

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

TUESDAY, JUNE 19, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 51

### HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (DENNIS M. O'BRIEN)  
PRESIDING**

#### PRAYER

HON. FRANK SHIMKUS, member of the House of Representatives, offered the following prayer:

Let us pray:

Lord God, our Father, when You asked Your servant, Solomon, how he would be blessed, he asked for wisdom and a discerning heart to govern Your people. May we this day follow his lead.

We humbly ask You for wisdom and a discerning heart as we gather in this chamber to do the people's business. Father, we need Your guidance and Your inspiration. We need Your spirit to lead. Bless all those who are in leadership, bless all who serve, and grant that at the end of this day we can stand firm knowing we have acted honorably towards the poor and the needy, acted fairly towards all our constituents, and acted with respect and dignity towards each other.

In Your name we humbly pray. Amen.

#### PLEDGE OF ALLEGIANCE

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

#### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Monday, June 18, 2007, will be postponed until printed. The Chair hears no objection.

#### LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip. The gentleman indicates there are no leaves requested for today. The Chair thanks the gentleman.

The Chair recognizes the minority leader, who requests that Representative DALLY of Northampton County be placed on leave for today. Without objection, Representative Dally will be placed on leave.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—202

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Wansacz
DiGirolamo	Kula	Pyle	Waters
Donatucci	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longiotti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	
Frankel	Mann	Rock	O'Brien, D., Speaker
Freeman	Mantz	Roebuck	

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Dally

LEAVES CANCELED—1

Dally

The SPEAKER. A quorum being present, the House will proceed to conduct business.

### GUESTS INTRODUCED

The SPEAKER. The Chair would like to recognize, as a guest of Representative David Kessler, a guest page, Blair Haring. She will graduate from Kutztown University in December of 2007 with a B.A. (bachelor of arts) degree in political science. She is currently working as an intern in Representative Kessler's district office in Oley, Pennsylvania, and she is standing right in the well of the House. Please join the Chair in welcoming her to the floor.

Representative Jay Moyer would like to welcome to the hall of the House Craig Birchall, who is a guest page. Craig will be going into the eighth grade at Indian Crest Junior High School next year. Representative Moyer would also like to welcome Christopher Urbanek; his wife, Rita; and their son, C.J., who are accompanying Craig today, and they are seated to the left of the Speaker. They are from Harleysville, Pennsylvania, and are visiting the Capitol. Would they all please rise and be recognized.

The Chair welcomes Jonathan Schall, a junior at Wyoming Area High School. Jonathan's parents, Frank and Karen Schall, are here with him. They are the guests of Representative Phyllis Mundy. Would you please join the Chair in welcoming our guests to the floor of the House.

The Chair would like to welcome Elena Habersky, who will be a junior at the Dallas Area High School. Elena is accompanied today by her parents, Joseph and Karen Habersky, who are seated in the gallery. They are the guests of Representative Karen Boback. Would you please join the Chair in welcoming our guests to the floor of the House.

The Chair would like to welcome Ross Seilhammer, who is the guest page of Representative Mark Keller and also the son of Representative Scott Perry's legislative assistant. Would you please stand and be recognized. There you are. Please join the Speaker in welcoming Ross to the floor of the House.

### BENNETT LEVIN INTRODUCED

The SPEAKER. The Chair recognizes Representative Geist for an introduction.

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

Today is a very, very special day for us. We are honoring a young man from Philadelphia named Bennett Levin, a graduate engineer from Penn State, a man who has served the city of Philadelphia, a man who has dedicated his life to making things better for everybody else.

Bennett has a hobby, a wonderful hobby. He has restored two E8 locomotives, diesel locomotives. He has a couple railway cars, a shop. He does wonderful work. But that is not what we are here to honor him about today.

Bennett, along with some of his friends he called up, put together a special train and arranged to take wounded soldiers from Walter Reed hospital and other military facilities on a special trip from Washington, DC, to the Army-Navy game in Philadelphia.

For those who would like to view that, it is easy to find on the Web. There are a tremendous amount of photos, but those kinds of acts of kindness and patriotism really need to be recognized in our today's society.

At this time I would like to introduce some of the folks that are along with us today: Joe Gerdes, who is the executive director of the Keystone Railroad Association; General Timmons, whom many of you knew for years being here in Harrisburg, who now runs the Short Line Association in Washington, DC – I would ask you to all stand – Steve Riley from the Army War College Foundation. Steve, the Army is certainly appreciative of Bennett, his efforts to honor and take care of our wounded soldiers. And Jennifer Macdonald, the Association of American Railroads. If we could give them a round of applause.

It gives me great pleasure to ask Bennett to stand, and I would ask you to give him a round of applause. He has gone far, far out of his way and spent many, many of his dollars to make life better for our wounded veterans. Bennett, we salute you.

### CALENDAR

#### RESOLUTION PURSUANT TO RULE 35

Mr. PAYNE called up **HR 337, PN 1932**, entitled:

A Resolution designating June 19, 2007 as "Oval Race Track Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Payne. Mr. PAYNE. Thank you, Mr. Speaker.

Mr. Speaker, as cochair of the Motor Sport Caucus, it is my honor to be here today and to recognize Pennsylvania Oval Track Day.

When we formed this caucus, it was to promote racing in Pennsylvania and bring an awareness to the members in the House to just how important racing is to Pennsylvania. Today we are honored to have track owners, people who own cars, and drivers themselves here with us in the House chamber.

I now would like to turn it over to my cochairman, Gary Haluska.

Mr. HALUSKA. Thank you, John.

I would just like to introduce some of the tracks, and pay attention because some of these may be in your legislative districts: Bedford Speedway, J.R. Keifer and Eric Zembower are here today with us; from Grandview Speedway, Bill Henning; from Port Royal Speedway, Tom Little; from Lake Erie Speedway, Joe Lewandoski; from

Mountain Speedway, Mike Odwazny; from Eastern Museum of Motor Racing, Mike Marsicano; from Lincoln Speedway, Don and Bob Leiby; from Williams Grove, Alan Kreitzer; from Redline Raceway, Barry Matthews; from Linda's Speedway, Linda Batz; from Selinsgrove, Charlie Paige; from Path Valley, Mark Oswald; Susquehanna Speedway Park, Todd Fisher; Hesston Speedway, Ryan Lynn; Oaklane Speedway, Kirk Morrissey; from Trail-Way Speedway, Cindy and Brad Hostetter; from Motordrome Speedway, Steve Whitlock; from Lernerville Speedway, Gary Risch, Jr., and Gary Risch, Sr. All these people are at the back of the House along with these drivers: Kaleb Morrison, Greg Hodnett, Jason Fry, Kevin Nouse, J.R. Fry, Blane Heimbach, Jessie Morrison, Lucas Wolfe, Mike Erdley, and Donnie Schick.

We would like to take a minute out to thank these people for all they do for motor sports in Pennsylvania. What you will see in the Veterans Memorial Park, across from the fountain, is just a sampling of over 60 racetracks in Pennsylvania, and these people are owners and PR people and drivers and racers that participate week in and week out, from March up until the end of October, across Pennsylvania and do a lot of good for the economy of Pennsylvania, and believe me, somebody that owns a race car, I can understand how much money, time, and effort these people put in, not only into their race cars but the traveling they do and the support vehicles and bringing those fans out to the tracks to give them good entertainment.

And now I would like to turn it back over to my cochair, Representative Payne, to read the resolution.

Mr. PAYNE. Mr. Speaker, if I could, I would like to have the guests in the back of the House get a warm welcome from the House members.

Again, I would remind the members that these tracks are located from Philadelphia to Pittsburgh and from Erie to Scranton. You probably have a track in your district or close to you. Stop back and say hello to the owners.

Mr. Speaker, on HR 337 we would ask for a positive vote to promote auto racing in Pennsylvania and the Oval Track Day at the Capitol. I thank the members for their support in the past, and I look forward to an active future with the Motor Sport Caucus supporting racing in Pennsylvania.

Again I ask for an affirmative vote on HR 337. Thank you.

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

The following roll call was recorded:

#### YEAS—202

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rublely
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhatten	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Bianucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.

Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Wansacz
DiGirolamo	Kula	Pyle	Waters
Donatucci	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longiotti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	
Frankel	Mann	Rock	O'Brien, D., Speaker
Freeman	Mantz	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—1

Dally

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

#### STATEMENT BY SPEAKER

##### GUESTS INTRODUCED

The SPEAKER. Recently, ladies and gentlemen, I had the opportunity to combine two of my great passions as a member of the Pennsylvania House of Representatives. Since January it has been my privilege and my passion to serve as Speaker of the House. We are in the midst of historic moments of opportunity in this legislative body, and my commitment to lead in a way that respects the integrity of this great institution and which honors the history of this office of Speaker will be unwavering. A second passion involves my commitment to bring about a new day in Pennsylvania for those with autism spectrum disorders. The Green Tree School in Philadelphia earlier this year presented me with an opportunity to combine these two great passions in support of its educational mission with developmentally challenged students.

The Green Tree School was founded on the belief that every child deserves a quality education regardless of his or her

special needs. Guided by those principles, the Green Tree School serves students with serious emotional disturbances, children and teens with autism spectrum disorders, and preschoolers with developmental delays.

As part of the Green Tree School's silent auction in support of its educational mission, I offered a "Day at the Capitol with the Speaker." I would like to introduce to the members of the House the recipients of that "Day at the Capitol." They are to the left of the Speaker – Brian and Kris Propp and their lovely children, Paige and Jackson.

Now, those of you who are "frozen pond" sports fans might recognize the name "Brian Propp." Brian played left wing for the Philadelphia Flyers in 11 of his 15 seasons in the National Hockey League. He was a five-time NHL All-Star. Early in his career Brian Propp established himself as a complete player who would work the corners, check opponents, make creative passes, and score goals. Offense, defense, individual achievement, and team accomplishments – that, my friends, is a complete player.

Brian, Kris, Paige, and Jackson, it is a privilege to have you among us today. Please welcome the Propps to the hall of the House.

Maybe there is a job opening for Brian Propp as a Sergeant at Arms. He could probably clear the aisles.

### GUESTS INTRODUCED

The SPEAKER. The Chair would like to welcome to the floor of the House, as the guests of Representative Mantz, Martha Bollinger, Pennsylvania Grange youth ambassador; Jonathan Sattazahn – I did it; thank you very much – Pennsylvania Grange youth ambassador; Matthew Werley, Pennsylvania Junior Grange Prince; Joel and Christie Straub, Pennsylvania Grange Young Couple, Mercer County; Janet Pratt, Pennsylvania Grange junior director; and Sierra Hollabaugh, Pennsylvania Grange Junior Princess. Also we have Martha Ebersole, Pennsylvania Grange youth director from Perry County, and Betsy Huber, Pennsylvania Grange president. Would you please join the Chair in welcoming our guests to the floor of the House.

### STATEMENT BY MS. YOUNGBLOOD

The SPEAKER. For what purpose does Representative Youngblood rise?

Ms. YOUNGBLOOD. Mr. Speaker, I am truly honored and thank you for taking such a keen interest in the schools in the 198th District. Green Tree School is also in my district, and I thank you for everything that you have done.

The SPEAKER. The Chair thanks the lady.

### GUESTS INTRODUCED

The SPEAKER. The Chair is especially honored today to welcome Phillip Rzucidlo, who is serving as a guest page. Phillip is a junior at Kennett High School, Chester County. He is the guest of Representative Chris Ross. He is also here with his mother, Susan Rzucidlo, whom the Chair is very honored to work with on individuals with autism and their unfortunate circumstances where they interact with the criminal justice system. She has been most wonderful in compassion in

her mission involving children with disabilities, and the Chair would like to recognize Phillip and Susan Rzucidlo in the gallery. Would you please rise and be recognized.

Thank you very much.

### RESOLUTIONS PURSUANT TO RULE 35

Mr. WATERS called up **HR 331, PN 1928**, entitled:

A Resolution designating June 2007 as "Black Music Month" in Pennsylvania.

On the question,

Will the House adopt the resolution?

The following roll call was recorded:

### YEAS—202

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalf	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siproth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay
Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causar	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Wansacz
DiGirolamo	Kula	Pyle	Waters
Donatucci	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longiotti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	
Frankel	Mann	Rock	O'Brien, D.,
Freeman	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Dally

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

\* \* \*

Mr. WHITE called up **HR 333, PN 1929**, entitled:

A Resolution designating June 23, 2007, as "Jimmy Buffett Day" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—192

Adolph	Freeman	Marsico	Rohrer
Argall	Gabig	McCall	Ross
Baker	Geist	McGeehan	Rubley
Barrar	George	McIlhattan	Sabatina
Bastian	Gerber	Melio	Sainato
Bear	Gergely	Mensch	Samuelson
Belfanti	Gibbons	Metcalfe	Santoni
Benninghoff	Gillespie	Micozzie	Saylor
Beyer	Gingrich	Millard	Scavello
Biancucci	Godshall	Miller	Schroder
Bishop	Goodman	Milne	Seip
Blackwell	Grell	Moul	Shapiro
Boback	Grucela	Moyer	Shimkus
Boyd	Haluska	Mundy	Siptroth
Brennan	Hanna	Murt	Smith, K.
Brooks	Harhai	Mustio	Smith, S.
Buxton	Harhart	Myers	Solobay
Caltagirone	Harkins	Nailor	Sonney
Cappelli	Harper	Nickol	Staback
Carroll	Harris	O'Brien, M.	Stairs
Casorio	Helm	O'Neill	Steil
Causer	Hennessey	Oliver	Stern
Civera	Hershey	Pallone	Stevenson
Clymer	Hess	Parker	Sturla
Cohen	Hickernell	Pashinski	Surra
Conklin	Hornaman	Payne	Swanger
Costa	James	Payton	Tangretti
Cox	Josephs	Peifer	Taylor, J.
Creighton	Keller, M.	Perry	Taylor, R.
Cruz	Keller, W.	Perzel	Thomas
Curry	Kenney	Petrarca	Vereb
Cutler	Kessler	Petri	Vitali
Daley	Killion	Petrone	Vulakovich
DeLuca	Kirkland	Phillips	Wagner
Denlinger	Kortz	Pickett	Walko
DePasquale	Kotik	Preston	Wansacz
Dermody	Kula	Pyle	Waters
DeWeese	Leach	Quigley	Watson
DiGiroloamo	Lentz	Quinn	Wheatley
Donatucci	Levdansky	Ramaley	White
Eachus	Longietti	Rapp	Williams
Ellis	Mackereth	Raymond	Wojnaroski
Evans, D.	Maher	Readshaw	Yewcic
Evans, J.	Mahoney	Reed	Youngblood
Everett	Major	Reichley	Yudichak
Fabrizio	Manderino	Roae	

Fairchild	Mann	Rock	O'Brien, D., Speaker
Fleck	Mantz	Roebuck	
Frankel	Markosek		

NAYS—10

Bennington	Kauffman	McI. Smith	True
Galloway	King	Smith, M.	Turzai
Hutchinson	Marshall		

NOT VOTING—0

EXCUSED—1

Dally

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

**ANNOUNCEMENTS BY SPEAKER**

The SPEAKER. The Chair recognizes the presence of Representative Mario Civera on the floor. Would the members of the House please join the Speaker in wishing Mario Civera a very happy birthday.

The Chair also cannot overlook the gentleman, Representative Dan Surra, who is also celebrating his birthday, and we wish you well.

And the Chair would also like to recognize someone who is celebrating half a century on the face of the earth. He is trying to look in a different direction, but we would like to wish a happy birthday to Representative Tom Killion on his 50th birthday, from Delaware County.

**GUESTS INTRODUCED**

The SPEAKER. Members of the House, please join me in recognizing the Miss Chester Teen Pageant winners from Delaware County, Chester, Pennsylvania. They are the guests of Representative Thaddeus Kirkland. The winners are Ms. Chester Teen, Jaleya Jennings; Ms. Chester Jr. Teen, Octavia Willis; Ms. Chester Sweetheart, Canazha Young; Ms. Chester Princess, Nierra Montanez; and their court as they are accompanied by their directors, Ms. Tracy Johnson, Ms. Desiree Potts, and they are located in the balcony of the House. Please stand and be recognized. Members, please join the Speaker in welcoming our guests to the floor of the House.

