

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

WEDNESDAY, JUNE 20, 2007

SESSION OF 2007

191ST OF THE GENERAL ASSEMBLY

No. 52

HOUSE OF REPRESENTATIVES

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

THE SPEAKER PRO TEMPORE (JOHN R. EVANS) PRESIDING

PRAYER

The SPEAKER pro tempore. The prayer will be offered by Rev. Kenneth Aldrich, guest of Representative Fleck.

REV. KENNETH ALDRICH, Guest Chaplain of the House of Representatives, offered the following prayer:

Thank you, Mr. Speaker.
The Lord be with you.

Let us pray:

Blessed are You, O Lord God of our fathers, for giving this noble Commonwealth of Pennsylvania a very special place in the course of human events. We thank You that Your spirit long ago guided our founder, William Penn, to establish a refuge for those fleeing persecution and oppression and to welcome people of many faiths, traditions, and languages to a new land where each could be free to worship You in peace according to the lights of his or her own conscience.

Our hearts are grateful for those words from Leviticus 25:10 written on the bell in the old State House, let liberty be proclaimed throughout the land to all the inhabitants thereof, and that in this very Commonwealth in 1776, this bell rang out to proclaim the truth of those words inscribed upon it and that its sound rings in our hearts to this very day.

We thank You also, O God, that four score and seven years later men shed their blood on the soil of this very Commonwealth that there might be one nation under God, with liberty and justice for all, irrespective of race or color, and that government of the people, by the people, and for the people should not perish from the earth.

Make the citizens of this Commonwealth today, we pray, worthy heirs of the noble and precious heritage with which You have blessed us. Inspire with vision, wisdom, and courage those to whom in Your name we have entrusted the authority of government, particularly to the members of this honorable House, together with their Speaker and leaders, that they might diligently serve You and the people of Pennsylvania who elected them with fidelity, integrity, and wisdom. I pray this in the name of Him who taught us to say, Our Father, who art in heaven, hallowed be Thy name; Thy kingdom come, Thy will be done, on earth as it is in heaven. Give us this day our daily

bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for Thine is the kingdom, the power, and the glory, forever and ever. Amen.

PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair understands that there are a few committee meetings still wrapping up. The Chair does give permission for those meetings to continue, but we would encourage the chairmen of those committees to conclude business rapidly and we can start business in the House shortly.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Skyler Hicks to the hall of the House. He lives in Representative Kathy Watson's district and is serving today as an honorary guest page. Skyler, please stand to be recognized.

I would like to welcome the following guests of Representative Josh Shapiro, seated in the gallery. They are Marleen and Steven Hintz. Please stand to be recognized. Welcome to the hall of the House.

The Chair would like to introduce Adam Herbert. Adam will be a junior at George Mason University in Fairfax, Virginia. He will be serving as a guest page for Representative Ron Miller today. Adam, please stand to be recognized.

The Chair welcomes Brandin Brooks, the son of Representative Michele Brooks, and his friend, Amber Yesko, to Harrisburg. They drove all the way from Mercer County. Welcome to Brandin and Amber. They are seated in the back. Please stand.

The Chair welcomes Mr. Jason Rieker, summer intern in the district office of Representative Gordon Denlinger and constituent of Representative John Bear, the guest of Representatives Denlinger and Bear. He is located to the left of the Speaker. Please stand. Welcome to Harrisburg.

ARCHIVAL INTERNS INTRODUCED

The SPEAKER pro tempore. Six students were selected this semester to participate in the Archival Internship Program, sponsored by the House of Representatives through the

Bipartisan Management Committee. These bright and dedicated interns are processing and inventorying committee records. Their work is helping the House Archives better document the historical significance of this institution.

I welcome to the hall of the House today:

Lindsay Hitz, who will be a senior at Bucknell University. Please rise.

Robert Klingensmith, who will be a senior at Penn State University.

Claire Leidig, who will be a senior at Millersville University.

Maria McCollester, who will be starting graduate school at the University of Pennsylvania.

Kristen Otto, who will be starting graduate school at Shippensburg University.

And Tara Saunders, who will be a senior at Penn State University.

Let us have a round of applause for these interns in the archival department.

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes members from the Bucks County Ambulance Explorers Program, which is located in Representative Marguerite Quinn's district in Bucks County. They are seated in the gallery of the House. They are here today to be recognized for their hard work in the Explorers Program and for a tour of the Capitol. Please stand to be recognized.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair understands the Professional Licensure Committee is the committee that is still finishing up business. The Chair has granted permission for them to conclude their business before we officially start session today. We would encourage those members of that committee to come to the floor as soon as possible.

GUESTS INTRODUCED

The SPEAKER pro tempore. Seated on the House floor are guests of Representative Kenney of the 170th Legislative District, Robert Horwitz and Shira Horwitz and their six children – Rivka, Aaron, Elisheva, Yaakov, Daniel, and Liora. Will you please stand to be recognized, and thanks for coming and being with us today.

Please welcome two guests of Representative John Yudichak today. Timothy and Douglas Ooms are serving as guest pages. They are the sons of Teri and Phil Ooms, who are seated in the gallery. Would our pages and their parents please stand to be recognized. Welcome to Harrisburg.

The Chair welcomes visitors who are here today, guests of Representative Harper – Brittany Love, Elyse Krueger, Micaeli Rourke, and Jocelin Weinstein. Brittany is seated to the left of the Speaker. The others are in the gallery. Please stand to be recognized. Welcome to the hall of the House.

SENATE BILLS FOR CONCURRENCE

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

SB 8, PN 1091

Referred to Committee on HEALTH AND HUMAN SERVICES, June 20, 2007.

SB 100, PN 1037

Referred to Committee on CONSUMER AFFAIRS, June 20, 2007.

SB 385, PN 1152

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 20, 2007.

SB 413, PN 460

Referred to Committee on URBAN AFFAIRS, June 20, 2007.

SB 612, PN 663

Referred to Committee on PROFESSIONAL LICENSURE, June 20, 2007.

SB 737, PN 1188

Referred to Committee on JUDICIARY, June 20, 2007.

SB 799, PN 1165

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, June 20, 2007.

SB 810, PN 907

Referred to Committee on STATE GOVERNMENT, June 20, 2007.

SB 844, PN 1142

Referred to Committee on PROFESSIONAL LICENSURE, June 20, 2007.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Tuesday, June 19, 2007, will be postponed until printed. The Chair hears no objection.

GUEST INTRODUCED

The SPEAKER pro tempore. The Chair welcomes guest page Lauren Allegrezza, the guest of Representative Rick Taylor, working as a summer intern, and she does reside in Representative Godshall's district. Lauren is seated at the

page bench. So please rise to be recognized, and welcome to the hall of the House. Thank you for being here today.

MASTER ROLL CALL

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

(Members proceeded to vote.)

LEAVES OF ABSENCE

The SPEAKER pro tempore. Turning to leaves of absence, the Chair recognizes the majority whip and reports Representative DALEY of Washington County will be placed on leave. Without objection, the gentleman will be placed on leave.

The Chair recognizes the minority whip. Are there any leaves on the Republican side? No leaves are reported.

MASTER ROLL CALL CONTINUED

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	Kennedy	Perzel	Turzai
Dally	Kessler	Petrarca	Verbe
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Wansacz
DiGiroloamo	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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Daley

LEAVES ADDED—5

Argall	McGeehan	Perzel	Phillips
Bastian			

LEAVES CANCELED—1

Daley

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

GUESTS INTRODUCED

The SPEAKER pro tempore. The Chair welcomes Ashley Stone, who is working at LORL (Legislative Office for Research Liaison) on her senior graduation project, and she will be a junior at Susquenita High School, and Nicole Stetler from Lancaster County, who is a junior at Penn State, working as an intern also at LORL. They are seated at the front of the Speaker. Please stand to be recognized. Welcome to the hall of the House.

THE SPEAKER (DENNIS M. O'BRIEN) PRESIDING

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

HB 489, PN 1992 (Amended) By Rep. STURLA

An Act amending the act of December 4, 1996 (P.L.893, No.141), entitled "An act providing for volunteer health services; limiting liability of a volunteer license holder; and requiring reports," further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

PROFESSIONAL LICENSURE.

HB 1206, PN 1993 (Amended) By Rep. GEORGE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, providing for the establishment and allocation of an additional municipal waste landfill disposal fee in the Department of Environmental Protection.

ENVIRONMENTAL RESOURCES AND ENERGY.

HB 1254, PN 1994 (Amended) By Rep. STURLA

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition of "clinical nurse specialist"; and providing for clinical nurse specialists.

PROFESSIONAL LICENSURE.

HB 1320, PN 1625 By Rep. GEORGE

An Act providing for a program for the disposal of home-generated medical sharps, and for powers and duties of the Department of Environmental Protection.

ENVIRONMENTAL RESOURCES AND ENERGY.

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

SB 815, PN 909 By Rep. GEORGE

An Act amending the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, further providing for underground storage tank environmental cleanup program and for underground storage tank pollution prevention program.

ENVIRONMENTAL RESOURCES AND ENERGY.

The SPEAKER. Members and guests will please cease conversations. All the members will take their seats.

STATEMENT BY SPEAKER

The SPEAKER. Ladies and gentlemen of the House, before we go any further, it goes without saying that public service as an emergency responder carries with it many moments of sacrifice. An unfortunate reality is that occasionally there is the ultimate sacrifice of lives laid down in the service to others.

On Monday night the community of Charleston, South Carolina, experienced the tragic and heartbreaking loss of nine firefighters, public servants who literally laid down their lives while carrying out their duties as first-responders on behalf of their fellow citizens.

The Chair would like to ask the members of the House and all guests to please rise to observe a moment of silence to mark the tragic loss of life and to show our respect for all those who walk the pathway of public service to protect our citizens and their communities.

(A moment of silence was observed.)

CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. SOLOBAY called up **HR 326, PN 1890**, entitled:

A Resolution supporting the third annual International Fire and EMS (Emergency Medical Services) Safety Stand Down during the week of June 17 through 23, 2007, encouraging Pennsylvania fire and EMS departments to participate in the event and calling for renewed efforts to reduce firefighter and EMS provider fatalities and injuries and to establish safety as a priority for fire service and EMS programs in this Commonwealth.

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	Rublely
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
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
Dally	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

Daley

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

* * *

Mr. THOMAS called up **HR 330, PN 1894**, entitled:

A Resolution expressing condolences upon the death of former United States Congressman Parren J. Mitchell, eight-term Representative from Maryland and noted civil rights activist.

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	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
Dally	Kessler	Petrarca	Verreb
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.	Longiatti	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

Daley

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

* * *

Mr. SAYLOR called up **HR 336, PN 1931**, entitled:

A Resolution designating June 22, 2007, as "Junior Angus Day" 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	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
Dally	Kessler	Petrarca	Verreb
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.	Longiatti	Rapp	Williams
Evans, J.	Mackereth	Raymond	Wojnaroski
Everett	Maher	Readshaw	Yewcic
Fabrizio	Mahoney	Reed	Youngblood
Fairchild	Major	Reichley	Yudichak
Fleck	Manderino	Roae	

Frankel Freeman	Mann Mantz	Rock Roebuck	O'Brien, D., Speaker
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NAYS—0

NOT VOTING—0

EXCUSED—1

Daley

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. Ladies and gentlemen, there is a birthday in the House. The Chair would like to extend his very best wishes to Representative Josh Shapiro, who is celebrating his birthday today.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1203, PN 1668**, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for the definition of "force majeure," for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities.

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

Mr. **HORNAMAN** offered the following amendment No. **A01448**:

Amend Title, page 1, line 8, by striking out "the definition of "force majeure," " and inserting

definitions,

Amend Sec. 1, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. The definitions of "alternative energy credit," "force majeure" and "Tier I alternative energy source" in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, are amended to read:

Amend Sec. 1 (Sec. 2), page 1, by inserting after line 20

"Alternative energy credit." A tradable instrument that is used to establish, verify and monitor compliance with this act. A unit of credit shall equal one megawatt hour of electricity from an alternative energy source. The alternative energy credit shall remain the property of the alternative energy system until the alternative energy credit is voluntarily transferred by the alternative energy system.

Amend Sec. 1 (Sec. 2), page 3, line 4, by inserting after "eliminated."

Commission modification of the electric distribution company or electric generation supplier obligations under this act shall be for that compliance period only. Commission modification shall not automatically reduce the obligation for subsequent compliance years. If the commission modifies the electric distribution company or electric generation supplier obligations under this act, the commission may require the electric distribution company or electric generation supplier to acquire additional alternative energy credits in subsequent years

equivalent to the obligation reduced due to a force majeure declaration if the commission determines that sufficient alternative energy credits exist in the marketplace.

Amend Sec. 1 (Sec. 2), page 3, by inserting between lines 5 and 6 "Tier I alternative energy source." Energy derived from:

- (1) Solar photovoltaic and solar thermal energy.
- (2) Wind power.
- (3) Low-impact hydropower.
- (4) Geothermal energy.
- (5) Biologically derived methane gas.
- (6) Fuel cells.
- (7) Biomass energy.
- (8) Coal mine methane.

