became pastor of the Zion Lutheran Church in Oldwick, New Jersey. Henry Ernst was an early scientist and the first president of Franklin College, now known as Franklin & Marshall. Their daughter, Elisabeth, married future Governor of Pennsylvania. Maria Salome married the future U.S. Congressman, Matthias Richards. Eve married Emmanuel Shulze, and their son, John Andrew Shulze, was elected Governor of Pennsylvania. Mr. Speaker, that is just a resumé of some of the dedicated and committed service the Muhlenberg family had not only to Pennsylvania but to the United States as well.

Mr. Speaker, I have to mention, of course, that Muhlenberg College in Allentown, Pennsylvania, was also named in his honor as well, and I happen to be a proud graduate of Muhlenberg College.

Thank you, Mr. Speaker, for allowing me to share these fine thoughts about Henry Melchior Muhlenberg on the 300th anniversary of his birth. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,
Will the House adopt the resolution?

The following roll call was recorded:

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NOT VOTING | 0 |

LEGISLATIVE JOURNAL—HOUSE 1903

2011
The majority having voted in the affirmative, the question was determined in the affirmative and the resolution was adopted.

**SUPPLEMENTAL CALENDAR A**

**BILLS ON THIRD CONSIDERATION**

The House proceeded to third consideration of HB 1610, PN 2441, entitled:

An Act establishing standards for preventing sudden cardiac arrest and death in student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

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

(Bill analysis was read.)

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**

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

Thank you, Mr. Speaker.

My intent in introducing HB 1610 is to have the Pennsylvania Department of Health offer information regarding the symptoms and warning signs of Sudden Arrhythmia Death Syndrome (SADS) through its Web site.

This is not intended to be a formal training program from an outside provider, but instead informational material provided on the DOH Web site so that coaches may review and become familiar with the symptoms and warning signs of SADS on an annual basis.

For this reason the training required under HB 1610 should have no fiscal impact on coaches or school districts.

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—199

Adolph—Dunbar
Aument—Ellis
Baker—Emrick
Barbin—Evankovich
Barrar—Evans, J.
Bear—Everett
Benninghoff—Fabrizio
Bishop—Farry
Bloom—Fleck
Boback—Frankel
Boyle—Freeman
Boyle, B.—Gabler
Boyle, K.—Galloway
Bradford—Geist
Brennan—George
Briggs—Gerber
Brooks—Gergely
Brown, R.—Gibbons
Brown, V.—Gillen
Brownlee—Gillespie
Burns—Gingrich
Buxton—Godshall
Caltagirone—Goodman
Carroll—Grell
Causer—Grove
Christiania—Hackett
Clymer—Hahn
Cohen—Haluska
Conklin—Hanna
Costa, D.—Harhai
Costa, P.—Harhart
Cox—Harkins
Creighton—Harper
Cruz—Harris
Culver—Heffley
Cutler—Hennessey
Daley—Hess
Davidson—Hickernell
Davis—Hornaman
Day—Hutchinson
Deasy—Johnson
DeLissio—Josephs
Delozier—Kampf
DeLuca—Kauffman
Denlinger—Kavulich
DePasquale—Keller, F.
Dermody—Keller, M.K.
DeWeese—Keller, W.
DiGirolamo—Killion
Donatucci—Kozlowski

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, D. Maher O'Brien, D. Taylor

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

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

**STATEMENT BY MR. VEREB**

The SPEAKER. The gentleman, Mr. Vereb, is recognized under unanimous consent relative to the legislation the House just voted.

Mr. VEREB. Thank you, Mr. Speaker.

I want to thank my colleagues for their support, all of my colleagues who helped in some of the technical language of this legislation.

If I could have the attention of the members, I just want to thank the Sudman family, whom the Speaker introduced earlier, who is here with us on the floor today.
The SPEAKER. If we could have your attention. If the members would please take their seats and hold the conversations down. The legislation that just passed was relative to the guests that we had introduced earlier this afternoon, and they are with us now.

Mr. VEREB. Thank you, Mr. Speaker.

Darren and Phyllis Sudman are here with us today with their daughter, Sally, and son, Jaden, and Phyllis's mother, Ellen Satinsky.

This institution was first introduced to this family earlier this session, and this family started a foundation called Simon's Fund, which raises money to screen and educate our youth athletes across the Commonwealth. They have screened hundreds and hundreds of people at no charge throughout a large area of the southeastern part of Pennsylvania and have found children to have symptoms or indications that they could suffer from sudden cardiac arrest.

Colleagues, we all do great work here, but this family started this fund because of the loss of their son, Simon, and they have put their tragedy right out in the wide open for the betterment and longer productive lives of the youth in our Commonwealth.

And I just want to thank you all for your unanimous support of this bill, the chairman of the committees that ran this bill and sent it over to the Senate to hopefully get it signed into law ultimately. But I want to thank you for your support, and if you could recognize the Sudmans for being with us again here today, Mr. Speaker.

I thank you for the time.

The SPEAKER. Will our guests please rise again. Welcome again to the hall of the House, and congratulations to you for your dedication and effort.

STATEMENT BY MR. SHAPIRO

The SPEAKER. The Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro, on unanimous consent relative to the legislation just passed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I want to join the gentleman from Montgomery first to commend him on passing this important legislation but also to thank the Sudman family for bringing this issue to my attention probably about 6 years ago. And through their strength and through the inspiration that they have shared with many families throughout Montgomery County and our region relative to Simon and the tragedy that came upon their family, they have turned that tragedy really into a sense of triumph for a lot of other families in our area, making sure that families are armed with the information they need to ensure their children's safety, and now through this legislation, even more families can be touched throughout the Commonwealth of Pennsylvania.

So, Mr. Speaker, I just want to again thank the Sudman family and of course the great work that is done in Simon's Fund and lend my voice of support to them, as the gentleman from Montgomery did, and I thank the Speaker for his indulgence.

Thank you, Mr. Speaker.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same without amendment.

* * *

The House proceeded to third consideration of HB 1236, PN 1355, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

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

(Bill analysis was read.)

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  Dunbar  Kirkland  Rapp  Brownlee  Gillespie  Metzgar  Shapiro
Aumont  Ellis  Knowles  Ravenstahl  Burns  Gingrich  Miaciarelli  Simmons
Baker  Emrick  Kortz  Readshaw  Buxton  Godshall  Micozzie  Smith, K.
Barbin  Evankovich  Kotik  Reed  Caltagirone  Goodman  Millard  Smith, M.
Barrar  Evans, J.  Krieger  Reese  Causer  Grell  Miller  Sonney
Bear  Everett  Kula  Reichley  Creighton  Harper  Myers  Tobash
Benninghoff  Fabrizio  Lawrence  Roe  Cruz  Harris  Neuman  Toepel
Bishop  Farry  Longietti  Rock  Culver  Helley  O'Brien, M.  Toohil
Bloom  Fleck  Mahoney  Roebuck  Curry  Helm  O'Neill  Trout
Boback  Frankel  Major  Ross  DeLuca  Kauffman  Petri  White
Boyd  Freeman  Maloney  Sabatina  DeLissio  Josephs  Petracca  Wheatley
Boyle  C.  Gabler  Mann  Saccone  DeLuzier  Kampf  Petrocelli  Whipple
Boyle, K.  Galloway  Markosek  Sainato  DeLuca  Kauflman  Petri  White
Bradford  Geist  Marshall  Samuelson  Delinger  Keller, F.  Preston  Williams
Brennan  George  Marsico  Santarsiero  DePasquale  Keller, M.K.  Pyle
Brisgs  Gerber  Masser  Santoni  Delmody  Keller, W.  Pyle
Brooks  Gergely  Matzie  Saylor  DiGirolamo  Kilion  Quinn  Speaker
Brown, R.  Gibbons  McGehee  Scavello
Brown, V.  Gillen  Metcalfe  Schroder

NAYS–0
NOT VOTING–0
EXCUSED–4

Evans, D.  Maher  O'Brien, D.  Taylor

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 1237, PN 1356, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

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

(Bill analysis was read.)

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  Dunbar  Kirkland  Rapp  Brownlee  Gillespie  Metzgar  Shapiro
Aumont  Ellis  Knowles  Ravenstahl  Burns  Gingrich  Miaciarelli  Simmons
Baker  Emrick  Kortz  Readshaw  Buxton  Godshall  Micozzie  Smith, K.
Barbin  Evankovich  Kotik  Reed  Caltagirone  Goodman  Millard  Smith, M.
Barrar  Evans, J.  Krieger  Reese  Causer  Grell  Miller  Sonney
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Benninghoff  Fabrizio  Lawrence  Roe  Cruz  Harris  Neuman  Toepel
Bishop  Farry  Longietti  Rock  Culver  Helley  O'Brien, M.  Toohil
Bloom  Fleck  Mahoney  Roebuck  Curry  Helm  O'Neill  Trout
Boback  Frankel  Major  Ross  DeLuca  Kauffman  Petri  White
Boyd  Freeman  Maloney  Sabatina  DeLissio  Josephs  Petracca  Wheatley
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Brisgs  Gerber  Masser  Santoni  Delmody  Keller, W.  Pyle
Brooks  Gergely  Matzie  Saylor  DiGirolamo  Kilion  Quinn  Speaker
Brown, R.  Gibbons  McGehee  Scavello
Brown, V.  Gillen  Metcalfe  Schroder

NAYS–0
NOT VOTING–0
EXCUSED–4

Evans, D.  Maher  O'Brien, D.  Taylor

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 following roll call was recorded:

**YEAS–199**

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<tr>
<td>Donatucci</td>
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</table>

**NAYS–0**

**NOT VOTING–0**

**EXCUSED–4**

Evans, D.  Maher  O'Brien, D.  Taylor

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 1192, PN 1297, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

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

(Bill analysis was read.)

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**

<table>
<thead>
<tr>
<th>Name</th>
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<tr>
<td>Adolph</td>
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<td>Aumend</td>
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<td>Baker</td>
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<td>Krieger</td>
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<td>Bradford</td>
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<td>Marshall</td>
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<td>George</td>
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<tr>
<td>Briggs</td>
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<td>Masser</td>
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<td>Brooks</td>
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<tr>
<td>Brown, R.</td>
<td>Gibbons</td>
<td>McGeehan</td>
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<td>Metcalfe</td>
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<td>Metzgar</td>
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<td>Burns</td>
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<td>Micarelli</td>
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<td>Godshall</td>
<td>Miccozzie</td>
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<td>Caltagirone</td>
<td>Goodman</td>
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<td>Carroll</td>
<td>Grell</td>
<td>Miller</td>
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<tr>
<td>Christiana</td>
<td>Hackett</td>
<td>Mirabito</td>
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<td>Clymer</td>
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<td>Mullery</td>
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<td>Harhai</td>
<td>Murphy</td>
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<td>Harhart</td>
<td>Murt</td>
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<tr>
<td>Creighton</td>
<td>Harper</td>
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<td>Neuman</td>
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<td>Curry</td>
<td>Helm</td>
<td>O'Neil</td>
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<td>Cutler</td>
<td>Hennessey</td>
<td>Oberlander</td>
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<td>DePasquale</td>
<td>Keller, F.</td>
<td>Preston</td>
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</tbody>
</table>

**NAYS–0**

**NOT VOTING–0**

**EXCUSED–4**

Evans, D.  Maher  O'Brien, D.  Taylor

The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the bill passed finally.
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 823, PN 856, entitled:

An Act amending the act of July 31, 1968 (P.L.805, No.247), known as the Pennsylvania Municipalities Planning Code, in subdivision and land development, providing for notice to school district; and, in planned residential development, further providing for application for final approval.

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

(Bill analysis was read.)

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–197

Adolph  Bloom
Aument  Metzgar
Baker  Miller
Barbin  Molin
Barrar  Murphy
Bear  Nieves
Benninghoff  Nogue
Bishop  O'Brien
Boback  O'Brien, D.
Boyd  O'Brien, M.
Boyle, B.  O'Brien, M.
Boyle, K.  O'Brien, M.
Bradford  O'Brien, M.
Brennan  O'Brien, M.
Briggs  O'Brien, M.
Brooks  O'Brien, M.
Brown, R.  O'Brien, M.
Brown, V.  O'Brien, M.
Brownlee  O'Brien, M.
Bruns  O'Brien, M.
Buxton  O'Brien, M.
Caltagirone  O'Brien, M.
Carroll  Keller, M.K.
Causer  Keller, M.K.
Christian  Keller, M.K.
Clymer  Keller, M.K.
Cohen  Keller, M.K.
Conklin  Keller, M.K.
Costa, D.  Keller, M.K.
Costa, P.  Keller, M.K.
Cox  Keller, W.
Creight  Keller, W.
Cruz  Keller, W.
Curver  Keller, W.
Cutler  Keller, W.
Daley  Keller, W.
Davidson  Keller, W.
Davis  Keller, W.
Day  Keller, W.
Deasy  Keller, W.
DeLissio  Keller, W.
DeLozier  Keller, W.
DeLuca  Keller, W.
Denlinger  Keller, W.
DePasquale  Keller, W.
Dermody  Keller, W.
Donatucci  Keller, W.

NOT VOTING–0

EXCUSED–4

Evans, D.  Maher  O'Brien, D.  Taylor

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 1438, PN 2085, entitled:

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

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

(Bill analysis was read.)

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–198 |
|------------------|------------------|------------------|
| Adolph | Dunbar | Kirkland | Rapp |
| Aument | Ellis | Knowles | Ravenstahl |
| Baker | Emrick | Kortz | Readshaw |
| Barbin | Evankovich | Kotik | Reed |
| Barrar | Evans, J. | Krieger | Reese |
| Bear | Everett | Kula | Rocheil |
| Benninghoff | Fabrizio | Lawrence | Roae |
| Bishop | Farry | Longietti | Rock |
| Bloom | Fleck | Mahoney | Roebuck |
| Boback | Frankel | Major | Ross |
| Boyd | Freeman | Maloney | Sabatina |
| Boyle, B. | Gabler | Mann | Saccone |
| Boyle, K. | Galloway | Markosek | Sainato |
| Bradford | Geist | Marshall | Samuelson |
| Brennan | George | Marsico | Santarsiero |
| Briggs | Gerber | Masser | Santoni |
| Brooks | Gergely | Matzie | Saylor |
| Brown, R. | Gibbons | McGeehan | Scavello |
| Brown, V. | Gillen | McGettig | Shapiro |
| Brownlee | Gillespie | Metzgar | Schroder |
| Burns | Gingrich | Misciocc | Simmons |
| Buxton | Godshall | Micozzie | Smith, K. |
| Caliguiron | Goodman | Millard | Smith, M. |
| Carroll | Grell | Miller | Sonney |
| Causer | Grove | Milne | Staback |
| Christiana | Hackett | Mirabito | Stephens |
| Clymer | Hahn | Moul | Stern |
| Cohen | Halluska | Mullery | Stevenson |
| Conklin | Hanna | Mundy | Sturla |
| Costa, D. | Harhai | Murphy | Swanger |
| Costa, P. | Harhart | Murt | Tallman |
| Cox | Harkins | Mistro | Thomas |
| Creighton | Harper | Myers | Tobash |
| Cruz | Harris | Neuman | Toepel |
| Culver | Heffley | O'Brien, M. | Toohil |
| Curry | Helm | O'Neill | Truitt |
| Cutler | Hennessey | Oberlander | Turzai |
| Daley | Hess | Parker | Vrb |
| Davidson | Hickernell | Pashinski | Vitali |
| Davis | Hornaman | Payne | Vulakovich |
| Deasy | Hutchinson | Payton | Wagner |
| DeLissio | Johnson | Peifer | Waters |
| Delozier | Josephs | Perry | Watson |
| DeLuca | Kampf | Petraca | Wheatley |
| Denlinger | Kaufman | Perti | White |
| DePasquale | Kavulich | Pickett | Williams |
| Dermody | Keller, F. | Preston | Youngblood |
| DeWeese | Keller, M.K. | Pyle | |
| DiGirolamo | Keller, W. | Quigley | Smith, S. |
| Donatucci | Killion | Quinn | Speaker |

Day

| NAYS–1 |
|------------------|------------------|

| NOT VOTING–0 |
|------------------|------------------|

| EXCUSED–4 |
|------------------|------------------|
| Evans, D. | Maher | O'Brien, D. | Taylor |

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

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

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of HB 1294, PN 2050, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for valuation of and return on the property of a public utility; and providing for alternative regulatory mechanisms.