As the guest of Representative Marty Causer, we welcome Miss Blair Luciano, a resident of Bradford, Pennsylvania; a student at Allegheny College visiting the Capitol today. Would you please join the Chair in welcoming our guest to the floor of the House. I believe she is seated in the balcony.

The House will be at ease.

**EXETER TOWNSHIP SENIOR HIGH SCHOOL  
BOYS VOLLEYBALL TEAM PRESENTED**

The SPEAKER. The Chair recognizes Representative Rohrer for the purpose of presenting a citation.

Mr. ROHRER. Good afternoon.

I would like to welcome and introduce to the House today the winning Berks County boys volleyball champions, Exeter Township School District, shared by Representative Dave Kessler and myself and a little bit of the district shared by Representative Santoni.

This team, the six seniors behind me, have played together for the last 4 years. They just won the State's PIAA Class AA Championship in boys volleyball. The first win for Berks County, a big win for them and for the State, and the rest of the team and the coaches are located sitting in the back right now. Could I ask all of you to stand here today while we acknowledge and welcome you to the House. Thank you very much.

This team, in order to win, the first-place team played number-one-ranked Montour at Penn State just a short time ago. Back and forth that game went. Ultimately they won by a score of 15 to 9. For the year they had a record of 28-2 and league win record of 16 to 1.

It is a thrill to acknowledge and recognize them here today. And again, thanks all of you for being here.

Representative Kessler, do you have just a word or two to say?

Mr. KESSLER. I just wanted to congratulate these young men. Not only are they very talented, but in the game of volleyball, it takes a lot of teamwork, and to do anything, it takes a lot of teamwork and cooperation, and these young men and those young men back there certainly have done that, and I am sure they will do that throughout the rest of their life.

Thank you.

## CALENDAR CONTINUED

### BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1200, PN 1661**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for the powers of the Pennsylvania Energy Development Authority.

On the question recurring,

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

The SPEAKER. The gentleman from Dauphin County, Representative Marsico, is seeking to amend this bill and has offered amendment A01516. The members will please pay attention.

Representative Vitali has raised the question of whether amendment A01516 is germane to HB 1200. On that question, the Chair had recognized the minority leader, who was speaking when we adjourned last evening.

On the question recurring,

Will the House sustain the germaneness of the amendment?

The SPEAKER. The Chair again recognizes the minority leader, Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

Boards and commissions and defining the powers of the officers I think is about where I was, Mr. Speaker. I lost my train of thought over the course of the evening, but I will just come back to the basic point that I was attempting to make.

The question of germaneness is obviously one that this floor decides, and it is one that we decide from time to time on these types of issues. The fact is, Mr. Speaker, that this particular code is a fairly broad code. It covers a lot of different functions of government from an administrative perspective. The gentleman from Dauphin County's amendment is certainly germane to the bill, to the existing law to which it attempts to amend.

I think the point is clear, and I will not belabor it any further, Mr. Speaker, but that the Administrative Code is broad. It covers a lot of administrative functions of government. The gentleman's amendment does deal with exactly those functions, and therefore, Mr. Speaker, I would suggest to the members that it is in fact germane to this legislation.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Maher.

Mr. MAHER. The legislation before us creates unlimited borrowing authority for a handful of patronage appointees who will not be accountable to the public and perhaps will have no accountability unless we have a statutorily empowered Inspector General.

This proposal, the amendment to create a statutorily empowered Inspector General as opposed to one who exists merely at the whim of a Governor, is absolutely germane to a proposal to create a public body that will be able to borrow unlimited amounts, and I cannot understand how anybody with a straight face can say it is not. I hope you will support recognizing that this amendment is germane.

And I would observe that the maker of this amendment has a proud tradition in past years of speaking to the importance that borrowing public money should be under tight reins, and that he, of all people, would suggest it should be absent to the oversight of an Inspector General who is empowered by statute is troubling. Is this reform to argue that such obviously connected proposals should not even be considered? It is not reform.

Please be genuine and recognize that this amendment is germane.

The SPEAKER. Representative Turzai.

Mr. TURZAI. I rise in support of germaneness, and I just want to make clear that the Administrative Code in particular is wide-ranging in dealing with administrative agencies, authorities, and departments, and I want to just give an example of one of the changes that was made to the Administrative Code.

The Department of Community Affairs was abolished, and created in its stead was the Department of Community and Economic Development, and if you take a look at the Administrative Code, all of the boards, like the State Board of Medical Education and Licensure, the State Board of Physical Therapy Examiners, et cetera, et cetera, that is all governed by – these departmental administrative boards, in addition to the departments and authorities, are all under the Administrative Code.

If there is ever a bill where you can make important changes with respect to the executive office, this is, this is the bill, and the opportunity that Representative Marsico has taken here to

create an independent Inspector General is certainly germane to a bill that is making changes to a particular authority. This is an opportunity for people to make changes in this body to the functioning of the executive department, its agencies, departments, and authorities, and for goodness' sakes, we should applaud him that he is on the lookout, that he is on the lookout for appropriate vehicles to introduce the concept of a fair, honest, and independent Inspector General's Office.

And I not only applaud Representative Marsico on the substance, but I applaud him on the fact that he is looking out for specific vehicles that are dealing with how we run this administration. I do not even think it is close. Germaneness is right on point.

Thank you very much.

The SPEAKER. Those who believe the amendment is germane will vote "aye"; those believing 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—100

Adolph	Geist	Metcalfe	Reichley
Argall	Gillespie	Micozzie	Roae
Baker	Gingrich	Millard	Rock
Barrar	Godshall	Miller	Rohrer
Bastian	Grell	Milne	Ross
Bear	Harhart	Moul	Rubley
Benninghoff	Harper	Moyer	Saylor
Beyer	Harris	Murt	Scavello
Boback	Helm	Mustio	Schroder
Boyd	Hennessey	Nailor	Smith, S.
Brooks	Hershey	Nickol	Sonney
Cappelli	Hess	O'Neill	Stairs
Causar	Hickernell	Payne	Steil
Civera	Hutchinson	Peifer	Stern
Clymer	Kauffman	Perry	Stevenson
Cox	Keller, M.	Perzel	Swanger
Creighton	Kenney	Petri	Taylor, J.
Cutler	Killion	Phillips	True
Denlinger	Mackereth	Pickett	Turzai
DiGirolo	Maher	Pyle	Vereb
Ellis	Major	Quigley	Vulakovich
Evans, J.	Mantz	Quinn	Watson
Everett	Marshall	Rapp	
Fairchild	Marsico	Raymond	O'Brien, D., Speaker
Fleck	McIlhattan	Reed	
Gabig	Mensch		

#### NAYS—102

Belfanti	Galloway	Manderino	Seip
Bennington	George	Mann	Shapiro
Biancucci	Gerber	Markosek	Shimkus
Bishop	Gergely	McCall	Siptroth
Blackwell	Gibbons	McGeehan	Smith, K.
Brennan	Goodman	McI. Smith	Smith, M.
Buxton	Grucela	Melio	Solobay
Caltagirone	Haluska	Mundy	Staback
Carroll	Hanna	Myers	Sturla
Casorio	Harhai	O'Brien, M.	Surra
Cohen	Harkins	Oliver	Tangretti
Conklin	Hornaman	Pallone	Taylor, R.
Costa	James	Parker	Thomas
Cruz	Josephs	Pashinski	Vitali
Curry	Keller, W.	Payton	Wagner
Daley	Kessler	Petrarca	Walko

DeLuca	King	Petrone	Wansacz
DePasquale	Kirkland	Preston	Waters
Dermody	Kortz	Ramaley	Wheatley
DeWeese	Kotik	Readshaw	White
Donatucci	Kula	Roebuck	Williams
Eachus	Leach	Sabatina	Wojnaroski
Evans, D.	Lentz	Sainato	Yewcic
Fabrizio	Levdansky	Samuelson	Youngblood
Frankel	Longiotti	Santoni	Yudichak
Freeman	Mahoney		

NOT VOTING—0

EXCUSED—1

Dally

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 as amended?

Mr. REICHLEY offered the following amendment No. **A01529**:

Amend Title, page 1, line 20, by inserting after "determined," " providing for citizenship requirement; and

Amend Bill, page 2, lines 2 through 5, by striking out all of said lines and inserting

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 531. Citizenship Requirement.—Persons applying for positions or public employes holding positions or applying for promotions in the classified service as defined under the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," or as provided for under the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," shall be United States citizens, aliens lawfully admitted for permanent residence to the United States, or aliens authorized to be employed under the Immigration Reform and Control Act of 1986 (Public Law 99-603, 8 U.S.C. Ch. 12) or by the Attorney General of the United States.

Section 2. The definition of "project" in section 2801-C of the act, added December 14, 1982 (P.L.1213, No. 280), is amended to read:

Amend Sec. 2, page 3, line 6, by striking out "2" and inserting  
3

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

Amend Sec. 4, page 4, line 27, by striking out "4" and inserting  
5

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Actually, I am filling in for Representative Dally, who at this moment is indisposed.

But amendment A01529 would require any person applying for public employment or public employees holding positions or applying for promotions to be United States citizens or legal

aliens. I believe this is germane to this bill because there would be employment of individuals through the actions of the PEDDA (Pennsylvania Energy Development Authority) agency.

So I would urge the members to vote for this amendment. Thank you.

**GERMANENESS QUESTIONED**

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I move that this amendment be found not germane.

The SPEAKER. The gentleman, Representative Vitali, raises the point of order that amendment A01529 to HB 1200 is not germane.

The Speaker, under rule 27, is required to submit the questions of germaneness of an amendment to the House for decision.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On the point of order, the Chair recognizes Representative Vitali.

Mr. VITALI. Mr. Speaker, I do not want to beat this to death. They are the exact same arguments as the other bills that deal with entirely different subject matters; the other problem, as stated by Representative Manderino, the court's ruling with regard to single-subject matter of bills. For a number of reasons, this is not germane.

Thank you.

The SPEAKER. Those who believe the amendment is germane will vote "aye"; those believing the amendment is not germane will vote "nay."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

**YEAS-99**

Adolph	Geist	Metcalf	Reichley
Argall	Gillespie	Micozzie	Roae
Baker	Gingrich	Millard	Rock
Barrar	Godshall	Miller	Rohrer
Bastian	Grell	Milne	Ross
Bear	Harhart	Moul	Rubley
Benninghoff	Harris	Moyer	Saylor
Beyer	Helm	Murt	Scavello
Boback	Hennessey	Mustio	Schroder
Boyd	Hershey	Nailor	Smith, S.
Brooks	Hess	Nickol	Sonney
Cappelli	Hickernell	O'Neill	Stairs
Causar	Hutchinson	Payne	Steil
Civera	Kauffman	Peifer	Stern
Clymer	Keller, M.	Perry	Stevenson
Cox	Kenney	Perzel	Swanger
Creighton	Killion	Petri	Taylor, J.
Cutler	Mackereth	Phillips	True
Denlinger	Maher	Pickett	Turzai
DiGiroloamo	Major	Pyle	Verab
Ellis	Mantz	Quigley	Vulakovich
Evans, J.	Marshall	Quinn	Watson
Everett	Marsico	Rapp	

Fairchild	McIlhattan	Raymond	O'Brien, D.,
Fleck	Mensch	Reed	Speaker
Gabig			

**NAYS-103**

Belfanti	Galloway	Mahoney	Seip
Bennington	George	Manderino	Shapiro
Biancucci	Gerber	Mann	Shimkus
Bishop	Gergely	Markosek	Sipthoth
Blackwell	Gibbons	McCall	Smith, K.
Brennan	Goodman	McGeehan	Smith, M.
Buxton	Grucela	McI. Smith	Solobay
Caltagirone	Haluska	Melio	Staback
Carroll	Hanna	Mundy	Sturla
Casorio	Harhai	Myers	Surra
Cohen	Harkins	O'Brien, M.	Tangretti
Conklin	Harper	Oliver	Taylor, R.
Costa	Hornaman	Pallone	Thomas
Cruz	James	Parker	Vitali
Curry	Josephs	Pashinski	Wagner
Daley	Keller, W.	Payton	Walko
DeLuca	Kessler	Petrarca	Wansacz
DePasquale	King	Petrone	Waters
Dermody	Kirkland	Preston	Wheatley
DeWeese	Kortz	Ramaley	White
Donatucci	Kotik	Readshaw	Williams
Eachus	Kula	Roebuck	Wojnaroski
Evans, D.	Leach	Sabatina	Yewcic
Fabrizio	Lentz	Sainato	Youngblood
Frankel	Levdansky	Samuelson	Yudichak
Freeman	Longiotti	Santoni	

**NOT VOTING-0**

**EXCUSED-1**

Dally

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 as amended?

Mr. METCALFE offered the following amendment No. **A01530:**

Amend Title, page 1, line 20, by inserting after "determined," " providing for participation in Basic Pilot Program; and

Amend Bill, page 2, lines 2 through 5, by striking out all of said lines and inserting

Section 1. The act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, is amended by adding a section to read:

Section 531. Participation in Basic Pilot Program.—As a condition for the award of any Commonwealth contract or grant to an employer for which the value of employment, labor or personal service shall exceed ten thousand dollars (\$10,000), the employer shall provide documentation affirming its enrollment and participation in the Basic Pilot Program.

(b) All government entities shall enroll and actively participate in the Basic Pilot Program.

(c) An employer participating in the Basic Pilot Program shall verify the employment eligibility of every employe in the employer's



hire whose employment commences after the employer enrolls in the Basic Pilot Program.

(d) As used in this section, the term "Basic Pilot Program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208, 110 Stat. 3009-546) which is operated by the Department of Homeland Security.

Section 2. The definition of "project" in section 2801-C of the act, added December 14, 1982 (P.L.1213, No.280), is amended to read:

Amend Sec. 2, page 3, line 6, by striking out "2" and inserting  
3

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

Amend Sec. 4, page 4, line 27, by striking out "4" and inserting  
5

On the question,

Will the House agree to the amendment?

The SPEAKER. On the amendment, the Chair recognizes Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, this is an amendment that is being proposed to ensure that any moneys that would be expended through this legislation, that if it was going to an employer, any employer who was receiving more than \$10,000 for the employment, labor, or personal service that these funds would then benefit would be required to enter into the Basic Pilot Program. Mr. Speaker, that Basic Pilot Program is an electronic verification of the work authorization program of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which is operated by the Department of Homeland Security.

This is an issue that would affect this legislation and would concern the majority of Pennsylvanians as seen by one survey after survey, poll after poll. Americans, Pennsylvanians are concerned that we address the illegal alien invasion, and this is one aspect of starting to shut off the faucet that is drawing illegal aliens into Pennsylvania, is ensuring that illegal aliens are not being employed by employers in Pennsylvania, and this would be one small step to shutting off the faucet, starting to turn it off, to ensure that these funds that would be put out through this legislation, ultimately, would not benefit illegal aliens or be used to employ illegal aliens.

So I would ask for an affirmative vote, and I expect that it is going to be argued that it is nongermane, but I do not see how it could be. So we will look forward to addressing that.

Thank you.

### GERMANENESS QUESTIONED

The SPEAKER. The Chair recognizes the gentleman, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

For the arguments previously made, I move that this amendment be found not germane.

The SPEAKER. The gentleman, Representative Vitali, raises the point of order that the amendment A01530 to HB 1200 is not germane.

The Speaker, under rule 27, is required to submit the questions of germaneness of an amendment to the House for decision.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that point of order, the Chair recognizes Representative Vitali.

Mr. VITALI. I am not going to belabor this.

For the reasons we stated previously, this deals with illegal immigrations and State grant programs and nothing to do with renewable energy. It is clearly not germane.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Mr. Speaker, the unbelievable arguments that are being offered today to try and kill one amendment after another to provide cover for members that do not want to vote on these issues is just beyond belief.

This bill would ultimately cause moneys to be expended that ultimately would be guaranteed at some point by Pennsylvania taxpayers. This is money that is going to be put out and should be protected from being used to benefit any illegal alien being employed possibly. I do not know how it could not be germane that the moneys expended through this legislation should not be protected.

The Basic Pilot Program would ensure that when an employer that would be benefiting from the results of this legislation, that they would be required to check the Social Security numbers of the individuals that they are employing. So I do not know how anybody could argue that it is not germane to protect these dollars that will be put forth through this legislation from being used for illegal aliens.

I know this will probably be another party-line vote, but, Mr. Speaker, I would hope that the members, especially the reform members, would start voting based on issues and not based on party loyalty.