* * *

Amend Sec. 2 (Sec. 3), page 3, line 28, by inserting a bracket before "Of"

Amend Sec. 2 (Sec. 3), page 3, line 30, by striking out "[for:]" and inserting

for:] The total percentage of the electric energy sold by an electric distribution company or an electric generation supplier to retail electric customers in this Commonwealth that must be sold from solar photovoltaic technologies is:

Amend Sec. 2 (Sec. 3), page 4, lines 23 through 27, by striking out "through May 31," in line 23 and all of lines 24 through 27 and inserting

and thereafter.

Amend Sec. 2 (Sec. 4), page 7, lines 21 and 22, by striking out "Pike County Light and Power Company and Pennsylvania Power Company." and inserting

all Pennsylvania electric distribution companies and electric generation suppliers.

Amend Sec. 2 (Sec. 5), page 8, line 3, by striking out "be "trued-up" " and inserting

receive full retail value for all energy produced

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

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

Mr. HORNAMAN. Mr. Speaker, my amendment is an improvement to HB 1203, which is another piece of the Governor's energy package. This updates the alternative energy portfolio standards, Act 213 of 2004.

My amendment specifies that the alternative energy credit remains the property of the alternative energy system unless voluntarily transferred. It also states that if a force majeure is allowed by the PUC, it is for that compliance period only. It adds solar thermal to Tier I, and it allows net-metered customers to receive full retail value for excess generation.

These are small changes that make a good bill even better.

Thank you, Mr. Speaker.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

May I briefly interrogate the maker of the amendment, please?

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

Mr. ROSS. Mr. Speaker, I have two questions, and this will bear in perhaps some of the other amendments that are coming along, but as one of the members who at the time crafted the original legislation that this bill seeks to amend, I am very concerned about making sure that the marketplaces that have currently been set up— Mr. Speaker, could I have a little bit of peace and quiet?

The SPEAKER. The gentleman is correct. The Chair is having great difficulty hearing Representative Ross. Members will please clear the aisles and end their conversation. If there is something of great importance, please take it to one of the anterooms.

The gentleman may proceed.

Mr. ROSS. Thank you, Mr. Speaker.

As I was saying, as one of the members who crafted the original underlying legislation, I am very concerned about making sure that we do not disrupt the marketplace for the credits that are currently being actually negotiated for and some of which have actually been bought and sold already. And I note in this particular amendment that there is a new addition which is solar thermal in addition to solar photovoltaic, and in principle, I think that is an excellent kind of technology to be encouraged, but I would like to ask if the amount of solar thermal that is potentially out there has been currently calculated and if we have an idea to the degree to which this may or may not affect the marketplace?

Mr. HORNAMAN. We currently do not have numbers on that particular issue, but solar thermal was stated in the original act of course, it was on the first page of Act 213, but it was never placed in a tier. So this merely places it where I believe it should be, and I think the marketplace will take care of the rest.

Mr. ROSS. Thank you, Mr. Speaker.

I will have a comment at the end.

The second question that I would like to ask, if I could, is that I note in the way that the amendment is currently drafted, that solar thermal is included in Tier I but that solar photovoltaic is called out later and has specific additional targets beyond the Tier I targets, and am I correct in understanding that those targets are undisturbed, they are restricted for solar photovoltaic, and that solar thermal is merely one of the many other things that are covered under the regular Tier I requirements?

Mr. HORNAMAN. That would be correct.

Mr. ROSS. Thank you, Mr. Speaker.

May I be recognized for comments?

The SPEAKER. The gentleman is in order.

Mr. ROSS. Thank you.

I think it would be wise for us between second consideration and final passage to have some level of understanding as to how much we are potentially introducing into Tier I with this adjustment, and I take his point that it perhaps would have been a good thing for us to have particularly called out solar thermal when we originally crafted the legislation. There were many changes back and forth when we were doing this legislation. Things were moved from tier to tier, and there were arguments for and against each one of those moves, but once we passed the bill, we locked them in, and more importantly, more recently trades have been ongoing and the people that are making these investments are relying on some consistency on the government's part. They are expecting us not to change the rules and the standards that govern these trades, because if we do, we enter an element of uncertainty into the marketplace which will cut against the efforts that we are attempting to make here. It would be much the same as if you bought one of a scarce number of objects, understanding that there were only so many out there, and so therefore you paid a premium for it, and then suddenly a new quantity were suddenly minted and introduced into the marketplace. Your initial investment would be devalued, and that is not the message that we want to be sending

to those people that are doing what we encourage them to do, which is to generate more alternative energy sources.

So I will support the amendment. I think there are other good changes offered here, but I urge caution in this area that we not send the wrong message to the marketplace. Thank you.

The SPEAKER. Representative Dally.

Mr. DALLY. Thank you, Mr. Speaker.

I would like to question the maker of the amendment, if possible.

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order, and he may begin his interrogation.

Mr. DALLY. Thank you, Mr. Speaker.

Mr. Speaker, on the caucus sheets that were provided to our caucus, it indicates that this amendment removes the specific reference to Pike County Light and Power Company and Pennsylvania Power Company and replaces the reference with a generic reference. Can the maker of the amendment just explain in a little more detail what the legal significance of that is?

Mr. HORNAMAN. Mr. Speaker, this was a PUC-recommended legal change that said that we should not be naming exceptions or specific companies that could change hands down the road. So we wanted to keep it general.

Mr. DALLY. Mr. Speaker, my second question then would be, what was the reason for including those two companies by specific reference in the bill, or in the amendment? Excuse me.

Mr. HORNAMAN. Mr. Speaker, that was because of a location of Pike being across the border and wanting to include them within the transmission area.

Mr. DALLY. Okay. I am sorry, Mr. Speaker. I did not hear the first part of that response.

Mr. HORNAMAN. The one mentioned, Pike, was actually located in New York State but within the RTO (regional transmission organization). The other was over on the Ohio border, and the intent was to be able to include them within the transmission area.

Mr. DALLY. Mr. Speaker, what does the generic reference— I mean, I am still not clear as to what the impact of listing the power companies or just generic power companies in the legislation. I mean, what impact does that have on the overall bill?

Mr. HORNAMAN. In the overall bill we are trying to ensure that there is no double counting of energy coming from outside of the State.

Mr. DALLY. Okay. That explains it.

Thank you, Mr. Speaker.

The SPEAKER. Is there anyone else seeking recognition on the amendment?

Representative Gabig.

Mr. GABIG. Thank you, Mr. Speaker.

I was trying to get some information from some members offline, so to speak, but before I voted, I wanted to make sure I understood what the amendment did in terms of these credits in response to the interrogation by Representative Ross. I wonder if I could just follow up with some questions to the maker of the amendment, Mr. Speaker?

The SPEAKER. The gentleman indicates he will stand for interrogation. The gentleman is in order to begin.

Mr. GABIG. Thank you, Mr. Speaker.

Just to go back to Representative Ross's question and answer to you on the credit issues and the impact on existing markets,

I just wanted to make sure I understood your response to that. What, if any, impact would your—

The SPEAKER. The Chair is reluctant to interrupt the gentleman, but the Chair will again instruct the members to please keep their conversations to a minimum. The gentleman is entitled to be heard. Please extend those who are debating the amendments the courtesy that you would like to be afforded.

Mr. GABIG. Thank you, Mr. Speaker.

And just to follow up again on Representative Ross's question, what, if any, impact would your amendment have on the existing trading that is going on with these credits in the marketplace today?

Mr. HORNAMAN. Going back to Representative Ross's question, it was aimed at the solar thermal impact, and we actually do not have any statistics at this point to define what that impact will be by moving them to Tier I.

Mr. GABIG. So I understood that the specifics on, we do not have exact data or statistics, but would there be an impact, and if so, what type of impact would there be? Not necessarily a quantitative number, but if you could just for my edification. I am not nearly as expert on some of the technical matters as you are, I am sure, Representative Ross, or some others that serve on the committees on this issue, but I am just trying to understand if there is an existing market out there today, is your amendment going to have an impact on that market, and if so, what type of impact?

Mr. HORNAMAN. In the case of solar thermal, it will naturally make those credits more valuable by moving them into Tier I.

Mr. GABIG. So are there currently existing relationships and contracts and ongoing activity in the market today that would be impacted by your legislation?

Mr. HORNAMAN. None that I am aware of. There probably are. I am just not aware of the activity.

Mr. GABIG. So there probably are. You are just not specifically aware of them?

Mr. HORNAMAN. Correct.

Mr. GABIG. So would your amendment impact existing contracts but you are just not specifically aware of those contracts? Do I understand the gentleman's answer, Mr. Speaker?

Mr. HORNAMAN. That is correct.

Mr. GABIG. Thank you.

That would conclude my interrogation, Mr. Speaker.

CONSTITUTIONAL POINT OF ORDER

Mr. GABIG. And in light of those answers, I would make a motion, Mr. Speaker.

The SPEAKER. The gentleman will state his motion.

Mr. GABIG. The gentleman just indicated that his legislation would impact existing contracts, and under Article I, section 17, of our Pennsylvania Constitution, legislation cannot impair existing contracts. So I would move that the gentleman's amendment would violate our constitutional provision which prohibits legislation from impairing existing contracts.

The SPEAKER. The gentleman, Mr. Gabig, raises the point of order that amendment A01448 is unconstitutional.

The Speaker, under rule 4, is required to submit questions affecting the constitutionality of an amendment to the House for decision, which the Chair now does.

On the question,

Will the House sustain the constitutionality of the amendment?

The SPEAKER. The Chair recognizes the gentleman, Mr. Gabig, on that motion.

Mr. GABIG. Your Honor, for those that were paying—

The SPEAKER. Your Honor?

Mr. GABIG. I am sorry. I do not mean to demote the Speaker.

The SPEAKER. I will take the compliment.

Mr. GABIG. No. I do not mean to demote the Speaker. I will put you back up in the Speaker's chair. Hopefully I will not be in court soon.

Mr. Speaker, in light of the gentleman, the maker of the amendment's responses to both Representative Ross and myself that he stated that his amendment would affect and impact existing contracts in this Commonwealth, the expressed provisions of section 17 of Article I of our Constitution says that "No ex post facto law," which has to do with crimes," nor any law impairing the obligation of contracts,...shall be passed." And so I am sure the gentleman's bill is well intended, and I certainly support his effort to encourage renewable energy and solar energy, but he just stated on the floor that his bill would impact existing contracts in this Commonwealth, and we cannot legislate, we do not have the power to legislate under our Constitution bills that would impair those contracts.

So unfortunately, I think he is in violation of that provision under this amendment, and I would encourage all my colleagues on both sides of the aisle to stick up for the Pennsylvania Constitution. We can get this done another way; we can do it constitutionally. But I would urge you to stick up for our fundamental law, the Constitution of Pennsylvania, and to vote the appropriate way to make sure we abide by the Constitution on this vote.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair will remind the members, this is an issue, the motion of constitutionality, that members are permitted to speak only once.

Does Representative Cohen seek recognition?

The Chair recognizes Representative Cohen.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Cumberland consent to interrogation?

The SPEAKER. The Chair reminds the gentleman, Mr. Cohen, that interrogation counts as one time.

Representative Gabig.

POINT OF ORDER

Mr. COHEN. A point of order, Mr. Speaker.

I should be allowed to both interrogate and then make a statement after.

The SPEAKER. The gentleman is correct.

Mr. COHEN. Thank you, Mr. Speaker.

Mr. Speaker, will the gentleman from Cumberland explain what section of the Constitution is being violated under his theory?

Mr. GABIG. Yes. I will once again state, because I know we are all very busy this morning, for the third time the section that unfortunately we are going astray of here. It is section 17 of

Article I, and I will read it; it is very short: "Ex Post Facto Laws," which do not apply, as the gentleman knows as a Philadelphia attorney, which have to do with criminal areas, and "Impairment of Contracts." That is the specific clause that I am concerned about, and it says, "No ex post facto law, nor any law impairing the obligation of contracts,...shall be passed." There is a line in between there, but the impairment of contracts, and the gentleman, the maker of the amendment, stated in response to my question, which was a follow-up to Representative Ross's interrogation, that his amendment would impact existing contracts here in Pennsylvania. I know what he wants to do with his bill, but as you know, under the Constitution, we cannot impair existing contracts with legislation.

Mr. COHEN. The word is "impair," and the question is, does it do that?

Mr. Speaker, would I be in order to interrogate Mr. Hornaman?

POINT OF ORDER

Mr. GABIG. Point of order, Mr. Speaker. Point of order, Mr. Speaker.

The SPEAKER. The gentleman, Representative Gabig, raises a point of order.

Mr. GABIG. Or maybe it is just a parliamentary inquiry.

I am just wondering if the gentleman concluded his interrogation of me?

Mr. COHEN. Yes, I have concluded my interrogation.

Mr. GABIG. Thank you, Mr. Speaker.

Mr. COHEN. Thank you, Mr. Speaker. I apologize to you for not saying those words.