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

Ms. MUNDY offered the following amendment No. A02783:

Amend Bill, page 3, line 28, by inserting after "recover"
net increases in

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

In the wake of the natural gas explosion in Allentown, there is no question that we must do what we can to ensure that utilities properly maintain and replace their aging utility infrastructure. However, HB 1294 in its current form is not the answer.

The way in which HB 1294 is currently written allows the PUC (Public Utility Commission) to permit utility companies to automatically increase their rates to update their infrastructure, even if they see a reduction in their net infrastructure costs. And I have yet to see anyone dispute this fact.

This amendment would only allow utilities to recover the net increase in their capital costs through the automatic adjustment clause created by the underlying bill. Proponents of the underlying bill have objected to the use of the term "automatic" rates in the past, but the word "automatic" is even used in the bill itself. This is an automatic rate increase, and while there should be nothing automatic about a monopoly's ability to raise rates, at least my amendment would allow utilities to make their necessary infrastructure improvements without raising rates beyond what is absolutely needed to fund them.

Mr. Speaker, could I have a little order, please.

The SPEAKER. The House will please come to order. The members will please take their seats and kindly hold the conversations to a minimum.

The Speaker thanks the members.

The lady may proceed.

Ms. MUNDY. Again, while there should be nothing automatic about a monopoly's ability to raise rates, at least this amendment would allow utilities to make their necessary infrastructure improvements without raising rates beyond what is absolutely needed to fund them.
If a company is actively accelerating the deployment of new infrastructure, then they will fare well under this amendment, but if they are only conducting business as usual, then they will not see an automatic increase. Many utility companies like PECO Energy go years and years without filing a base rate increase while also investing millions of dollars in new infrastructure. In fact, PECO went 21 years without filing a single base rate increase while investing $2.9 billion — billion with a "b" — in a new and replacement electric distribution plant. Had HB 1294 been in effect at that time, that $2.9 billion could have been unnecessarily taken from consumers.

Water utility companies have been collecting automatic rates for years now, and they still say it is not enough. The PUC has allowed Aqua Pennsylvania and Pennsylvania American Water Companies to raise their automatic rates by 50 percent in recent years, and those companies still regularly request base rate increases that include infrastructure replacement costs. About every 2 years or so, like clockwork, these companies file a base rate increase request.

Morgan O'Brien, president and CEO (chief executive officer) of Peoples Natural Gas Company, testified before the House Consumer Affairs Committee this year on HB 1294. This businessman proposed some changes to the bill in order to ensure that customer interests are being protected. One of the changes he suggested, again as president of one of our largest natural gas utility companies, was that the automatic rate mechanism should only allow for the net increase in capital to be recovered. Mr. O'Brien stated in his testimony that automatic rates "must factor into consideration the current amount of depreciation included in current rates and only allow for the net increase in capital to be recovered." AARP agrees, the Industrial Energy Consumers of Pennsylvania agree, and most likely, the majority of your constituents would agree with Morgan O'Brien, president and CEO of Peoples Natural Gas.

The bottom line is that ratepayers must pay 100 percent of what it costs to repair or replace utility infrastructure, but they should not be paying one penny more than that. Who will stand with the consumer? Who will stand with older Pennsylvanians who struggle to make do on fixed incomes, with small businesses and large industrial utility customers who struggle to compete in the worldwide market? Who will stand with the consumer?

Vote with this amendment and we shall soon see who is protecting consumers. I ask for your support for this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLLEY. Thank you, Mr. Speaker.

I understand many of the comments made by the gentlelady, and I am sure she is very sincere in her sentiments, but I would urge the members to vote "no" on this amendment for a number of reasons.

First off, although the amendment is a simple, more or less, one- or two-line amendment, this language, exact language in fact, was defeated in the committee when the bill was being considered at that time. And while the approach being offered by the gentlelady seems to be rather straightforward and simplistic, in reality this inclusion of accumulated depreciation, which is a fairly complex and highly technical issue, is one best left to the Public Utility Commission for evaluation when determining any alternative rate mechanism being proposed, not for the legislature to start monkeying around and throwing our 2 cents in when in reality the experts need to be dealing with this.

But this is a matter of comparing apples to oranges, and inclusion of this language would in fact undercut and defeat the very purpose of the bill, which is to help consumers, to help these utilities, and actually to help people who need to get back to work on major infrastructure upgrades. So this amendment would actually be antithetical to everything we are talking about helping the Pennsylvania consumer. By avoiding full-blown, expensive, lengthy rate review cases, we are actually going to be helping our consumers with marginal adjustments and improvements in the infrastructure. Particularly at a time when so many utilities have been damaged by recent storms, we need to think first and foremost about rebuilding our infrastructure, about getting people back to work, and overall helping the consumers in Pennsylvania.

So I would urge the members to vote "no" on amendment 02783. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

This amendment actually complicates the issue even further in that the infrastructure for companies needs to be expedited and upgraded quickly many times, and the alternative ratemaking procedures that are set forth in this bill help save our consumers about $900,000 per case. This is $900,000 that our own constituents would have to pay if this amendment were added to the bill.

The customers are already paying very much so to try and protect their own interests, but we have in Pennsylvania the Office of Consumer Advocate and many other interests who go before the PUC and who can fight these base rate cases. And by the way, the PUC does not have to approve these cases. It is up to the PUC after they have heard from this petition as to whether they want to proceed.

There are many different safeguards already built into this bill to protect consumers, including reasonable allocation of costs to the appropriate customer class as well as a cap on the recovery of reasonable allocation of costs to the appropriate customers, and the PUC has a way of monitoring the earnings and statements to ensure that the utilities do not overcharge our consumers.

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

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy, for a second time.

Ms. MUNDY. Thank you, Mr. Speaker.

The proponents of this legislation would have you believe that it is a big deal for the utility companies to enumerate their cost savings as well as their expenditures. I disagree. They already have all of this information on their books. All they will need to do is put a couple of line items on a spreadsheet and give it to the PUC. This spreadsheet line item could save our constituents billions of dollars over time, and it would still allow utility companies to expedite their infrastructure
The following roll call was recorded:

YEAS–83

Barbin
Bishop
Boyle, B.
Boyle, K.
Bradford
Briggs
Brown, V.
Brownlee
Burns
Caliguire
Carroll
Cohen
Conklin
Costa, D.
Costa, P.
Crupi
Cruz
Curtis
Cущ
Davis
Deasy

DeLissio
DeLuca
DePasquale
Dermody
DeWeese
Donatucci
Fabrizio
Farnham
Farnham
Freeman
Galavito
Galloway
Gerber
Geregely
Goodman
Halkas
Hanna
Harhai
Harkins
Hornaman
Johnson
Josephs

Kavulich
Keller, W.
Kirkland
Kortz
Kotik
Kula
Longietti
Mahoney
Markosek
Matzic
McGeehan
Mirabito
Mullery
Mundy
Myers

Preston
Ravenstahl
Readshaw
Roebuck
Sabatina
Samuelson
Santarsiero
Santoni
Shapiro
Smith, K.
Smith, M.
Staback
Thomas
Vitali
Wagner

NAYS–116

Adolph
Aument
Baker
Barrar
Bear
Benninghoff
Bloom
Boyd
Brennan
Brooks
Brown, R.
Buxton
Caucer
Christian
Clymer
Cox
Creighton
Culver
Cutler
Day
Delozier
Denlinger
DiGiroamo
Dunbar
Ellis
Emrick
Evankovich
Evans, J.
Everett

Farry
Fleck
Gabler
Geist
Gibbons
Gillen
Gillespie
Godshall
Grell
Grove
Hackett
Hahn
Harhart
Harper
Harris
Heffley
Helm
Hennessey
Hess
Hickernell
Hutchinson
Kampf
Kaufman
Keller, F.
Keller, M.K.
Killion
Knowles
Krieger

Major
Maloney
Mann
Masser
Metcalfe
Metzgar
Miccarielli
Micozzie
Millard
Miller
Milne
Moul
Murt
Mustio
O'Neill
Oberlander
Payne
Peifer
Perry
Petruca
Petri
Pickett
Pyle
Quigley
Quinn
Rapp
Reed

Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes
Nayes

The following amendment was recorded:

Amend Bill, page 4, lines 17 through 30, by striking out all of said lines and inserting

(d) Commission.–Prior to the filing of any alternative regulatory mechanism by a fixed utility or a city natural gas distribution operation, the commission, by regulation or order, shall:

(1) Establish safety and reliability standards and reporting requirements for each type of fixed utility or city natural gas distribution operation. The reporting requirements shall include the identification of the worst performing or most at-risk distribution segments of a utility's or city natural gas distribution operation's distribution systems.

(2) Provide for reasonable allocation of costs to the customer class responsible for the costs.

(3) For any mechanism authorized by subsection
On the question,
Will the House agree to the amendment?

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

Mr. DePASQUALE. Thank you, Mr. Speaker.

This amendment will make sure that the workers that do the work on these necessary infrastructure upgrades are qualified to do the work, and actually, in a previous version of this legislation, this was actually part of the legislation. In this session it was not. So I merely added this language to make sure that the work is done by qualified workers, and I ask the members for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Ellis.

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

While I understand the gentleman's intent of the legislation, I do rise to oppose this amendment because of several reasons. The first, he claims that this will ensure that the construction and installation by the utility company is done mostly by union labor. The reality is that he wants to eliminate the use of contractors, and the reality, Mr. Speaker, is that a lot of the contractors out there are union workforce as well. So while this appears to be a pro-union piece, it may actually have the exact opposite reaction and we may see that the jobs that we are creating through this legislation will not happen because there will not be an ability to hire those folks that are contracted on a subcontractor basis, even though they in fact may be union workers.

Secondly, he adds protection language into this amendment that would seemingly be for the good of the workers, but the reality is, it is unnecessary because it is already provided for in section 2802 of Title 66 of 1996. Simply said, it says there is no guarantee that just because somebody works for the utility or city natural gas distribution operation, the work shall have an inspector from the utility assigned to each job and this inspector shall work the same schedule and hours as the contractor. The cost of the work that is not inspected shall not be eligible for recovery through an alternative regulatory mechanism.

On the question recurring,
Will the House agree to the amendment?
The following roll call was recorded:

YEAS–95

Barbin, DeLissio, Keller, W., Preston
Bishop, DeLuca, Kirkland, Ravenstahl
Boyle, B., DePasquale, Kortz, Readshaw
Boyle, K., Dermody, Kotik, Roebuck
Bradford, DeWeese, Kula, Sabatina
Brennan, Donatucci, Longietti, Sainato
Briggs, Fabrizio, Mahoney, Samuelson
Brown, V., Frankel, Mann, Santarsiero
Brownlee, Freeman, Markosek, Santoni
Burns, Galloway, Marshall, Shapiro
Buxton, George, Masser, Smith, K.
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Curry, Heffley, O’Brien, M., Wheatley
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Benninghoff, Gillespie, Metzgar, Saylor
Bloom, Gingrich, Micarelli, Scavello
Boback, Godshall, Miccizzio, Schwartz
Boyd, Grell, Millard, Schroder
Brooks, Grove, Miller, Simons
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Cox, Harper, Mustio, Stevenson
Creighton, Harris, O’Neill, Swanger
Culver, Helm, Oberlander, Tallman
Cutler, Hennessey, Payne, Tobash
Day, Hess, Peifer, Toepel
Delozier, Hickernell, Perry, Truitt
Denlinger, Hutchinson, Petri, Turzai
DiGirolamo, Kampf, Pickett, Vereb
Dunbar, Kaufman, Pyle, Vulakovich
Ellis, Keller, F., Quigley, Watson
Emrick, Keller, M.K., Quinn
Evankovich, Kilion, Rapp, Smith, S.
Evans, J., Knowles, Reed, Speaker
Everett, Krieger

NOT VOTING–0

EXCUSED–4

Evans, D., Maher, O’Brien, D., Taylor

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

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

Mr. BARBIN offered the following amendment No. A02830:

Amend Bill, page 3, line 22, by inserting after "RELIABILITY"
not to exceed 6%

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

AMENDMENT WITHDRAWN

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

Mr. BARBIN. Thank you, Mr. Speaker.

I will be withdrawing these amendments. These amendments involve the recovery costs, which have already been voted on, as it relates to Representative Mundy’s prior amendment.

I would like to say in withdrawing the three amendments – A02830, A02832, and A02833 – that the two issues that we are trying to deal with are going to have to be discussed by this chamber when this bill comes back from the Senate. Normally, when we would go forward with a bill like this, we would have a sunset provision in it, which is not included in the current bill, which would allow us to take 3 years to determine whether these three amendments really are in the public interest or not. But because there is no agreement with the other chamber on the terms of the bill we are voting on today, I will wait to voice my objections or recommendations for the final passage when this bill comes back from the Senate.

The SPEAKER. The Speaker thanks the gentleman.

The amendments are withdrawn.

GUEST INTRODUCED

The SPEAKER. The Speaker wants to take a moment to introduce an additional guest that is with us. The nephew of Representative Kotik is seated over here to the left of the Speaker, John Kluchonic. Will our guest please rise. Welcome to the hall of the House.

CONSIDERATION OF HB 1294 CONTINUED

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

Mr. HANNA offered the following amendment No. A02861:

Amend Bill, page 1, line 3, by striking out “and”
Amend Bill, page 1, line 4, by inserting after “mechanisms”
; and further providing for billing procedures
Amend Bill, page 5, by inserting between lines 2 and 3
Section 3. Section 1509 of Title 66 is amended to read:
§ 1509. Billing procedures.
(a) General rule.–All bills rendered by a public utility as defined in paragraph (1)(i), (ii), (vi) or (vii) of the definition of "public utility" in section 102 (relating to definitions) to its service customers, except bills for installation charges, shall allow at least 15 days for nonresidential customers and 20 days for residential customers from the date of transmittal of the bill for payment without incurring any late payment penalty charges therefor. All customers shall be permitted to receive bills monthly and shall be notified of their right thereto. All bills shall be itemized to separately show amounts for basic service, Federal excise taxes, applicable State sales and gross receipts taxes, to
the extent practicable, fuel adjustment charge, if any, State tax adjustment charge or such other similar components of the total bill as the commission may order. Any electric or gas public utility billing customers on a bimonthly or quarterly basis and rendering interim statements or bills each month shall include in such interim statement or bill an amount for the fuel adjustment charge based upon one-half of the total expected bimonthly kilowatt hour or cubic foot billing or one-third of the total expected quarterly billing and using the fuel adjustment charge rate applicable in the month of the interim statement or bill. At the time of preparing the bimonthly or quarterly bill, an appropriate adjustment shall be made in the total fuel adjustment charge billing for the period. Any public utility rendering bills on a bimonthly basis or quarterly basis shall calculate the fuel adjustment charge per kilowatt hour or cubic foot for the entire period as the weighted average of the two monthly rates or the three monthly rates whichever is applicable.