Thank you.

The SPEAKER. Those who believe the amendment is germane will vote "aye"; those believing the amendment is nongermane— The Chair apologizes.

Representative Maher.

Mr. MAHER. Thank you.

This amendment is brief and speaks about condition for the award of any Commonwealth contract or grant; one paragraph about conditions of awards of Commonwealth contracts or grants. This entire proposal is about awarding contracts and grants, hundreds and hundreds and hundreds of millions of dollars of contracts and grants. This amendment deals with conditions for the award of contracts and grants. Clearly it is germane. You may not like the idea. Well, then vote against it as an amendment, but you should be ashamed to pretend that this does not relate to the bill when you are dealing with a bill that gives out hundreds of millions of dollars and this is about conditions for giving away public money. It is germane, and I would hope that you would be able to look yourself in the mirror and vote to recognize that it is.

The SPEAKER. Those who believe the amendment is germane will vote "aye"; those believing 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—100

Adolph	Geist	Metcalfe	Reichley
Argall	Gillespie	Micozzie	Roae
Baker	Gingrich	Millard	Rock
Barrar	Godshall	Miller	Rohrer
Bastian	Grell	Milne	Ross
Bear	Harhart	Moul	Rubley
Benninghoff	Harper	Moyer	Saylor
Beyer	Harris	Murt	Scavello
Boback	Helm	Mustio	Schroder
Boyd	Hennessey	Nailor	Smith, S.
Brooks	Hershey	Nickol	Sonney
Cappelli	Hess	O'Neill	Stairs
Causar	Hickernell	Payne	Steil
Civera	Hutchinson	Peifer	Stern
Clymer	Kauffman	Perry	Stevenson
Cox	Keller, M.	Pezel	Swanger
Creighton	Kenney	Petri	Taylor, J.
Cutler	Killion	Phillips	True
Denlinger	Mackereth	Pickett	Turzai
DiGirolamo	Maher	Pyle	Vereb
Ellis	Major	Quigley	Vulakovich
Evans, J.	Mantz	Quinn	Watson
Everett	Marshall	Rapp	
Fairchild	Marsico	Raymond	O'Brien, D., Speaker
Fleck	McIlhattan	Reed	
Gabig	Mensch		

## NAYS—102

Belfanti	Galloway	Manderino	Seip
Bennington	George	Mann	Shapiro
Biancucci	Gerber	Markosek	Shimkus
Bishop	Gergely	McCall	Siptroth
Blackwell	Gibbons	McGeehan	Smith, K.
Brennan	Goodman	McL. Smith	Smith, M.
Buxton	Grucela	Melio	Solobay
Caltagirone	Haluska	Mundy	Staback
Carroll	Hanna	Myers	Sturla
Casorio	Harhai	O'Brien, M.	Surra
Cohen	Harkins	Oliver	Tangretti
Conklin	Hornaman	Pallone	Taylor, R.
Costa	James	Parker	Thomas
Cruz	Josephs	Pashinski	Vitali
Curry	Keller, W.	Payton	Wagner
Daley	Kessler	Petrarca	Walko
DeLuca	King	Petrone	Wansacz
DePasquale	Kirkland	Preston	Waters
Dermody	Kortz	Ramaley	Wheatley
DeWeese	Kotik	Readshaw	White
Donatucci	Kula	Roebuck	Williams
Eachus	Leach	Sabatina	Wojnaroski
Evans, D.	Lentz	Sainato	Yewcic
Fabrizio	Levdansky	Samuelson	Youngblood
Frankel	Longietti	Santoni	Yudichak
Freeman	Mahoney		

## NOT VOTING—0

## EXCUSED—1

Dally

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 as amended?

The SPEAKER. Are there any other amendments to HB 1200?

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

The SPEAKER. Representative Maher.

Mr. MAHER. Mr. Speaker, are we on second consideration now?

The SPEAKER. We are.

Mr. MAHER. Is there someone who might respond to some questions about the bill as it currently stands?

The SPEAKER. Representative DePasquale will stand for interrogation. The gentleman is in order and may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

One of the avenues created under this legislation would be to establish rebate and incentive programs to help defray the cost for energy-efficient appliances. Does such permission already exist under law for the Commonwealth to do this? Is there any authority under existing law? What I am getting at, is this duplicative of something that is out there or is this something which has not heretofore been authorized?

Mr. DePASQUALE. Mr. Speaker, the only rebate program that currently exists under any research I have found is for people that are buying fuel-efficient or alternative-vehicle cars. That is called the AFIG (Alternative Fuels Incentive Grant) Program, and there is a rebate program that exists for that but not for energy-efficient appliances.

Mr. MAHER. I do appreciate that. So there is some sort of a program that authority exists currently with respect to vehicles, but with respect to appliances, there is no existing authority under Commonwealth law?

Mr. DePASQUALE. That is correct.

Mr. MAHER. Are you familiar with the program that the State Treasury initiated?

Mr. DePASQUALE. Vaguely.

Mr. MAHER. I will not drag you through questions if you are only vaguely aware of them. Thank you.

Mr. DePASQUALE. Thank you.

Mr. MAHER. The paragraph (22) of section 2806-C was amended to provide that this authority would be able to enter into agreements with DCED (Department of Community and Economic Development) and others for the transfer of funds. Can you explain how these transfers will work? What is that all about?

Mr. DePASQUALE. The way it is currently drafted, the idea is that the Pennsylvania Energy Development Authority would get the funding to the point of what this— You know, if this body decides to do a bond initiative or some other level of funding, that it would go to the Pennsylvania Energy Development Authority, and other State departments – i.e., the Department of Community and Economic Development – already have some vehicles for loan processes, for example. The main reason for that is the Department of Community and Economic Development already has the technical expertise to manage a loan program. They may not manage the program specifically for what this legislation would allow, but they have the experts to manage the loan program.

Mr. MAHER. So this would allow the authority to transfer moneys to those departments to undertake those programs?

Mr. DePASQUALE. That is correct, and allow the staff of those departments that already have the expertise to do that, and so PEDA, for example, would not have to hire staff to then manage it.

Mr. MAHER. Thank you.

Would there be any expectation of repayment by these departments to the authority?

Mr. DePASQUALE. There is no expectation of that, although the payment program that does currently— That would probably work out. I mean, granted, this is not fleshed out in the guidelines. That would likely be done by the departments. What would happen is, as the loans get repaid, the goal is for that to go back into the Energy Independence Fund. So it would work either one of two ways. It would go back into PEDA, or what would be likely the case, it would stay with the department to manage still that specific loan program, but the PEDA board would have to award the loan.

Mr. MAHER. I am sorry. So this is not— When you are talking about transferring, now you are talking about it would be a loan to these departments?

Mr. DePASQUALE. No, no, no. I am sorry. It would be a loan to business X for a certain energy-efficient process.

Mr. MAHER. But insofar as the DCED or other departments are concerned, you would not expect that those funds would be returned to the authority?

Mr. DePASQUALE. Well, no. Actually, it would be returned to the Energy Independence Fund and that would be managed by PEDA, but PEDA is going to make decisions on the grants for the loans, and so that authority, by making those decisions, DCED would be the ones that would be the implementer of that grant or that loan. Am I being clear on that?

Mr. MAHER. Yes. I think I am following you. Basically there are two elements of the transfer. The one part is where another department is sort of serving as an administrator and processing funds that then go to a third party, and the other case is that when the funds are being provided to the department to pay their overhead of undertaking these operations.

Mr. DePASQUALE. My understanding of this, as it currently works with what PEDA currently has, is they do not cover the overhead for those employees of the department.

Mr. MAHER. Well, currently there is not any provision for transfers of funds. That is what I am getting at, that this is a new provision. What does the transfer do then?

Mr. DePASQUALE. Currently as when PEDA gives out an award, as it currently is—

Mr. MAHER. Well, I understand the current, but I am just saying, with this change in language.

Mr. DePASQUALE. It would allow them to give the money directly to the department to then allow them to distribute the money to the grantee.

Mr. MAHER. Thank you.

So where PEDA could give the money to the department, the department then can give the money to grantees?

Mr. DePASQUALE. That is correct.

Mr. MAHER. Thank you.

The SPEAKER. Representative Ross.

The Chair apologizes. Would the gentleman like to— He has finished his interrogation. Would he like to make a comment on the bill?

Mr. MAHER. Mr. Speaker, with all due appreciation for your enthusiasm, I am not yet complete with the interrogation.

The SPEAKER. The Chair apologizes to the gentleman.

Mr. MAHER. Thank you. It was nice to have a moment of pause, though.

Sub (i) under these responsibilities provides for "supporting" – the word "supporting" – "early-stage activities, including incubator support services, management support, translational research activities and early-stage capital." What is the legislative intent of the word "supporting"?

Mr. DePASQUALE. The goal for that provision of the legislation is a company called Plextronics that is actually from the Pittsburgh area that started at Carnegie Mellon University with a solar technology, and through funding from the State through the stimulus package, that company was able to receive basically some kick-start money to expand, to take their technology, but to expand their company, and now they have, you know, they have somewhere in the neighborhood of 20 jobs and they are looking to expand further.

The legislative intent of that initiative is for companies that have sound technology but they need the startup capital so they can begin to expand their business here in Pennsylvania, but it would be tied, in this instance, to advanced-energy, clean-energy companies.

Mr. MAHER. Well, again, the word "supporting," is that lending money? Is that granting money? It is sort of a vague term.

Mr. DePASQUALE. No, no.

Mr. MAHER. When we are dealing with hundreds of millions of dollars, I would like to know what it means.

Mr. DePASQUALE. The provision that I believe this legislation would give the ability for the Ben Franklins, which is where the money would be funneled through, would be a loan as it currently is drafted.

Mr. MAHER. Well, the Ben Franklins are provided for in that other section. So what is this section, it says "supporting." What is that – lending? giving?

Mr. DePASQUALE. Well, support could work as either lending or a grant.

Mr. MAHER. All right.

The next section provides for "providing loans to venture capital partnerships." Are you aware of anywhere that venture capital firms can borrow to leverage the investments, the at-risk investments of venture capitalists? I do not see venture capitalists, even very good venture capital firms, being able to go out and borrow money to fund investments. Are you aware of that existing anywhere?

Mr. DePASQUALE. I have met with venture capital firms, and they do actually want this legislation.

Mr. MAHER. Oh, I can understand they would want it. I am asking, are you aware of it existing anywhere in the world?

Mr. DePASQUALE. No. We are doing some new groundbreaking with this legislation; I will concede that point, which I actually think is what we need to do to move advanced energy forward in Pennsylvania.

Mr. MAHER. So you are not aware of anywhere in the world where this exists?

Mr. DePASQUALE. For advanced-energy companies, for the State to have a program along these lines would be groundbreaking, but I believe that is what is necessary to move us forward as a State, to grow our economy and to clean our environment.

Mr. MAHER. Thank you.

The next section talks about providing grants and loans, and the question I have is, when I look at that language in conjunction with the existing statute—

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Freeman, rise?

Mr. FREEMAN. Point of order, Mr. Speaker.

The SPEAKER. The gentleman will state his point of order.

Mr. FREEMAN. I think this interrogation is helpful to understand the substance of the bill, but we are on second consideration, and it was my understanding that on second consideration, we deal with amendments. I think this is a helpful dialogue and I commend both gentlemen for their responses, but this is something that should be done on third consideration, not on second.

The SPEAKER. The gentleman is correct that the House would prefer that the discussion take place on third, but there is nothing in the rules to prohibit discussion on second consideration.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. DeWEESE. Mr. Speaker?

Mr. MAHER. Thank you, Mr. Speaker.

If I may, with all due respect to whoever's other voice is—

### PARLIAMENTARY INQUIRY

The SPEAKER. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. Mr. Speaker, just a point of parliamentary inquiry.

Apropos of what the gentleman from Northampton offered and the response from the Chair, interrogatory was meaningful and appropriate, and the Chair's response, to the best of my knowledge, was accurate and on target. We could go on with this ad infinitum, and that would be within the realm of our rules, but it would also elongate our process continually into Thursdays and Fridays and Saturdays if one took this kind of tactic to its ultimate setting.

I think the reason the Speaker's Reform Commission and our own internal impulses led us to make certain that there was a 24-hour hiatus between second consideration and the introduction of amendments into the body of a bill and then the final passage on third consideration was for a variety of reasons, enhancing the knowledge of our individual members so that paragraph 3 on page 2 and line No. 7 within that paragraph would be easier to digest and understand. And also the reason we wanted to do the amendments and then allow for the next day's final debate on third consideration was for some degree of efficiency, and I think the gentleman, Mr. Freeman, who made the last inquiry was only doing so because of the question of efficiency.

So after the conclusion of this colloquy, I would only politely suggest that going forward, at least if we are going to debate, and again, the rules do not circumscribe the honorable gentleman from Upper St. Clair from doing what he is doing—

The SPEAKER. The gentleman is out of order. The majority leader is entitled to be heard. The gentleman is out of the order. He will cease.

Representative DeWeese.

Mr. DeWEESE. Notwithstanding that impetuous manifestation of warmth and collegiality from my very good friend from Upper St. Clair, I will cease; I will cease. I will just say we can be more efficient if we have these debates on final passage. I look forward to hearing every syllable that the honorable gentleman is ready to enunciate. Thank you.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

And for the record, I would like to remind those in this chamber that when any member has the floor, unless they opt to yield the floor, that there are only limited circumstances when they can be interrupted, and getting up to give a speech is not one of them. If there is a point of order, Mr. Speaker, in all due course, I respect you recognizing the gentleman, but for the continuation and continuation and then to just rule that the person who had the floor is out of order for trying to maintain the floor, I would under normal circumstances appeal the decision of the Chair, but it is moot at this point and I will move forward.

The SPEAKER. The gentleman, the majority leader, raised a point of parliamentary inquiry. That is the reason he was recognized, and the gentleman may continue at this time.

Mr. MAHER. Well, then I did not hear your response to his question, but we will go forward.

In any case, Mr. Speaker, for those who are fearful of the chamber actually understanding the content of the bill in connection with second consideration, I would suggest to you the entirety of the rule to create a time between second and third consideration is to ensure the members have the opportunity to understand and perhaps have sufficient understanding that, remember, after second consideration only technical amendments are possible. I believe there are some serious technical flaws in this legislation, and I am hoping to gain a sufficient understanding that if that understanding provided by the maker confirms my concerns, that we will have an opportunity that this important legislation can be repaired before the rules would prohibit it. So I think it is really appropriate to ask these questions now rather than on third consideration when no further substantive changes can be made.

Yesterday in discussion of HB 1142, there was—

The SPEAKER. The gentleman will cease.

### PARLIAMENTARY INQUIRY

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

Mr. STURLA. Mr. Speaker, a point of parliamentary inquiry.

The SPEAKER. The gentleman will state his point of parliamentary inquiry.

Mr. STURLA. If the discussion is on final passage of the bill today or the final bill, does that count as discussion as one person's time at the microphone for discussion on the final thing if it occurs today, or is it today one day and then tomorrow the next day on third reading and you get two more shots at it on third reading?

The SPEAKER. It does not count. As we move to third consideration, the gentleman will be recognized again.

Mr. STURLA. Okay. Thank you.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you.

This legislation as it stands would allow for unlimited borrowing, and public moneys could be doled out to an unlimited degree. Yesterday in connection with HB 1142, we were instructed by a gentleman on your side of the aisle that providing for a long laundry list of derivative instruments was norm, was normal for authority borrowings. Am I missing it, or is that not present in this legislation or the Administrative Code as currently constructed? That is, my question is, those things which were deemed to be so normal, when they could not be explained as to why they are there then as very normal for the tobacco transactions, are they present at all here or am I missing them?

Mr. DePASQUALE. Mr. Speaker, in fairness to my colleagues who want to digest these amendments, I am going to be more than happy to meet with my colleague, Mr. Maher, privately so we can go over these issues, if he so chooses, so we can try to work out these technical amendments, and I will obviously stand for interrogation on final passage and decline further at this point.

Mr. MAHER. Mr. Speaker? Might I ask, is there anyone on that side of the aisle who would want to be associated with this legislation and respond to inquiries?

The SPEAKER. Is the gentleman's inquiry that anyone will stand for interrogation? The Chair is looking.

Representative DeWeese will stand for interrogation.