Will the gentleman, Mr. Hornaman, consent to interrogation, Mr. Speaker?

Mr. HORNAMAN. Absolutely; yes.

Mr. COHEN. Mr. Speaker, will the gentleman from Erie explain how his amendment affects contracts?

The SPEAKER. The gentleman, Representative Hornaman, will stand for interrogation. The gentleman is in order to proceed with his interrogation.

Mr. HORNAMAN. During the interrogation I actually misspoke in the use of the word "contracts." Since I am personally not aware of any existing contracts, what I meant to say was market. So there will be a market effect, but since I do not know if even one contract exists out there, I misspoke on that issue.

Mr. COHEN. Okay. Thank you.

I have no further questions of Mr. Hornaman.

Mr. Speaker, on the motion. The main sponsor of the amendment has no knowledge that there is any contract whatsoever out there that is affected by his amendment.

In addition, a contract has to be impaired, it cannot merely be affected, and that is a very, very real difference. We pass a lot of legislation that affects contracts but does not impair them. Impairment is a very technical term. There is extensive case law dealing with what impairment means, and it does not mean the same thing as affect. I think there is great doubt as to whether this affects any single contract, and it certainly does not impair any contract if it does affect it.

I would strongly urge a "yes" vote on the question of whether Mr. Hornaman's amendment is constitutional. I urge a "yes" vote on the constitutionality of the Hornaman amendment.

MOTION WITHDRAWN

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

Mr. GABIG. Point of order, I guess, Mr. Speaker.

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

Mr. GABIG. In light of that explanation by the learned counsel from Philadelphia in the interrogation of the maker of the amendment that he misspoke when he was talking to me or responding to my interrogation and that his position now is that they do not impact existing contracts, I would withdraw my motion.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Has Mr. Gabig concluded his remarks on the amendment?

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—200

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

Frankel Freeman Gabig	Mantz Markosek Marshall	Roebuck Rohrer	O'Brien, D., Speaker
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NAYS-2

Creighton Gingrich

NOT VOTING-0

EXCUSED-1

Daley

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. **GEORGE** offered the following amendment No. **A01460**:

Amend Title, page 1, line 8, by striking out "definition of" and inserting

definitions of "alternative energy source" and

Amend Sec. 1, page 1, lines 14 through 16, by striking out all of said line said inserting

Section 1. The definitions of "alternative energy source" and "force majeure" in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, are amended to read:

Amend Sec. 1 (Sec. 2), page 2, by inserting between lines 1 and 2 "Alternative energy sources." The term shall include the following existing and new sources for the production of electricity:

- (1) Solar photovoltaic or other solar electric energy.
- (2) Solar thermal energy.
- (3) Wind power.

(4) Large-scale hydropower, which shall mean the production of electric power by harnessing the hydroelectric potential of moving water impoundments, including pumped storage that does not meet the requirements of low-impact hydropower under paragraph (5).

(5) Low-impact hydropower consisting of any technology that produces electric power and that harnesses the hydroelectric potential of moving water impoundments, provided such incremental hydroelectric development:

- (i) does not adversely change existing impacts to aquatic systems;
- (ii) meets the certification standards established by the Low Impact Hydropower Institute and American Rivers, Inc., or their successors;
- (iii) provides an adequate water flow for protection of aquatic life and for safe and effective fish passage;
- (iv) protects against erosion; and
- (v) protects cultural and historic resources.

(6) Geothermal energy, which shall mean electricity produced by extracting hot water or steam from geothermal reserves in the earth's crust and supplied to steam turbines that drive generators to produce electricity.

(7) Biomass energy, which shall mean the generation of electricity utilizing the following:

(i) organic material from a plant that is grown for the purpose of being used to produce electricity or is protected by the Federal Conservation Reserve Program (CRP) and provided further that crop production on CRP lands does not prevent achievement of the water quality protection, soil erosion prevention or wildlife enhancement purposes for which the land was primarily set aside; [or]

(ii) any solid nonhazardous, cellulosic waste material that is segregated from other waste materials, such as waste pallets, crates and landscape or right-of-way tree trimmings or agricultural sources, including orchard tree crops, vineyards, grain, legumes, sugar and other crop by-products or residues[.]; or

(iii) any solid nonhazardous waste material containing 10% or greater organic plant material and having a heat content rating of 20,000,000 or greater British thermal units (BTUs) per ton.

(8) Biologically derived methane gas, which shall include methane from the anaerobic digestion of organic materials from yard waste, such as grass clippings and leaves, food waste, animal waste and sewage sludge. The term also includes landfill methane gas.

(9) Fuel cells, which shall mean any electrochemical device that converts chemical energy in a hydrogen-rich fuel directly into electricity, heat and water without combustion.

(10) Waste coal, which shall include the combustion of waste coal in facilities in which the waste coal was disposed or abandoned prior to July 31, 1982, or disposed of thereafter in a permitted coal refuse disposal site regardless of when disposed of, and used to generate electricity, or such other waste coal combustion meeting alternate eligibility requirements established by regulation. Facilities combusting waste coal shall use at a minimum a combined fluidized bed boiler and be outfitted with a limestone injection system and a fabric filter particulate removal system. Alternative energy credits shall be calculated based upon the proportion of waste coal utilized to produce electricity at the facility.

(11) Coal mine methane, which shall mean methane gas emitting from abandoned or working coal mines.

(12) Demand-side management consisting of the management of customer consumption of electricity or the demand for electricity through the implementation of:

(i) energy efficiency technologies, management practices or other strategies in residential, commercial, institutional or government customers that reduce electricity consumption by those customers;

(ii) load management or demand response technologies, management practices or other strategies in residential, commercial, industrial, institutional and government customers that shift electric load from periods of higher demand to periods of lower demand; or

(iii) industrial by-product technologies consisting of the use of a by-product from an industrial process, including the reuse of energy from exhaust gases or other manufacturing by-products that are used in the direct production of electricity at the facility of a customer.

(13) Distributed generation system, which shall mean the small-scale power generation of electricity and useful thermal energy.

* * *

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

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

Mr. GEORGE. Mr. Speaker, my apology. I wanted to offer this amendment because I thought it was the right way to go, per se, to help the Commonwealth and its citizens, but I realize now that it might be digging into Tier I. I do not want to see anything happen. So if you will allow me, I will withdraw that 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. **YEWIC** offered the following amendment No. **A01482**:

Amend Title, page 1, line 8, by striking out "definition" and inserting

definitions

Amend Title, page 1, line 8, by inserting after "majeure," "Tier I alternative energy source" and "Tier II alternative energy source"

Amend Sec. 1, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. The definitions of "force majeure," "Tier I alternative energy source" and "Tier II alternative energy source" in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, are amended to read:

Amend Sec. 1 (Sec. 2), page 3, by inserting between lines 5 and 6 "Tier I alternative energy source." Energy derived from:

- (1) Solar photovoltaic energy.
- (2) Wind power.
- (3) Low-impact hydropower.
- (4) Geothermal energy.
- (5) Biologically derived methane gas.
- (6) Fuel cells.
- (7) Biomass energy.
- (8) Coal mine methane.
- (9) Any of the following:

(i) Waste coal.

(ii) A combination of waste coal and biomass.

(iii) A combination of waste coal and biowaste.

"Tier II alternative energy source." Energy derived from:

- (1) Waste coal.]
- (2) Distributed generation systems.
- (3) Demand-side management.
- (4) Large-scale hydropower.
- (5) Municipal solid waste.
- (6) Generation of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors.
- (7) Integrated combined coal gasification technology.

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Yewcic.

Mr. **YEWIC**. Mr. Speaker, I intend to withdraw that amendment and offer 1719 as a corrective amendment.

The SPEAKER. The gentleman indicates his intention to withdraw the amendment. The Chair thanks the gentleman.

Mr. **YEWIC**. And instead offer amendment 1719.

On the question recurring,

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

Mr. **YEWIC** offered the following amendment No. **A01719**:

Amend Sec. 2, page 3, line 6, by inserting after "3(b)"

, (e)

Amend Sec. 2 (Sec. 3), page 5, by inserting between lines 9 and 10

(e) Alternative energy credits.—

(1) The commission shall establish an alternative energy credits program as needed to implement this act. The provision of services pursuant to this section shall be exempt from the competitive procurement procedures of 62 Pa.C.S. (relating to procurement).

(2) The commission shall approve an independent entity to serve as the alternative energy credits program administrator. The administrator shall have those powers and duties assigned by commission regulations. Such powers and duties shall include, but not be limited to, the following:

(i) To create and administer an alternative energy credits certification, tracking and reporting program. This program should include, at a minimum, a process for qualifying alternative energy systems and determining the manner credits can be created, accounted for, transferred and retired.

(ii) To submit reports to the commission at such times and in such manner as the commission shall direct.

(3) All qualifying alternative energy systems must include a qualifying meter to record the cumulative electric production to verify the advanced energy credit value. Qualifying meters will be approved by the commission as defined in paragraph (4).

(4) (i) An electric distribution company or electric generation supplier shall comply with the applicable requirements of this section by purchasing sufficient alternative energy credits and submitting documentation of compliance to the program administrator.

(ii) For purposes of this subsection, one alternative energy credit shall represent one megawatt hour of qualified alternative electric generation, whether self-generated, purchased along with the electric commodity or separately through a tradable instrument and otherwise meeting the requirements of commission regulations and the program administrator.

(5) The alternative energy credits program shall include provisions requiring a reporting period as defined in section 2 for all covered entities under this act. The alternative energy credits program shall also include a true-up period as defined in section 2. The true-up period shall provide entities covered under this act the ability to obtain the required number of alternative energy credits or to make up any shortfall of the alternative energy credits they may be required to obtain to comply with this act. A force majeure provision shall also be provided for under the true-up period provisions.

(6) An electric distribution company and electric generation supplier may bank or place in reserve alternative energy credits produced in one reporting year for compliance in either or both of the two subsequent reporting years, subject to

the limitations set forth in this subsection and provided that the electric distribution company and electric generation supplier are in compliance for all previous reporting years. In addition, the electric distribution company and electric generation supplier shall demonstrate to the satisfaction of the commission that such credits:

- (i) were in excess of the alternative energy credits needed for compliance in the year in which they were generated and that such excess credits have not previously been used for compliance under this act;
- (ii) were produced by the generation of electrical energy by alternative energy sources and sold to retail customers during the year in which they were generated; and
- (iii) have not otherwise been nor will be sold, retired, claimed or represented as part of satisfying compliance with alternative or renewable energy portfolio standards in other states.

(7) An electric distribution company or an electric generation supplier with sales that are exempted under subsection (d) may bank credits for retail sales of electricity generated from Tier I and Tier II sources made prior to the end of the cost-recovery period and after the effective date of this act. Bankable credits shall be limited to credits associated with electricity sold from Tier I and Tier II sources during a reporting year which exceeds the volume of sales from such sources by an electric distribution company or electric generation supplier during the 12-month period immediately preceding the effective date of this act. All credits banked under this subsection shall be available for compliance with subsections (b) and (c) for no more than two reporting years following the conclusion of the cost-recovery period.

(8) The commission or its designee shall develop a registry of pertinent information regarding all available alternative energy credits, credit transactions among electric distribution companies and electric generation suppliers, the number of alternative energy credits sold or transferred and the price paid for the sale or transfer of the credits. The registry shall provide current information to electric distribution companies, electric generation suppliers and the general public on the status of alternative energy credits created, sold or transferred within this Commonwealth.

(9) The commission may impose an administrative fee on an alternative energy credit transaction. The amount of this fee may not exceed the actual direct cost of processing the transaction by the alternative energy credits administrator. The commission is authorized to utilize up to 5% of the alternative compliance fees generated under subsection (f) for administrative expenses directly associated with this act.

(10) The commission shall establish regulations governing the verification and tracking of energy efficiency and demand-side management measures pursuant to this act, which shall include benefits to all utility customer classes. When developing regulations, the commission must give reasonable consideration to existing and proposed regulations and rules in existence in the regional transmission organizations that manage the transmission system in any part of this Commonwealth. All verified reductions shall accrue credits starting with the passage of this act.

(11) The commission shall within 120 days of the effective date of this act develop a depreciation schedule for alternative energy credits created through demand-side management, energy efficiency and load management technologies and shall develop standards for tracking and verifying savings from energy efficiency, load management and demand-side management measures. The commission shall allow for a 60-day public comment period and shall issue final

standards within 30 days of the close of the public comment period.

(12) (i) Unless a contractual provision explicitly assigns alternative energy credits in a different manner, the owner of the alternative energy system or a customer-generator owns any and all alternative energy credits associated with or created by the production of electric energy by such facility or customer, and the owner or customer shall be entitled to sell, transfer or take any other action to which a legal owner of property is entitled to take with respect to the credits.

(ii) This paragraph shall apply to all alternative energy credits which were created pursuant to this act prior to the effective date of this paragraph and which will be created after the effective date of this paragraph, regardless of when any underlying contract for the purchase of electric energy or other products from the generator that qualifies as an alternative energy system was executed.