(b) Installation charges.–

(1) Prior to billing a customer for installation charges, a public utility shall provide the customer with an itemized statement that estimates the installation charges.

(2) A public utility may not bill a customer more than the total amount of the itemized statement for installation charges provided to a customer under paragraph (1) unless:

(i) The public utility provides the customer with notice of the increased cost together with a revised itemized statement of the installation charges.

(ii) The customer agrees in writing to pay the increased cost.

(3) A customer may not waive the requirements of paragraph (2) and any agreement to do so shall be void and unenforceable.

Amend Bill, page 5, line 3, by striking out "3" and inserting 4

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates the amendment is withdrawn. The Speaker thanks the gentleman.

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

Mr. THOMAS offered the following amendment No. A02862:

Amend Bill, page 1, line 3, by striking out "and"
Amend Bill, page 1, line 4, by inserting after "mechanisms"
Amend Bill, page 5, by inserting between lines 2 and 3
Section 3, Section 1406(g) of Title 66 is amended to read:

§ 1406. Termination of utility service.

(g) Qualification for LIHEAP.–

(1) A notice of termination to a customer of a public utility shall be sufficient proof of a crisis for a customer with the requisite income level to receive a LIHEAP Crisis Grant from the Department of Public Welfare or its designee.

(2) It shall be a condition of acceptance by a public utility of a LIHEAP Crisis Grant from the Department of Public Welfare or its designee that the public utility will not terminate service to the customer within 60 days of acceptance of the grant and will enter into a payment agreement under section 1405(d) (relating to payment agreements) or, notwithstanding the provisions of section 1405(d), a second or subsequent payment agreement with the customer for payment of that portion of the bill which is not in dispute.

Amend Bill, page 5, line 3, by striking out "3" and inserting 4

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

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

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, this question has been before this body two or three times, and on each occasion either the majority or the minority has said this is a good issue and we will get to it, but we have not moved any further than where we started.

This amendment is about public policy. We have a Federal program called LIHEAP (Low-Income Home Energy Assistance Program). Most of you on both sides are familiar with LIHEAP. It is the single, one of the single programs that is available to help people who are faced with excessive and sometimes delinquent utility bills and are able to look to government for help. The LIHEAP program is a Federal program. We provide LIHEAP grants each year in many cases to families who are on medical equipment and who will not be able to live without keeping their electricity on or being able to remain in a warm home.

So the basic question around LIHEAP today is whether or not we should allow a utility company to accept a LIHEAP grant and shut the service off a customer or refuse to turn service on. The Pennsylvania Department of Public Welfare under the previous leadership of Estelle Richman publicly acknowledged how many millions of dollars were sitting in the General Fund of the Philadelphia Gas Works because they accepted grants and did nothing to change the situation of the customer.

What my amendment says is that a utility company should not accept a grant unless there is some intent to change the circumstances of the customer. Why should we give a utility company a $500 or $1,000 grant that does nothing, does nothing to change the circumstances around the customer and in many cases will even aggravate the situation of the customer? Example: A customer owes $1100, receives a LIHEAP grant for $1,000, does not have $100 at the time of the LIHEAP grant.

The customer has a shutoff notice. If the customer does not have that $100 at the time that that LIHEAP grant reaches that utility, we have not moved any further than where we started.

So all my amendment does is says that we should not promote a public taxpayer program like LIHEAP in a way that it increases the profits of utility companies at the behest of customers who need service, whether it be heat, telephone, electricity, or water, because as all of you know, under Act 201 all utility companies – and 41 of us said no to Act 201 – but under Act 201 all utility companies are able to accept these grants and use these grants in a way that does not benefit the customer.

So, Mr. Speaker, I ask you, members of my side and members of the other side, as we approach this winter, do the right thing. Vote "yes" on amendment 2862 and make sure that LIHEAP grants do not increase the profit margins of the utility
companies while adversely impact fixed- and low-income customers.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

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

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

I rise in opposition to the good gentleman's amendment, because in many ways it is really wide of the mark and to a certain extent already addressed in the statute.

Right now under the existing statute under chapter 14, any family or person that is under 250 percent of poverty level, which is a very, very high percentage, if you are up to 250 percent of what the poverty level is, during the months of November 1 through March 1, we have what is called a winter moratorium. Your service cannot be cut off between the months of November 1 and March 1 for anybody who is at or beneath poverty level and up to 250 percent of poverty level.

In addition, it is incorrect to say that the grants are somehow a benefit to the utilities. They are not. The grants are used in lieu of payment of the bills. The grants essentially pay the bills. So there is no benefit to a utility company if that grant is being used to pay for the fuel and the service that the home is receiving.

In addition, that service is always credited to be able to use by those who qualify for the LIHEAP program. The fact of the matter is, this is a solution for a problem that is not real because it is already addressed under existing statute, and I might say it is also really not germane to what this bill is about, but we would ask everybody to vote "no" because it is a superfluous amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Mr. Speaker, it is never superfluous to care about what happens to people who might be doing less than you. That is never superfluous.

Mr. Speaker, in response to a couple facts, or I cannot call them facts. Number one, under Act 201 you are entitled to only one agreement. If there is a second agreement, it is an agreement that is extended by the Public Utility Commission under certain conditions. So you do not automatically have access to a second or subsequent agreement.

Number two, LIHEAP was created to provide assistance to both poor and rich, because there are some people who through no fault of their own, through out-of-control medical expenses, are faced with utility delinquencies. And, Mr. Speaker, our own Secretary, former Secretary Estelle Richman, raised the question about the millions of dollars in utility general accounts because customers were not able at the time to pay the difference between what the grant provided and what was owed.

And let me close on a real situation. Sometimes, like Einstein, we stand in the laboratory and think we see the world as it is and oftentimes it is not the way that we want it to be. I have an elderly constituent who called my office one morning. She and her husband had been married for 60-some years. Her husband died. She fell behind on her gas bill. The gas company sent her a shutoff notice. She called my office. The shutoff amount was for 60-some dollars. She asked the gas company to please give her a week in order for when her check gets there, she would pay it. All the years that she was married, they paid their gas bill on time. Some months they carried credits from one month to another. I called the gas company and I wanted to know why her service was disconnected. They told me, because we want 60-some dollars. And I knew that this elderly lady in her eighties was living only on her check and that it would be a week or so before that check would arrive. I had the PGW representative come to my office and I wrote the check. Mr. Speaker, I wrote the check to have that service turned on. The representative took my check and would not turn that service on. And do you know why it was not turned on? It was not turned on because the company knew that there was a blockage in the chimney. It had nothing to do with the utility service. So they could have waited until she either got a grant or until she received her check.

Mr. Speaker, unless we speak clearly and through Act 201, there is broad discretion on the part of utility companies, and I have a copy of Act 201 right here. There is nothing, zero, nothing in Act 201 that says that once a utility company receives a LIHEAP grant, there is nothing that says that that grant will be segregated and maintained in an account on behalf of their property. Once that grant goes to the utility company and the customer does not have the difference between the delinquent amount and the grant, that grant ends up in the utility company's general fund. And if you do not have the couple-dollar difference, that service will not be turned on nor will that service stay on if the customer is without the necessary money to satisfy that delinquency at the time the grant is received.

And all I am saying, as reasonable-minded policymakers, all we are saying is, do not waste the public's money by sending utility grants to these utility companies who do no more, who know that it would not change the outcome of that customer's situation. All we are saying is, do not take it unless you read it and make it. Do not take the grant unless you are prepared to make changes in the situation of the customer, because at the end of the day that is really what it is about.

So I am asking each and every one of you, as we are on the eve of probably another bad winter— And I just received some data from people who have been tracking the impact of this situation on customers since Act 201 became law. The number of terminations, the number of families left in darkness, left without heat, has jumped actually by 60 percent, 60 percent, a 60.1-percent impact, while during the same period LIHEAP, LIHEAP grants have actually grown, because you and I know a couple of years we provided State dollars to the LIHEAP program. So while LIHEAP went up, the number of terminations went beyond. So where is the money? Where is the money? And all we are asking is, do not give the money away unless it is going to change the circumstances which that customer is faced with.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I really did not want to come up and speak on this issue, but since the gentleman from Philadelphia has indicated that we have to look at all options dealing with this issue of LIHEAP, I would suggest the gentleman also make investigations into the two casinos – Parx Casino in Bensalem
and SugarHouse Casino in Philadelphia – because we know the poor, the disadvantaged, the less educated are spending all their money or at least money that should be used for the household income, they are taking household income money and spending it in the very frivolous way and then they have no money to pay some of their bills. There are needy people, but I can also tell you there is a list of people over the years that I have looked at that could not pay for their household costs because they spent all their money. They admit it. They spent their money; they gambled their money away.

So I find it kind of interesting that while the gentleman from Philadelphia is talking about how we need to do things to help people, and I have always voted to help those who are in legitimate need as others as well, I think we should also ask the casinos to do their fair share, helping out to pay some of these costs. I am sure that with their benefits and their earnings that they have made over the years – and we understand things are rosier than ever – that they would be willing to perhaps contribute to the LIHEAP program to help the State pay the bills for those people who are in need for these very important issues that are now in front of this General Assembly.

So I wanted to share those thoughts, Mr. Speaker. Thank you.

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

The following roll call was recorded:

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NOT VOTING–0

EXCUSED–4

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

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

Mr. STURLA offered the following amendment

No. A02864:

Amend Bill, page 1, line 3, by inserting after “mechanisms”

; and further providing for cash deposits and household information requirements

Amend Bill, page 5, by inserting between lines 2 and 3

§ 1404. Cash deposits and household information requirements.

(a) General rule.—In addition to the right to collect a deposit under any commission regulation or order, the commission shall not prohibit a public utility, prior to or as a condition of providing utility service, from requiring a cash deposit in an amount that is equal to [one-sixth] one-twelfth of the applicant’s estimated annual bill, except for a city natural gas distribution operation which may require a cash deposit in an amount that is equal to one-sixth of the applicant’s estimated annual bill, at the time the public utility determines a deposit is required, from the following:

(1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:

(i) Nonpayment of an undisputed delinquent account.

(ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.

(iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.

(iv) Unauthorized use of the utility service delivered on or about the affected dwelling.

(v) Failure to comply with the material terms of a settlement or payment agreement.

(vi) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.

(vii) Tampering with meters, including, but not limited to, bypassing a meter or removal of an automatic
for those of us that live in older communities in this State, improvements in the rates. The concern here is that, particularly drafted it would allow for combining wastewater and water Mr. Speaker, if I could, very briefly, the way the bill is gentleman, Mr. Sturla. if you could advise us, we could probably save a little bit of time. the amendment? The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla. Mr. STURLA. I will withdraw that. Mr. STURLA. Thank you, Mr. Speaker. Mr. Speaker, on amendment 02863 Representative Harper has similar legislation, which I believe Representative Godshall is going to consider in committee. So I will withdraw that one. I will withdraw 02864. I will withdraw 02885, 02886, but is going to consider in committee. So I will withdraw that one. Mr. STURLA. Thank you, Mr. Speaker. Mr. STURLA. Thank you, Mr. Speaker. Amend Bill, page 1, lines 2 and 3, by striking out "further providing for valuation of and " in line 2 and "return on the property of a public utility; and" in line 3 Amend Bill, page 1, lines 7 through 14; page 2, lines 1 through 16, by striking out all of said lines on said pages and inserting Section 1. Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a section to read: Amend Bill, page 5, line 3, by striking out "3" and inserting 4 On the question, Will the House agree to the amendment? Mr. STURLA offered the following amendment No. A02889: Amend Bill, page 1, lines 2 and 3, by striking out "further providing for valuation of and " in line 2 and "return on the property of a public utility; and" in line 3 Amend Bill, page 1, lines 7 through 14; page 2, lines 1 through 16, by striking out all of said lines on said pages and inserting Section 1. Title 66 of the Pennsylvania Consolidated Statutes is amended by adding a section to read: Amend Bill, page 5, line 3, by striking out "3" and inserting 2 On the question, Will the House agree to the amendment? The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla. Mr. STURLA. Thank you, Mr. Speaker. Mr. Speaker, if I could, very briefly, the way the bill is drafted it would allow for combining wastewater and water improvements in the rates. The concern here is that, particularly for those of us that live in older communities in this State, which is a majority of this State, a lot of the wastewater systems are combined storm and sewage wastewater systems. So what you have end up happening is there are some consumers that do a lot of storm and wastewater and may only have one faucet at the back of the warehouse or one toilet at the back of the warehouse and use very little water, and so you will end up, in some cases, having those people pay very little in terms of infrastructure improvement if you are doing wastewater infrastructure improvement, whereas it will be spread to your consumers that may not contribute much to the wastewater stream. If you are a gardener and you are out there watering your garden all the time, you do not put anything back in the wastewater stream but you use a lot of water. So this would not allow those costs to be spread among those different consumers but to say that they had to go to the consumers who were actually using those different infrastructures. The SPEAKER. The question is, will the House agree to the amendment? On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley. Mr. REICHLEY. Thank you, Mr. Speaker. Again, I think the original intention by the gentleman from Lancaster is admirable, but the problem is that the consolidation of both water and wastewater rates goes beyond merely infrastructure costs that were identified and in fact could result in significant rate increases, particularly for consumers of smaller water companies if the rates were now consolidated to cover both aspects of both water and wastewater. So I think in the interest of some of the consumers that the gentleman referred to and, overall, consumers who utilize currently smaller systems, that this would be an amendment which is not going to serve them very well, that allowing combined rates by a company that provides both water and wastewater, to balance the economies of scale fails to take into account that if one side of that equation dramatically needs an increase in rates, it could affect that consumer. So I would ask the members to vote "no" on amendment A02889. Thank you, Mr. Speaker. On the question recurring, Will the House agree to the amendment? The following roll call was recorded: YEAS—56

Bishop DeLissio Hornaman Payton
Boyle, B. DePasquale Johnson Preston
Boyle, K. Demody Josephs Roebuck
Bradford DeWeese Kavulich Sabatina
Briggs Donatucci Keller, W. Samuelson
Brown, V. Fabrizio Kirkland Santarsiero
Brownlee Frankel Kortz Santoni
Caltagirone Freeman Kula Sturla
Cohen Galloway Mahoney Vitali
Conklin George Markosek Wagner
Cruz Gerber McGeehan Waters
Daley Gergely Myers Wheatley
Davidson Hanna O'Brien, M. Williams
Davis Harkins Parker Youngblood

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Adolph Everett Major Readshaw
Aument Farry Maloney Reed
Baker Fleck Mann Reese
Barbin Gabler Marshall Reichley
Barrar Geist Marsico Roae
Bear Gibbons Masser Rock
Benninghoff Gillen Matzie Ross
Bloom Gillespie Metcalfe Saccone
Bobbok Gingrich Metzgar Sainato
Boyd Godshall Mccarrelli Saylor
Brennan Goodman Micozzie Scavello
Brooks Grell Millard Schroder
Brown, R. Grove Miller Shapiro
Burns Hackett Milne Simmons
Buxton Hahn Mirabito Smith, K.
Carroll Haluska Moul Smith, M.
Causor Harhai Mullery Sonney
Christiana Harhart Mundy Staback
Clymer Harper Murphy Stephens
Costa, D. Harris Murt Swanger
Costa, P. Heffley Mustio Stevenson
Cox Helm Neuman Swank
Creighton Hennessey O'Neil Tallman
Culver Hess Oberlander Thomas
Curry Hickernell Pashinski Tobash
Cutler Hutchinson Payne Toepel
Day Kampf Peifer Tohol
Deasy Kaufman Perry Truitt
Delozier Keller, F. Petrarca Turzai
DeLuca Keller, M.K. Petri Vreb
Denlinger Killion Pickett Vulakovich
DiGirolamo Knowles Pyle Watson
Dunbar Kotik Quigley White
Ellis Krieger Quinn Smith, S.
Emrick Lawrence Rapp Taylor
Evankovich Longietti Ravenstahl Speaker
Evans, J.