Mr. DeWEESE. No, Mr. Speaker, I will just respond to the gentleman's initial query. We will be glad to identify with this legislation and explicate our positions on final passage.

Mr. MAHER. So reform has been embraced then, Mr. Speaker, as a refusal to illuminate for the public's digestion until final passage? Is that the position of the majority leader? The public should not know in advance of the day of a vote? What is the secret? So if I understand correctly, no one further will answer?

The SPEAKER. The gentleman has asked the question if someone will stand for interrogation. No one has stood for interrogation. The gentleman will speak—

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Preston, rise?

Mr. PRESTON. Mr. Speaker, we are on second consideration, and I am just questioning, because I thought, as the gentleman just said, in the rules—

The SPEAKER. Is that a point of order?

Mr. PRESTON. Yes.

The SPEAKER. The gentleman will state his point of order.

Mr. PRESTON. When we changed our rules, the rules were for second consideration so we can see amendments and then we will be able to see the bill as it is so printed. Am I correct in that, that is part of the reason why we did our rules with the commission?

The SPEAKER. That is correct.

Mr. PRESTON. And I am also hearing different statements saying that that is not the case, but how can anybody answer questions, unless they finally see in the final passage after all the amendments have been settled, I do not know what has been stricken or not, and I am sure the other members do not,

including the prime sponsor of the bill. Those are our rules, and for someone to even question that, my question is, how can someone do that when we are still on second consideration under the rules we passed of which the gentleman asking interrogation voted on and supported? Is he supporting the rules or not?

The SPEAKER. Debate under the House rules is considered on second and third consideration.

Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

Once again, we are at one of those crossroads. Folks can offer a slogan that they are for reform, they are for transparency, they are for openness in government, or they can practice it. Once again, we are seeing that there are those who say they have caught the caboose, and—

Mr. DeWEESE. Mr. Speaker? Mr. Speaker?

Mr. MAHER. Mr. Speaker, I have indulged enough interruptions with dilatory points of order.

The SPEAKER. The gentleman will suspend. The gentleman will suspend.

### POINT OF ORDER

The SPEAKER. For what purpose does the majority leader rise?

Mr. DeWEESE. Only to beseech the honorable Speaker to keep my good friend on focus and make certain that he is talking about second consideration. That is all.

The SPEAKER. Is the gentleman stating a point of order?

The gentleman will be reminded that the issue before the House is second consideration. He will please contain his remarks to that point.

Mr. MAHER. Oh, indeed, Mr. Speaker, and if the gentleman had indulged me a few moments longer, he would have understood that my regret about the absence of openness and transparency and the ability to explain to the public this unlimited borrowing, the unlimited spending of public money that would be authorized in this legislation, that I need to make certain suppositions now, because there are points that I was seeking clarification on that I, the other members of this chamber, and every resident of Pennsylvania will now be in the dark about because of the failure to shed information and make it available for the public and for the members of this House, so I have to make certain assumptions as I go forward with my observations on this bill.

Currently under existing law, as I understood the debate yesterday, this authority which already exists has the ability to borrow about a quarter billion dollars right now, without any new law. The Governor had the ability to borrow a quarter billion dollars for these important energy initiatives yesterday, last week, last month, the day he gave his budget address, last December, last July, a year ago. The Governor has had the ability to do something, something to advance alternative energy for years. The pretense that the Governor must wait for some legislative action to stop his inaction is folly.

I am among those who are disappointed that this Governor has done nothing, nothing to advance alternative energy. He has had the ability. He has had a quarter billion dollars' worth of authority at his fingertips. Now the proposal is that he should have an unlimited amount of money at his fingertips, unlimited

borrowing, unlimited ability to create a cookie jar that would be governed by very few hands, governed by patronage appointments, without the oversight of a statutorily empowered Inspector General.

Someone said yesterday that this is the most important issue before us. If they are correct, we might ask the question why, even today, is there not actually a specific agenda of what would happen and how much money is needed to make it happen? Instead of saying, the Governor is saying this is his program and it would cost more than a quarter of a billion dollars, which is a plenty large amount of money, that if he would need extra money to do A, B, C, D, E, F, G, we do not have that. He has no price tags on that. You are being asked to provide unlimited authority without checks and balances to a handful of people, and no matter how noble the slogan is, that is bad government.

You are being asked to authorize lending to venture capital firms – lending. Venture capital is the most risky form of investment. Professionals only invest in venture capital with some wisdom and at great risk. The real world does not lend to venture capital firms. Now, someone said the venture capital firms want this. Well, sure they want it, public money lent to them when no one else in the world would. Why should public money of Pennsylvania be lent to the Wall Street firms when one else in the world would lend them money for those activities? Does that not trouble you a bit?

Mr. Speaker, an amendment that was inserted yesterday, and which my friend from Allegheny may need to work to integrate into his understanding of the legislation, provided, as was explained by the maker of the bill, that this authority will be able to transfer money to DCED, which DCED can then expend. Mr. Speaker, Article III, section 24, of the Constitution says no money shall be paid out of the treasury, except pursuant to an appropriation. By adding this backdoor appropriations process, this bill crosses a line to becoming unconstitutional, Mr. Speaker.

### THE SPEAKER PRO TEMPORE (RONALD I. BUXTON) PRESIDING

The SPEAKER pro tempore. Will the gentleman suspend. For what purpose does the gentleman, Mr. George, rise?

Mr. GEORGE. A personal inquiry, Mr. Speaker.

My inquiry, Mr. Speaker—

The SPEAKER pro tempore. Mr. George, is that a parliamentary inquiry?

Mr. GEORGE. No. It is a personal inquiry.

The SPEAKER pro tempore. Sir, that would be out of order at this time.

### PARLIAMENTARY INQUIRY

Mr. GEORGE. Well, if it would be out of order, then I will make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GEORGE. I want to know why we are allowing such abuse of our rules within this House, and why as the Speaker you are not limiting our colleague who is not talking about the subject matter? An example, that he made a remark about this Governor, who in 4 years has done more than the Governor that

he had succeeded did in 8 years, and there is an ethanol plant going up in Clearfield right now and there is a second one going to go up, and I hope he does not get his hair in the windmill fans in Cambria County, because I would hate to see him shorn so close.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER pro tempore. The gentleman, Mr. Smith.

Mr. S. SMITH. I lost the parliamentary inquiry in the middle of the speech, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes that the gentleman may have drifted a little bit off the subject matter—

Mr. S. SMITH. I think he might have been in the windmill.

The SPEAKER pro tempore. —but at this point I will continue to give him the latitude to continue addressing the legislation on second consideration.

The Chair recognizes the gentleman, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I just might offer an open invitation. If there is anyone left on that side of the aisle who has not expressed a parliamentary objection to proceeding with discussion under second consideration, I certainly say to you, do not hesitate. If it was good the first five or six times, I am sure it will be better.

Mr. Speaker, what I was just speaking about when I was interrupted was Article III, section 24, of the Constitution, which prohibits the expenditure from the treasury of any funds absent an appropriation. The gentleman who is the sponsor of this bill explained that funds can be transferred from this authority to DCED or other departments and that those departments will then be free to expend them. That would seem to violate Article III, section 24.

Now, I agree that advancing alternative energy is a very important endeavor. I am frustrated that the Governor has sat on his thumbs with a quarter of a billion dollars of authority and shocked that having watched this sitting there, nothing, that now today we are told that this must get done even if it is done wrong. I would say if it is important, we ought to be doing it right and that that provision causes this bill to be unconstitutional.

### CONSTITUTIONAL POINT OF ORDER

Mr. MAHER. In the interest of having a bill which will stay in law if embraced and passed, and absent an embrace of an amendment to repair it, I am moving that the bill as drafted be deemed unconstitutional, Mr. Speaker.

The SPEAKER pro tempore. The gentleman has raised the issue of constitutionality on HB 1200.

The Speaker, under rule 4, is required to submit questions of constitutionality of a bill to the House for discussion.

On the question,

Will the House sustain the constitutionality of the bill?

The SPEAKER pro tempore. On the point of order, the Chair recognizes the gentleman, Representative Maher.

Mr. MAHER. Mr. Speaker, I was not seeking recognition at this time. If I recollect, on matters of constitutionality, members are allowed to address the chamber just once, so I will hold off on seeking recognition.

The SPEAKER pro tempore. Does any other member seek recognition on constitutionality at this time? The Chair

recognizes the gentleman from York, Representative DePasquale.

There does not appear to be any further speakers. The Chair recognizes Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

The gentleman who was just recognized explained that the bill as it now stands would permit the authority to transfer money to DCED or other departments for them to expend. That clearly circumvents the appropriations process that is required under the Constitution, and the importance of this issue is such that I believe we ought to proceed with a bill that will stand the test of constitutional scrutiny, and I ask that you join me in recognizing that at this time it does not pass that test.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair recognizes the majority leader, Representative DeWeese.

Mr. DeWEESE. This is a fallacious argument. Neither the previous speaker nor myself has much constitutional legal training in reputable institutions of higher learning, but on its face, this argument does not hold up. We are trying to make Pennsylvania move forward toward energy independence. We have been working with Governor Rendell. We have been working with our Republican colleagues on both sides of the building. This is constitutional, and I would ask that a vote reflect that it is constitutional.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the minority leader seek recognition?

Mr. S. SMITH. I apologize, Mr. Speaker. I did not hear—

The SPEAKER pro tempore. The Chair recognizes Representative Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

I did not hear the article that the gentleman challenged. I was looking at some of this constitutionality myself, and I saw it under Article VIII where there were some questions, severe questions. What was the article that the challenge is on?

The SPEAKER pro tempore. The gentleman, Mr. Maher, would you reiterate which section of the Constitution you are referring to?

Mr. MAHER. Thank you. It is Article III, section 24, which is brief, and if I have my glasses, I will be happy just to—

The SPEAKER pro tempore. The gentleman may proceed.

Mr. MAHER. In response to a query: "Section 24. No money shall be paid out of the treasury, except on appropriations made by law and on warrant issued by the proper officers...."

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair recognizes the minority leader, Mr. Smith.

Mr. S. SMITH. Thank you, Mr. Speaker.

I tend to agree that that certainly raises a valid question of constitutionality, because I was looking at a similar passage, which happens to be Article VIII, section 8, "Commonwealth Credit Not to be Pledged," and it specifically says – it is a short sentence, Mr. Speaker – "The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association nor shall the Commonwealth become a joint owner or stockholder in any company, corporation or association," and I only raise that, because I apologize, Mr. Speaker, I did not hear it, but I think that under either of those cases, Mr. Speaker, either the one previously stated by the gentleman from Allegheny or this section, Article VIII, and I do not mean to complicate the motion before you, Mr. Speaker,

I believe that this provision severely questions and challenges the integrity of the Constitution.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Those who believe the bill is constitutional will vote "aye"; those believing the bill is not constitutional will vote "nay."

On the question recurring,

Will the House sustain the constitutionality of the bill?

The following roll call was recorded:

#### YEAS—112

Belfanti	George	McCall	Scavello
Bennington	Gerber	McGeehan	Schroder
Biancucci	Gergely	McI. Smith	Seip
Bishop	Gibbons	Melio	Shapiro
Blackwell	Goodman	Milne	Shimkus
Brennan	Grucela	Mundy	Siproth
Buxton	Haluska	Myers	Smith, K.
Caltagirone	Hanna	O'Brien, M.	Smith, M.
Carroll	Harhai	O'Neill	Solobay
Casorio	Harkins	Oliver	Staback
Cohen	Hornaman	Pallone	Steil
Conklin	James	Parker	Sturla
Costa	Josephs	Pashinski	Surra
Cruz	Keller, W.	Payton	Tangretti
Curry	Kessler	Petrarca	Taylor, R.
Daley	King	Petri	Thomas
DeLuca	Kirkland	Petrone	Vitali
DePasquale	Kortz	Preston	Wagner
Dermody	Kotik	Quinn	Walko
DeWeese	Kula	Ramaley	Wansacz
DiGirolamo	Leach	Readshaw	Waters
Donatucci	Lentz	Roebuck	Wheatley
Eachus	Levdansky	Ross	White
Evans, D.	Longiotti	Rubley	Williams
Fabrizio	Mahoney	Sabatina	Wojnaroski
Frankel	Manderino	Sainato	Yewcic
Freeman	Mann	Samuelson	Youngblood
Galloway	Markosek	Santoni	Yudichak

#### NAYS—90

Adolph	Fleck	Mantz	Rapp
Argall	Gabig	Marshall	Raymond
Baker	Geist	Marsico	Reed
Barrar	Gillespie	McIlhattan	Reichley
Bastian	Gingrich	Mensch	Roae
Bear	Godshall	Metcalfe	Rock
Benninghoff	Grell	Micozzie	Rohrer
Beyer	Harhart	Millard	Saylor
Boback	Harper	Miller	Smith, S.
Boyd	Harris	Moul	Sonney
Brooks	Helm	Moyer	Stairs
Cappelli	Hennessey	Murt	Stern
Causar	Hershey	Mustio	Stevenson
Civera	Hess	Nailor	Swanger
Clymer	Hickernell	Nickol	Taylor, J.
Cox	Hutchinson	Payne	True
Creighton	Kauffman	Peifer	Turzai
Cutler	Keller, M.	Perry	Verab
Denlinger	Kenney	Perzel	Vulakovich
Ellis	Killion	Phillips	Watson
Evans, J.	Mackereth	Pickett	
Everett	Maher	Pyle	O'Brien, D.,
Fairchild	Major	Quigley	Speaker

NOT VOTING—0

EXCUSED-1

Dally

The majority having voted in the affirmative, the question was determined in the affirmative and the constitutionality of the bill was sustained.

On the question recurring,

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

The SPEAKER pro tempore. The Chair recognizes Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

It is certainly easier to try to address constitutionality by snapping your fingers and pretending it is, but if you really care about alternative energy, I would encourage people to look about amending this bill so that it will endure beyond being a campaign slogan, that it can actually matter and help advance alternative energy in Pennsylvania.

And there certainly are other repairs that are needed to preserve the integrity of the public purse. The importance of advancing alternative energy should not be used as an excuse to abandon all responsibilities to the public to safeguard public moneys. Folks have said, oh, this is a revenue bond; it is not a general obligation bond. I have yet really to hear where the revenue is going to all come from to pay back this debt, this unlimited amount of debt. It is a shame that the maker of the legislation or anyone on that side of the aisle refused to share with the public answers to such basic questions as where is the money coming from? Who is going to repay this debt? If funds are going out the door as grants, how does that interact with the part of the Administrative Code that says this financial assistance must go out as loans, must bear interest? There is an internal conflict. Are these going to be grants that have interest? Are these going to be grants that have got to be repaid? Well, then of course they are not really grants.

The legislation is a slogan. It is not crafted in a way that safeguards the public purse. It is not crafted in a way that provides direction for advancing alternative energy so much as ceding responsibility to a handful of people who will be patronage appointments. Instead of this body deciding alternative energy strategies, a handful of people we cannot even name, who are accountable to no one, who are never accountable to the voters, who will not be accountable to an Inspector General with statutory authority, will have control over an unlimited amount of public money.

For heaven's sake, this is such an important initiative, is there not any appetite to do it right? There is still a chance to do this right. Please, please, you have got the power of the votes; do it right. There is no reason that I know of not to do it right. All these concerns we have, the question becomes, who is served? Who is served by doing this thing the wrong way? It is not the public. And those of you, I understand the pressure is to vote party line, but ask yourself, who are you giving permission to spend an unlimited amount of public money? Who are these people? Do you know who they are? Do you know what matters to them? Do you think they are going to care what your thoughts are? Do you think they are going to care what the public's thoughts are? Are we just creating a huge cookie jar?

We are labeling it "alternative energy" but creating a large patronage pit for the hogs to wallow around in. I urge you to take the opportunity to do this right. It is important.

Thank you, Mr. Speaker.

### THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

The SPEAKER. Will the House agree to the bill? Representative DeWeese.

Mr. DeWEESE. I just wanted to say one thing. If we were operating under the rules that we did last year, we would be voting right now on all these amendments and all the complicated dialogue that we have been monitoring. So I do take my hat off to our collective effort – Democrats, Republicans, and the impulses of reform inaugurated in this session by the Speaker and this group – because the work product should be more burnished, more substantive, more wholesome, more respected, but it has not come out in this debate very much. But we will wait now for 24 hours. I think Mr. Preston from Allegheny County was saying it earlier. The body politic, the media, our staff, our chairpersons, our teams in general will be able to look at this piece of legislation in the context of the amendments as they are taken into the body of the proposal.