Amend Bill, page 8, by inserting between lines 13 and 14

Section 3. The addition of section 3(e)(12) of the act shall apply to all alternative energy credits created under the act before, on or after the effective date of this section, regardless of when any underlying contract for the purchase of electric energy or other products from the generator that qualifies as an alternative energy system was executed.

Amend Sec. 3, page 8, line 14, by striking out "3" and inserting

4

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

The SPEAKER. The Chair recognizes Representative Yewcic.

Mr. YEWCIC. Thank you, Mr. Speaker.

The intent of the amendment is to give the alternative energy credits back to the industry which created the electricity, as was the intent of the Alternative Energy Portfolio Standards Act of 2004. It is a simple amendment that simply clarifies what occurred in 2004.

Thank you, Mr. Speaker.

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	Rubleby
Barrar	George	McCall	Sabatina
Bastian	Gerber	McGeehan	Sainato
Bear	Gergely	Mcl. 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	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
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
Dally	Kessler	Petrarca	Vereb
DeLuca	Killion	Petri	Vitali
Denlinger	King	Petrone	Vulakovich
DePasquale	Kirkland	Phillips	Wagner
Dermody	Kortz	Pickett	Walko
DeWeese	Kotik	Preston	Wansacz
DiGiroloamo	Kula	Pyle	Waters
Donatucci	Leach	Quigley	Watson
Eachus	Lentz	Quinn	Wheatley
Ellis	Levdansky	Ramaley	White
Evans, D.	Longietti	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

Daley

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

On the question recurring,

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

Mr. **YEWIC** offered the following amendment No. **A01483**:

Amend Sec. 2, page 3, line 6, by inserting after "3(b)"
, (e)

Amend Sec. 2 (Sec. 3), page 5, by inserting between lines 9 and 10

(e) Alternative energy credits.—

(1) The commission shall establish an alternative energy credits program as needed to implement this act. The provision of services pursuant to this section shall be exempt from the competitive procurement procedures of 62 Pa.C.S. (relating to procurement).

(2) The commission shall approve an independent entity to serve as the alternative energy credits program administrator. The administrator shall have those powers and duties assigned by commission regulations. Such powers and duties shall include, but not be limited to, the following:

(i) To create and administer an alternative energy credits certification, tracking and reporting program. This program should include, at a minimum, a

process for qualifying alternative energy systems and determining the manner credits can be created, accounted for, transferred and retired.

(ii) To submit reports to the commission at such times and in such manner as the commission shall direct.

(3) All qualifying alternative energy systems must include a qualifying meter to record the cumulative electric production to verify the advanced energy credit value. Qualifying meters will be approved by the commission as defined in paragraph (4).

(4) (i) An electric distribution company or electric generation supplier shall comply with the applicable requirements of this section by purchasing sufficient alternative energy credits and submitting documentation of compliance to the program administrator.

(ii) For purposes of this subsection, one alternative energy credit shall represent one megawatt hour of qualified alternative electric generation, whether self-generated, purchased along with the electric commodity or separately through a tradable instrument and otherwise meeting the requirements of commission regulations and the program administrator.

(5) The alternative energy credits program shall include provisions requiring a reporting period as defined in section 2 for all covered entities under this act. The alternative energy credits program shall also include a true-up period as defined in section 2. The true-up period shall provide entities covered under this act the ability to obtain the required number of alternative energy credits or to make up any shortfall of the alternative energy credits they may be required to obtain to comply with this act. A force majeure provision shall also be provided for under the true-up period provisions.

(6) An electric distribution company and electric generation supplier may bank or place in reserve alternative energy credits produced in one reporting year for compliance in either or both of the two subsequent reporting years, subject to the limitations set forth in this subsection and provided that the electric distribution company and electric generation supplier are in compliance for all previous reporting years. In addition, the electric distribution company and electric generation supplier shall demonstrate to the satisfaction of the commission that such credits:

(i) were in excess of the alternative energy credits needed for compliance in the year in which they were generated and that such excess credits have not previously been used for compliance under this act;

(ii) were produced by the generation of electrical energy by alternative energy sources and sold to retail customers during the year in which they were generated; and

(iii) have not otherwise been nor will be sold, retired, claimed or represented as part of satisfying compliance with alternative or renewable energy portfolio standards in other states.

(7) An electric distribution company or an electric generation supplier with sales that are exempted under subsection (d) may bank credits for retail sales of electricity generated from Tier I and Tier II sources made prior to the end of the cost-recovery period and after the effective date of this act. Bankable credits shall be limited to credits associated with electricity sold from Tier I and Tier II sources during a reporting year which exceeds the volume of sales from such sources by an electric distribution company or electric generation supplier during the 12-month period immediately preceding the effective date of this act. All credits banked under this subsection shall be available for compliance with subsections (b) and (c) for no more than two reporting years following the conclusion of the cost-recovery period.

(8) The commission or its designee shall develop a registry of pertinent information regarding all available alternative energy credits, credit transactions among electric distribution companies and electric generation suppliers, the number of alternative energy credits sold or transferred and the price paid for the sale or transfer of the credits. The registry shall provide current information to electric distribution companies, electric generation suppliers and the general public on the status of alternative energy credits created, sold or transferred within this Commonwealth.

(9) The commission may impose an administrative fee on an alternative energy credit transaction. The amount of this fee may not exceed the actual direct cost of processing the transaction by the alternative energy credits administrator. The commission is authorized to utilize up to 5% of the alternative compliance fees generated under subsection (f) for administrative expenses directly associated with this act.

(10) The commission shall establish regulations governing the verification and tracking of energy efficiency and demand-side management measures pursuant to this act, which shall include benefits to all utility customer classes. When developing regulations, the commission must give reasonable consideration to existing and proposed regulations and rules in existence in the regional transmission organizations that manage the transmission system in any part of this Commonwealth. All verified reductions shall accrue credits starting with the passage of this act.

(11) The commission shall within 120 days of the effective date of this act develop a depreciation schedule for alternative energy credits created through demand-side management, energy efficiency and load management technologies and shall develop standards for tracking and verifying savings from energy efficiency, load management and demand-side management measures. The commission shall allow for a 60-day public comment period and shall issue final standards within 30 days of the close of the public comment period.

(12) The owner of the alternative energy system or a customer-generator shall own all alternative energy credits associated with or created by the production of electric energy by the facility or customer and the owner and customer shall be entitled to sell, transfer or take any other action which a legal owner of property is entitled to take with respect to the credits, unless and until a contractual provision clearly, specifically and explicitly assigns or transfers them in a different manner.

Amend Bill, page 8, by inserting between lines 13 and 14

Section 3. The addition of section 3(e)(12) of the act shall apply to all alternative energy credits created under the act before, on or after the effective date of this section, regardless of when any underlying contract for the purchase of electric energy or other products from the generator that qualifies as an alternative energy system was executed.

Amend Sec. 3, page 8, line 14, by striking out "3" and inserting
4

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

AMENDMENT WITHDRAWN

The SPEAKER. Representative Yewcic, on the amendment.
Mr. YEWIC. That amendment I will withdraw,
Mr. Speaker.

The SPEAKER. Thank you.

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

Mr. DePASQUALE offered the following amendment No. A01486:

Amend Title, page 1, line 7, by inserting after "Commission," " adding definitions of "Advanced Coal Combustion with Limited Carbon Emissions," "plan approval" and "Tier III alternative energy source,"

Amend Title, page 1, line 8, by striking out "definition of" and inserting

definitions of "alternative energy sources,"

Amend Title, page 1, line 8, by inserting after "force majeure," " , "Tier II alternative energy source,"

Amend Title, page 1, line 10, by striking out "and" and inserting , for alternative energy credits, for alternative compliance payments,

Amend Title, page 1, line 11, by removing the period after "facilities" and inserting and for interagency responsibilities.

Amend Sec. 1, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. The definition of "alternative energy sources" is amended by adding a paragraph, the definitions of "force majeure" and "Tier II alternative energy source" in section 2 of the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, are amended and the section is amended by adding definitions to read:

Amend Sec. 1 (Sec. 2), page 1, by inserting after line 20

"Advanced Coal Combustion with Limited Carbon Emissions." Generation of electricity from coal, including synthetic gas derived from coal by facilities that at the time the facility obtains its plan approval from the Department of Environmental Protection, meet carbon dioxide emission levels per megawatt hour of electricity produced specified by the department in accordance with section 7(b). Carbon dioxide that is captured and sequestered shall not be considered an emission. Carbon dioxide emissions from facilities that provide specialized processing of coal necessary for use by the Advanced Coal Combustion with Limited Carbon Emissions alternative energy systems shall be considered emission of the alternative energy system.

Amend Sec. 1 (Sec. 2), page 2, by inserting between lines 1 and 2 "Alternative energy sources." The term shall include the following existing and new sources for the production of electricity:

* * *

(14) Advanced Coal Combustion with Limited Carbon Emissions.

* * *

Amend Sec. 1 (Sec. 2), page 3, by inserting between lines 5 and 6 "Plan approval." The written approval from the Department of Environment Protection which authorizes a person to construct, assemble, install or modify any stationary air contamination source or install thereon any air pollution control equipment or device.

* * *

"Tier II alternative energy source." Energy derived from:

- (1) Waste coal.
- (2) Distributed generation systems.
- (3) Demand-side management.
- (4) Large-scale hydropower.
- (5) Municipal solid waste.

(6) Generation of electricity utilizing by-products of the pulping process and wood manufacturing process, including bark, wood chips, sawdust and lignin in spent pulping liquors.

[(7) Integrated combined coal gasification technology.]

"Tier III alternative energy source." Energy derived from Advanced Coal Combustion with Limited Carbon Emissions.

* * *

Amend Sec. 2, page 3, line 6, by striking out all of said line and inserting

Section 2. Section 3(b), (c) and (f), of the act are

Amend Sec. 2 (Sec. 3), page 5, by inserting between lines 8 and 9 (c) Tier II and Tier III share.—

(1) Of the electrical energy required to be sold from alternative energy sources identified in Tier II, the percentage that must be from these technologies is for:

[1] (i) Years 1 through 4 - 4.2%.

[2] (ii) Years 5 through 9 - 6.2%.

[3] (iii) Years 10 through 14 - 8.2%.

[4] (iv) Years 15 and thereafter - 10.0%.

(2) Of the electrical energy required to be sold from alternative energy sources identified in Tier III, the percentage of total electric sales that must be from this technology is for:

(i) Years 9 through 15 - 5.0%.

(ii) Years 15 through 20 - 7.5%.

(iii) Year 20 and thereafter - 10.0%.

* * *

Amend Sec. 2 (Sec. 3), page 6, by inserting between lines 4 and 5

(4.1) The alternative compliance payment for Tier III shall be the greater of \$45 or 200% of the average market value of Advanced Coal Combustion with Limited Carbon Emissions alternative energy credits sold during the reporting period within the service region of the regional transmission organization times the number of additional alternative energy credits needed to comply with subsection (c)(2).

Amend Bill, page 6, by inserting between lines 16 and 17

Section 3. The act is amended by adding a section to read:

Section 3.1. Advanced Coal Combustion with Limited Carbon Emissions.

(a) Eligibility.—If an Advanced Coal Combustion with Limited Carbon Emissions alternative energy system commences electric generation and meets all legal requirements to be eligible to generate alternative energy credits, that alternative energy system shall continue to be eligible to generate alternative energy credits for 20 years provided that the carbon dioxide emissions per megawatt hour of electricity produced from that alternative energy system do not increase beyond the level specified by the department in accordance with section 7(b) at the time of issuance of its plan approval. After 20 years, the Advanced Coal Combustion with Limited Carbon Emissions alternative energy system must meet the carbon dioxide emissions levels per megawatt hour of electricity produced specified by the department in accordance with section 7(b) to be eligible to generate alternative energy credits. If the owners or operators of a coal-fired electric generating facility obtain a plan approval to allow physical modifications to the generating facility in order to reduce its current carbon dioxide emissions levels to those levels specified by the department in accordance with section 7(b), and upon completion of those modifications meets all legal requirements to be an Advanced Coal Combustion with Limited Carbon Emissions alternative energy system that is eligible to generate alternative energy credit, it shall be eligible to generate alternative energy credits for 20 years from the date the modification is completed and the facility affects a reduction in carbon dioxide, provided that the carbon dioxide emissions per megawatt hour of electricity produced from that alternative energy system do not increase beyond the level specified by the department in accordance with section 7(b) at the time of issuance of its plan approval.

(b) Delivery.—Synthetic gas produced by the gasification of coal may be delivered to power production facilities either directly from the gasification process or through transportation of the gasified coal over private or common carrier pipelines.

Section 4. Sections 4 and 5 of the act are amended to read:

Amend Bill, page 8, by inserting between lines 13 and 14

Section 5. Section 7(b) of the act is amended to read:

Section 7. Interagency responsibilities.

* * *

(b) Department responsibilities.—

(1) The department shall ensure that all qualified alternative energy sources meet all applicable environmental

standards and shall verify that an alternative energy source meets the standards set forth in section 2.