NOT VOTING—0
EXCUSED–4

Evans, D. Maher O'Brien, D. Taylor

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

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

The SPEAKER. The gentleman, Mr. Sturla, again, still has several amendments. If he could maybe help guide the Speaker as to which one he would like to call up of the next set. Mr. STURLA. If I could call up 02892.

The SPEAKER. And does that indicate that you – and I am not pushing you – does that indicate that you are withdrawing 2890, 2891, and 2893?

Mr. STURLA. Yes.

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

Mr. STURLA offered the following amendment No. A02892:

Amend Bill, page 5, by inserting between lines 2 and 3
(e) Expiration.–This section shall expire on December 31, 2017, unless sooner reenacted by the General Assembly, provided, however, that a public utility's alternative regulatory mechanism in effect at that time may continue.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

This simply provides for a sunset in 2017 so that a future legislature can come back and review this.

The SPEAKER. The question is, will the House agree to the amendment?

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

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

I rise in opposition to this amendment. Please understand that the alternative recovery mechanism is designed to address timing issues, and the PUC, the Public Utility Commission, absolutely continues to have the ability to approve, disapprove, or modify applications that come before it for the replacement of pipe or other infrastructure.

It is going to take time for the process to get into place once the bill should become law and onto the Governor's desk. But in the end, the use of this alternative recovery mechanism is designed to incent acceleration of needed infrastructure replacement for safety purposes. That utility infrastructure replacement is going to be expedited in a good manner for the citizens of Pennsylvania, but it is going to be a continuous and ongoing process.

This amendment may actually act as a disincentive to that predictability with respect to needed infrastructure replacement. And keep in mind that the Public Utility Commission has made it clear that the process will have the benefit of providing for safer infrastructure at an expedited manner without in any way eliminating needed review, because the PUC maintains the the process to approve, disapprove, or modify.

I would ask everybody to please vote "no" because it will undermine the intent of the legislation.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

I would agree with the previous speaker if it were not for the language that says, “...however, that a public utility's alternative regulatory mechanism in effect at that time" of review "may continue." So it will not stop anything from happening. It will in fact help with the acceleration. This is simply the ability 6 years from now to take a quick peek in, and if everything is going fine, it will be one of those bills that runs on a Tuesday afternoon and it is unanimous. Everybody says, yes, keep it; it is doing a great job; we love it; do not change it at all.

It will not hinder anything from happening that will currently happen under this legislation. It simply says, let us take a look at it 6 years from now and make sure that there are not some things we could do to improve it.

On the question recurring,
Will the House agree to the amendment?
The following roll call was recorded:

**YEAS–73**


**NAYS–126**


**NOT VOTING–0**

**EXCUSED–4**

Evans, D.  Maher  O'Brien, D.  Taylor

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

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

The SPEAKER. Again, the gentleman, Mr. Sturla, has another grouping – and that is in my words, not yours, obviously – of amendments. If you could advise the Speaker if some of those are withdrawn in lieu of considering one, it would be helpful.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I will withdraw 02903 but would like to make a brief comment on it, if I could.

The SPEAKER. The Speaker recognizes the gentleman, Mr. Sturla, under unanimous consent for the purposes of withdrawing amendment A02903.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, there will be a better day and a better time for this. This amendment would have prohibited suppliers from charging fees to employees for becoming third-party marketers. There are some things out there that in some cases border on a pyramid scheme where you say you will employ somebody if they buy your packet, which lets you sell their product to somebody else, and there is not any regulation in terms of how much money they are allowed to make on selling the packets to the people that are then going out and trying to get people to switch users of electric suppliers or gas suppliers, those types of things. Also, no restrictions in terms of Megan's Law and things like that as to whom they can employ. I think that requires something more than just an amendment today, and so I will withdraw 02903.

Also, 02941, 02942, and if I could bring up 02943.

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

Mr. STURLA offered the following amendment No. A02943:

Amend Bill, page 5, by inserting between lines 2 and 3

(4) Include an infrastructure improvement implementation plan that specifies the nature of physical facility upgrades needed to ensure safety and reliability, the time frame for initiating replacement or repair of physical facilities and any other information the commission may require.

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

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

This just simply requires that a utility submit an infrastructure improvement implementation plan to the PUC as a condition for applying for an alternative regulatory mechanism. This is so that we can get an idea of what it is that they would like to do. I mean, it is something I actually have supported, the concept of this bill moving forward. I think this is trying to actually encourage those utilities to put some ideas in place about what it is that they want to do and how they intend to improve Pennsylvania.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley.
Mr. REICHLLEY. Thank you, Mr. Speaker.

With all due respect to the gentleman’s language, many of the aspects of what he has mentioned in his remarks and in the language of the amendment are already covered. Currently utilities routinely provide this kind of information, such as the implementation plan specifying the nature of upgrades, a timeframe for replacement, and other information required by the commission within asset management plans. To further add within statutory language what the PUC already does right now through its own supervision and regulation would add costs to these plans and impact our consumers.

So I would ask the members to vote "no" on the amendment. Thank you.

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

The following roll call was recorded:

YEAS–76

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

NAYS–123

Adolph        Everett       Krieger        Rapp
Aument        Farry         Lawrence       Reed
Baker          Fleck         Major          Reese
Barbin        Gabler        Maloney       Reichley
Barrar        Geist          Mann           Roe
Bear          Gibbons       Marshall       Rock
Benninghoff   Gillen        Marsico       Ross
Bloom          Gillespie     Masser         Saccone
Boback        Gingrich      Metcalfe       Sainato
Boyd           Godshall      Metzgar        Saylor
Brennan       Grell          Maccarelli    Scarvello
Brooks        Grove          Miccuzio       Schroder
Brown, R.     Hackett       Millard        Simmons
Burns          Hahn          Miller         Sonney
Buxton        Harhai       Milne          Stephens
Causer        Harhart       Moul           Stern
Christiana    Harper         Murt           Stevenson
Clymer        Harris        Mustio         Swanger
Cox           Heffley       Neuman         Tallman
Creighton     Helm           O'Neill        Thomas
Culver        Hennessey     Oberlander     Toabash
Cutler         Hess           Payne          Toepel
Daley          Hickernell    Peifer         Toolih
Day            Hutchinson    Perry          Truitt
DeLozier      Kampf          Petracca       Turzai
Denlinger     Kaufman        Petri          Vebel
DiGirolamo    Keller, F.    Pickett        Vulakovich
Dunbar        Keller, M.K.  Preston        Watson
Ellis         Killion        Pyle

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

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

The SPEAKER. According to the information the Speaker has, the gentleman, Mr. Sturla, has four other amendments. I may have missed one that you withdrew, but I did not catch them all.

Mr. STURLA. Mr. Speaker, I will withdraw 02944 and 02945 and ask to call up 02958.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. STURLA offered the following amendment No. A02958:

Amend Bill, page 1, line 2, by inserting after "providing" for definitions, for certain appropriations by right of eminent domain prohibited and Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting Section 1. The definition of “public utility” in section 102 of Title 66 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Gathering line." A pipe that:

(1) Carries uncompressed gas.

(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

"Gathering line company." A person or corporation owning or operating equipment or a facility in this Commonwealth that:

(1) Carries uncompressed gas.

(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

"Public utility." (1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.
Section 2. Section 1104 of Title 66 is amended to read:
§ 1104. Certain appropriations by right of eminent domain prohibited.  

Unless its power of eminent domain existed under prior law, no domestic public utility or foreign public utility authorized to do business in this Commonwealth shall exercise any power of eminent domain within this Commonwealth until it shall have received the certificate of public convenience required by section 1101 (relating to organization of public utilities and beginning of service). A gathering line company is expressly prohibited from exercising the power of eminent domain within this Commonwealth.

Section 3. Section 1311(c) of Title 66 is amended and the section is amended by adding a subsection to read:

Amend Bill, page 2, line 16, by striking out "2" and inserting 4
Amend Bill, page 5, line 3, by striking out "3" and inserting 5

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

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

The gentleman, Mr. Sturla, is in order on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this deals with gathering lines. We all know that the Marcellus Shale industry is a welcome industry in this State, but for every well that gets drilled, there is a gathering line that is necessary. And what this amendment tries to do is to put some sense into that web of gathering lines that will be taking place across the State of Pennsylvania as more and more wells come online.

GERMANENESS QUESTIONED

The SPEAKER. The question is, will the House agree to the amendment?

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

Mr. TURZAI. Thank you, Mr. Speaker.

Mr. Speaker, even should there be any validity, which is not conceded, to the amendment, this particular amendment is clearly not germane to the bill under the single-subject rule, rule 20 of our House rules.

HB 1294 solely addresses chapter 13 of Title 66, and the description of the bill indicates that the section provides "...for valuation of and return on the property...," quote, unquote, and "...alternative regulatory mechanisms." Nothing in the bill addresses the definition section of Title 66 or natural gas gathering line companies. In fact, the amendment amends chapter 1 and chapter 11 of Title 66 with respect to definitions. Even if this amendment were adopted, eminent domain authority is granted not through Title 66, the Public Utilities Code; it is in fact done through the business corporations code. In the business corporations code, it is under 15 Pennsylvania Consolidated Statutes, section 1511(a)(2).

And then this issue trying to be addressed, whether a company is or should be subject to Public Utility Commission regulation, but rather that the public utility status carries with it the ability to petition the courts to exercise eminent domain, that issue will not be fixed in any way by this particular amendment. That issue right now is what is allowed to occur to go to the Public Utility Commission.
So we would move that this amendment is not germane, and I would ask individuals to vote that it is not germane.

The SPEAKER. The gentleman from Allegheny, Mr. Turzai, has raised the question of whether amendment A02958 is germane.

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

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as has been the case numerous times this session, I respectfully disagree with the majority leader on what is germane and what is not germane. This clearly deals with natural gas gathering lines and I believe is germane and would ask members to not only address this issue but understand its impact on the State of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The question before the House is, is the amendment germane? Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

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

The following roll call was recorded:

YEAS–90

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

NAYS–109

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

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

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

The SPEAKER. The Speaker's information indicates that we are down to amendment 5283. Is that correct? Is the gentleman offering that amendment?

Mr. STURLA offered the following amendment No. A05283:

Amend Bill, page 1, line 2, by inserting after "providing"
for establishment, members, qualifications and chairman
and
Amend Bill, page 1, lines 7 through 9, by striking out all of said
lines and inserting
Section 1. Section 301(b) of Title 66 of the Pennsylvania
Consolidated Statutes is amended to read:
§ 301. Establishment, members, qualifications and chairman.

(b) Qualifications and restrictions.—Each commissioner, at
the time of his appointment and qualification, shall be a resident of this
Commonwealth and shall have been a qualified elector therein for a
period of at least one year next preceding his appointment, and shall
also be not less than 25 years of age. No person shall be appointed a
commissioner or hold an y place, position or office under
it, who occupies any official relation to any public utility or who holds
any other appointive or elected office of the Commonwealth or any
political subdivision thereof. Commencing July 1, 1977,
commissioners shall devote full time to their official duties. No
commissioner shall hold any office or position, the duties of which are
incompatible with the duties of his office as commissioner, or be
engaged in any business, employment or vocation, for which he shall
receive any remuneration, except as provided in this chapter. No
employee, appointee or official engaged in the service of or in any
manner connected with, the commission shall hold any office or
position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the commission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall disclose, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau or office director or executive-level public employee and every administrative law judge employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility or with any affiliate, intermediary, subsidiary or holding company of a public utility subject to the rules and regulations of the commission for a period of [one year] two years from the termination of term of office, service or employment with the commission, and every commissioner, every bureau or office director or other executive-level public employee and every administrative law judge employed or appointed to office under, in the service of or in connection with the work of the commission is prohibited from appearing before the commission on behalf of any public utility or any affiliate, intermediary, subsidiary or holding company of a public utility subject to the rules and regulations of the commission for a period of [three] four years, after terminating employment or service or term of office with the commission. Every commissioner, every bureau or office director or other executive-level public employee and every administrative law judge employed or appointed to office under the service of or in connection with the work of the commission shall not directly or indirectly solicit, request, suggest or recommend to any public utility or any affiliate, intermediary, subsidiary or holding company of a public utility, the appointment or employment of any person in any capacity by the public utility or any affiliate, intermediary, subsidiary or holding company thereof for a period of two years from the termination of term of office, employment or service with the commission. If any commissioner or person employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him. Provided, however, that if any commissioner violates any provision of this section, notice of such violation shall be immediately referred to State Ethics Commission or the Attorney General.

Section 2. Section 1311(c) of Title 66 is amended and the section is amended by adding a subsection to read:

Amend Bill, page 2, line 16, by striking out "2" and inserting "3."

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

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment prohibits executive-level staff, administrative law judges, and commissioners of the PUC from holding positions with any public utility for a period of 2 years upon leaving the commission.

Mr. Speaker, this is similar to the kinds of restrictions that we impose on those members of the Gaming Commission. It does not make sense to allow someone who regulates the industry to make sweetheart deals with the industry and then go get a job with them a couple of months later. I am not accusing anyone of doing anything; I am just saying that we can prohibit anyone from getting themselves into trouble in the future if we simply pass this commonsense legislation. Thank you.

GERMANENESS QUESTIONED

The SPEAKER. The question is, will the House agree to the amendment?
On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Sir, on this particular amendment, we would argue that it is not germane. HB 1294 solely addresses chapter 13 of Title 66. This particular amendment amends chapter 3 of Title 66 to extend the provisions for commissioners, bureau directors, executive-level employees, administrative law judges, to accept a position with a utility from 1 year to 2 years from the date of separation from the commission.

Certainly we understand why the original 1-year opt-out is there. That is consistent with some other places. But the fact of the matter is, all this bill is doing is dealing with the process, and as it states in chapter 13, "valuation of and return on the property" and "alternative regulatory mechanisms."

This is in no way legerdemain to the underlying bill at hand, and I would ask everybody to vote that it is not germane.

The SPEAKER. The gentleman from Allegheny County, Mr. Turzai, has raised the question of whether amendment A05283 is germane.

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

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla. The gentleman does not seek recognition.

Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?
The following roll call was recorded:

**YEAS–90**

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

**NAYS–109**

Adolph    Farry     Lawrence  Reese   
Aumont     Fleck     Major      Reichley   
Baker      Gabler    Maloney   Roe   
Barrar     Geist     Marshall  Rock    
Bear       Gillen    Marsico   Ross    
Benninghoff Gillispie Masser  Saccone  
Bloom      Gingerich Metcalfe  Saylor   
Boback     Godshall  Metzgar    Scavullo  
Boyd       Grell     Mccarelli Schroeder 
Brooks     Grove     Micozzie  Simmons  
Brown, R.  Hackett  Millard    Sonney   
Causer     Hahn      Miller     Stephens 
Christiana Harbart   Milne     Stern    
Claymer    Harper    Moul      Stevenso n 
Cox        Harris    Murt      Swanger  
Creighton  Heffley   Mustio    Tallman  
Culver     Helm      O'Neil     Tobash   
Cutter     Hennessey Oberlander  Toepel  
Day        Hess      Payne     Toohil   
Delozier   Hickernell Peifer    Truit   
Denlinger  Hutchinson Perry    Turzai   
DiGirolamo Kampf     Petri     Veb  
Dunbar     Kauffman  Pickett   Vulavich 
Ellis      Keller, F. Pyle      Watson  
Emrick     Keller, M.K. Quigley   
Evanikov   Killion    Quinn     Smith, S.  
Evans, J.  Knowles   Rapp      Speaker  
Everett    Krieger   Reed

**NOT VOTING–0**

**EXCUSED–4**

Evans, D.  Maher  O'Brien, D.  Taylor

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

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

The SPEAKER. For what purpose does the gentleman, Mr. Sturla, rise?