So I think that the process we are working on is a good one and worthy of our mutual respect. If we are going to, as time goes forward, have extensive debates on second consideration, and it is acceptable under our rules, we will start to sunshine Thursdays and Fridays, because otherwise, there is no way we would be able to do the debate that we need to do. But thank you very much, Mr. Speaker. I think we are moving in the right direction.

Mr. S. SMITH. Mr. Speaker?

The SPEAKER. Representative Schroder. I am sorry; Representative Smith.

Mr. SCHRODER. I will yield.

Mr. S. SMITH. I thank the gentleman.

Mr. Speaker, I would like to commend the majority leader for his comments relative to the process and the fact that we now have a bill on second consideration that has been amended, and it will be out there in the public domain for 24 hours before final passage, and would simply suggest to him that while that part of this process clearly is workable and has its potential advantages, like any good thing, it has some negatives if the process does not move as quickly as it used to.

I would suggest to the majority leader, Mr. Speaker, that some of these questions and some of this interim debate on this legislation could have been avoided if it were not the necessity to ram this bill as well as a couple of previous bills through the legislature so fast, railroading them over to the Senate. Holding a hearing perhaps in the committee prior to this, allowing the committees to wade through some of the amendments and have a more open dialogue, would have certainly been a helpful measure in mitigating some of the debate on the floor.

So I offer that, Mr. Speaker, as a point of constructive criticism that perhaps if we were not in such a big rush to ram this legislation through the committee process, that we could have taken some of that work away from the floor and not expended quite as much time at this point.

Thank you, Mr. Speaker.



The SPEAKER. Representative DeWeese.

Mr. DeWEESE. I commend the gentleman on his keen and retentive memory. That is the same speech I gave for 12 years in a row, and I would love to have heard him get up and sing "Glory! Hallelujah!" but I never did.

Mr. S. SMITH. Ah, but, Mr. Speaker—

The SPEAKER. Representative Smith.

Mr. S. SMITH. Mr. Speaker, the difference is, we are now reformed.

### STATEMENT BY MR. SCHRODER

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, I guess I am rising for a parliamentary inquiry, although you can certainly, and I am sure will, correct me if I am wrong.

While I certainly agree with most of what the majority leader said about improvement in the process and how that will give us time to allow these amendments to sift in, be reviewed, before we take a final vote, I do have to depart company with him on his criticisms about the debate on second consideration, because, Mr. Speaker, I think that is far less egregious than scheduling nonvoting session days on the weekend like we were advised this morning.

Mr. Speaker, we have had nonsession voting days on Thursdays, and we can argue about whether we should or not, but we have had them for quite a while, but I do not ever recall nonvoting session days—

The SPEAKER. Will the gentleman cease.

Will the gentleman state his point of parliamentary inquiry?

Mr. SCHRODER. I am leading up to that.

The SPEAKER. Please get there expeditiously.

Mr. SCHRODER. Let me go to personal privilege, and I promise I will not be long, if I can have a brief point of personal privilege.

The SPEAKER. The gentleman is recognized under unanimous consent. The gentleman is in order.

Mr. SCHRODER. All right. I will take unanimous consent.

Mr. Speaker, the point I was trying to make is if we are talking about, you know, stretching rules or the spirit of rules and things like that, I think that extensive comment and debate on second consideration, you know, while it does not happen all the time, I think it is fine to happen on weighty and serious matters like this, but, Mr. Speaker, I have to question why we are having nonvoting session days on the weekend. I could be wrong, but I do not recall those types of session days being called in the past. Mr. Speaker, it seems to me that it not only leads to the possibility of mischief and it certainly leads to questions being asked by those watching the process from the outside as to whether we take reform seriously—

The SPEAKER. The gentleman will cease.

The gentleman's question about whether we are in session on Saturday or Sunday is not relevant to the issue at hand. The gentleman will confine his remarks to second consideration. He is operating under the provision of unanimous consent.

Mr. SCHRODER. Right, Mr. Speaker, and I had thought that I had leeway on unanimous consent to comment on—

The SPEAKER. But the point of parliamentary inquiry as to why we are going to be here on the weekends or if we are not is

not— You are mixing a point of parliamentary inquiry and unanimous consent. The gentleman will make his point.

Mr. SCHRODER. I know. I thought I went to unanimous consent and had waived the parliamentary inquiry.

Mr. DeWEESE. Mr. Speaker? Mr. Speaker, the gentleman is in order, in my view. Unanimous consent has been granted. He can talk about the New York Yankees or the Revolutionary War for all I care. This is a debating opportunity, and I am sure he will be able to link his remarks with the substance of our debate or our rules dialogue.

Mr. SCHRODER. Well, I think it is very apropos to the rules dialogue and the issues that the majority leader brought up about debate on second consideration. I do not see that as nearly an egregious stretch of our rules as having nonvoting session days on the weekends, days that presumably will be used to move bills forward in the process, and also because of the fact that they are occurring on the weekend potentially limit the time available for members to file amendments to those bills. So I guess what I would appreciate from the majority leader is an explanation of why it is necessary to have a nonvoting session day on a Friday, let alone a Saturday.

### STATEMENT BY MAJORITY LEADER

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. I am sure that my honorable friend from Chester and all of the 203 men and women in this room want to work diligently and unremittingly as we move toward our June 30 deadline. I have been privileged to serve in this august chamber for 32 summers, and in my recollection, almost every one of those Junes allowed for nonsession voting days in order to move the calendar forward.

I might opine that delaying tactics that might have been proffered last night or might have been enthusiastically engendered into our day could move that forward, but there is a good chance with all of the moving parts in a \$27 billion budget, with transit being an inscrutable element within the next 2 weeks' dialogue, that we will be here voting on Friday, and historically it is not unusual for us in the last 2 weeks of June or the first week in July to be voting on a Friday and a Saturday and a Sunday. We will not be voting in the middle of the night; we will be sunshining everything, but as the honorable gentleman knows, if we are using nonsession days to move bills, we will be doing it in the cold, hard light of day. The inimitable young, handsome gentleman, the counsel to the minority leader, will be a part of those dialogues. Everything is open for the Republicans to observe and be a part of. It is just the way we do business, and I do not see how in the rough-and-tumble of 203 people we can do it any other way. And nobody with three brain synapses still functioning today could honestly say that the Republicans have not tried to delay it a little bit. Well, we are going to be here for a long time over the next fortnight, and that is the way it should be.

The SPEAKER. Representative Schroder.

Mr. SCHRODER. Thank you.

Mr. Speaker, just one brief comment.

If any alleged delays cause us to be here voting on a Friday or Saturday, that is one thing and I can understand that, but to have nonsession voting days while we are all scattered across the State, back home in our districts, doing work, constituent work and having meetings and things like that, I do not think

that is what the process intends. The speaker is correct, we have had nonvoting session days as we moved toward the end of session, but usually they are, you know, Thursdays or something like that. I just think it sets a dangerous precedent, and I want to register my objection to nonvoting session days on the weekend such as we were notified about today.

The SPEAKER. Representative DeWeese.

Mr. DeWEESE. At this moment I would like to sunshine Friday and Saturday as potential voting days. I would also like to say, and I say it with unalloyed respect to the previous speaker, he was in the van as we changed our processes, and somehow, someday, nonvoting days might be a part of a future Speaker's reform effort. It might be a part of our dialogue someday. It was certainly not a part of the recent one, at least to the best of my recollection. But we have made Herculean changes in the process, and there certainly, and I accept, I accept the wholesome nature of his suggestions, but we are not trying to do anything mischievous. We are just in the waning days of June, and again, Mr. Smith's able team as well as Mr. Civera's able team will be incorporated into every jot and tittle of our work.

### STATEMENT BY MINORITY LEADER

The SPEAKER. Representative Smith.

Mr. S. SMITH. Mr. Speaker, relative to the point of the schedule that the majority leader just sunshined, when you say, Mr. Speaker, that you would like to sunshine Friday and Saturday as potential voting days, I do not know that we have that in our lexicon. I think it is either a nonvoting day or a voting day, and I am only asking you to clarify that point before one other— If I could go just one step further, because just 20 minutes or so ago our respective senior staff members were talking about the consequences of even Saturday being a nonvoting day and what that entails in terms of the requirements for the desk to be open, who from the Chief Clerk's office must be here, who from our respective staffs have to be present while there may not be a tremendous amount of activity taking place, and there is some cost and consequences to that. And I think they had resolved that perhaps even Saturday may or may not have been, and I am not trying to dictate to you what you want to do as the majority, but I guess what I am saying, Mr. Speaker, is in the moment, when you make it a voting day, Mr. Speaker, that is a voting day and that is a step up. And I am willing to be here, as I was last weekend. I was willing to be here any day but Friday afternoon when, by the way, to my friends from Delaware County – a little sidebar, Mr. Speaker – who put a bet on, I think there were two hoagies on the way? Okay. Punxsutawney, my high school team, won the State championship, and my son plays on the team, so.

I digressed, Mr. Speaker. My point was that, as in last weekend, I am willing to be here basically 24 hours a day between now and when we are done. I understand the job, but I would just ask the gentleman to think that one through.

Mr. DeWEESE. Mr. Speaker, Mr. Smith is correct, and I stand and am going to correct myself. You are right, the lexicon would not allow that flexibility. We will sunshine Friday and Saturday as voting days. If indeed plans change, that tall, handsome matinee idol with the law degree who stands next to you will know all about it.

Mr. S. SMITH. Mr. Speaker, are you making a pass at my chief of staff?

Mr. DeWEESE. My affections for him are the same as they are for everyone else in this room, and notwithstanding my progressive perspectives on the issue, as I have said many times, only in a manly and wholesome way.

### CONSIDERATION OF HB 1200 CONTINUED

On the question recurring,

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

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I did not know if the sponsor of the bill was actually turning down any further interrogation or just for the previous gentleman who was asking questions. I have a brief question, if he might be so inclined to entertain a brief question.

The SPEAKER. The gentleman declines interrogation.

Mr. METCALFE. All right. Well, thank you, Mr. Speaker. It is a true day of reform here in Pennsylvania when we can truly vet out all these issues before taking the final votes, and we will look forward to the final vote debate also.

Regardless of any subtle threats of additional session days or lack of changes of clothing that some might have with them based on the acknowledgment of more session days, when you have come 4 hours for session this week prepared for 4 days, but we can deal with all that. But I think what the people of Pennsylvania cannot deal with is a reform in name only that is sponsored by a gentleman who is proffered to be a reformer, putting expenses on his Web site, but now he wants to give clear reign to venture capitalists, to give taxpayer money to venture capitalists. I think that is against any type of reform, Mr. Speaker, that is going to be held. I do not think the taxpayers are willing to become—

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Williams, rise?

Mr. WILLIAMS. Point of order, Mr. Speaker.

The gentleman is way off base—

The SPEAKER. The gentleman will state his point of order.

Mr. WILLIAMS. The gentleman is way off base. Could you have him just speak to the issue at hand? I mean, we are talking about making—

The SPEAKER. The Chair will caution all members, the Chair will caution all members, we are on second consideration now of HB 1200. The Chair has stated very clearly and it has been amplified by the majority and minority leaders as to what the process is for speaking on second consideration. The gentleman and all members of the House will confine their remarks to the issue before the House, and that is the content of the bill on second consideration.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, the content of this legislation, the content that we had talked about earlier or heard previous speakers talk about, that this new process of a second consideration and having a chance to talk about the amendments and amend it and

have a 24-hour waiting period where the media can help expose what is going on here in Harrisburg and educate the electorate—  
The SPEAKER. The gentleman will cease.

### POINT OF ORDER

The SPEAKER. For what purpose does the gentleman, Representative Vitali, rise?

Mr. VITALI. A point of order.

The gentleman is not on the bill; he is on process.

The SPEAKER. The gentleman will confine his remarks to the bill at hand.

Mr. METCALFE. Thank you, Mr. Speaker.

I love the ability to speak to the legislation. I appreciate the gentleman helping to remind me that I should be speaking to the legislation, which is what I am doing, because this legislation allows for money to be given to venture capitalists. One of the earlier interrogations showed that there was not anyone known in the world that is going to make these types of loans to venture capitalists as this legislation would allow. From the legislation as it was written, there would be no cap on the amount of money that could be given to a venture capitalist, whether it is \$10 million, \$100 million, \$500 million, \$1 billion. There is no cap on how much money could be given to a venture capitalist in this legislation, Mr. Speaker.

Mr. Speaker, the taxpayers of Pennsylvania want reform; they do not want to have to pay for money to be put at risk with venture capitalists. I hope that the media, Mr. Speaker, picks up on this and puts an exclamation mark on it, that this legislation that is being considered would give money to venture capitalists, money that is not even capped in any fashion as to how much money could be given, Mr. Speaker.

Mr. Speaker, this is not the type of reform that the electorate has voted for, whether it is reforming the process or reforming taking more from their pockets. I think the taxpayers want to have less taken from their pockets, and this legislation is a guarantee that more will be taken, because we are going to be giving it to venture capitalists through this legislation.

Thank you, Mr. Speaker.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

\* \* \*

The House proceeded to second consideration of **HB 1202, PN 1667**, entitled:

An Act providing for the sale of transportation fuels containing clean, renewable or alternative fuel content.

On the question,

Will the House agree to the bill on second consideration?

Mr. **GERBER** offered the following amendment No. **A01430**:

Amend Sec. 3, page 3, lines 4 and 5, by striking out "agriculturally derived"

Amend Sec. 4, page 3, lines 9 and 10, by striking out "for on-road use" and inserting

in this Commonwealth

Amend Sec. 4, page 3, line 13, by striking out "for use in on-road compression ignition engines"

Amend Sec. 4, page 3, line 19, by striking out "for use in on-road compression ignition engines"

Amend Sec. 4, page 3, line 25, by striking out "for use in on-road compression ignition engines"

Amend Sec. 4, page 4, line 3, by striking out "for use in on-road compression ignition engines"

Amend Sec. 4, page 4, by inserting between lines 9 and 10

(b) Exception.—The requirements of subsection (a) shall not apply to aviation fuel or where prohibited by law.

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

(c)

Amend Sec. 5, page 4, line 16, by striking out "for on-road use" and inserting

in this Commonwealth

Amend Sec. 5, page 4, lines 18 and 19, by striking out "for use in on-road internal combustion engines" and inserting

, except gasoline sold for use as aviation fuel or as prohibited by law,

Amend Sec. 5, page 4, line 19, by inserting after "volume"

as determined by an appropriate United States Environmental Protection Agency or American Society for Testing and Materials standard method of analysis

Amend Sec. 5, page 5, lines 17 through 24, by striking out all of said lines

Amend Sec. 5, page 5, line 25, by striking out "(d)" and inserting

(c)

Amend Sec. 6, page 5, line 30, by striking out "4(b)" and inserting

4(c)

Amend Sec. 6, page 6, line 8, by striking out "4(b)" and inserting

4(c)

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker.

The changes contained within this amendment are technical in nature and are the result of a very constructive colloquy between Democrats and Republicans in committee.

First, with respect to how we define ethanol, the original bill had limiting language that we are removing. The limiting language said "agriculturally derived" ethanol, and of course in the future we hope that we move to cellulosic forms of ethanol, which will be much better for our agricultural community here in Pennsylvania. So the amendment strikes that language "agriculturally derived."

We also take out language that limits the off-take markets for the alternative biodiesel that we are trying to stimulate here in Pennsylvania. The original language was counting biodiesel only towards those diesel fuels used for on-road use in internal compression engines, and so we have removed that language to expand the potential off-take markets and make the homegrown companies here in Pennsylvania more attractive to Wall Street.

And then finally, there was some language in the bill that arguably was confusing and would limit the forms of ethanol used to those that have no more than 10 percent ethanol, and of course Detroit already makes flex-fuel cars that can take E85, and someday our traditional vehicles will be able to take more than E10, maybe E15, E20, and we certainly did not want to create any confusion in that regard.

So again, it is a technical amendment that I think improves the bill. Thank you, Mr. Speaker.

The SPEAKER. Will the House agree to the amendment? On the question, those in favor will vote "aye"; those opposed, "no." The Chair recognizes Representative Ross.