(2) Beginning the first January following the effective date of this paragraph, the department shall annually publish in the Pennsylvania Bulletin the carbon dioxide emission levels per megawatt hour of electricity produced that an Advanced Coal Combustion with Limited Carbon Emissions alternative energy system must meet to be eligible to generate alternative energy credits pursuant to this act. The initial maximum carbon dioxide emission level shall be 1320 pounds of carbon dioxide emitted per megawatt hour of electricity produced, which shall remain in effect until the department publishes an alternative level. The department may change the carbon dioxide emission level per megawatt hour of electricity produced that an Advanced Coal Combustion with Limited Carbon Emissions alternative system must meet to be eligible to generate alternative energy credits pursuant to this act based on the lowest actual carbon dioxide emission levels that have been achieved by a commercial facility that generates electricity from coal or similar solid fuel, including, but not limited to, petroleum coke, anywhere within the United States as determined by the department.

(3) The department shall annually verify the carbon dioxide emissions per megawatt hour of electricity produced from Advanced Coal Combustion with Limited Carbon Emissions alternative energy systems.

(4) Advanced Coal Combustion with Limited Carbon Emissions alternative energy systems that propose to capture and sequester carbon shall submit carbon capture and sequestration plans to the department. The department will approve carbon capture and sequestration plans if the department determines that the plans comply with all applicable laws will protect the environment and will protect public health safety and welfare. Title to carbon dioxide sequestered in geologic strata pursuant to department approval will be deemed to be merged with the land. No owner of affected land shall have liability with respect to the subsequent release of sequestered carbon dioxide unless the owner takes action to cause such release.

* * *

Amend Sec. 3, page 8, line 14, by striking out "3" and inserting
6

On the question,

Will the House agree to the amendment?

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates 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?

Mr. ROSS offered the following amendment No. A01494:

Amend Title, page 1, line 8, by striking out "definition of" and inserting

definitions of "customer-generator" and

Amend Sec. 1, page 1, lines 14 through 16, by striking out all of said lines and inserting

Section 1. The definitions of "customer-generator" and "force majeure" in section 2 of act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, are amended to read:

Amend Sec. 1 (Sec. 2), page 2, by inserting between lines 1 and 2 "Customer-generator." A nonutility owner or operator of a net metered distributed generation system with a nameplate capacity of

not greater than 50 kilowatts if installed at a residential service or not larger than [1,000] 3,000 kilowatts at other customer service locations, except for customers whose systems are above [one megawatt] three megawatts and up to [two] five megawatts who make their systems available to operate in parallel with the electric utility during grid emergencies as defined by the regional transmission organization or where a microgrid is in place for the primary or secondary purpose of maintaining critical infrastructure, such as homeland security assignments, emergency services facilities, hospitals, traffic signals, wastewater treatment plants or telecommunications facilities, provided that technical rules for operating generators interconnected with facilities of an electric distribution company, electric cooperative or municipal electric system have been promulgated by the Institute of Electrical and Electronic Engineers and the Pennsylvania Public Utility Commission.

* * *

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

The SPEAKER. The Chair recognizes Representative Ross on the amendment.

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

This amendment simply deals with the subject of net-metering, and in the case of net-metering, what we are talking about is a small private generator who is able from time to time to generate more electricity than they need for their own use, whether it be a residence, a business of some sort, and in the original legislation, we allowed those and explicitly required utilities to accept power generation from these alternative generators. They may be typically solar, but there are others – farmers, for instance, that have digesters that recover methane – a variety of different small users.

And there was a very, very low number inserted in the legislation for both residential and for nonresidential generators, which was the limit to which people could actually net-meter and feed back into the systems, and what we found since 2004, based on our experience and experiences in other States, was that a larger generator can safely be hooked up and put into the net-metering's category to allow them to participate in this program with no risk to the safety of the public, and so therefore we are raising the threshold levels for the residential and for the commercial generators and letting more people participate in the system. It does not change any of the requirements under the tiers.

It generally, I think, would be a good thing, and I urge a positive vote on the amendment.

The SPEAKER. The House will be at ease.

Representative Hornaman, on the amendment.

Mr. HORNAMAN. This is an agreed-to amendment.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS–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
Dally	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.	Longietti	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

Daley

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

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

The SPEAKER. It is the Chair's understanding there are no further amendments to this bill.

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.)

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1000, PN 1756**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for retroactive denial of reimbursement of payments to health care providers by insurers and, in quality health care accountability and protection, for mental health services; and further providing, in quality health care accountability and protection, for procedures.

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

RULES SUSPENDED

The SPEAKER. The Chair recognizes the gentlelady from Philadelphia, Representative Manderino, who moves to suspend the House rules for the immediate consideration of amendment A01585.

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

The SPEAKER. On the motion to suspend, the Chair recognizes Representative Manderino.

Ms. MANDERINO. Thank you, Mr. Speaker.

I ask the members' support of this motion to suspend. This is properly before us in the way we envisioned under our new rules.

When the bill went to Appropriations after second consideration, there was a concern that as it was currently written, it may have an unintended consequence on some medical assistance benefits. That was never the intent, and so just to make it clear that it was not the intent, we are adding one sentence to make clear that this does not affect medical assistance benefits.

I ask for your support, and assuming a successful suspension of the rules and the insertion of the amendment, it will go over again, as per our new rules, for another day.

Thank you. It is also agreed to.
The SPEAKER. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—192

Adolph	Freeman	Marshall	Rubley
Argall	Gabig	Marsico	Sabatina
Baker	Galloway	McCall	Sainato
Barrar	Geist	McGeehan	Samuelson
Bastian	George	McI. Smith	Santoni

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

NAYS—10

Creighton	Keller, M.	Peifer	Rapp
Grell	Mackereth	Perry	Swanger
Kauffman	Metcalf		

NOT VOTING—0

EXCUSED—1

Daley

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

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

Ms. MANDERINO offered the following amendment No. **A01585**:

Amend Sec. 2 (Sec. 2116.1), page 5, line 28, by striking out "I" and inserting

(a) Except as set forth in subsection (b), if

Amend Sec. 2 (Sec. 2116.1), page 6, by inserting between lines 7 and 8

(b) This section shall not apply to a managed care plan or a licensed insurer providing outpatient mental health services of medical assistance under Article IV(f) of the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

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

The SPEAKER. The gentlelady is in order for a brief explanation of the amendment.

Ms. MANDERINO. Thank you, Mr. Speaker.

As I stated, this is a one-sentence amendment that makes it clear that DPW (Department of Public Welfare) medical assistance benefits will not be impacted by the portion of the bill that deals with the psychological services.

Thank you.

The SPEAKER. Representative Cappelli, on the amendment.

Mr. CAPPELLI. Thank you, Mr. Speaker.

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

The SPEAKER. The lady indicates that she will stand for interrogation. The gentleman is in order and may proceed.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, would this amendment ostensibly exempt medical assistance beneficiaries from the standing referral issue that the bill itself deals with?

Ms. MANDERINO. As the bill was originally drafted, it amends the Insurance Company Law. The Insurance Company Law never covered DPW services. However, because some DPW services in the HealthChoices area go through managed care, those that were within managed care would have been treated differently than the DPW fee-for-service patients, and DPW's concern is that they have a different kind of contractual language when it deals with psychological services for their disabled and special-needs children, that we had unanticipated consequences. So yes, it would actually be then treating all DPW services the same way, whether they are fee-for-service or managed care.

Mr. CAPPELLI. Thank you, Mr. Speaker.

Mr. Speaker, what you are conveying then to the members is that DPW would like to be able to retain its managed-care prerogatives that the private-sector side, the private insurers, would see stripped away if this bill becomes law. Is that accurate?

Ms. MANDERINO. I apologize. Can you restate it again?

Mr. CAPPELLI. Your amendment, if adopted, would ensure that DPW would retain managed-care prerogatives over its insurance. It would be able to control referrals for services, unlike the bill itself, and the consequences it would have on the Blues and on the Highmarks and others. Is that fairly accurate?

Ms. MANDERINO. With all due respect, Mr. Speaker, no. If I understand the question as you are phrasing it, how I would describe the impact of this bill on the private insurers is it deals with reauthorization, but it always was meant to deal with reauthorization, and it is very clear that it is within the scope of the contracted-for benefits. So all of the private insurance benefits that we know of that deal with behavioral health have a time limit on them – 30 days a year, 20 days a year, 60 days a year, whatever that was prescribed for – and nothing in the bill itself would have changed that. But there are some DPW

benefits within the context of managed care that do not have a contractual limit to the length of the benefits, and so in an abundance of caution, to make sure that the concern was that the open-endedness may have greater fiscal consequences to the Commonwealth than were anticipated because some of the contracts have no limit on benefits.

Mr. CAPPELLI. Thank you, Mr. Speaker. That concludes my interrogation.

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

(Members proceeded to vote.)

LEAVE OF ABSENCE

The SPEAKER. Without objection, the Chair will return to leaves of absence.

Without objection, Representative PERZEL will be put on leave for the remainder of the day. The Chair sees no objection.

CONSIDERATION OF HB 1000 CONTINUED

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

The following roll call was recorded:

YEAS—184

Adolph	Gabig	Marshall	Rubley
Argall	Galloway	Marsico	Sabatina
Baker	George	McCall	Sainato
Barrar	Gerber	McGeehan	Samuelson
Bastian	Gergely	McI. Smith	Santoni
Bear	Gibbons	McIlhattan	Scavello
Belfanti	Gingrich	Melio	Schroder
Benninghoff	Godshall	Mensch	Seip
Bennington	Goodman	Micozzie	Shapiro
Beyer	Grucela	Millard	Shimkus
Biancucci	Haluska	Moul	Siproth
Bishop	Hanna	Moyer	Smith, K.
Blackwell	Harhai	Mundy	Smith, M.
Boback	Harhart	Murt	Smith, S.
Boyd	Harkins	Mustio	Solobay
Brennan	Harper	Myers	Sonney
Brooks	Harris	Nailor	Staback
Buxton	Helm	O'Brien, M.	Stairs
Caltagirone	Hennessey	O'Neill	Steil
Carroll	Hershey	Oliver	Stern
Casorio	Hickernell	Pallone	Sturla
Causar	Hornaman	Parker	Surra
Civera	Hutchinson	Pashinski	Tangretti
Clymer	James	Payne	Taylor, J.
Cohen	Josephs	Payton	Taylor, R.
Conklin	Kauffman	Peifer	Thomas
Costa	Keller, W.	Perry	True
Cruz	Kenney	Petrarca	Turzai
Curry	Kessler	Petrone	Vereb
Cutler	Killion	Phillips	Vitali
Dally	King	Pickett	Vulakovich
DeLuca	Kirkland	Preston	Wagner
Denlinger	Kortz	Pyle	Walko
DePasquale	Kotik	Quigley	Wansacz
Dermody	Kula	Quinn	Waters
DeWeese	Leach	Ramaley	Watson
DiGirolamo	Lentz	Rapp	Wheatley
Donatucci	Levdansky	Raymond	White
Eachus	Longiotti	Readshaw	Williams

Ellis	Mackereth	Reed	Wojnaroski
Evans, D.	Maher	Reichley	Yewcic
Evans, J.	Mahoney	Roae	Youngblood
Everett	Major	Rock	Yudichak
Fabrizio	Manderino	Roebuck	
Fairchild	Mann	Rohrer	O'Brien, D.,
Frankel	Mantz	Ross	Speaker
Freeman	Markosek		

NAYS—17

Cappelli	Gillespie	Metcalf	Petri
Cox	Grell	Miller	Saylor
Creighton	Hess	Milne	Stevenson
Fleck	Keller, M.	Nickol	Swanger
Geist			

NOT VOTING—0

EXCUSED—2

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

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

BILL PASSED OVER

The SPEAKER. The bill will go over for today.

SENATE BILL FOR CONCURRENCE

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

SB 846, PN 1187

Referred to Committee on APPROPRIATIONS, June 20, 2007.

The SPEAKER. Are there any announcements?
Representative Cohen?

VOTE CORRECTION

The SPEAKER. Representative Gingrich.
Mrs. GINGRICH. Thank you, Mr. Speaker.
I rise to correct the record, please.
The SPEAKER. The lady is in order and may proceed.
Mrs. GINGRICH. Thank you, sir.
On amendment 1448, I was recorded in the negative and wish to be recorded in the positive. Thank you.
The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

**VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS COMMITTEE MEETING**

The SPEAKER. Representative Melio.
Mr. MELIO. Thank you, Mr. Speaker.

At the call of the Chair, the Veterans Affairs and Emergency Preparedness Committee will hold a brief – and I stress brief – committee meeting in room G-50 of the Irvis Building.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Veterans Affairs and Emergency Preparedness will meet briefly in room G-50 of the Irvis Building.

**HEALTH AND HUMAN SERVICES
COMMITTEE MEETING**

The SPEAKER. Representative Oliver.