Mr. STURLA. Mr. Speaker, would this be an appropriate time to move to suspend the rules for a late-filed amendment?

The SPEAKER. The Speaker would prefer to work through the amendments that have been timely filed before we would get into the discussion of late-filed amendments.

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

Mr. GEORGE offered the following amendment No. A02953:

Amend Bill, page 1, line 4, by inserting after "mechanisms" and for right of consumers
Amend Bill, page 2, line 16, by striking out "a section" and inserting sections
Amend Bill, page 5, by inserting between lines 2 and 3 § 1330. Right of consumers

The commission shall not eliminate or hinder in any way a residential consumer's right not to competitively shop for any service or good that is distributed under the authority of the commission by a provider of last resort.

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

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

Mr. GEORGE. Thank you, Mr. Speaker.

I must say to you, sir, that I am reminded of several years ago when I hear this debate in that I was luckily one of those who voted against deregulation, and that bill was supposedly the answer to everybody's concern about providing cheaper electricity to those of our citizens in this Commonwealth. The end result was it passed. There were only 30 of us that voted "no." And the end result was that $14 billion was gathered by the utilities under stranded costs.

Now, there is not anybody in here that is a Republican or a Democrat that does not want to see people employed in their district, and there is not anyone in here that is a Republican or Democrat that wants to see people go hungry or go without a job. So that is what confuses me when I can watch what is going on today, because this bill would prevent the PUC from eliminating and it would help them to eliminate the right of our citizens to make their own choice, to know what way to go. And if it was right, they could be happy, and if it was wrong, they could be blamed, not by us 203 here playing this game of we want to save them money, when I can tell you, years ago these utilities kept rural America, who was selling cheaper electricity than the utilities could manufacture, because of the help of the United States government with Niagara Electric or the Tennessee Valley by producing cheaper electricity, and this Commonwealth of Pennsylvania allowed the utilities to pass the bill to say that the customer could not go off their line to go on with the rural electric because they did not want to lose the customers. But today they have got a scheme going where they want to develop little entities, who they claim are independent but in reality are owned by them, to provide the electricity and not be subject to the PUC controls on pricing.
Mr. Speaker, listen, I know it is jobs; I know it is money. I know it is all of these things, and so do you. Now, let us get off of this just once and show these people in Pennsylvania that we are together when it comes to protecting those who sent us down here. This amendment would prevent that from putting people in a terrible situation and further burdening and preventing them from being able to provide for their families.

Now, I know that I could go on and on and I am going to have somebody jump up and say that this amendment is not germane, and I will have something to say about that in one moment. I ask you to accept this amendment and vote "yes" if you believe as I do, that we are here to protect the multitude, those men and women in our middle class and our working class and our small business, that more than ever need us to understand what their plight and what their needs are. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

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

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

I rise in opposition to amendment 2953. Let me make it clear, nothing in the underlying bill addresses the electric or natural gas retail markets or limits any customer's ability to shop or to choose not to shop for these services. There is nothing in the bill that in any way forces someone to shop.

In addition, in the existing statutory law, yes, there is current default generation service structure, but there is not a provision that forces people to shop. So this bill does not force people to shop; the existing statute does not force people to shop. It is irrelevant to the bill at hand that is chapter 13 of Title 66 and deals with the section for "valuation of and return on the property" and "alternative regulatory mechanisms."

Again, it is a solution without a problem, and we would ask you to please vote "no."

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

What this amendment does is prevent the Public Utility Commission from eliminating default services for our constituents.

Recently a utility company went out of business and left 8500 of its customers without any service whatsoever. What would these people do without default electric service? Where would they go? They would be forced to shop for service without default electric service.

This is a good amendment. It accomplishes a worthy goal. We need default service for those constituents who are unable to understand the complexities of shopping for electric service, and I would urge your support.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment. The underlying action that is being asked to take here is to allow public utilities to have additional flexibility and to provide additional powers to the PUC in carrying that out. The only thing that this amendment does is to say in the process of providing additional authority to the PUC, we are going to make it clear that at least the people that need our help the most are protected and that regardless if somebody goes out of business or regardless if somebody at the PUC thinks that maybe there should be an exception for default service, the law would say it does it. The law would say, no matter what, we are providing language directing the PUC not to do anything which could affect these very vulnerable senior citizens.

There is nothing wrong with this amendment, and everybody in the House should approve it.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Turzai.

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

Just for clarification purposes, number one, the bill does not address generation service; it addresses distribution service.

Second, if there is not coverage provided by a utility, everyone can, if they want, shop for service from another utility under existing statute, and there are some 40-plus providers.

And then in addition, the current act provides for a default generation service. If you do not want to shop, you can fall back on the default generation service.

This amendment has nothing to do with the issue at hand, and in addition, there is not a problem with the existing statute since it provides for default generation service or allows you to shop. It is your option as a consumer.

Please vote "no" to the George amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. George, for the second time.

Mr. GEORGE. Mr. Speaker, thank you.

I apologize; I know I am not as worldwide or bright as the majority leader, and I probably do not know near as much about a lot of things. But I do know this is a Title 66, and the darned default that he mentioned on two occasions is not going to happen to PPL or First Energy; it is going to happen to your constituency. So whenever they say to you, "What happened that I got nailed for default?" say, "Well, you know, we don't understand, because the bill I voted for, it wasn't supposed to do that." The truth of the matter is, you will not go home and brag about supporting the utility, the same utilities, Mr. Speaker, that bought a hydroelectric in Minnesota and bought a nuclear plant in Michigan and bought a coal-fire in Ohio when it could have been in Clearfield, if you will.

So, Mr. Speaker, if we want to do just one time the right thing and show the people we are the best they can send down here, then vote "yes" on this amendment. Thank you.

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

The following roll call was recorded:

YEAS—88

Barbin  Deasy  Kavulich  Petrarca  Boyle, B.  DeLuca  Kirkland  Preston  Boyle, K.  DePasquale  Kotik  Ravenstahl  Bradford  Dermody  Kula  Roebuck  Brennan  DeWeese  Sabatina
Mr. GEORGE offered the following amendment No. A02954:

Amend Bill, page 1, line 4, by inserting after "mechanisms" and for right of consumers
Amend Bill, page 2, line 16, by striking out "a section" and inserting sections
Amend Bill, page 5, by inserting between lines 2 and 3

§ 1330. Right of consumers.
The commission may not discriminate by regulation, policy or order against any residential consumer who chooses not to shop for electricity or natural gas that is distributed under the authority of the commission by a provider of last resort.

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

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

Mr. GEORGE. Mr. Speaker, again, I believe my constituents, I owe them the right to get beat down again. But you know, this bill and my amendment says that the commission may not discriminate by any regulation, policy, or order against any residential consumer who chooses not to shop for electricity that is distributed under the authority of the commission by a provider of last resort, and I leave it up to the good men and women to make that judgment call.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

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

Mr. TURZAI. Please vote against amendment 2954 for much the same reasons as the previous amendment. Please understand that the statute itself essentially precludes any action that discriminates against any class of customers.
Please vote "no."

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

The following roll call was recorded:

YEAS-90
Barbin  DeLissio  Keller, W.  Preston
Bishop  Deluca  Kirkland  Ravenstahl
Boyle, B.  DePasquale  Kortz  Readshaw
Boyle, K.  Dermody  Kotik  Roebuck
Bradford  DeWeese  Kula  Sabatina
Brennan  Donatucci  Longietti  Sainato
Briggs  Fabrizio  Mahoney  Samuelson
Brown, V.  Frankel  Mann  Santarsiero
Brownlee  Freeman  Markosek  Santoni
Bruns  Galloway  Matzie  Shapiro
Buxton  George  McGeehan  Smith, K.
Caltagirone  Gerber  Mirabito  Smith, M.
Carroll  Gergely  Mullery  Staback
Cohen  Gibbons  Mundy  Sturla
Conklin  Goodman  Murphy  Vitali
Costa, D.  Haluska  Myers  Wagner
Costa, P.  Hanna  Neuman  Waters
Cruz  Harhai  O'Brien, M.  Wheatley
Curry  Harkins  Parker  White
Daley  Hornaman  Pashinski  Williams
Davis  Johnson  Payton  Youngblood
Davis  Josephs  Petrarca  Youngblood

NAYS-109
Adolph  Farry  Lawrence  Reese
Aument  Fleck  Major  Reichley
Baker  Gabler  Maloney  Roae
Barrar  Geist  Marshall  Rock
Bear  Gillen  Marsico  Ross

Evans, D.  Maher  O'Brien, D.  Taylor

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

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

Mr. GEORGE offered the following amendment No. A02954:
LESS THAN THE MAJORITY HAVING VOTED IN THE AFFIRMATIVE, THE QUESTION WAS DETERMINED IN THE NEGATIVE AND THE AMENDMENT WAS NOT AGREED TO.

ON THE QUESTION RECURRING,

WILL THE HOUSE AGREE TO THE BILL ON SECOND CONSIDERATION?

Ms. MUNDY offered the following amendment No. A02884:

Amend Bill, page 1, line 2, by inserting after "providing" for definitions and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. The definition of "public utility" in section 102 of Title 66 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Title 66 of the Pennsylvania Consolidated Statutes is amended and the provisions of this part which are applicable to specific provisions of this part are subject to additional definitions contained in subsequent sections of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

***

"Gathering line." A pipe that:

(1) Carries uncompresses gas.
(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

"Gathering line company." A person or corporation owning or operating equipment or a facility in this Commonwealth that:

(1) Carries uncompresses gas.
(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

***

"Public utility."
Section 1.1. Section 1311(c) of Title 66 is amended and the section is amended by adding a subsection to read:

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

Mr. TURZAI. Akin to the good gentleman from Lancaster County's amendment that dealt with gathering lines, this, too, I would argue, is not germane.

Again, this underlying amendment is attempting to amend section 102 of Title 66 to change definitions that have nothing to do with the bill at hand. The bill at hand deals with "valuation of and return on the property" and "alternative regulatory mechanisms" under chapter 13 of Title 66.

And please note as an aside, and I am moving that this is not germane, but no utility is able to go in or is able to just do eminent domain. That is not how it works, and it is irrelevant to the underlying bill. But just so everybody understands, if you are a utility, you have to petition for eminent domain in a court of law. So it is not like a municipality that is able to use eminent domain powers. The ability of public utilities to do eminent domain must actually, they have to petition in a court of law.

But here it is an attempt to change definitions that do not deal with the underlying bill. It is a separate and distinct issue and is not germane to the subject at hand. I would ask everybody to please vote that it is not germane.

The SPEAKER. The gentleman from Allegheny, Mr. Turzai, has raised the question of whether amendment A02884 is germane.

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

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

Mr. Speaker, the key to determining whether a consolidated title is broad or narrow is whether it encompasses disparate subjects. In the case of Crimes and Offenses or Judiciary and Judicial Procedure requires a narrower purpose.

In the case of a broad consolidated title, substantive amendments must be tested for a unifying scheme to accomplish a single purpose.

Mr. Speaker, in discussing the single-subject requirement, the court in *DeWeese v. Weaver* explained that the Pennsylvania Consolidated Statutes comprise titles ranging from broad to narrow in purpose. A narrow consolidated title such as Fish or Game may be able to be treated as a single subject. Any number of substantive amendments should be permissible. A broad consolidated title such as Crimes and Offenses or Judiciary and Judicial Procedure requires a narrower purpose.

In the case of a broad consolidated title, substantive amendments must be tested for a unifying scheme. As an example of a broad title for purposes of the single-subject requirement, requiring DNA samples from incarcerated felony sex offenders does not bear a proper relation to joint and several liability for negligence, even though both topics are properly included in the Judicial Code.

Mr. Speaker, the key to determining whether a consolidated title is broad or narrow is whether it encompasses disparate subjects. In the case of Crimes and Offenses or Judiciary and Judicial Procedure, the titles encompass criminal law and civil law. These clearly are disparate subjects which make the titles broad in nature. The Public Utilities Code, on the other hand,
The following roll call was recorded:

YEAS–90

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

NAYS–109

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

NOT VOTING–0

EXCUSED–4

Evans, D., Maher, O'Brien, D., Taylor

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

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

Ms. MUNDY offered the following amendment
No. A02951:

Amend Bill, page 5, by inserting between lines 2 and 3
(4) Require an infrastructure replacement program that
results in the accelerated replacement of aging infrastructure at a
rate that exceeds the historic average annual rate of nonrevenue-
enhancing infrastructure replacement for the prior 20-year
period, including periodic review of the program with the
opportunity for public hearings, if requested by interested parties.
The procedures shall ensure that the mechanism terminates at the
end of the program or when the commission finds that the fixed
natural gas utility or city natural gas operation is not in
compliance with a previously approved program.

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

The SPEAKER. On that question, the Speaker recognizes the
lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Morgan O'Brien, again, president and CEO of Peoples
Natural Gas Company, testified before the House Consumer
Affairs Committee this year on this underlying bill, HB 1294.
One of the changes he suggested as president of one of our
largest natural gas utility companies was that utilities should file
a 3-year plan with the PUC every 3 years describing where and
how their capital programs would be implemented. This would
ensure that utilities are held accountable for the way they spend
their increased rates, and that is what this amendment does. It
would require utilities who are permitted to automatically
increase their rates to implement an infrastructure replacement
plan to accelerate the replacement of aging infrastructure. This
plan would be submitted when the utility first applies to the
PUC to obtain the right to implement an automatic surcharge. The rate of replacing this infrastructure would have to exceed the utility's historic average annual rate for infrastructure replacement for the prior 20-year period, and this is a very important provision in this bill.

Let me repeat, the rate of replacing this infrastructure would have to exceed the utility's historic average annual rate for infrastructure replacement for the prior 20-year period. As the bill currently stands, utilities would not be required to update their infrastructure any faster than they are updating it right now. They would not have to do anything differently in order to increase their rates automatically. If the purpose of the bill is truly to accelerate infrastructure replacement and maintenance, then surely there should be some sort of a plan that the PUC can look at, and the utility needs to be doing more than what they are currently doing.

In addition, this amendment provides the public the opportunity to review the utility's plan through public hearings. Without this amendment, consumers would have to request to see the utility's quarterly reports in order to learn how their automatic rates are being spent. They would not have the opportunity to make their voices heard at public hearings as they do now in a rate case.

Again, who will stand with the consumer? I ask that you support this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

As a member from the Lehigh Valley where we had a very serious gas explosion within the last year or so, the replacement rate of infrastructure is a matter of grave concern. But the language and the requirements of this particular amendment would actually have the opposite effect of what the gentlelady just voiced, I think in a very sincere way, and let me try to explain why.

By placing a 20-year period replacement scheme by way of this legislation, by way of this amendment, you will thereby force utilities into a faster replacement period than may be very well affordable through the very mechanism we are trying to provide in HB 1294 as a voluntary mechanism. So as a result, you are thereby going to place the utilities in a position for needing to come in for full-blown rate review cases, thereby forcing utility bills up even higher.