Mr. ROSS. Mr. Speaker, could I briefly interrogate the prime sponsor of the amendment?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order and may proceed.

Mr. ROSS. For the benefit of the members, when you remove "on-road use," could you detail the kinds of devices that would now be included?

Mr. GERBER. Yes, and thank you, Mr. Speaker, for asking that question.

For the information of the members, if you were to read the bill on the sections that relate to biodiesel, again, we have language in the original bill that I seek to change with this amendment that says "All diesel fuel sold or offered for sale in this Commonwealth for use in on-road compression ignition engines must contain..." a certain percentage of biodiesel. That is the language that we are discussing now. There are other uses for diesel fuel beyond just those vehicles that are used on-road, and we do not want to limit those off-take markets. So concrete examples could be construction equipment, farm equipment, home heating oil, things of that nature.

Mr. ROSS. So just to repeat that, because I wanted to make sure the members all understood, we are talking about home heating oil; we are talking about also construction vehicles; we are also talking about farmers' vehicles – a broad range of internal combustion engines that use oil, diesel oil, to run them.

Mr. GERBER. Correct.

Mr. ROSS. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—202

Adolph	Gabig	Markosek	Rohrer
Argall	Galloway	Marshall	Ross
Baker	Geist	Marsico	Rubley
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	McI. Smith	Samuelson
Belfanti	Gibbons	McIlhattan	Santoni
Benninghoff	Gillespie	Melio	Saylor
Bennington	Gingrich	Mensch	Scavello
Beyer	Godshall	Metcalfe	Schroder
Biancucci	Goodman	Micozzie	Seip
Bishop	Grell	Millard	Shapiro
Blackwell	Grucela	Miller	Shimkus
Boback	Haluska	Milne	Siptroth
Boyd	Hanna	Moul	Smith, K.
Brennan	Harhai	Moyer	Smith, M.
Brooks	Harhart	Mundy	Smith, S.
Buxton	Harkins	Murt	Solobay

Caltagirone	Harper	Mustio	Sonney
Cappelli	Harris	Myers	Staback
Carroll	Helm	Nailor	Stairs
Casorio	Hennessey	Nickol	Steil
Causer	Hershey	O'Brien, M.	Stern
Civera	Hess	O'Neill	Stevenson
Clymer	Hickernell	Oliver	Sturla
Cohen	Hornaman	Pallone	Surra
Conklin	Hutchinson	Parker	Swanger
Costa	James	Pashinski	Tangretti
Cox	Josephs	Payne	Taylor, J.
Creighton	Kauffman	Payton	Taylor, R.
Cruz	Keller, M.	Peifer	Thomas
Curry	Keller, W.	Perry	True
Cutler	Kenney	Perzel	Turzai
Daley	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Wansacz
DiGirolamo	Kula	Pyle	Waters
Donatucci	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longiotti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	
Frankel	Mann	Rock	O'Brien, D., Speaker
Freeman	Mantz	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—1

Dally

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?

Mr. MILLER offered the following amendment No. **A01495**:

Amend Sec. 4, page 3, lines 12 and 13, by striking out all of said lines and inserting

(1) (i) All diesel fuel sold or offered for sale in this Commonwealth for use in on-road compression ignition engines

Amend Sec. 4, page 3, lines 18 and 19, by striking out all of said lines and inserting

(ii) If the in-State production volume of biodiesel is less than 30 million gallons for any period of three months on an annualized basis, then the requirement of 2% biodiesel by volume under subparagraph (i) shall be suspended until such time as the threshold in-State production volume required under subparagraph (i) is satisfied.

(2) (i) All diesel fuel sold or offered for sale in this Commonwealth for use in on-road compression ignition engines

Amend Sec. 4, page 3, lines 24 and 25, by striking out all of said lines and inserting

(ii) If the in-State production volume of biodiesel is less than 75 million gallons for any period of three months on an annualized basis, then the requirement of 5% biodiesel by volume under subparagraph (i) shall be suspended until such time as the threshold in-State production volume required under subparagraph (i) is satisfied.

(3) (i) All diesel fuel sold or offered for sale in this Commonwealth for use in on-road compression ignition engines

Amend Sec. 4, page 4, lines 2 and 3, by striking out all of said lines and inserting

(ii) If the in-State production volume of biodiesel is less than 150 million gallons for any period of three months on an annualized basis, then the requirement of 10% biodiesel by volume under subparagraph (i) shall be suspended until such time a the threshold in-State production volume required under subparagraph (i) is satisfied.

(4) (i) All diesel fuel sold or offered for sale in this Commonwealth for use in on-road compression ignition engines

Amend Sec. 4, page 4, by inserting between lines 9 and 10

(ii) If the in-State production volume of biodiesel is less than 300 million gallons for any period of three months on an annualized basis, then the requirement of 20% biodiesel by volume under subparagraph (i) shall be suspended until such time as the threshold in-State production volume required under subparagraph (i) is satisfied.

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

The SPEAKER. The Chair recognizes Representative Miller. Mr. MILLER. Thank you, Mr. Speaker.

I am offering amendment 01495 out of concern that the triggers that are in this bill may be problematic in the future if we suffer a drought and the amount of soybean production in either this State or the United States would drop and we may not be able to produce enough biodiesel fuels to meet what this bill requires. All this basically does is roll back the requirement levels of the usage of biodiesel in the event that we do have a drought or in the event that we need the soybeans for food consumption instead of fuel.

I appreciate an affirmative vote.

The SPEAKER. Representative Gerber, on the amendment.

Mr. GERBER. Thank you, Mr. Speaker.

And the Representative offering this amendment and I have talked. I want to make sure that the membership is clear on the impact this would have.

There are several goals with the underlying bill – namely, to encourage the use of cleaner fuels in Pennsylvania to help our environment; to use homegrown fuels so we can replace those fuels we bring from unstable parts of the world, of course the Middle East and other places like that; to, number three, stimulate local economic development activity; and then number four, potentially provide fuel at a lower cost for Pennsylvania consumers.

This particular amendment drives at just one of those goals, and that is the local economic development goal. The reason it drives at that is because we have tied the triggers, those things that say we have to use a certain percentage of biodiesel in Pennsylvania, to Pennsylvania production levels, and the Representative raises a concern that if we dip below those production levels, what happens? What would happen is, we would still mandate use of biodiesel if this is not passed, but the biodiesel might start coming from other States, whether it be Iowa, Indiana, or Ohio. It could be anywhere. It would still have a positive environmental impact. It would still be replacing fuels from other parts of the world, but we are concerned about market barriers taking effect that would enable out-of-State producers to get a competitive edge on in-State producers.

So I just want to make sure that the membership is clear on what this drives towards and appreciate my colleague thinking through these issues and working with me. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—100

Adolph	Geist	Metcalfe	Reichley
Argall	Gillespie	Micozzi	Roae
Baker	Gingrich	Millard	Rock
Barrar	Godshall	Miller	Rohrer
Bastian	Grell	Milne	Ross
Bear	Harhart	Moul	Rubley
Benninghoff	Harper	Moyer	Saylor
Beyer	Harris	Murt	Scavello
Boback	Helm	Mustio	Schroder
Boyd	Hennessey	Nailor	Smith, S.
Brooks	Hershey	Nickol	Sonney
Cappelli	Hess	O'Neill	Stairs
Causer	Hickernell	Payne	Steil
Civera	Hutchinson	Peifer	Stern
Clymer	Kauffman	Perry	Stevenson
Cox	Keller, M.	Perzel	Swanger
Creighton	Kenney	Petri	Taylor, J.
Cutler	Killion	Phillips	True
Denlinger	Mackereth	Pickett	Turzai
DiGirolamo	Maher	Pyle	Vereb
Ellis	Major	Quigley	Vulakovich
Evans, J.	Mantz	Quinn	Watson
Everett	Marshall	Rapp	
Fairchild	Marsico	Raymond	O'Brien, D.,
Fleck	McIlhattan	Reed	Speaker
Gabig	Mensch		

NAYS—102

Belfanti	Galloway	Manderino	Seip
Bennington	George	Mann	Shapiro
Bianucci	Gerber	Markosek	Shimkus
Bishop	Gergely	McCall	Siproth
Blackwell	Gibbons	McGeehan	Smith, K.
Brennan	Goodman	McI. Smith	Smith, M.
Buxton	Grucela	Melio	Solobay
Caltagirone	Haluska	Mundy	Staback
Carroll	Hanna	Myers	Sturla
Casorio	Harhai	O'Brien, M.	Surra
Cohen	Harkins	Oliver	Tangretti
Conklin	Hornaman	Pallone	Taylor, R.
Costa	James	Parker	Thomas
Cruz	Josephs	Pashinski	Vitali
Curry	Keller, W.	Payton	Wagner

Daley	Kessler	Petrarca	Walko
DeLuca	King	Petrone	Wansacz
DePasquale	Kirkland	Preston	Waters
Dermody	Kortz	Ramaley	Wheatley
DeWeese	Kotik	Readshaw	White
Donatucci	Kula	Roebuck	Williams
Eachus	Leach	Sabatina	Wojnaroski
Evans, D.	Lentz	Sainato	Yewcic
Fabrizio	Levdansky	Samuelson	Youngblood
Frankel	Longietti	Santoni	Yudichak
Freeman	Mahoney		

NOT VOTING—0

EXCUSED—1

Dally

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 as amended?

Mr. **GEORGE** offered the following amendment No. **A01523**:

Amend Sec. 3, page 2, by inserting between lines 12 and 13 "Bio-based diesel fuel." A motor vehicle fuel consisting of biologically derived and petroleum-derived components which meet all of the following criteria:

(1) A fuel which meets the American Society for Testing and Materials (ASTM) specification D 975 and is intended for use in engines that are designed to run on conventional, petroleum-derived diesel fuel.

(2) A fuel which meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7545).

(3) A fuel that contains biologically derived components from one or more of the following nonpetroleum renewable resources:

- (i) Animal fats.
- (ii) Vegetable oils.
- (iii) Municipal solid waste and sludge.
- (iv) Oils derived from wastewater and the treatment of wastewater.
- (v) Other waste products.

(4) A fuel that is consistent with the term "renewable diesel" as used in 40 CFR 80.1101(d), (h), (i) and (m) (relating to definitions).

Amend Sec. 3, page 2, line 17, by inserting after "Fuels."

The term includes bio-based diesel fuel.

On the question,

Will the House agree to the amendment?

The **SPEAKER**. The Chair recognizes Representative George on the amendment.

Mr. **GEORGE**. Mr. Speaker, I have now recognized that the amendment that did go into the bill and the matter on where we are concerned in regard to what we want to do as far as alternate energy and that is not in violation of our atmospheric need to improve those conditions, and again, where I have a concern

about the agriculture part of the matter, I am going to ask you to allow me to remove this amendment. Until I get the answer, I am going to be against all amendments that are geared in this manner.

AMENDMENT WITHDRAWN

Mr. **GEORGE**. So forgive me, Mr. Speaker, I am going to withdraw that.

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

On the question recurring,

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

Mr. **M. O'BRIEN** offered the following amendment No. **A01543**:

Amend Sec. 4, page 3, line 11, by striking out "(a) Volume standards.—"

Amend Sec. 4, page 4, lines 10 through 15, by striking out all of said lines

Amend Sec. 6, page 6, lines 5 through 9, by striking out all of said lines and inserting

(b) Department.—The department shall conduct a study to evaluate the

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The **SPEAKER**. On the amendment, the Chair recognizes Representative O'Brien.

Mr. **M. O'BRIEN**. Thank you, Mr. Speaker.

Mr. Speaker, I am going to take the lead of Chairman George on this issue and withdraw the amendment.

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

On the question recurring,

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

Mr. **HUTCHINSON** offered the following amendment No. **A01600**:

Amend Sec. 3, page 2, lines 13 through 17, by striking out all of said lines and inserting

"Bio-based diesel fuel." A motor vehicle fuel consisting of biologically derived and petroleum-derived components that:

(1) Meets the American Society for Testing and Materials (ASTM) specification D 975 and is intended for use in engines that are designed to run on conventional, petroleum-derived diesel fuel.

(2) Meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (69 Stat. 322, 42 U.S.C. § 7545).

(3) Contains biologically derived components from one or more of the following nonpetroleum renewable resources:

- (i) animal fats;
- (ii) vegetable oils;
- (iii) municipal solid waste and sludge;

(iv) oils derived from wastewater and the treatment of wastewater; or

(v) other waste products.

(4) Is consistent with the terms "renewable fuel," "bio-diesel" (ASTM D6751 mono-alkyl esters) or "renewable diesel" as defined in 40 CFR 80.1101(d), (h), (i) and (m) (relating to definitions).

Amend Sec. 4, page 3, line 9, by striking out "Biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 3, line 14, by striking out "biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 3, line 15, by striking out "biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 3, line 20, by striking out "biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 3, line 21, by striking out "biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 3, line 28, by striking out "biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 3, line 30, by striking out "biodiesel" and inserting

bio-based diesel fuel

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

bio-based diesel fuel

Amend Sec. 4, page 4, line 6, by striking out "biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 4, line 8, by striking out "biodiesel" and inserting

bio-based diesel fuel

Amend Sec. 4, page 4, line 11, by striking out "biodiesel" and inserting

bio-based diesel fuel

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, we have before us a bill which has several objectives. This bill is purporting to promote energy conservation, energy security, and energy independence for the State of Pennsylvania. Mr. Speaker, this bill talks about supporting agriculture and supporting rural economic growth. Another objective of this bill is to improve our air and water quality. And finally, Mr. Speaker, this bill is an attempt to provide alternative fuel sources in Pennsylvania.

So, Mr. Speaker, I offer my amendment to HB 1202, amendment A01600, which actually meets every single one of those objectives. My amendment expands what is constituted as a renewable fuel. It allows for a renewable diesel, or another term, a "bio-based diesel," by changing the definition of what is permitted for bio-based diesel.

Mr. Speaker, instead of us as a State picking winners and losers on all these emerging technologies, I think we should be encouraging a variety of viable, renewable biofuels. Who knows what is the best technology or process that will be the best for our economy and the best for our energy independence.

Why should we exclude the use of things such as vegetable oils, waste oils, animal fats, municipal solid waste, and sludge as potential sources of bio-based diesel?

I think we should leave as many technologies and processes on the table so that Pennsylvania ends up in a much more secure position. Rather than limiting our choices, we should be expanding them so that more companies, more individuals, entrepreneurs, can participate in the new marketplace.

So, Mr. Speaker, I offer this amendment and ask for your support.

The SPEAKER. Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I wanted to speak on the amendment, but before I did that, I just wanted to double-check whether it is in order. I see on the screen it was filed yesterday, but I am not sure whether it was filed before 2 or after 2.

Is this amendment in order?

The SPEAKER. The amendment is on the voting schedule, and it has been timely filed.

Mr. VITALI. It was filed before 2 yesterday. Okay. Thank you, Mr. Speaker.

I would rise in opposition to this amendment for a number of reasons. I think that although the maker of the amendment's intentions are good, it has some negative and uncertain consequences. I can tell you that the general policy of this amendment, which involves using things like municipal solid waste, sludge, oil derived from wastewater and the treatment of wastewater, the general policy of this is opposed by the National Biodiesel Board. The general policy is opposed.

Mr. Speaker, I can also tell you that the technology here is uncertain. I think it needs to be aired out. I think we need to know what are the environmental and other consequences of burning municipal sludge. I think that has not been fully aired in a public setting, what are the deleterious consequences to our air.

Mr. Speaker, one thing we want to do here with regard to biodiesel and other biofuels is to help Pennsylvania agriculture, help our farmers. They want to see things like soybeans, for example, used for these biofuels, but if we are going to be allowing wastewater sludge and treated water and so forth, we are going to be squeezing out Pennsylvania's farmers. Mr. Speaker, this is not going to help our agriculture. This amendment, I can tell you, is also opposed by the administration. It is also opposed by many environmental groups in the State. It is controversial. It may be that it is proven over time, but it is not here now.

So I would ask that because it is uncertain, that we vote against this. Thank you.

The SPEAKER. Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker. I just want to respond to the previous comments.