Mr. OLIVER. Mr. Speaker, at the call of the recess, the Health and Human Services Committee will be meeting in room 39E. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Health and Human Services Committee will meet in room 39E at the call of the recess.

Representative Josephs.

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am understanding that we are called back to the floor at 5? Is that so?

The SPEAKER. There has been no announcement. If the lady will be patient—

Ms. JOSEPHS. Okay, because then I want—

The SPEAKER. That announcement will be forthcoming.

Ms. JOSEPHS. Then I would like to announce a committee meeting, if you will indulge me.

The SPEAKER. The lady will recognize the lady after that announcement.

Ms. JOSEPHS. Thank you.

ANNOUNCEMENT BY MR. SCAVELLO

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

We mentioned a birthday earlier, but I believe there is another birthday coming up this Friday, and it happens to be yours, and— We will be here Friday? Well, I was told that there is a cake for you in your office and for all the members to stop by to celebrate your birthday. So I am officially saying happy birthday.

The SPEAKER. The Chair thanks the members.

HOUSE SCHEDULE**DEMOCRATIC CAUCUS**

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

Mr. DeWEESE. Thank you, Mr. Speaker.

Could you get some order in the House, just so we can do some scheduling for a moment?

The SPEAKER. The gentleman is correct. Will members please take their seats. I am sure they will be interested in this announcement. Members will take their seats; members will take their seats.

Mr. DeWEESE. Thank you, Mr. Speaker.

It is not necessarily important that they take their seats, but they should be aware of this logistical announcement.

Our brothers and sisters in the Republican Caucus can take our logistical lead, if they wish, and obviously, if they wish otherwise, that is okay, too. We are going to announce a Democratic caucus at 2 o'clock. The cafeteria and Starbucks will be available between now and then, I am sure. We will discuss transportation and sundry other issues, and we will be in caucus for approximately 2 hours.

APPROPRIATIONS AND RULES COMMITTEE MEETINGS

Mr. DeWEESE. At 4 o'clock we will be breaking, and an Appropriations Committee meeting will be called, at 4:30 a Rules Committee meeting will be called, and at 5 o'clock we shall return to the floor. It is our intention to try to push hard for several hours but still break in the early evening so that dinner would be available, especially if we adopt an Argentinean or Venezuelan schedule of eating in the early middle evening.

That is about all I can speculate on right now. Thank you.

The SPEAKER. Do you have a room location, and I am not going to ask you to expand on the Argentinean or Venezuelan description.

Mr. DeWEESE. Our Latin-American friends many times have their last meal in the middle evening, 8 or 9 o'clock. However, I did forget to say that the majority caucus room will be the setting for the Appropriations meeting and the majority caucus room will be the setting for the Rules Committee. Thank you for reminding me.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. The Chair recognizes Representative Josephs.

Ms. JOSEPHS. Thank you.

Having gotten that very eloquent guidance, I am announcing a meeting of the State Government Committee at 4 in room 60, East Wing. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the lady.

The State Government Committee will meet at 4 o'clock in room 60 of the East Wing.

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

I, too, would like to ask for the attention of the chamber because I have a very important caucus for Republicans. I would like all Republicans to attend caucus at 1:45, and it is an important caucus for them to attend because we will be discussing the Republican alternative to the Democrats' gas tax increase. So I would like all Republicans to attend caucus at 1:45.

Thank you, Mr. Speaker.

The SPEAKER. Are there any further announcements? Any further announcements?

RECESS

The SPEAKER. The House will stand in recess until 5 p.m.

AFTER RECESS

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

HOUSE BILLS INTRODUCED AND REFERRED

No. 1570 By Representatives GINGRICH, BAKER, BEYER, CAPPELLI, CIVERA, CUTLER, EVERETT, GEIST, GILLESPIE, HARPER, HARRIS, HENNESSEY, HESS, HICKERNELL, HORNAMAN, M. KELLER, W. KELLER, KILLION, KIRKLAND, KORTZ, MARSICO, MOUL, MURT, PHILLIPS, PICKETT, RAPP, REICHLEY, SCAVELLO, SCHRODER, SIPTROTH, SOLOBAY, STERN, R. STEVENSON, TRUE, VEREB, VULAKOVICH and D. O'BRIEN

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

Referred to Committee on JUDICIARY, June 20, 2007.

No. 1571 By Representatives GINGRICH, SWANGER, BAKER, BELFANTI, BOYD, CASORIO, COX, CREIGHTON, DeLUCA, EVERETT, GEIST, GILLESPIE, HARHART, HERSHEY, HESS, HICKERNELL, M. KELLER, W. KELLER, MILLARD, MILNE, MURT, PAYNE, PICKETT, PYLE, READSHAW, REICHLEY, RUBLEY, SCHRODER, SIPTROTH, SONNEY, STERN and YOUNGBLOOD

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

Referred to Committee on JUDICIARY, June 20, 2007.

No. 1572 By Representatives MOYER, BARRAR, EVERETT, FLECK, FREEMAN, GEIST, HARHART, HARPER, HENNESSEY, M. KELLER, KORTZ, LEACH, R. MILLER, MILNE, MOUL, MURT, PICKETT, REICHLEY, SCAVELLO, SCHRODER, SIPTROTH, STERN, J. TAYLOR, THOMAS and WATSON

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

Referred to Committee on JUDICIARY, June 20, 2007.

No. 1574 By Representatives REICHLEY, BOYD, CAPPELLI, CIVERA, CLYMER, DePASQUALE, EVERETT,

FREEMAN, GEIST, GOODMAN, JOSEPHS, KILLION, MAHONEY, MYERS, O'NEILL, PALLONE, PEIFER, PYLE, RAPP, REED, SCAVELLO, STERN, THOMAS and WATSON

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

Referred to Committee on JUDICIARY, June 20, 2007.

No. 1575 By Representatives REICHLEY, CASORIO, CURRY, JAMES, KORTZ, McILHATTAN, R. MILLER, NAILOR, PETRONE, QUINN, ROEBUCK, RUBLEY, SONNEY and WATSON

An Act entitling victims of sexual assault who receive treatment at hospitals and health care facilities that provide services to sexual assault victims to the provision of information and services relating to sexual assault; and further providing for powers and duties of the Department of Health.

Referred to Committee on HEALTH AND HUMAN SERVICES, June 20, 2007.

No. 1576 By Representatives REICHLEY, BAKER, BEAR, BENNINGHOFF, BROOKS, CALTAGIRONE, CAPPELLI, CIVERA, CURRY, CUTLER, DALLY, EVERETT, FREEMAN, GEIST, GILLESPIE, GINGRICH, GOODMAN, GRELL, HARHART, HARPER, HARRIS, HENNESSEY, HESS, HICKERNELL, KIRKLAND, KORTZ, MACKERETH, MAJOR, MANN, MARSHALL, MENSCH, MILNE, MOUL, MOYER, MURT, O'NEILL, PAYNE, PICKETT, QUINN, RAPP, ROAE, SCAVELLO, SCHRODER, SOLOBAY, SONNEY, R. STEVENSON, SWANGER, J. TAYLOR, THOMAS, TRUE, VEREB, VULAKOVICH, WALKO, WATSON, WOJNAROSKI, YOUNGBLOOD and D. O'BRIEN

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

Referred to Committee on JUDICIARY, June 20, 2007.

No. 1577 By Representatives CALTAGIRONE, CLYMER, DALEY, GEIST, HENNESSEY, REICHLEY, SANTONI, SEIP, SIPTROTH, SURRA and THOMAS

An Act amending the act of July 5, 1947 (P.L.1217, No.498), known as the State Public School Building Authority Act, further providing for purposes and powers of the authority.

Referred to Committee on EDUCATION, June 20, 2007.

No. 1578 By Representatives CALTAGIRONE, CLYMER, DALEY, GEIST, HENNESSEY, REICHLEY, SANTONI, SEIP, SIPTROTH, SURRA and THOMAS

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for powers and duties of Department of General Services.

Referred to Committee on STATE GOVERNMENT, June 20, 2007.

No. 1579 By Representatives CALTAGIRONE, CLYMER, DALEY, GEIST, HENNESSEY, REICHLEY, SEIP, SIPTROTH, SURRA and THOMAS

An Act requiring the Department of Education to manage collective bargaining for school district personnel and to prepare a plan for consolidation of school districts.

Referred to Committee on EDUCATION, June 20, 2007.

No. 1580 By Representatives CALTAGIRONE, CLYMER, DALEY, GEIST, HENNESSEY, SANTONI, SEIP, SIPTROTH, SURRA and THOMAS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing, in sales and use tax, for imposition of tax, for computation of tax and for alternative imposition of tax and credits; providing, in sales and use tax, for the deposit of certain sales tax revenue; further providing, in personal income tax, for imposition of income tax; and providing, in personal income tax, for the deposit of the additional personal income tax revenue.

Referred to Committee on FINANCE, June 20, 2007.

No. 1581 By Representatives HARKINS, DERMODY, THOMAS, GEORGE, KOTIK, HERSHEY, BELFANTI, RUBLEY, WOJNAROSKI, MAHONEY, PAYNE, MILLARD, SCAVELLO, READSHAW, YOUNGBLOOD, GOODMAN, SOLOBAY, LENTZ, JOSEPHS, CARROLL, COHEN, WALKO, J. EVANS, GINGRICH, FREEMAN, SAYLOR, FABRIZIO, PALLONE, HARPER, SURRA, KULA, MYERS, DeLUCA, GIBBONS, CONKLIN, RAPP, PETRARCA, PETRONE, HARRIS, McILHATTAN, LONGIETTI, BEAR, KIRKLAND, CURRY, MURT, KORTZ, BARRAR, SONNEY, WANSACZ and COSTA

An Act establishing a nursing scholarship program.

Referred to Committee on EDUCATION, June 20, 2007.

No. 1582 By Representatives SIPTROTH, SCAVELLO, BELFANTI, CALTAGIRONE, CARROLL, J. EVANS, FABRIZIO, FREEMAN, GEORGE, GRUCELA, KIRKLAND, MYERS, PALLONE and SURRA

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for computation of distances.

Referred to Committee on EDUCATION, June 20, 2007.

No. 1583 By Representatives MUNDY, BELFANTI, CARROLL, COHEN, CURRY, DeLUCA, EACHUS, FABRIZIO, FRANKEL, FREEMAN, GIBBONS, GOODMAN, JAMES, JOSEPHS, KIRKLAND, LEACH, MANDERINO, McGEEHAN, PETRONE, PRESTON, SHIMKUS, SIPTROTH, THOMAS, WALKO, YOUNGBLOOD and YUDICHAK

An Act amending Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, providing for the licensure and regulation of assisted living residences and services.

Referred to Committee on AGING AND OLDER ADULT SERVICES, June 20, 2007.

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

HB 49, PN 74 By Rep. OLIVER

An Act providing for medical assistance to certain eligible women for breast and cervical cancer treatment and follow-up care and for the powers and duties of the Department of Public Welfare.

HEALTH AND HUMAN SERVICES.

HB 874, PN 1029 By Rep. OLIVER

An Act providing for umbilical cord blood banking; requiring health care facilities and providers to give pregnant patients information regarding umbilical cord blood banking; and requiring health care facilities to permit pregnant patients to arrange for umbilical cord blood donations.

HEALTH AND HUMAN SERVICES.

HB 883, PN 1037 By Rep. OLIVER

An Act amending the act of September 9, 1965 (P.L.497, No.251), known as the Newborn Child Testing Act, further providing for newborn child screening and testing; and making editorial changes.

HEALTH AND HUMAN SERVICES.

HB 908, PN 1060 By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for school lunch and breakfast reimbursement and for duties of Department of Education.

EDUCATION.

HB 965, PN 1130 By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for technical college programs.

EDUCATION.

HB 1021, PN 1997 (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing the Common Cents Program.

EDUCATION.

HB 1264, PN 1999 (Amended) By Rep. OLIVER

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

HEALTH AND HUMAN SERVICES.

HB 1377, PN 1998 (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for possession and use of asthma inhalers.

EDUCATION.

BILLS REREPORTED FROM COMMITTEE

HB 10, PN 1768 By Rep. DeWEESE

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.

RULES.

HB 606, PN 1917 By Rep. DeWEESE

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for responsible alcohol management.

RULES.

HB 773, PN 1833 By Rep. DeWEESE

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, further providing for disposition of unserviceable personal property; and providing for disposition of surplus vehicles to qualified municipalities.

RULES.

HB 966, PN 1908 By Rep. DeWEESE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

RULES.

HB 1251, PN 1984 By Rep. DeWEESE

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.

RULES.

HB 1252, PN 1985 By Rep. DeWEESE

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.

RULES.

HB 1253, PN 1986 By Rep. DeWEESE

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.

RULES.

HB 1254, PN 1994 By Rep. DeWEESE

An Act amending the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, providing for the definition

of "clinical nurse specialist"; and providing for clinical nurse specialists.

RULES.

HB 1255, PN 1987 By Rep. DeWEESE

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.

RULES.

HB 1295, PN 1600 By Rep. DeWEESE

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for allocation from the Keystone Recreation, Park and Conservation Fund.