Again, listen very carefully, by the language of this particular amendment, you are forcing the utilities into a faster replacement schedule than is feasible and affordable and thereby driving up utility rates, not helping to keep them in line, whereas with the language of HB 1294 the way it is, this is a voluntary mechanism for those companies to replace infrastructure at an affordable pace with the smaller alternative rate mechanism option.

So I would ask the members, although it sounds attractive, this particular amendment would actually drive up consumer costs. Standing on the side of the consumer would be a "no" vote on this amendment. I urge the members to vote "no" on amendment 02951.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?
Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

Ms. MUNDY offered the following amendment No. A02952:

Amend Bill, page 5, by inserting between lines 2 and 3
(4) Provide that the fixed natural gas utility or city natural gas operation shall not initially establish an alternative regulatory mechanism pursuant to this section unless the commission has established the fixed natural gas utility's or city natural gas operation's rates in a general rate case as set out under section 1308(d) (relating to voluntary changes in rates) filed after the effective date of this section. The commission's procedures shall ensure that ratepayers receive timely and full flow through of all cost reductions and other efficiencies that result from the program through periodic rate case filings under section 1308(d) or another suitable methodology.

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Morgan O'Brien, president and CEO of Peoples Natural Gas Company, testified before the House Consumer Affairs Committee this year on the underlying bill, which would allow the PUC to permit utility companies to automatically increase their rates to update their infrastructure. One of the changes to the underlying bill that he suggested, again as president of one of our largest natural gas utility companies, was that utilities should be required to file base rate cases every 3 to 5 years in order to factor in new efficiencies that new pipes create in gas operations. I agree with Mr. Morgan O'Brien, and that is the purpose of this amendment. It would require utilities to file a base rate case after the effective date of the bill in order to obtain PUC approval to automatically increase their rates.

It also requires the PUC to ensure its procedures require utilities to file periodic base rate cases. This would ensure ratepayers receive timely and full flow-through of all cost reductions and other efficiencies in their rates. This amendment will aid in preventing utilities from overcharging their customers automatic rates unless they truly need to do so. Proponents of HB 1294 have said that base rate cases are expensive. However, the money spent on a base rate case is nowhere near expensive when one looks at the amount that utilities originally request in a base rate case and what the PUC eventually determines that they actually need.

Base rate case proceedings save consumers hundreds of millions of dollars in unnecessary rate increases over time. For example, in 2009 Pennsylvania American Water Company requested an annual increase of $58 million. Only about $30 million was granted by the PUC. It is important to note that PA American has already been able to place automatic surcharges on customer bills for 14 years now. Just last year in 2010, Aqua Pennsylvania, who was also able to automatically surcharge customer bills, requested to raise its rates by $43.2 million annually. However, only about $23.6 million was granted by the PUC.

The money used to finance these base rate proceedings has saved consumers close to $50 million annually in just these two rate cases alone. Again, who will stand with the consumer? Who will help to prevent utilities from charging their customers automatic rates unless they truly need to do so? I ask for a positive vote on this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognized the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Some of the same arguments on the last amendment pertain also to this amendment. This amendment, what it would mainly do is really delay the implementation of the act. It takes at least 9 months to a year for the PUC to get involved. It takes time, possibly a year or more, to put the rate case together by the company, at a cost of approximately $1 million on average and maybe more. And really, at this point the PUC already has the authority to require the utility to complete a base rate case as a condition of approval of a utility proposal, and this should be left up to the PUC at their discretion if they think they need one of these multiple-dollar rate cases.

The consumer protections are built into this legislation exactly the way they are now. These filings that are done by the companies would be done on a quarterly basis. They would then be perused by the PUC, and at that time there also would be a check on how much money and how much revenue that the companies were getting. They have a cap. The PUC places a cap on the amount they may recover.

So all of this is in play, and this would do nothing except delay the gas utilities, like PGW in Philadelphia and any other gas company, the ability to get investment to enhance infrastructure, which is vitally needed according to the PUC and a number of other agencies. We need this and we need it now.

Thank you. I ask for a negative vote.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognized the lady, Ms. Mundy, for the second time.

Ms. MUNDY. Thank you, Mr. Speaker.

The gentleman is correct; we are turning enormous discretionary power over to the PUC. And frankly, I object to the underlying premise of doing that, but I would also like to point out that if Aqua Pennsylvania and Pennsylvania American Water Company, both of whom have DSICs now, are continuing to file base rate cases, the argument that this saves a base rate case is invalid, because Pennsylvania American Water Company has filed for base rate increases in 2001, 2003, 2007,
and 2009, and this is with a DSIC. It has not stopped them from filing for base rate increases, including new infrastructure costs.

Aqua Pennsylvania, same thing: has a DSIC in place; filed for a base rate increase in 2004, 2006, 2008, and 2010. It has not kept them from filing base rate increases, this DSIC that they already have.

Again, Mr. Speaker, let us bring some rational thought to this process. To protect consumers, we need to reflect both the cost of the new infrastructure and the savings of retiring old infrastructure and other efficiencies and costs. In a base rate case, we do this; under this bill, we do not. Please, act in the best interests of your consumers and vote in favor of my amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Godshall, for the second time.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would just like to mention, the water companies have been brought into play at this point in the discussion. The water companies' granting of this type of legislation, known as a DSIC, was granted in 1996 by this legislature, of which I voted for. Since that time, there has not been one complaint filed with the PUC by a customer of the water companies pertaining to any kind of activity that goes above and beyond what they would expect. And the same discretion granted by the PUC to a base rate case or to this type of case is there, it is in play, it is promised us by the PUC, and there has not been one complaint on the water legislation to date since 1996.

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

The following roll call was recorded:

YEAS–63

Bishop DePasquale Josephs Payton
Boyle, B. Dermody Kavulich Roebuck
Boyle, K. DeWeese Keller, W. Sabatina
Bradford Donatucci Kirkland Samuelson
Brown, V. Fabrizio Longietti Santarsiero
Brownlee Frankel Maloney Santoni
Caltagirone Freeman Markosek Smith, K.
Carroll Galloway McGeehan Sturla
Cohen George Mirabito Thomas
Conkin Gerber Mullery Vitali
Cruz Gergely Mundy Wagner
Curry Goodman Murphy Waters
Daley Hanna Myers Wheatley
Davis Harkins O'Brien, M. Williams
DeLissio Hornaman Parker Youngblood
DeLuca Johnson Pashinski

NAYS–136

Adolph Evans, J. Kula Readshaw
Aument Everett Lawrence Reed
Baker Farry Major Reese
Barbin Fleck Maloney Reichley
Barrar Gabler Mann Roae
Bear Geist Marshall Rock
Benninghoff Gibbons Marsico Ross
Bloom Gillen Masser Sacco
Bobbak Gillespie Matzie Sainato
Boyd Gingrich Metcalfe Saylor
Brennan Godshall Metzgar Scavello
Briggs Grell Mccarelli Schroder
Brooks Grove Miccozie Shapiro
Brown, R. Hackett Millard Simmons
Burns Hahn Miller Smith, M.
Buxton Haluska Milne Sonney
Causer Harhai Moul Staback
Christiana Harhart Murt Stephens
Clymer Harper Mustio Stern
Costa, D. Harris Neuman Stevenson
Costa, P. Heffley O'Neil Swanger
Cox Helm Oberlander Talman
Creighton Hennessey Payne Tobash
Culver Hess Peifer Toepel
Cutler Hickernell Perry Toolib
Davidson Hutchinson Petarca Truitt
Day Kampf Petri Turzai
Deasy Kauffman Pickett Vereg
Delozier Keller, F. Preston Vulakovich
Denlinger Keller, M.K. Pyle Watson
DiGirolamo Killion Quigley White
Donbar Knowles Quinn
Ellis Kortz Rapp Smith, S.,
Emrick Kotik Ravenstahl Speaker
Evankovich Krieger

NOT VOTING–0

EXCUSED–4

Evans, D. Maher O'Brien, D. Taylor

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

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

Ms. MUNDY offered the following amendment No. A04946:

Amend Bill, page 1, line 3, by striking out "and"
Amend Bill, page 1, line 4, by inserting after "mechanisms";
and further providing for proper service and facilities established on complaint and authority to order conservation and load management programs
Amend Bill, page 5, by inserting between lines 2 and 3
Section 2.1.  Section 1505 heading of Title 66 is amended and the section is amended by adding a subsection to read:
§ 1505.  Proper service and facilities established on complaint; authority to order conservation and load management programs; authority to order replacement of aging infrastructure.

(c) Authority to order replacement of aging infrastructure.—In determining or prescribing safe, adequate and sufficient services and facilities of a natural gas distribution company, the commission may order the natural gas distribution company to establish an aging infrastructure replacement program that the commission determines to be prudent and cost effective.

On the question,
Will the House agree to the amendment?
The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

HB 1294 in its current form offers a carrot to utility companies to replace dangerous aging infrastructure. Well, this amendment provides the stick. This amendment would give the PUC the authority to order natural gas distribution companies to replace their aging infrastructure and to establish a program to do so. Why should we wait for these utilities to remove threats to public safety when we could allow the PUC to order them to make these improvements?

My amendment does not remove the underlying bill’s incentive of charging automatic rates; it simply gives the PUC another tool to ensure that a tragedy like the Allentown explosion does not happen again. I urge you to think of your constituents’ safety and support my amendment.

The SPEAKER. The question is, will the House agree to the amendment?

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

Mr. TURZAI. Mr. Speaker, I rise in opposition to amendment 4946. I would note that I think it is interesting that on the one hand, the gentlelady who authored this particular amendment on the one hand indicates that she believes that the underlying bill provides too much authority to the Public Utility Commission, whereas on the other hand this amendment is designed to, quote, unquote, "give them power" by granting them the authority to order acceleration of natural gas utility distribution system infrastructure.

The fact of the matter is, the existing statute, section 1505(a) already has the balance appropriate. It expressly grants the Public Utility Commission the authority to prescribe, by regulation or order, repairs, alterations, or improvement in utility facilities that are necessary for the safety of the public. So that balance whereby the public utility has authority, by regulation or order, to put forth repairs, alterations, or improvements with the caveat that they are necessary for the safety of the public, as opposed to a carte blanche approach that the gentlelady is putting forth here in amendment 4946.

I would ask everybody to please vote against this particular amendment. It in effect does provide too much authority to the Public Utility Commission, whereas on the other hand this amendment is designed to, quote, unquote, "give them power" by granting them the authority to order natural gas utility distribution system infrastructure.

The fact of the matter is, the existing statute, section 1505(a) already has the balance appropriate. It expressly grants the Public Utility Commission the authority to prescribe, by regulation or order, repairs, alterations, or improvement in utility facilities that are necessary for the safety of the public. So that balance whereby the public utility has authority, by regulation or order, to put forth repairs, alterations, or improvements with the caveat that they are necessary for the safety of the public, as opposed to a carte blanche approach that the gentlelady is putting forth here in amendment 4946.

I would ask everybody to please vote against this particular amendment. It in effect does provide too much power with respect to the Public Utility Commission. It is also, I might say, dealing with chapter 15 of Title 66, Service and Facilities, and is not addressing aspects of chapter 13 of Title 66, which is at place here, which is really just designed to address the timing process.

Again keep in mind, the underlying bill provides for approval, disapproval, or modification by the Public Utility Commission. It just does it in a more expeditious manner. Please vote "no."

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy, for the second time.

Ms. MUNDY. Well, I am confused, Mr. Speaker. If they already have the power and this amendment gives them that power, how is that a bad amendment or how is that not the proper thing to do? I would suggest that if they have the power, they certainly have not been exercising it. Maybe this would wake up the Public Utility Commission to require gas utilities in particular to upgrade their aging infrastructure to prevent instances like what happened in Allentown. If the PUC has the power to do it, they certainly have not been exercising that power, and I would suggest that we make it clear that they have that power by voting for my amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS–70

Bishop
Boyle, B.
Boyle, K.
Bradford
Briggs
Brown, V.
Brownlee
Caltagirone
Carroll
Cohen
Conklin
Cruz
Cury
Daley
Davidson
Davis
DeLissio
DePasquale

Keller, W.
Donatucci
Kortz
Fabrizio
Frankel
Freeman
Galloway
George
Gerber
Gergely
Goodman
Haluska
Hanna
Harkins
Hornaman
Johnson
Josephs
Kavulich

Sabatina
Samuelson
Santarsiero
Santoni
Shapiro
Smith, K.
Smith, M.
Staback
Sturla
Thomas
Vitali
Wagner
Waters
Williams
Youngblood

NAYS–129

Adolph
Aument
Baker
Barbin
Barrar
Bear
Benninghoff
Bloom
Boback
Boyd
Brennan
Brooks
Brown, R.
Burns
Butxton
Causer
Christian
Clymer
Costa, D.
Costa, P.
Cox
Creighton
Culver
Cutler
Day
Deasy
Delozier
DeLuca
Denlinger
DiGirolamo
Dunbar
Ellis
Emrick

Evankovich
Evans, J.
Everett
Farry
Fleck
Gabler
Geist
Gibbons
Gillen
Gillespie
Gingrich
Godshall
Grell
Grove
Hackett
Hahn
Harhai
Harhart
Harper
Harris
Heffley
Helm
Hennessey
Hess
Hickernell
Hutchinson
Kampf
Kauffman
Keller, F.
Keller, M.K.
Killion
Knowles
Kotik

Krieger
Lawrence
Major
Maloney
Mann
Marshall
Marsico
Masser
Matzie
Metcalfe
Metzgar
Micarelli
Micozzie
Millard
Miller
Milne
Moul
Murt
Mustio
Neuman
O’Neill
Oberlander
Payne
Peifer
Perry
Petarca
Petri
Pickett
Preston
Pyle
Quigley
Quinn
Rapp

Ravenstahl
Readshaw
Reed
Reese
Reichley
Roae
Rock
Ross
Saccone
Sainato
Saylor
Scavello
Scherod
Simmons
Sonny
Stephens
Stern
Stevenson
Swanger
Tallman
Tobash
Toepel
Toohill
Truit
Turzai
Vereb
Vulakovich
Watson
White
Smith, S.
Speaker

NOT VOTING–0

EXCUSED–4

Evans, D.
Maher
O’Brien, D.
Taylor
Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was not agreed to.

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

Ms. MUNDY offered the following amendment No. A05282:

Amend Bill, page 3, line 27, by inserting after "1308(d)"
(relating to voluntary changes in rates)
Amend Bill, page 5, line 2, by inserting after "(B)(2)(I)(B)"
of 5% of the utility's annual revenue requirement associated with
distribution service as established by the commission in its most recent
general rate case under section 1308(d)

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment would place a specific cap on automatic rate increases for natural gas, electric, and wastewater utility companies. The cap would be 5 percent of the utility's annual revenue requirement associated with distribution service.

As it currently stands, the bill leaves the amount of the cap to be decided by the PUC, and the PUC has shown that it has no problem raising the cap when it receives a request to do so from water utilities. Water utility companies have been allowed to automatically raise their rates for years now. As the Representative from Montgomery? Delaware? the maker of the bill had stated previously, the PUC granted, or we gave water customers or water utilities the ability to automatically surcharge customer bills in 1996. So the PUC, the cap on that at that time was 5 percent. The PUC initially limited their automatic rate increases to 5 percent, but it has shown in recent years that it has no problem with raising the cap. In fact, it has raised the cap on water companies to 7 1/2 percent, a 50-percent increase.

So in this instance, the word "cap" is a misnomer. My amendment would place firmly in statute a 5-percent cap for these other types of utility companies. Should a utility need more money to make their infrastructure improvements, then they can file a base rate case, as they will inevitably do anyway.