As I mentioned, the intention of the underlying bill is to encourage the use of cleaner fuels in Pennsylvania, number one. To that point, I will tell you that the outfit that is urging passage of this amendment, an outfit with which I have met and came on the scene late in this process, cannot quantify the environmental benefit of their process. They were very straightforward in explaining that it is a new process that they are working on, and because of the materials they use, such as solid waste, sludge, and wastewater, they just do not know whether or not it is good for the environment or not. That is point number one.

Point number two: Another goal with this bill is for us to replace fuels from overseas with homegrown fuels, and while we may get this sludge and this wastewater and the solid waste from the United States, because of the nature of the process through which these materials are used, right now we cannot quantify how much fuel, traditional fuel, we would replace with this process. That is point number two.

Point number three: Another goal of the underlying bill is to stimulate economic development in the alternative energy field here in Pennsylvania. The outfit that is proposing this language is in Texas.

We cannot quantify the environmental benefit of using this fuel. We cannot quantify the amount of alternative fuel that goes through this process or comes out of this process, and it is not done here in Pennsylvania. It does not get us any closer to the goals of the underlying bill.

That being said, what I have said to this outfit, what I have said to the maker of the amendment is that I do think it is worth our investigating. I think that if they can show us it is good for the environment and if they can quantify the amount of fuel, traditional fuel, they can replace and if they can produce it in Pennsylvania, we would certainly be open to it. I just do not think now is the time, and I think because they have come to the scene fairly late in the process, we ought to take the time to learn more about it, and that is what Chairman George said, and Chairman George was correct.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I have been listening attentively to the debate over the last couple of days. It is certainly a good debate, and I have not agreed with everything on the floor, and I have agreed with some things, and I am sure we are all in that predicament, but I heard the gentleman, my good friend from Delaware, argue against this amendment for alternative renewable energy, you know, cutting-edge technology, because it just was not proven and it was not ready yet. As I understood it, that was the whole purpose of the government getting involved in the first place, for all of these activities. They are not proven. It is new technology. It is cutting-edge technology. It is ideas that are not out there in the marketplace yet, and we are trying to encourage it. In fact, we heard that there is such a concern to do this, that we want to get into the venture capitalist business and take these high-risk things with taxpayer-backed funds to do that, but oh, no, no, no. We only want to have a couple of companies involved. There is some other company doing something else, and maybe they have not come to the table yet and what? I do not get that.

If we are going to be moving forward and trying to encourage these things, I think we should let everyone out there that is trying to do it, do it. We should not just say one or two. For example, I just heard the maker of the bill argue against the amendment, and he says, there is no data – now, he is a fine gentleman; I respect him a lot; he is a very good arguer, and my argument is not meant in any way to say otherwise, but I am just making an argument – you know, there is no percentage, we have not seen what percentage this is going to save, reduce greenhouse gases and save us from oil. Well, I have been listening very attentively, and I have not heard anybody that is pushing the Governor's plan telling us how much you are going to cut my gas costs. We heard it was \$3 a gallon in some areas. How much are you going to cut my gas costs in Carbon County

when I go up there on the weekends to Representative McCall's district? My in-laws he represents very, very well. When I go up there, how much is my gas going to be reduced after you pass this legislation? Is it going to go down to \$2.50? Is it going to go down to \$2? I want to know the percentage of it. Of course we do not know that. You know, the maker of this amendment, he does not know that. We are at the cutting edge, and we should be including all kinds of things. I have a landfill in my area. They are exploring, taking some of the gas that was made out of there and turning that into fuel and trying to help the rural areas out there.

A lot of this ethanol, it takes more energy overall than if you did not use it. There is a lot of concern on the environmental end of this ethanol. It is an experiment that is going on at the Federal level and here. And a lot of this corn, I have a rural area in parts of my district that grow corn. They wanted to put an ethanol plant I think in Franklin County or at the edge of my district. The people there said no. All the corn was going to come from the Midwest, the big agribusinesses out there, and not from the local small farmers in my area. So you know, but I am not against that. I think those are good things, and we need to explore and we are trying to encourage different ideas.

How much are you going to reduce our reliance on Mideast oil with the Governor? You cannot say that, so why do we have to expect every amendment that comes up here to improve this bill? Just because it is Republican, I guess, because I saw the last one from my good friend from York. I thought the gentleman agreed with it. Maybe I misunderstood his argument. I thought you were a "yes," it is a good thing, and all of a sudden, boom, the numbers changed up there. You know, I saw again my good friend, the whip, you know, going up and down changing people's minds, I guess, but if there are good ideas out here, just because it is a Republican idea, you know, I think that people in Pennsylvania expect us to come together and agree on good ideas, and this is a great idea on how to advance all of the objectives that are out there.

So what is the opposition? Just because it is a Republican idea? Now, come on. Quit putting these standards up here that you know nobody can jump to. We are not asking you to do that. If it is a good idea, let us move it forward. Let us quit this partisan voting. If it is a good idea, let us put it on there. That would be my comments. Thank you. And I would support the amendment.

The SPEAKER. Representative Samuelson.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I wanted to raise a concern about the Hutchinson amendment, and I understand the amendment is changing the definition of "biodiesel" to "bio-based diesel" and requiring that for a fuel to qualify, it must contain some biologically derived components, and there is a list on the computer screens – animal fats, vegetable fats, and so forth. My concern is that there is no minimum requirement for what percentage of the fuel would have to contain one of the enumerated items, and if you think about it, if there is no minimum standard or minimum percentage, if you had a tanker full of oil with a small amount of animal fat added, or let us take a supertanker which may hold 3 million barrels of oil, 150 million gallons of oil, if you took a large quantity of oil like that and added a cupful of olive oil, would that qualify as bio-based diesel under the Hutchinson amendment? With no minimum standard, could you add one cup of olive oil to a supertanker and then qualify under this program?



So that is a concern that there should be some minimum requirement there. Without such a minimum requirement, this dilutes the impact of this legislation, which would help us move to clean and renewable sources of energy. Thank you, Mr. Speaker.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I just wanted to point out that in reference to this amendment, that the requirements are for the fuel additives to meet the standards of the Environmental Protection Clean Air Act. So we do have some protection here to make sure that whatever alternative sources of fuel are used will be environmentally friendly in addition to being homegrown and domestically produced. Again, one of the issues that was raised in committee was to make sure that we had a broad range of alternative fuels and that we did not rely exclusively on crops that are not necessarily going to be sustainable in Pennsylvania to keep this industry growing, and many of us expressed concerns that we needed alternative sources of feedstock other than corn and soybeans.

The maker of this amendment is attempting to address that issue in as broad a way as possible. There is some sensitivity to issues relating to clean air, and for that reason I think it is appropriate for us to support the amendment.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, we certainly are for biofuels by virtue of the bill that is before us, and actually, the amendment that is before us may be a very good amendment, but we are really not sure about the technology that is being brought to bear, whether or not it will really work. Even the company, there is only one manufacturer of this bio-based diesel – and that is what this amendment does, it changes the definition of "biodiesel" to "bio-based diesel" – even the manufacturer of this bio-based diesel is not sure what the ramifications of that product will be.

And the bigger problem that I see in this bill, and it has not been injected into the debate, this amendment will eviscerate the product for biodiesel production in this Commonwealth. We have not talked about the farmers that this is going to affect. If this product is allowed into the stream, our farmers will not have the soy production, and that is what biodiesel primarily uses, is soybeans. The soy production could dramatically drop in the Commonwealth of Pennsylvania. This is really an issue that the farmers should in fact weigh in on because it will directly impact the farmers of this Commonwealth.

I just want to go back to the point of the product not being tested. Currently there are no specifications written or developed for this product to put it on the market. We have no idea what the air quality ramifications will be, and especially with all the clean air concerns that are out there, especially with greenhouse gases and some of the products that are used in this blend, we do not even know what the performance of the engines will be with the use of this product. I mean, the byproduct of this could be actually tar. We do not know and they do not know, and they cannot tell you. So this product can actually be used in an engine that will not even work, in a combustionable engine.

The technology uses a number of products that I would certainly raise some issue with. Animal fats, and I think there are some legitimate uses with the animal fats, but municipal solid waste, municipal sludge, oils derived from wastewater, and I think the thing that is most troubling, other waste

products. What are they? We do not know what those other waste products are.

So, Mr. Speaker, you know, this may be a good amendment, but today it is not a good amendment, because what is before us has not been tested. We do not have really the quantifiable information before us. If this was good, I certainly would stand and support the gentleman, Mr. Hutchinson, because I know where he stands on a lot of the environmental issues, but I do not think it is an issue that we should be voting on today. I think we need to give this some time to really test this product to see if it will be a viable product in the marketplace, and I would ask that we do not support the Hutchinson amendment.

The SPEAKER. Representative Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker.

You know, it is very interesting to me as I sit here today and listen to this debate, and as I listened to the debate on the other bills, the bill yesterday that continued into today, what we are talking about here in terms of changing energy policy in Pennsylvania are substantial changes in law. Now, normally in this General Assembly when we talk about a substantial change in law, the procedure goes something like this: A bill is introduced and referred to the committee, at which point hearings are held on that issue. Following that, once more information is gained about the subject, amendments are drafted to the bill to address some of the issues that might have been brought up in the hearings. At that point the bill comes up for a vote in the committee, and the amendments and the bill itself are considered in committee, and it finally moves to the House where it can be amended again and final action can be taken. That is not the process that was followed, interestingly enough, with this bill we are speaking about today as well as the bill we just took up a short while ago, or for the third bill, which will be considered shortly.

And the bills we are discussing today, which change energy policy in Pennsylvania, what came up first was a committee vote. The bill was referred to the committee and was run out of the committee without amendments, at the request of the committee chairman. During the committee—

The SPEAKER. The gentleman will cease. The gentleman is going a little too far afield of the amendment before us.

Mr. STEVENSON. I am getting to the point—

The SPEAKER. The gentleman is talking about the process, if the gentleman will get to the issue at hand.

Mr. STEVENSON. Thank you, Mr. Speaker. I will try to redirect my comments.

The SPEAKER. The Chair thanks the gentleman.

Mr. STEVENSON. My point in all of this is, the questions being raised about this bill with regard to whether or not it has been tested, whether or not there are concerns about how far this amendment goes with regard to renewable biofuels, there are many questions about it. Certainly it does expand the definition, which I think is a good thing, since many of these techniques are untested. However, normally, this is a debate and a discussion which comes out of a committee and committee hearings. There were no committee hearings on this bill. This bill came through a committee and amendments were not allowed at that time, this amendment among others. Therefore, we have to debate this amendment on the House floor, and as has been pointed out a little bit ago, sometimes there may be questions about the amendment.

Ideally, this should have been taken care of earlier in committee or in hearings. It was not. At this point I think it

behooves us to move forward with this amendment, because it does broaden the definition, and certainly we do not have the answers to all of these technologies before us today, but it broadens the definition in such a way that it enables us to move forward with renewable fuels much more effectively and much more broadly than we would have without this amendment. Unfortunately, it was not able to be fully vetted in the committee. That is why we are debating it today.

And I would encourage an affirmative vote for Representative Hutchinson's amendment to HB 1202. Thank you, Mr. Speaker.

The SPEAKER. Representative Gerber, for the second time. The gentleman waives off.

Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

As I wrap up our debate on this amendment, let me clarify a few things that were said earlier.

First, I wanted to say that many of the previous speakers referred to a single product that this is promoting. We are not promoting a single product. We are promoting a variety of technologies and processes to make a variety of products. They just have to meet the definition. We are not advocating, as I stand here, for one single thing. I am advocating a wide variety of processes and a wide variety of feedstocks, all bio-based and renewable, which will make Pennsylvania more able to meet the needs of energy independence.

A previous speaker referred to no percentage requirements. Mr. Speaker, with or without this amendment, there are no percentage requirements any different than in the bill itself for other kinds of biodiesel. The bill refers to a 5 percent and ratcheting up percentages for biodiesel. That refers to my amendment and any products that would be processed under this amendment.

Third, Mr. Speaker, I wanted to talk a little bit about the environmental cleanliness of this expanded definition. First off, if you look at the definition itself which is in my amendment, it says that this fuel must meet ASTM's (American Society for Testing and Materials) specifications for use in engines. So that refers to the gentleman's question about what is the effect on engines. We address it here. It must meet those specifications. Number two, it must meet EPA (Environmental Protection Agency) Clean Air Act requirements. Clearly, this bill says it must abide by all Clean Air Act Federal mandates. As a matter of fact, Mr. Speaker, this bill is already recognized by the Federal government for its environmental worthiness. This definition for these types of fuels is allowed for Federal tax credits for biofuel. So the Federal government already recognizes this definition for "bio-based fuels."

To go a step further, a technology which is covered under this definition, one of these technologies is already in commercial production in Ireland, which is a member of the European Union, which clearly has much more stringent environmental regulations than here in the United States. It is working there. It is commercially viable there, and they have much more stringent environmental laws, including the Kyoto Protocol, and it meets all those definitions, and it is used in the European Union.

Mr. Speaker, I can see no reason why somebody who wants to promote energy security for Pennsylvania, the development of cleaner technology, bio-based renewable technology, as well as to grow production within Pennsylvania, why anyone trying

to meet those requirements, those benchmarks, would be opposed to this amendment.

So, Mr. Speaker, I ask for your support on amendment A01600.

The SPEAKER. Representative Gerber.

Mr. GERBER. Thank you, Mr. Speaker, and I just want to clarify a point, and I think maybe the gentleman was confused by one of my comments.

In the amendment, in section (2), line 9, the paragraph begins, and it says that this fuel "meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act." That refers to the diesel fuel, the traditional diesel fuel that we currently burn in our vehicles. That does not refer to a cleaner standard that we are trying to achieve with the underlying bill. The biodiesel, not bio-based, but the biodiesel production that we are trying to stimulate and the biodiesel product that we want to blend into traditional diesel fuel is cleaner than the standard articulated in this amendment.

So that means that this amendment does not require that this proposed product be as clean as or cleaner than the biodiesel that we want to start blending into our diesel fuel so that we burn a cleaner product. There is no guarantee, none whatsoever in this language, that the products considered under this amendment will be clean fuel products. This is the Clean Fuels and Energy Independence Act. We are trying to use cleaner fuels, fuels that are better for our environment and which tend to be derived from products that are homegrown here by our farmers in Pennsylvania. So that being said, again, while we are open to learning more about this process and we are open to incorporating it someday in this legislation, if it is established to be as clean as biodiesel, we will do that, but right now the manufacturers of this product cannot make that claim.

I urge a "no" vote on this amendment and look forward to continuing to work with my colleague, the chairman from the minority, the Environmental Resources Committee, on this issue as we move forward, but I urge a "no" vote. Thank you.

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

The following roll call was recorded:

YEAS—96

Adolph	Gabig	McIlhatten	Reed
Argall	Geist	Mensch	Reichley
Baker	George	Metcalfe	Roae
Barrar	Gillespie	Micozzie	Rock
Bastian	Gingrich	Millard	Rohrer
Bear	Godshall	Miller	Ross
Benninghoff	Harhart	Milne	Saylor
Beyer	Harris	Moul	Scavello
Boback	Helm	Murt	Smith, S.
Boyd	Hennessey	Mustio	Sonney
Brooks	Hershey	Nailor	Stairs
Cappelli	Hess	Nickol	Steil
Causar	Hickernell	O'Neill	Stern
Civera	Hutchinson	Payne	Stevenson
Clymer	Kauffman	Peifer	Swanger
Cox	Keller, M.	Perry	Taylor, J.
Creighton	Kenney	Perzel	True
Cutler	Killion	Petri	Turzai
Denlinger	Kirkland	Phillips	Vereb
DiGirolamo	Mackereth	Pickett	Vulakovich
Ellis	Maher	Pyle	Watson

Evans, J.	Major	Quigley	
Everett	Mantz	Rapp	O'Brien, D.,
Fairchild	Marshall	Raymond	Speaker
Fleck	Marsico		

## NAYS—106

Belfanti	Gerber	Markosek	Schroder
Bennington	Gergely	McCall	Seip
Biancucci	Gibbons	McGeehan	Shapiro
Bishop	Goodman	McI. Smith	Shimkus
Blackwell	Grell	Melio	Siptroth
Brennan	Grucela	Moyer	Smith, K.
Buxton	Haluska	Mundy	Smith, M.
Caltagirone	Hanna	Myers	Solobay
Carroll	Harhai	O'Brien, M.	Staback
Casorio	Harkins	Oliver	Sturla
Cohen	Harper	Pallone	Surra
Conklin	Hornaman	Parker	Tangretti
Costa	James	Pashinski	Taylor, R.
Cruz	Josephs	Payton	Thomas
Curry	Keller, W.	Petrarca	Vitali
Daley	Kessler	Petrone	Wagner
DeLuca	King	Preston	Walko
DePasquale	Kortz	Quinn	Wansacz
Dermody	Kotik	Ramaley	Waters
DeWeese	Kula	Readshaw	Wheatley
Donatucci	Leach	Roebuck	White
Eachus	Lentz	Rubley	Williams
Evans, D.	Levdansky	Sabatina	Wojnaroski
Fabrizio	Longietti	Sainato	Yewcic
Frankel	Mahoney	Samuelson	Youngblood
Freeman	Manderino	Santoni	Yudichak
Galloway	Mann		

## NOT VOTING—0

## EXCUSED—1

Dally

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 as amended?