RULES.

HB 1552, PN 1972 By Rep. DeWEESE

An Act establishing the Pennsylvania Infection Control Advisory Committee; providing for duties of the committee, the Department of Health, the Pennsylvania Health Care Cost Containment Council and the Patient Safety Authority; requiring health care facilities to develop and implement infection control plans; and imposing penalties.

RULES.

HB 1556, PN 1915 By Rep. DeWEESE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for conditions subject to which policies are to be issued; and providing for health insurance coverage for certain children of insured parents.

RULES.

LEAVES OF ABSENCE

The SPEAKER. The Chair returns to requests for leaves of absence.

Without objection, Representative ARGALL, Representative BASTIAN, and Representative PHILLIPS will be placed on leave at the request of the minority leader for the remainder of the day. The Chair hears no objection. Leaves will be granted.

The majority whip requests leave of absence for Representative McGEEHAN, without objection. The Chair sees no objection. The gentleman will be placed on leave.

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 10, PN 1768**, entitled:

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.

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

* * *

The House proceeded to second consideration of **HB 606, PN 1917**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for responsible alcohol management.

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

The SPEAKER. Does Representative Casorio seek recognition? No?
The House will be at ease.

BILLS REREPORTED FROM COMMITTEE

HB 795, PN 914 By Rep. D. EVANS

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for a board of control.

APPROPRIATIONS.

HB 810, PN 1883 By Rep. D. EVANS

An Act requiring landlords to grant medical access; providing for termination of residential leases for terminal or mental illness; and making an inconsistent repeal.

APPROPRIATIONS.

HB 825, PN 2013 (Amended) By Rep. D. EVANS

An Act amending Title 22 (Detectives and Private Police) of the Pennsylvania Consolidated Statutes, amending the heading of Title 22 and 22 Pa.C.S. Ch. 3; codifying and making extensive revisions to The Private Detective Act of 1953; codifying the Lethal Weapons Training Act; further providing for the definition of "privately employed agents"; providing for the continuation of certain licenses; making an appropriation; and making related repeals.

APPROPRIATIONS.

HB 917, PN 1067 By Rep. D. EVANS

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers of borough.

APPROPRIATIONS.

HB 976, PN 1139 By Rep. D. EVANS

An Act amending the act of December 10, 1968 (P.L.1158, No.365), entitled "An act creating and establishing the Legislative Data Processing Committee: providing for its membership; prescribing its powers, functions and duties; and making an appropriation," directing the committee to provide limited public access to statutes in computer information systems.

APPROPRIATIONS.

HB 1093, PN 2014 (Amended) By Rep. D. EVANS

An Act establishing the Physician Retention Loan Forgiveness Program in the Pennsylvania Higher Education Assistance Agency; and providing for powers and duties of the Pennsylvania Higher Education Assistance Agency.

APPROPRIATIONS.

HB 1142, PN 2015 (Amended) By Rep. D. EVANS

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for definitions, for investment of fund and accounts, for use of Tobacco Settlement Fund, for health research program, for department responsibilities, for National Institutes of Health funding formula, for accountability procedures and for regional biotechnology research centers; establishing the Jonas Salk Legacy Fund Program, the Jonas Salk Legacy Fund Board and the Jonas Salk Legacy Fund; and providing for the sale or assignment of Commonwealth Universal Research Enhancement Program receipts and for the issuance of Commonwealth Universal Research Enhancement Program bond.

APPROPRIATIONS.

HB 1200, PN 1981 By Rep. D. EVANS

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 and for authority indebtedness.

APPROPRIATIONS.

HB 1202, PN 1982 By Rep. D. EVANS

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

APPROPRIATIONS.

SB 580, PN 625 By Rep. D. EVANS

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, permitting use of dogs in hunting for wild turkeys.

APPROPRIATIONS.

CONSIDERATION OF HB 606 CONTINUED

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

CALENDAR CONTINUED**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 614, PN 680**, entitled:

An Act amending the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, establishing the Department of Drug and Alcohol Programs; repealing related provisions of the Pennsylvania Drug and Alcohol Abuse and Control Act; and making editorial changes.

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

SUPPLEMENTAL CALENDAR A CONTINUED**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 773, PN 1833**, 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 disposition of unserviceable personal property; and providing for disposition of surplus vehicles to qualified municipalities.

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

* * *

The House proceeded to second consideration of **HB 966, PN 1908**, entitled:

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for scope of article, for the definition of "long-term care insurance," for the Long-Term Care Partnership Program, for authority to promulgate regulations, for marketing and advertising prohibited and for penalties; and further providing for coverage and limitations.

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

Mr. DeLUCA offered the following amendment No. **A01704**:

Amend Sec. 3 (Sec. 1110.1), page 3, line 19, by striking out "to offer" and inserting

offering a qualified Long-Term Care Partnership Program policy

Amend Bill, page 9, by inserting between lines 1 and 2
Section 7. The amendment of section 1103 of the act shall apply to all policies issued on or after the effective date of this act.

Amend Sec. 7, page 9, line 2, by striking out "7" and inserting
8

Amend Sec. 7, page 9, line 3, by striking out "SECTION 6" and inserting

Sections 5 and 6 of this act

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

The SPEAKER. The Chair recognizes Representative DeLuca.

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, amendment A01704 is a technical amendment, and what we do is we strike out "to offer" and we insert "offering a qualified Long-Term Care Partnership Program policy." That is what this amendment does, Mr. Speaker, and I would appreciate an affirmative vote on this.

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

The following roll call was recorded:

YEAS—110

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

NAYS—87

Adolph	Fleck	Marshall	Reichley
Baker	Gabig	Marsico	Roe
Barrar	Geist	McIlhatten	Rock
Bear	Gillespie	Mensch	Rohrer
Benninghoff	Gingrich	Metcalfe	Ross
Beyer	Godshall	Millard	Rubley
Boback	Grell	Miller	Saylor
Boyd	Harhart	Moul	Scavello
Brooks	Harper	Murt	Schroder
Cappelli	Harris	Nailor	Sonney
Causser	Helm	Nickol	Stairs
Clymer	Hennessey	O'Neill	Steil
Cox	Hershey	Payne	Stern
Creighton	Hess	Peifer	Stevenson
Cutler	Hickernell	Perry	Swanger
Dally	Hutchinson	Petri	Taylor, J.
Denlinger	Kauffman	Pickett	True
DiGirolamo	Keller, M.	Pyle	Turzai
Ellis	Kenney	Quigley	Vereb
Evans, J.	Mackereth	Quinn	Vulakovich
Everett	Major	Rapp	Watson
Fairchild	Mantz	Reed	

NOT VOTING—0

EXCUSED—6

Argall	Daley	Perzel	Phillips
Bastian	McGeehan		

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?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 1295, PN 1600**, entitled:

An Act amending the act of July 2, 1993 (P.L.359, No.50), known as the Keystone Recreation, Park and Conservation Fund Act, further providing for allocation from the Keystone Recreation, Park and Conservation Fund.

On the question,

Will the House agree to the bill on second consideration?

Bill was agreed to.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1420, PN 1918**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for the definition of "distributor"; providing for the definition of "small manufacturer"; and further providing for malt and brewed beverages manufacturers', distributors' and importing distributors' licenses, for malt and brewed beverages alternating brewers' licenses, for distributors' and importing distributors' restrictions on sales, storage, etc., and for breweries.

On the question,

Will the House agree to the bill on second consideration?

Mr. **PALLONE** offered the following amendment No. **A01631**:

Amend Sec. 2 (Sec. 431), page 14, by inserting between lines 12 and 13

(b.2) (1) Notwithstanding any provision of this act to the contrary, it is unlawful for a retail dispenser licensee to purchase malt or brewed beverages from a distributor or importing distributor unless the manufacturer of the malt or brewed beverage has authorized the distributor or importing distributor to sell to that licensee or to sell to retail licensees in the geographic area of the importing distributor.

(2) The prohibition under paragraph (1) shall only apply to retail dispenser licensees whose sales of malt or brewed beverages for off-premises consumption are seventy-five per centum (75%) or more of its total sales.

On the question,

Will the House agree to the amendment?

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, the Chair is in possession of a pair of glasses that were recently found in the majority caucus room. Perhaps they were left by someone in attendance at the Rules Committee. So if anyone in

the back of the House is listening and these glasses belong to them, please let one of the Sergeants at Arms know. They will be returned to you.

CONSIDERATION OF HB 1420 CONTINUED

AMENDMENT WITHDRAWN

The SPEAKER. The Chair recognizes Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

Amendment 1631 has been withdrawn in agreement with the two chairmen, both the minority and the majority chairmen of the committee, and we are going to work on the language of this bill and improve it and actually introduce it as a standalone piece of legislation rather than running it as an amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

* * *

The House proceeded to second consideration of **HB 1481, PN 1919**, entitled:

An Act amending the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, further providing for wine auction permits.

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

The SPEAKER. The Chair recognizes Representative Casorio.

Mr. CASORIO. Thank you, Mr. Speaker.

Mr. Speaker, I had an amendment to this bill that would prohibit beer sales in convenience stores and prohibit beer sales in grocery stores. The amendment was not timely filed. I was going to ask for a suspension of the rules, but having talked to the majority chair of the Liquor Control Committee, of which I serve, and the minority chair, Representatives Donatucci and Raymond, they have agreed to run a freestanding bill by my colleague, Representative Blackwell from Philadelphia, through the committee and also to hold a series of hearings on this particular issue. So in deference to the gentleman, Mr. Scavello, who is asking for a clean bill to be run, I would withdraw my amendment.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Chair recognizes the presence of Representative Peter Daley on the floor. His name will be added to the master roll.

CONSIDERATION OF HB 1481 CONTINUED

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

Mr. **PETRI** offered the following amendment No. **A01514**:

Amend Title, page 1, line 17, by inserting after "for"
the discount provided to licensees by
Pennsylvania Liquor Stores and for

Amend Bill, page 1, lines 20 through 23, by striking out all of said lines and inserting

Section 1. Section 305(b) of the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and amended June 29, 1987 (P.L.32, No.14) and amended July 6, 2005 (P.L.135, No.19), is amended to read:

Section 305. Sales by Pennsylvania Liquor Stores.—* * *

(b) Every Pennsylvania Liquor Store shall sell liquors at wholesale to hotels, restaurants, clubs, and railroad, pullman and steamship companies licensed under this act; and, under the regulations of the board, to pharmacists duly licensed and registered under the laws of the Commonwealth, and to manufacturing pharmacists, and to reputable hospitals approved by the board, or chemists. Sales to licensees shall be made at a price that includes a discount of [ten] thirteen per centum from the retail price. The board may sell to registered pharmacists only such liquors as conform to the Pharmacopoeia of the United States, the National Formulary, or the American Homeopathic Pharmacopoeia. The board may sell at special prices under the regulations of the board, to United States Armed Forces facilities which are located on United States Armed Forces installations and are conducted pursuant to the authority and regulations of the United States Armed Forces. All other sales by such stores shall be at retail. A person entitled to purchase liquor at wholesale prices may purchase the liquor at any Pennsylvania Liquor Store upon tendering cash, check or credit card for the full amount of the purchase. For this purpose, the board shall issue a discount card to each licensee identifying such licensee as a person authorized to purchase liquor at wholesale prices. Such discount card shall be retained by the licensee. The board may contract through the Commonwealth bidding process for delivery to wholesale licensees at the expense of the licensee receiving the delivery.

* * *

Section 2. Section 408.12(a) of the act, amended November 10, 1999 (P.L.514, No.47), is amended to read:

Amend Sec. 2, page 3, line 10, by striking out "2" and inserting

3

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

AMENDMENT WITHDRAWN

The SPEAKER. Representative Petri.

Mr. **PETRI**. Thank you, Mr. Speaker.

I am going to withdraw my amendment at this time. It would have provided our licensees with a very important discount. But in order to assist in moving this bill along, I will withdraw this amendment at this time. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

* * *

The House proceeded to second consideration of **SB 72, PN 426**, entitled:

An Act amending the act of December 4, 1996 (P.L.893, No.141), known as the Volunteer Health Services Act, further providing for license renewal, continuing education requirements and disciplinary and corrective measures.

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

SUPPLEMENTAL CALENDAR B

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 795, PN 914**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for a board of control.

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

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

(Bill analysis was read.)