Take Aqua Pennsylvania, for example. Only 6 months after raising its automatic rate cap from 5 percent to 7 1/2 percent, Aqua Pennsylvania filed another base rate case for $43.2 million. The company said this money would be used for infrastructure improvements, which is what its automatic rates are supposed to be used for.

History has shown that many utility companies will continue to file base rate cases even if they have this automatic rate mechanism in place and even if the cap of the automatic rate mechanism is raised significantly. While this fact makes me question why we should even allow automatic rate increases, my amendment would at least prohibit natural gas, electric, and wastewater utilities from raising their automatic rates above 5 percent.

For the last time, Mr. Speaker, who will stand with the consumer? Please support my amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Ellis.

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

I rise in opposition to amendment A05282 for several reasons.

Mr. Speaker, the maker of the amendment would have you believe that putting a prescriptive cap on the amount of capital costs related to infrastructure improvements would somehow make this a windfall from the consumers to the utility company. This, in my estimation, Mr. Speaker, is an incorrect starting point, because all the amounts that are actually recovered are taken into consideration in a base rate case anyway.

This amendment, in my estimation, is unnecessary because the bill, as I mentioned in a previous amendment, already provides for reasonable and prudent costs to be recovered. Additionally, the inclusion of the language will require that any changes, similar to the last amendment, will have to come back through the legislative process in years to come.

Mr. Speaker, unfortunately, this approach that is being offered is a one-size-fits-all solution. The PUC needs and should have the regulatory flexibility to look at things on a case-by-case basis. Varying sizes of utility systems means that some utility companies with more infrastructure replacement needs will have to naturally have a larger cap.

And, Mr. Speaker, the other thing that this amendment does not take into consideration is that base rate cases also include other costs—Mr. Speaker? I am sorry. May I have just a little bit of calm here.

Thank you very much, Mr. Speaker.

Mr. Speaker, my final thought was that the base rate cases also take into consideration other costs besides just infrastructure. They also take into consideration things such as salaries.

And, Mr. Speaker, the other thing that this amendment does not take into consideration is that base rate cases also include other costs—Mr. Speaker? I am sorry. May I have just a little bit of calm here.

Thank you very much, Mr. Speaker.

Mr. Speaker, my final thought was that the base rate cases also take into consideration other costs besides just infrastructure. They also take into consideration things such as salaries.

So for those reasons, I encourage a "no" vote on the amendment, and thank you very much, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. SHAPIRO, from Montgomery County for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1294 CONTINUED

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

The following roll call was recorded:

YEAS–80
Bishop        DeLuca        Kavulich        Petrarca
Boyle, B.     DePasquale    Keller, W.      Preston
Boyle, K.     Dermody        Kirkland       Ravenstahl
Bradford      DeWeese        Kortz          Readshaw
Briggs        Donatucci      Kotik          Roebeck
Brown, V.     Fabrizio       Longietti      Sabatina
Brownlee      Frankel        Mahoney        Samuelsion
Caltagirone   Freeman        Markosek       Santarsiero
Carroll  Galloway  Matzie  Santoni
Cohen  George  McGeehan  Smith, K.
Conklin  Gerber  Mirabito  Smith, M.
Costa, D.  Gergely  Mullery  Staback
Costa, P.  Goodman  Mundy  Thomas
Cruz  Haluska  Murphy  Vitali
Curry  Hanna  Myers  Wagner
Daley  Harhai  Neuman  Waters
Davidson  Harkins  O'Brien, M.  Wheatley
Davis  Homaman  Parker  White
Deasy  Johnson  Pashinski  Williams
DeLissio  Josephs  Payton  Youngblood

NAYS–118

Adolph  Evans, J.  Krieger  Reed
Aument  Everett  Kula  Reece
Baker  Farry  Lawrence  Rechley
Barbin  Fleck  Major  Roae
Barrar  Gabler  Maloney  Rock
Bear  Geist  Mann  Ross
Benninghoff  Gibbons  Marshall  Saccone
Bloom  Gillen  Marsico  Sainato
Boback  Gillespie  Masser  Saylor
Boyd  Gingrich  Metcalfe  Scavello
Brennan  Godshall  Metzgar  Schroder
Brooks  Grell  Miccarelli  Simmons
Brown, R.  Grove  Miccozie  Sonney
Burns  Hackett  Millard  Stephens
Buxton  Hahn  Miller  Stern
Causer  Harbart  Milne  Stevenson
Christiana  Harper  Moul  Sturla
Clymer  Harris  Murt  Swanger
Cox  Heffley  Mustio  Tallman
Creightoon  Helm  O'Neil  Tobash
Culver  Hennessey  Oberlander  Toepel
Cutler  Hess  Payne  Toohil
Day  Hickernell  Peifer  Trout
Delozier  Hutchinson  Perry  Turzai
Denlinger  Kampf  Petri  Veb
DiGirolamo  Kaufman  Pickett  Vulakovich
Dunbar  Keller, F.  Pyle  Watson
Ellis  Keller, M.K.  Quigley
Emrick  Killion  Quinn  Smith, S.,
Evanovich  Knowles  Rapp  Speaker

NOT VOTING–0

EXCUSED–5

Evans, D.  O'Brien, D.  Shapiro  Taylor
Maher

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

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

Mr. HANNA offered the following amendment No. A02898:

Amend Bill, page 1, line 3, by striking out "and"
Amend Bill, page 1, line 4, by inserting after "mechanisms" and for natural gas extraction
Amend Bill, page 5, by inserting between lines 2 and 3
Section 3. Title 66 is amended by adding a chapter to read: CHAPTER 13-A
NATURAL GAS EXTRACTION

Sec. 1331-A. Definitions.

1332-A. Natural gas extraction rate.
1333-A. Rate adjustment index.
1334-A. Administration.
1335-A. Well information.
1336-A. Duties of department.
1337-A. Meters.
1338-A. Commission.
1339-A. Enforcement.
1340-A. Criminal penalties.
1341-A. Criminal grading.
1342-A. Enforcement orders.
1343-A. Administrative penalties.
1344-A. Regulations.
1345-A. Recordkeeping.
1346-A. Examinations.
1347-A. Local distribution.
1348-A. Statewide environmental initiatives.

§ 1331-A. 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:

"Account." The Shale Impact Account established in section 1347-A (relating to local distribution).

"Average annual price of natural gas." The arithmetic mean of the New York Mercantile Exchange (NYMEX) Henry Hub settled price on the last trading day of each month of a calendar year as reported by the Wall Street Journal for the 12-month period ending March 31.


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

"Eligible applicants." A county, municipality, council of governments, watershed organization, institution of higher education, nonprofit organization, Pennsylvania Fish and Boat Commission or an authorized organization as defined in 27 Pa.C.S. § 6103 (relating to definitions).

"Highway mileage." The number of miles of public roads and streets most recently certified by the Department of Transportation as eligible for distribution of liquid fuels funds under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

"Municipality." A borough, city, town or township.

"Natural gas." A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

"Natural gas liquids." Hydrocarbons in natural gas which are separated from the gas as liquids through the process of absorption, condensation, adsorption or other methods in gas processing of cycling plants.

"New well." An unconventional well that is within six months of its commencement of production.

"Number of producing unconventional wells." The most recent numerical count of producing unconventional wells on the inventory maintained and provided to the commission by the department as of the last day of each month.

"Producer." A person or its subsidiary, affiliate or holding company that holds a permit or other authorization to engage in the business of severing natural gas for sale, profit or commercial use from an unconventional well in this Commonwealth. The term shall not include a producer that severs natural gas from a site used to store natural gas that did not originate from the site.

"Reporting period." Every three successive calendar months beginning January 1, 2012.

"Unconventional well." A bore hole drilled or being drilled for the purpose of or to be used for producing oil or gas from a geological
formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where oil or gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation of the well bore.

"Unit." (1) One thousand cubic feet of natural gas measured at the wellhead at a temperature of 60 degrees Fahrenheit and an absolute pressure of 14.73 pounds per square inch in accordance with American Gas Association Standards and according to Boyle's Law for the measurement of gas under varying pressures with deviations as follows:

(i) The average absolute atmospheric pressure shall be assumed to be 14.4 pounds to the square inch, regardless of elevation or location of point of delivery above sea level or variations in atmospheric pressure from time to time.

(ii) The temperature of the gas passing the meters shall be determined by the continuous use of a recording thermometer installed to properly record the temperature of gas flowing through the meters. The arithmetic average of the temperature recorded each 24-hour day shall be used in computing gas volumes. If a recording thermometer is not installed, or is installed and not operating properly, an average flowing temperature of 60 degrees Fahrenheit shall be used in computing gas volume.

(iii) The specific gravity of the gas shall be determined annually by tests made by the use of an Edwards of Acme gravity balance, or at intervals as necessary. Specific gravity determinations shall be used in computing gas volumes.

(iv) The deviation of the natural gas from Boyle's Law shall be determined by annual tests or at other shorter intervals as necessary. The apparatus and method used in making the test shall be in accordance with recommendations of the National Bureau of Standards or Report No. 3 of the Gas Measurement Committee of the American Gas Association. The results of the test shall be used in computing the volume of gas delivered under this chapter.

(2) In the case of natural gas produced in liquid form, a unit shall be measured on a 1,000 cubic feet equivalent basis, determined using the ratio of 6,000 cubic feet of natural gas to one barrel of natural gas liquids.

"Vertical gas well." An unconventional well which begins as a vertical linear bore and is not intentionally deviated from the vertical which is incapable of producing 60,000 units per day.

§ 1332-A. Natural gas extraction rate.

(a) Establishment.—Beginning January 1, 2012, there shall be levied a natural gas extraction rate on each unconventional well producing in this Commonwealth subject to the rate adjustment index in section 1333-A (relating to the rate adjustment index), except that new wells and vertical wells shall only be subject to the base rate established in subsection (c).

(b) Exemptions.—The rate shall not be imposed on the following:

(1) Units severed by a producer and sold and delivered to a manufacturer of tangible personal property, as defined in section 201(m) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the manufacturer's use within this Commonwealth if the units have been severed from one or more producing sites or nonproducing sites on property owned by the manufacturer.

(2) Units provided free of charge to the owner of the surface under which the gas is severed if the surface owner is the end user of the gas.

(c) Base rate.—The base rate shall be 25¢ per unit severed at the wellhead.

§ 1333-A. Rate adjustment index.

(a) Annual adjustment.—The base rate shall be adjusted annually by the amount of the rate adjustment index as calculated under subsection (c), provided that the adjusted rate shall never be less than the base rate. The adjusted rate shall be effective for the next fiscal year.

(b) Determination of adjustment.—On or before April 30 of each year following the effective date of this section, the commission shall calculate and determine the amount of the rate adjustment index.

(c) Calculation of adjustment.—The rate adjustment index shall be determined as follows:

(1) If 7% of the average annual price of gas is less than the base rate, the rate adjustment index shall be zero and the adjusted rate shall be the base rate.

(2) If 7% of the average annual price of gas is greater than the base rate, the rate adjustment index shall be 50% of the difference between 7% of the average annual price of gas and the base rate. The adjusted rate shall be the resulting rate adjustment index plus the base rate.

(d) Publication of adjustment.—The commission shall forward the amount of the rate adjustment index and the adjusted rate, as determined under subsection (c), to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin by May 1 of each year and shall simultaneously provide the information to producers by written notice. Failure of the amount of the rate adjustment index and the adjusted rate to be published or provided to producers as required by this subsection shall not affect the effectiveness of the adjusted rate under subsection (b).

(e) Discontinuance of data.—If publication of the NYMEX Henry Hub average monthly gas price data is discontinued, the adjusted rate then in effect shall not be adjusted until a comparable method for determining the rate adjustment index is adopted by the General Assembly in legislation.

(f) Other adjustments.—If the base data of the NYMEX Henry Hub average monthly gas price is substantially revised, the commission shall, when determining the amount of the rate adjustment index under subsection (c), make appropriate changes to ensure that the rate adjustment index is reasonably consistent with the result which would have been attained had the substantial revision not been made. If the commission is unable to make reasonable changes sufficient to ensure a consistent result, the adjusted rate then in effect shall not be adjusted until a comparable method for determining the rate adjustment index is adopted by the General Assembly in legislation.

(g) Application of rate determinations.—The provisions of this section shall affect only the determination of the rate imposed in section 1332-A (relating to natural gas extraction rate). The provisions of this section are not intended, nor shall they be construed, to affect any other determination whatsoever, including, but not limited to, the determination of royalty due under mineral leases. Notwithstanding any other provision of law, the rate imposed under section 1332-A shall not reduce any royalty payments due under mineral leases and the producer may not recover any portion of the rate paid from the royalty owner through other means of deduction or reallocation, notwithstanding any provision in the lease, contract or agreement.

§ 1334-A. Administration.

(a) Report.—Within 25 days after the last day of a reporting period, each producer shall submit a report and payment of the rate with the commission on a form prescribed by the commission for each reporting period. The report shall include the following:

(1) The units of production severed by the producer for each unconventional well for the reporting period.

(2) The number of producing unconventional wells of a producer in each county and municipality.

(3) The amount due for the reporting period.

(b) Payment.—The reported amount due shall be paid on the day the report is required to be filed. The amount due shall become delinquent if not remitted to the commission on the reporting date.
§ 1339-A. Enforcement.

§ 1338-A. Commission.

§ 1335-A. Well information.

extracted for the reporting period, the commission may estimate the volume in its deficiency notice.

(d) Remedies.—The remedies provided under this chapter are in addition to any other remedies provided at law or in equity.

(e) lien.—Fines, fees, interest and penalties shall be collectible in the manner provided by law for the collection of debts. If the producer liable to pay an amount neglects or refuses to pay the amount after demand, the amount, together with costs which may accrue, shall be a judgment in favor of the Commonwealth upon the property of the producer, but only after the judgment has been entered and docketed of record by the prothonotary of the county where the property is situated. The Commonwealth may transmit to the prothonotaries of the respective counties certified copies of the judgments. It shall be the duty of each prothonotary to enter and docket the judgments in record in his office and to index each judgment, without requiring the payment of costs as a condition precedent to the entry of the judgment.

§ 1340-A. Criminal penalties.

(a) Offense defined.—It shall be unlawful for a producer to:

(1) Intentionally make or cause to be made a false or fraudulent report under this chapter with the intent to defraud the Commonwealth.

(2) Refuse to permit the commission or its authorized agents to examine books, records or papers or hinder or obstruct the commission in the performance of a duty under this chapter.

(3) Violate 18 Pa.C.S. § 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities), including a violation in providing or preparing information required by this chapter.

(4) Intentionally fail to make timely payment of the rate.

(b) Probable cause.—If the commission believes that probable cause of a violation under this section exists, the commission shall refer the case to the Attorney General for investigation.

§ 1341-A. Criminal grading.

(a) Summary offense.—Except as set forth in subsection (b), a producer who willfully violates this chapter or an order issued under this chapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $1,000 nor more than $10,000 and costs or a term of imprisonment for not more than 30 days, or both.

(b) Misdemeanor offense.—A producer who commits a second or subsequent violation of this chapter or an order of the commission commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than $10,000 per day for each violation or to imprisonment for a period of not more than one year, or both.

(c) Violations.—Each violation for each separate day and each violation of this chapter or order issued under this chapter shall constitute a separate offense under subsection (a) or (b).

§ 1342-A. Enforcement orders.

(a) Issuance.—The commission may issue an order as necessary to enforce this chapter. An order issued under this section shall take effect upon notice, unless the order specifies otherwise. An appeal of the order must be filed within 30 days of its issuance.

(b) Compliance.—A producer has the duty to proceed diligently to comply with an order issued under subsection (a). If a producer fails to proceed diligently or to comply with an order within the time required, the producer shall be guilty of contempt and shall be punished by the court in an appropriate manner. The commission shall apply to the Commonwealth Court, which shall have jurisdiction over matters relating to contempt.