The SPEAKER. The Chair recognizes the gentleman from Philadelphia, Representative McGeehan, who offers amendment A01605.

The gentleman indicates that he withdraws the amendment. The Chair thanks the gentleman.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

**APPROPRIATIONS COMMITTEE MEETING**

The SPEAKER. Representative Keller. Does the gentleman wish to make an announcement?

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

I would like to announce an Appropriations meeting in the majority caucus room immediately following recess.

The SPEAKER. The Chair thanks the gentleman.

Immediately following the recess, the Appropriations Committee will meet in the majority caucus room.

**CONSUMER AFFAIRS  
COMMITTEE MEETING**

The SPEAKER. Does Representative Preston rise for an announcement?

Mr. PRESTON. Yes, Mr. Speaker.

The House Consumer Affairs Committee will convene at 3 o'clock in room G-50 of the Irvis Building; Consumer Affairs Committee meeting. It will be a voting meeting at 3 o'clock in G-50 of the Irvis Building.

Thank you very much.

The SPEAKER. The Consumer Affairs Committee will hold a voting meeting in room G-50 of the Irvis Building at 3 o'clock.

**STATEMENT BY MR. BELFANTI**

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, I intend to call a committee meeting, but first, I would like a point of personal privilege.

The SPEAKER. The gentleman is in order.

Mr. BELFANTI. Thank you, Mr. Speaker.

The SPEAKER. Without objection, he may proceed.

Mr. BELFANTI. I understand that this month is going to be a long month. We may go into July, and I understand that this evening we will be breaking near the supper hour, but for the balance of this budget era, is there going to be any instruction to the people that operate the cafeteria downstairs to have at least a sandwich board open for members? I do not know if that is the Chief Clerk's responsibility or if that is individual caucus leadership's, but I really believe, Mr. Speaker, there are people in this room that are elderly, some are diabetic. For the place to be closed last evening was unconscionable, and now as we move forward, I really honestly believe that there needs to be some arrangement made that at the very least a sandwich shop is open until the duration of session each and every night.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

**PROFESSIONAL LICENSURE  
COMMITTEE MEETING**

The SPEAKER. Representative Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

There will be an immediate meeting of the House Professional Licensure Committee at 205 Ryan Office Building at the call of the recess.

The SPEAKER. The Chair thanks the gentleman.

At the call of the recess, the Professional Licensure Committee will meet in the Ryan Office Building in room 205.

**LABOR RELATIONS  
COMMITTEE MEETING**

The SPEAKER. Representative Belfanti has an announcement?

Mr. BELFANTI. Yes, Mr. Speaker. Thank you.

The SPEAKER. The gentleman is in order.

Mr. BELFANTI. There will be an immediate meeting of the House Labor Relations Committee in room 60, East Wing. Thank you.

The SPEAKER. The Chairs thanks the gentleman.

The Labor Relations Committee will meet immediately in room 60, East Wing.

**COMMITTEE MEETING CANCELED**

The SPEAKER. Representative Levdansky.

Mr. LEVDANSKY. Mr. Speaker, the House Finance Committee meeting previously scheduled for tomorrow morning at 10 o'clock has been canceled.

**TRANSPORTATION COMMITTEE MEETING**

The SPEAKER. Representative Markosek.

Mr. MARKOSEK. Thank you, Mr. Speaker.

Mr. Speaker, the House Transportation Committee will meet at 3:30 in the majority caucus room. Thank you.

The SPEAKER. The Transportation Committee will meet in the majority caucus room at 3:30.

**ANNOUNCEMENTS BY MR. COHEN**

**COMMITTEE MEETING CANCELED**

The SPEAKER. Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, I have three announcements: First, there is no need for a Democratic caucus this afternoon. Second, there is no need for a Rules Committee this afternoon. So the Rules Committee meeting previously scheduled has been canceled. Third, we are back on the floor at 4 o'clock; 4 p.m., back on the floor.

The SPEAKER. Further announcements?

Representative Major?

Members will be asked to report back to the floor promptly at 4 p.m.

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

**HB 983, PN 1980** (Amended) By Rep. FREEMAN

An Act amending the act of January 19, 1967 (1968, P.L.992, No.442), entitled "An act authorizing the Commonwealth of Pennsylvania and the local government units thereof to preserve, acquire or hold land for open space uses," further providing for acquisition of interests in real property, for local taxing options and for exercise of eminent domain.

LOCAL GOVERNMENT.

**BILL REPORTED FROM COMMITTEE**

**HB 1197, PN 1500**

By Rep. FREEMAN

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for telecommunications service supplied to certain organizations.

LOCAL GOVERNMENT.

**BILL REREFERRED**

The SPEAKER. The Chair moves, at the request of the majority leader, that HB 1197 be rereferred to the Committee on Consumer Affairs.

On the question,

Will the House agree to the motion?

Motion was agreed to.

The SPEAKER. Without objection, this bill will be so rereferred.

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

**HB 157, PN 1979** (Amended) By Rep. CALTAGIRONE

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

JUDICIARY.

**HB 1147, PN 1396**

By Rep. CALTAGIRONE

An Act amending the act of November 24, 1998 (P.L.874, No.110), known as the Motor Vehicle Chop Shop and Illegally Obtained and Altered Property Act, further providing for the definition of "chop shop."

JUDICIARY.

**HB 1388, PN 1735**

By Rep. CALTAGIRONE

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

JUDICIARY.

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

**SB 116, PN 1038**

By Rep. CALTAGIRONE

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

JUDICIARY.

**SB 151, PN 1193** (Amended) By Rep. CALTAGIRONE

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for weapons or implements for escape and for contraband; and making a conforming amendment.

JUDICIARY.

**SB 331, PN 366** By Rep. CALTAGIRONE

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

JUDICIARY.

**BILL REMOVED FROM TABLE**

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 755 be removed from the table.

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

**RECESS**

The SPEAKER. The House will stand in recess until 4 p.m.

**RECESS EXTENDED**

The time of recess was extended until 4:30 p.m.

**AFTER RECESS**

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

**THE SPEAKER PRO TEMPORE  
(MATTHEW E. BAKER) PRESIDING**

The SPEAKER pro tempore. Members, please report to the floor. Members, please report to the floor.

**LEAVE OF ABSENCE CANCELED**

The SPEAKER pro tempore. The Chair recognizes the presence on the floor of the House of the gentleman, Mr. Dally. His name will be added to the master roll.

**SENATE BILL FOR CONCURRENCE**

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

**SB 930, PN 1113**

Referred to Committee on APPROPRIATIONS, June 19, 2007.

**CALENDAR CONTINUED****RESOLUTIONS**

Mr. DeWEESE called up **HR 109, PN 1530**, entitled:

A Resolution establishing and directing a select committee to examine matters relating to the shortage of health care professionals in this Commonwealth.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 109 be placed on the table.

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

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 109 be taken off the table.

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

\* \* \*

Mr. DeWEESE called up **HR 112, PN 817**, entitled:

A Resolution directing the Department of Environmental Protection to identify and implement policies which encourage the use of current electronic waste recycling programs and expand existing programs.

On the question,  
Will the House adopt the resolution?

**RESOLUTION TABLED**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 112 be placed on the table.

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

**RESOLUTION REMOVED FROM TABLE**

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 112 be taken off the table.

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

\* \* \*

Mr. DeWEESE called up **HR 268, PN 1523**, entitled:

A Resolution directing the Legislative Budget and Finance Committee to contract for an independent study of the Pennsylvania Game Commission's forestry and mineral development policies.

On the question,  
Will the House adopt the resolution?

### RESOLUTION TABLED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 268 be placed on the table.

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

### RESOLUTION REMOVED FROM TABLE

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 268 be taken off the table.

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

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

**HB 10, PN 1768** By Rep. D. EVANS

An Act amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for fines; and providing for the Criminal Justice Enhancement Account and for adoption of guidelines for fines.

#### APPROPRIATIONS.

**HB 1251, PN 1984** (Amended) By Rep. STURLA

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for physician assistants.

#### PROFESSIONAL LICENSURE.

**HB 1252, PN 1985** (Amended) By Rep. STURLA

An Act amending the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, further providing for physician assistants.

#### PROFESSIONAL LICENSURE.

**HB 1253, PN 1986** (Amended) By Rep. STURLA

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, further providing for scope of practice for certified registered nurse practitioners; and providing for professional liability.

#### PROFESSIONAL LICENSURE.

**HB 1255, PN 1987** (Amended) By Rep. STURLA

An Act amending the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, further providing for nurse-midwife license.

#### PROFESSIONAL LICENSURE.

**HB 1588, PN 1969** By Rep. D. EVANS

An Act amending Title 74 (Transportation) of the Pennsylvania Consolidated Statutes, providing for an oil company gross profits tax; and making an appropriation.

#### APPROPRIATIONS.

### SENATE MESSAGE

#### RECESS RESOLUTION FOR CONCURRENCE

The clerk of the Senate, being introduced, presented the following extract from the Journal of the Senate, which was read as follows:

In the Senate,  
June 18, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the Senate recesses this week, it reconvene on Monday, June 25, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when the House of Representatives recesses this week, it reconvene on Monday, June 25, 2007, unless sooner recalled by the Speaker of the House of Representatives.

Ordered, That the clerk present the same to the House of Representatives for its concurrence.

On the question,  
Will the House concur in the resolution of the Senate?  
Resolution was concurred in.  
Ordered, That the clerk inform the Senate accordingly.

### ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. For the information of the members, there has been a change of plans. There will be no votes this evening. So, members, you are free to go back to your offices or for dinner. Okay, Bob? We will be reconvening tomorrow at 11 a.m.

### BILLS RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations: HB 1200 and HB 1202.

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

### RESOLUTION

Mr. DeWEESE called up **HR 242, PN 1532**, entitled:

A Resolution urging the Rendell Administration and the Secretary of Public Welfare to desist in any action that furthers the planned move from a voluntary managed care choice to a mandated fee-for-service system for medical assistance recipients or that removes pharmacy services as a covered benefit under any managed care program.

On the question,  
Will the House adopt the resolution?

### RESOLUTION RECOMMITTED

The SPEAKER pro tempore. The Chair recognizes the majority leader, who moves that HR 242 be recommitted to the Committee on Appropriations.

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

The SPEAKER pro tempore. The House will come to order.

### STATEMENT BY MR. MAHER

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Maher. For what purpose does the gentleman rise?

Mr. MAHER. Thank you, Mr. Speaker.

I appreciate your recognizing me at this moment, and I would like to just put the members of the House on notice that in the event that a report from the Transportation Committee – which just may be on its way here – were to arrive, I would be objecting to its receipt as violative of Article III, section 2, of the Constitution and would expect that a vote on the question of constitutionality would proceed before such report is accepted.

The SPEAKER pro tempore. Mr. Maher, the Chair has been advised that you can object to the committee report, but since these bills are on first consideration reading, it would be inappropriate to raise constitutionality.

Mr. MAHER. Mr. Speaker, with all due respect, I believe the question of constitutionality is always in order, on the first part. On the second part, we could appeal the ruling of the Chair. On the third consideration, it would be that even under first consideration, there could be a request for the "yeas" and "nays" to be taken, and we could certainly fire up the boards. And I am not trying to be dilatory. I just have a genuine objection to what transpired as a violation of rule 45, and I think the violation, in my opinion, of rule 45 translates into a constitutional problem under Article III, section 2.

And perhaps, Mr. Speaker, we would still be able to sort this out, but I was seeking recognition because I saw someone who appeared to be ferrying a report arrive and did not want to lose the opportunity to make these objections if they are necessary. If the House could be at ease for a few moments, perhaps we can seek some clarity, and you have some enormous talent

accompanying you there on the rostrum, whose talents I respect greatly, but if we need to proceed at this point in time, I will be making a motion as to the constitutionality of that report being received by this chamber.

The SPEAKER pro tempore. The gentleman's objection is to the Transportation report. Is that correct?

Mr. MAHER. That is correct, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair will take the opportunity then to go ahead and move the Consumer Affairs and the Labor Relations Committee reports first.

Mr. MAHER. Please.

The SPEAKER pro tempore. Thank you.

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

**HB 465, PN 527**

By Rep. BELFANTI

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

LABOR RELATIONS.

**HB 763, PN 884**

By Rep. BELFANTI

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

LABOR RELATIONS.

**HB 1025, PN 1988** (Amended)

By Rep. BELFANTI

An Act amending the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, further defining "occupational disease."

LABOR RELATIONS.

**HB 1201, PN 1989** (Amended)

By Rep. PRESTON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for the definition of "public utility"; adding a definition of "micro-grid"; further providing for duties of electric distribution companies; and providing for micro-grids.

CONSUMER AFFAIRS.

**HB 1530, PN 1876**

By Rep. PRESTON

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, in restructuring of electric utility industry, further providing for declaration of policy and for duties of electric distribution companies.

CONSUMER AFFAIRS.

**HB 1573, PN 1927**

By Rep. BELFANTI

An Act establishing the Pennsylvania Center for Health Careers and the Health Careers Leadership Council.

## LABOR RELATIONS.

The SPEAKER pro tempore. Will the gentleman, Mr. Maher, please come to the podium.

(Conference held at Speaker's podium.)

**SENATE BILL FOR CONCURRENCE**

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

**SB 726, PN 1170**

Referred to Committee on JUDICIARY, June 19, 2007.

The SPEAKER pro tempore. The House will come to order.

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

**HB 1590, PN 1971**

By Rep. MARKOSEK

An Act amending Titles 53 (Municipalities Generally), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for public transportation assistance and taxation and for income based on use of Commonwealth highways.

## TRANSPORTATION.

**STATEMENT BY MR. MAHER**

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

Mr. MAHER. Thank you, Mr. Speaker.

I had expressed earlier my intent to raise a question of constitutionality at this juncture. After our consultations in the intervening time while we awaited the report, it has been concluded that arrangements will be made so that members will be duly apprised of the contents of the global amendment that is anticipated from the Democratic side of the aisle in time to draft appropriate amendments and that as soon as that language is available from LRB (Legislative Reference Bureau) on that side of the aisle, it will be made available on our side of the aisle.

In recognition of that and the importance of the question, I am going to, and I guess I had not actually made a motion at this point, but I will not proceed at this time with that motion of constitutionality. I do believe there is a problem, and I will contemplate what the appropriate course would be into the future, and before this matter is resolved, we may revisit it, but at this time I will not be making that motion.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

**HB 1152, PN 1400**

By Rep. DALEY

An Act amending Title 13 (Commercial Code) of the Pennsylvania Consolidated Statutes, extensively revising preliminary provisions and provisions relating to warehouse receipts, bills of lading and documents of title; further providing, in secured transactions, for definitions, for perfection and priority in deposit accounts and for perfection upon attachment; and making editorial changes.

## COMMERCE.

**HB 1528, PN 1990 (Amended)**

By Rep. DALEY

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 film production tax credit and conferring powers and imposing duties upon the Department of Community and Economic Development.

## COMMERCE.

**HB 1529, PN 1991 (Amended)**

By Rep. DALEY

An Act amending Title 12 (Commerce and Trade) of the Pennsylvania Consolidated Statutes, further providing for film production grants; and requiring a report.

## COMMERCE.

**BILLS AND RESOLUTIONS PASSED OVER**

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

**ADJOURNMENT**

The SPEAKER pro tempore. The gentleman, Mr. Maher, moves that this House do now adjourn until Wednesday, June 20, 2007, 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 5:53 p.m., e.d.t., the House adjourned.