§ 1343-A. Administrative penalties.

(a) Civil penalties.—In addition to any other proceeding authorized by law, the commission may assess a civil penalty upon a producer for the violation of this chapter. In determining the amount of the penalty, the commission shall consider the willfullness of the violation and other relevant factors.

(b) Separate offense.—Each violation for each separate day and each violation of this chapter shall constitute a separate offense.

(c) Limitation of actions.—Notwithstanding a limitation in 42
§ 1346-A. Examinations.

The commission shall promulgate regulations necessary to enforce this chapter.

§ 1345-A. Recordkeeping.

A producer liable for the rate imposed under this chapter shall keep records, make reports and comply with regulations of the commission. If necessary, the commission may require a producer to make reports, render statements or keep records as the commission deems sufficient to determine liability for the rate.

§ 1344-A. Regulations.

The commission shall be distributed by the commission by June 15 of each year in accordance with judicial order or as otherwise provided by law.

§ 1347-A. Local distribution.

(a) Establishment.—There is hereby established a restricted receipts account to be known as the Shale Impact Account to be administered by the commission.

(b) Deposit.—The rate imposed under section 1332-A (relating to natural gas extraction rate) and received by the commission shall be deposited into the account. Funds in the account are hereby appropriated, on a continuing basis, to the commission for the purposes of this chapter.

(c) Conservation districts.—

(1) Beginning May 1, 2012, and on each May 1 thereafter, $7,500,000 of the funds in the account shall be distributed to each county conservation district.

(2) Funds available under paragraph (1) shall be distributed as follows:

(i) One-half shall be distributed to each county conservation district by the county from the county general fund, special fund and grant sources by counties from the county general fund, special fund and grant sources by a formula that divides the annual amount appropriated to each county conservation district by the county from the county general fund, special fund and grant sources by counties from the county general fund, special fund and grant sources and multiplying the resulting percentage by the amount available for distribution to the county under this subparagraph.

(ii) One-half shall be distributed using a formula that divides the number of producing unconventional gas wells in the county by the number of producing unconventional gas wells in this Commonwealth and multiplies the resulting percentage by the amount available for distribution to the county under this subparagraph.

(d) Additional distributions.—Following the distributions made under subsection (c), 60% of the funds then remaining in the account shall be distributed by the commission by June 15 of each year in accordance with this subsection. Municipalities and counties are encouraged, where appropriate, to jointly fund projects that cross jurisdictional lines. The distribution shall be as follows:

(1) Thirty-six percent shall be distributed to counties in which producing unconventional gas wells are located. The amount for each county shall be determined using a formula that divides the number of producing unconventional gas wells in the county by the number of producing unconventional gas wells in this Commonwealth and multiplies the resulting percentage by the amount available for distribution under this paragraph.

(2) Thirty-seven percent shall be distributed to municipalities in which producing unconventional gas wells are located. The amount for each municipality shall be determined using a formula that divides the number of producing unconventional gas wells in the municipality by the number of producing unconventional gas wells in this Commonwealth and multiplies the resulting percentage by the amount available for distribution under this paragraph.

(3) Twenty-seven percent shall be distributed to municipalities located in a county in which producing unconventional gas wells are located. The amount available for distribution in each county shall be determined by dividing the number of producing unconventional gas wells in the county by the number of producing unconventional gas wells in this Commonwealth and multiplying the resulting percentage by the amount available for distribution under this paragraph. The resulting amount available for distribution in each county in which producing unconventional gas wells are located shall be distributed to each municipality in the county regardless of whether an unconventional gas well is located in the municipality as follows:

(i) One-half shall be distributed to each municipality using a formula that divides the population of the municipality within the county by the total population of the county and multiplies the resulting percentage by the amount available for distribution to the county under this subparagraph.

(ii) One-half shall be distributed to each municipality using a formula that divides the highway mileage of the municipality within the county by the total highway mileage of the county and multiplies the resulting percentage by the amount available for distribution to the county under this subparagraph.

(e) Use of funds.—A county or municipality receiving funds under this section shall use the funds only for the following purposes:

(1) Construction, reconstruction, maintenance and repair of roads, bridges and public infrastructure.

(2) Water, storm water and sewer systems, including construction, reconstruction, maintenance and repair.

(3) Emergency preparedness and public safety, including police and fire services.

(4) Environmental programs, including trails, parks and recreation, open space, flood plain management, conservation districts and agricultural preservation.

(5) Preservation and reclamation of surface and subsurface waters and water supplies.

(6) Tax reductions, including homestead exclusions.

(7) Records management, geographic information systems and information technology.

(8) To provide safe and affordable housing to residents.

§ 1348-A. Statewide environmental initiatives.

(a) Distributions.—Following the distributions made under section 1347-A(c) and (d) (relating to local distribution), 40% of the funds then remaining in the account shall be distributed by the commission as follows:

(1) Seventy percent to the Commonwealth Financing Authority to be utilized for grants to eligible applicants for the following purposes:

(i) To implement acid mine drainage abatement and cleanup efforts, mine reclamation and to plug...
abandoned and orphaned oil and gas wells,
(ii) Grants for watershed protection as defined in 27 Pa.C.S. § 6103 (relating to definitions),
(iii) Planning and enforcement authorized under section 6 of the act of January 24, 1966 (1965 P.L. 1535, No.537), known as the Pennsylvania Sewage Facilities Act,
(iv) Water, storm water and sewer systems, including construction, reconstruction, maintenance and repair,
(v) The planning, acquisition, development, rehabilitation and repair of greenways, recreational trails, open space, natural areas, community conservation and beautification projects, community and heritage parks and forest conservation,
(vi) Flood control and dam safety projects, including the removal of dams where appropriate,
(2) Twenty percent to the Environmental Stewardship Fund.
(b) Restriction on use of proceeds—
(1) Funds shall not be used by a recipient for public relations, outreach, communications, lobbying or litigation purposes.
(b) Restriction on use of proceeds—
(2) Property purchased using funds from the account under this section shall not be conveyed or resold to another person without approval from the Department of Conservation and Natural Resources.
(3) Grants may not be used by an authorized organization as defined in 27 Pa.C.S. § 6103 for land acquisition unless the authorized organization has obtained the written consent of the county and municipality in which the land is situated.
(c) Coordination with other agencies—The department and the Department of Conservation and Natural Resources shall review applications for funding under this section as requested by the Commonwealth Financing Authority and provide recommendations on priority of projects and project approval for consideration by the Commonwealth Financing Authority.

Amend Bill, page 5, line 3, by striking out "3" and inserting

4

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

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

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2898 addresses the many issues raised by the development of the Marcellus Shale across Pennsylvania. Mr. Speaker, with all due respect to the Governor, his announcement this morning of his plan shows the dramatic differences between his proposal and what I and many legislators in both this House and in the Senate feel needs to be done to regulate drilling and pay for that regulation. However, Mr. Speaker, amendment A02898 was drafted and filed on June 13 of this year and falls short of Chairman George's Protect PA plan, which I support.

AMENDMENT WITHDRAWN

Mr. HANNA. So I will be withdrawing this amendment, Mr. Speaker, and urge the majority leader to schedule these drilling issues for consideration of this House.

Thank you, Mr. Speaker.
So please vote "no" on this amendment. There is nothing in the bill that addresses rates for seasonal service or even deals with rates for certain types of service. Please vote "no."

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Hanna, for a second time.

Mr. HANNA. Thank you, Mr. Speaker.

Again, Mr. Speaker, as I said, this bill is designed to protect seasonal businesses. Keep in mind that those seasonal businesses include your county fairs. They do not want to go through the disconnect and reconnect costly procedure that utilities require. If we pass this amendment, they will pay a minimum fee, which obviously is there to pay the utilities for what their costs are, but they will not be subject to exorbitant charges in any month where they use no electricity. That is the important part, Mr. Speaker. It is fair to fairs in particular but to all seasonal businesses.

Thank you, Mr. Speaker. I urge a "yes" vote on 2956.

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

The following roll call was recorded:

YEAS–82

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

NAYS–116

Adolph, Farry, Major, Reed
Aument, Fleck, Maloney, Reese
Baker, Gabler, Mann, Reichley
Barbar, Geist, Marshall, Roac
Bear, Gillen, Marsconi, Rie
Benninghoff, Gillespie, Masser, Ross
Bloom, Gingrich, Metcalfe, Saccione
Boback, Godshall, Metzgar, Sainato
Boyd, Goodman, Micarelli, Saylor
Brennan, Grell, Micozzi, Scavello
Brooks, Grove, Miller, Schroder
Brown, R., Hackett, Milne, Simmons
Buxton, Hahn, Moul, Sonney
Causer, Harbart, Murt, Stephens
Christiana, Harper, Mustio, Stern
Clymer, Harris, Neuman, Stevenson
Cox, Heffley, O'Neil, Swanger
Creighton, Helm, Oberlander, Tallman
Culver, Hennessey, Payne, Tobash
Cutler, Hess, Peifer, Toepel
Day, Hickernell, Perry, Toohil
Delozier, Hutchinson, Petri, Truitt
Denlinger, Kampf, Pickett, Turzai
DiGirolamo, Kaufman, Preston, Vulakovich
Dunbar, Keller, F., Pyle, Vreeland
Ellis, Keller, M.K., Quigley, Watson
Emrick, Killion, Quinn, WATER
Evanovich, Knowles, Rapp, Smith, S.,
Evans, J., Krieger, Readshaw, Speaker
Everett, Lawrence

LESS THAN THE MAJORITY HAVING VOTED IN THE AFFIRMATIVE, THE QUESTION WAS DETERMINED IN THE NEGATIVE AND THE AMENDMENT WAS NOT AGREED TO.

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

The SPEAKER. That concludes all of the amendments that were timely filed. There are two late-filed amendments.

MOTION TO SUSPEND RULES

The SPEAKER. Does the gentleman from Lancaster, Mr. Sturla, seek recognition to move to suspend the rules for the consideration of amendment A05384?

Mr. STURLA. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Sturla, moves that the rules be suspended for the consideration of amendment A05384.

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

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

Mr. STURLA. Thank you, Mr. Speaker.

Very quickly, this would expand what is allowable as a recoverable cost. Currently if you have electric service and it is aboveground, moving it underground is not a recoverable cost for the utilities, as I understand it, according to them. This would simply allow that to happen for any of you that live in an older community that would like to have some of their lines buried at some point in time, whether for the fact that it is a historic district or whether it is that it is a safety issue in particular areas. This is something that would allow for that to happen in a much more timely manner and allow the companies to recover their costs.

Thank you, Mr. Speaker.

The SPEAKER. On the question of suspension of the rules, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. I would ask the members to please vote "no."

On the question recurring,
Will the House agree to the motion?
The following roll call was recorded:

YEAS–89

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

NAYS–109

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

NOT VOTING–0

EXCUSED–5

Evans, D.  O'Brien, D.  Shapiro  Taylor
Maher

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

**MOTION TO SUSPEND RULES**

The SPEAKER. Does the gentleman from Delaware County, Mr. Vitali, seek recognition to suspend the rules for the consideration of amendment A05317?

The gentleman from Delaware County, Mr. Vitali, moves to suspend the rules for consideration of amendment A05317.

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

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

Mr. VITALI. Mr. Speaker, I would be happy to withdraw this motion in exchange for being able to just take maybe 2 minutes and just talk about the amendment.

The SPEAKER. The gentleman may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to use this opportunity to— I will be withdrawing this amendment, which is essentially HB 33, which essentially would oppose a 6-percent severance tax on natural gas drilling and divide the proceeds, a third to the General Fund, a third to the Environmental Fund, and a third to local municipalities. I am withdrawing it. I understand what the numbers are today, but I think it is particularly important that we consider this in light of the plan proposed by the Governor today, which gives no money to the General Fund, virtually no money to southeastern Pennsylvania. It has an effective rate of 1 percent. You have States like Texas imposing a drilling tax of about 7 1/2 percent; West Virginia, 6 percent. So the Governor's proposal is woefully inadequate. I think we in the House need to take the initiative on issues like this and pass over to the other chamber a good, fair severance tax.

Thank you, Mr. Speaker.

MOTION WITHDRAWN

The SPEAKER. The gentleman, Mr. Vitali, withdraws his motion to suspend the rules.

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

** ***

The House proceeded to second consideration of SB 200, PN 1403, entitled:

An Act establishing standards for managing concussions and traumatic brain injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

On the question,
Will the House agree to the bill on second consideration?
Mr. BRIGGS offered the following amendment No. A05291:

Amend Bill, page 1, line 16, by inserting after "concussions"
or a licensed or certified health care professional trained in theevaluation and management of concussions anddesignated by such licensed physician

Amend Bill, page 1, line 17; page 2, lines 1 through 3, by striking out "(2) A certified athletic trainer who is trained in the " in line 17 on page 1, all of lines 1 and 2 and "(3)" in line 3 on page 2 and inserting July 1, 2012, or immediately, whichever is later

Amend Bill, page 2, lines 7 and 8, by striking out all of said lines

Amend Bill, page 5, line 16, by striking out "in 60 days" andinserting July 1, 2012, or immediately, whichever is later

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

The following roll call was recorded:

YEAS–198


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

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

The SPEAKER. On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Briggs.

Mr. BRIGGS. Thank you, Mr. Speaker.

I just wanted to take a quick moment to thank you for supporting the amendment. I have been working on the language of the bill for a few years, and I specifically want to thank Representative Cutler and Representative Stevenson for teaming up this last week to help me get agreed-to language to get this to the next step.

Thank you very much.

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

The SPEAKER. For the information of the members, there will be no further votes this evening. There are a few announcements.

LABOR AND INDUSTRY COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman from York County, Mr. Miller, for the purpose of making an announcement.

Mr. MILLER. Thank you, Mr. Speaker.

I would like to announce that there will be a voting meeting of the House Labor and Industry Committee at 10:45 tomorrow morning in the majority Appropriations Committee conference room, 10:45 in their conference room. It is for a referal of one bill, SB 637, to the State Government Committee. Again, that is 10:45 tomorrow morning, the L&I Committee has a voting committee meeting in the majority Appropriations Committee conference room.

Thank you, Mr. Speaker.

The SPEAKER. There will be a Labor and Industry committee meeting tomorrow at 10:45 a.m. in the majority Appropriations Committee conference room.
BILLS RECOMMEDIT

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1294 and SB 200 be recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

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

- HB 267
- HB 529
- HB 1025

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

RESOLUTION

Mr. TURZAI called up HR 89, PN 917, entitled:

A Resolution directing the Joint State Government Commission to study and review the economic impacts on the regulated community and on the Commonwealth of implementation of the 2008 amendments to the Dog Law and the regulatory standards which were adopted to implement the legislation.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 89 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 89 be removed from the tabled calendar and placed on the active calendar.

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

VOTE CORRECTION

The SPEAKER. For what purpose does the gentleman, Mr. Murphy, rise?
Mr. MURPHY. Correction of the record, Mr. Speaker.
The SPEAKER. The gentleman may state his correction.

Mr. MURPHY. Mr. Speaker, I was inadvertently recorded in the affirmative on concurrence for SB 1151, PN 1605, on Wednesday, September 28, and I wanted to correct the record and be recorded in the negative.

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

Mr. MURPHY. Thank you, Mr. Speaker.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business, the Speaker recognizes the gentlelady, Ms. Brownlee, from Philadelphia County, who moves that this House do adjourn until Tuesday, October 4, 2011, at 11 a.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 5:43 p.m., e.d.t., the House adjourned.