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

The following roll call was recorded:

YEAS—198

Adolph	Gabig	Mantz	Ross
Baker	Galloway	Markosek	Rubley
Barrar	Geist	Marshall	Sabatina
Bear	George	Marsico	Sainato
Belfanti	Gerber	McCall	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siproth
Brennan	Haluska	Milne	Smith, K.
Brooks	Hanna	Moul	Smith, M.
Buxton	Harhai	Moyer	Smith, S.
Caltagirone	Harhart	Mundy	Solobay
Cappelli	Harkins	Murt	Sonney
Carroll	Harper	Mustio	Staback
Casorio	Harris	Myers	Stairs
Causer	Helm	Nailor	Steil
Civera	Hennessey	Nickol	Stern
Clymer	Hershey	O'Brien, M.	Stevenson
Cohen	Hess	O'Neill	Sturla
Conklin	Hickernell	Oliver	Surra
Costa	Hornaman	Pallone	Swanger

Cox	Hutchinson	Parker	Tangretti
Creighton	James	Pashinski	Taylor, J.
Cruz	Josephs	Payne	Taylor, R.
Curry	Kauffman	Payton	Thomas
Cutler	Keller, M.	Peifer	True
Daley	Keller, W.	Perry	Turzai
Dally	Kenney	Petrarca	Vereb
DeLuca	Kessler	Petri	Vitali
Denlinger	Killion	Petrone	Vulakovich
DePasquale	King	Pickett	Wagner
Dermody	Kirkland	Preston	Walko
DeWeese	Kortz	Pyle	Wansacz
DiGirolamo	Kotik	Quigley	Waters
Donatucci	Kula	Quinn	Watson
Eachus	Leach	Ramaley	Wheatley
Ellis	Lentz	Rapp	White
Evans, D.	Levdansky	Raymond	Williams
Evans, J.	Longiotti	Readshaw	Wojnaroski
Everett	Mackereth	Reed	Yewcic
Fabrizio	Maher	Reichley	Youngblood
Fairchild	Mahoney	Roae	Yudichak
Fleck	Major	Rock	
Frankel	Manderino	Roebuck	O'Brien, D., Speaker
Freeman	Mann	Rohrer	

NAYS—0

NOT VOTING—0

EXCUSED—5

Argall	McGeehan	Perzel	Phillips
Bastian			

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

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

* * *

The House proceeded to third consideration of **HB 810, PN 1883**, entitled:

An Act requiring landlords to grant medical access; providing for termination of residential leases for terminal or mental illness; and making an inconsistent repeal.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I wonder if the gentlelady, the maker of the bill, would stand for brief interrogation?

The SPEAKER. The gentleman is asking if Representative Bishop will stand for interrogation?

Mr. VITALI. That is correct.

The SPEAKER. The gentlelady indicates that she will. The gentleman is in order and may begin his interrogation.

Mr. VITALI. Thank you.

I know that prior to this bill being amended, there were some concerns in the real estate industry about this, and then we added some amendments that I believe addressed some of their concerns. Right now in its present form, can you name any groups who are in support of this or any groups who are opposed to this, in its current form?

Ms. BISHOP. Mr. Speaker, I know of no one that is opposed to it in its current form, and some of the members of the mental health association did approve it.

Mr. VITALI. Right. Do you know, have the realtors, are they okay with this now?

Ms. BISHOP. They were not in the beginning, but there were two amendments. One was offered by Representative Reichley, the other one was offered by Representative Hess, and during the time when it was on second consideration, we added those amendments, and we have had no concerns since then.

Mr. VITALI. Thank you.

Ms. BISHOP. Thank you.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Gabig	Mantz	Ross
Baker	Galloway	Markosek	Rubley
Barrar	Geist	Marshall	Sabatina
Bear	George	Marsico	Sainato
Belfanti	Gerber	McCall	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Micozzie	Shapiro
Boback	Grell	Millard	Shimkus
Boyd	Grucela	Miller	Siptroth
Brennan	Haluska	Milne	Smith, K.
Brooks	Hanna	Moul	Smith, M.
Buxton	Harhai	Moyer	Smith, S.
Caltagirone	Harhart	Mundy	Solobay
Cappelli	Harkins	Murt	Sonney
Carroll	Harper	Mustio	Staback
Casorio	Harris	Myers	Stairs
Causar	Helm	Nailor	Steil
Civera	Hennessey	Nickol	Stern
Clymer	Hershey	O'Brien, M.	Stevenson
Cohen	Hess	O'Neill	Sturla
Conklin	Hickernell	Oliver	Surra
Costa	Hornaman	Pallone	Swanger
Cox	Hutchinson	Parker	Tangretti
Creighton	James	Pashinski	Taylor, J.
Cruz	Josephs	Payne	Taylor, R.
Curry	Kauffman	Payton	Thomas
Cutler	Keller, M.	Peifer	True
Daley	Keller, W.	Perry	Turzai
Dally	Kenny	Petrarca	Vereb
DeLuca	Kessler	Petri	Vitali
Denlinger	Killion	Petrone	Vulakovich
DePasquale	King	Pickett	Wagner
Dermody	Kirkland	Preston	Walko
DeWeese	Kortz	Pyle	Wansacz

DiGirolamo	Kotik	Quigley	Waters
Donatucci	Kula	Quinn	Watson
Eachus	Leach	Ramaley	Wheatley
Ellis	Lentz	Rapp	White
Evans, D.	Levdansky	Raymond	Williams
Evans, J.	Longiotti	Readshaw	Wojnaroski
Everett	Mackereth	Reed	Yewcic
Fabrizio	Maher	Reichley	Youngblood
Fairchild	Mahoney	Roae	Yudichak
Fleck	Major	Rock	
Frankel	Manderino	Roebuck	O'Brien, D.,
Freeman	Mann	Rohrer	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Argall	McGeehan	Perzel	Phillips
Bastian			

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

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

* * *

The House proceeded to third consideration of **HB 1200, PN 1981**, 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 and for authority indebtedness.

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

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

The Chair recognizes Representative Ross.

Mr. ROSS. Mr. Speaker, could we— I am not sure we have the full attention of the House.

The SPEAKER. The gentleman has requested order in the House. He is entitled to be heard. Conferences in the well of the House and in the aisles will break up. Conferences will break up.

The gentleman is in order.

Mr. ROSS. Thank you, Mr. Speaker.

Mr. Speaker, in the course of events of looking at the energy future here for Pennsylvania, we brought several bills already to the floor and were ready to make significant votes on them, and I have been a bit distressed by the speed with which these pieces of legislation have come forward and by the lack of opportunity to really go into depth with some of the major changes that we

are looking at, and in particular in this piece of legislation, there are some good ideas and some good thoughts behind them, but we actually are looking at some very substantial open-ended propositions here.

First of all, we are talking about large-scale borrowing of an unspecified amount. We do not yet have the funding sources to support these, but we also have serious concerns about the lack of detail and refinement as to how these moneys are going to be spent. We do not know how the moneys will be divided up among the various different competing ideas that are considered. There is no clarity in terms of exactly what energy conservation might be or might not be, and basically we are saying yes to the idea of allowing for large-scale expenditures over an indefinite period of time in a way that is really in the hands totally of the Governor.

Now, we do talk about several other entities in this legislation, including PEDDA (Pennsylvania Energy Development Authority), the Department of Community and Economic Development, and others, but I would point out that those entities, even though they may have some guidelines, could have those guidelines changed at any time by the Secretary or by members of the PEDDA board, and those PEDDA board members serve at the, most of them, the majority of them, the working majority, serve at the pleasure of the Governor and could be replaced by the Governor at any time. So essentially what we are doing here is, as a body, we are suggesting that large-scale dollars could be devoted with very little definition to the Governor's pleasure.

Now, I would like the members to consider in fact what an energy conservation project might be. An energy conservation project is not necessarily defined in the legislation in any significant way. It could in fact be something as general as a large construction project – a building, a facility, a manufacturing facility, a recreational facility, perhaps even a gaming facility – that had some energy conservation associated with it, energy-saving light bulbs or whatever. It does not have to be necessarily primarily an energy conservation project; it could be a project that has a piece of energy conservation in it. Now, I do not think that is the intent of this Governor and I do not think that is the intent of the prime sponsor, but there is nothing to prevent that from happening.

And I would point out that even if you do believe that this Governor is clear on the intent and what he intends to do with this money and it is a good intent and it is in concert with what you as a member would feel, there is no way of knowing that the moneys that we would have outlaid for several future years will not shortly be spent or at some time be spent by another Governor or perhaps two other Governors. These moneys are being projected to be used over 3 or 4 years or longer. It is very likely that we will have at least one and perhaps two other Governors during that period of time, and this power is being divested and handed over by the legislature, if this legislation is enacted, into those Governors' hands with very little control and no future callback by the members of this General Assembly.

We have a good system of balances, of checks and balances. Every budget session we go through, we wind up having to negotiate. Those negotiations are often painful, and I certainly understand the desire of a Governor or an executive branch to have as much latitude and as much freedom as possible in how they carry out their programs. Every Governor, every Secretary of Environmental Protection, every member of the executive branch ideally would want to have a large sum of money that

they have tremendous latitude in expending, but that is not the way we do things here and that is not how we in the representative government that has been constructed here in Pennsylvania and indeed in the United States going back to parliamentary times are constructed.

The key is to make sure that there are clear checks and balances. That could be done in this bill if we add in substantial changes, substantial changes that make it clear what kind of energy conservation, what kind of research and development, what kinds of investments in venture capital, how those investments are going to be controlled, whether they are grants or whether they are loans. There is a broad range of controls that logically should be applied to these moneys. They should include, among other things, some of the controls that we typically have put in funds, such as the tobacco settlement or the gaming legislation, where we detail out how the dollars will be spent, where we clearly delineate what is and is not our intent. We have not done that in this bill. It is perhaps because we have been in a hurry and the bills have been brought forward very quickly. We did not have detailed discussion in committee on them, and perhaps if we had, if we had had hearings, if we had had work sessions, we might have cleared up some of these issues.

At this point, as I mentioned in an earlier debate, we are not actually spending any money yet. We are raising some very serious questions at this time, though. Before the legislation is finally enacted and also before we agree to a funding stream to fund the bonds implied in this legislation, we must get much more detailed. We must make it clear what these dollars should and should not be spent on, and we must also be clear as to how we are going to pay for it.

At this point we do not have that detail. I am hoping that in the future we will. As I said before, there are many good ideas here that I want to support, but I also am hopeful that before we create the final package, that we are going to be able to clarify and improve this legislation substantially. Thank you.

The SPEAKER. Representative Metcalfe.

Mr. METCALFE. Thank you, Mr. Speaker.

Mr. Speaker, I stand to oppose the final passage of HB 1200. Yesterday I had offered an amendment that was rejected, and that amendment would have actually helped prevent something that was reported on in the news today. In the Times-Tribune today, it was reported that 81 illegal immigrants were arrested in the Poconos, Mr. Speaker. The East Stroudsburg Federal immigration authorities arrested 81—

The SPEAKER. The gentleman will cease.

POINT OF ORDER

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

Mr. VITALI. Point of order.

We are on HB 1200, final passage. The gentleman is speaking about immigration.

Mr. METCALFE. New reform silences every speaker.

The SPEAKER. The gentleman will cease for one minute.

The bill is on final passage. The gentleman had an amendment that dealt with the subject matter that he is attempting to debate on the floor. That issue is not before us. The gentleman will contain his remarks to the issue before us, which is final passage.

Mr. METCALFE. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. METCALFE. Mr. Speaker, I oppose final passage based on the lack of protections in this legislation to prevent the money from being used to employ illegal aliens. Thank you.

The SPEAKER. The Chair thanks the gentleman.

Representative Stevenson.

Mr. STEVENSON. Thank you, Mr. Speaker.

In my remarks yesterday I expressed some concern about the way this bill was brought forward. I have serious concerns about the issues taken up in this bill. While there are many worthwhile things in HB 1200, which is brought to us now on final passage without extensive hearings, we are asked to lift the cap on borrowing for the newly created energy department without a new cap being suggested. A new cap was suggested to be perhaps around \$850 million, but that has not been entered in statute. Most of the \$850 million, should that be borrowed, will also go to companies for which the State has already mandated a market through the 2004 Alternative Energy Portfolio Standards Act. There is a real question about whether or not we need to subsidize companies for which a market has already been created. While there are some very worthwhile concepts in this legislation, including pilot programs for smart meters and so forth, many of these programs certainly do not need a new funding stream or a new taxing stream to fund them.

There is a question about how this \$850 million will be repaid. Almost certainly there will be some form of energy tax which is yet to be unveiled to pay this back. This is not the time nor the year when we need that kind of increased spending and increased taxes here in the Commonwealth of Pennsylvania.

I would ask for a negative vote. Thank you.

The SPEAKER. Representative George.

Mr. GEORGE. Mr. Speaker, I would have guessed that what is happening at the moment would not be anything new. You and I have seen this, you almost 30 years and myself 34 years. I do not know whether or not that the matter before us to some is as serious as what some of us know to be very true.

I am rising to support this bill. It will help Pennsylvanians move forward toward energy independence. Now, some of you might object and have reasons, but again, you do not have anything better. We are on the road to freeing ourselves from dependence on foreign oil, which has only led to an increase in our expenses – on our food, our fuel, and our consumer purchases that we all need badly. With these bills, we can help our constituents from the ever-rising energy costs while also cleaning up our environment, and we know it will create good manufacturing jobs for your neighbor and mine. By investing in our energy independence bill, we can all benefit with a cleaner environment and a better economy.

For these reasons I support this bill, and I know those of you with serious minds and the understanding of what we are faced with, the majority of you responsibly will support this bill also. Thank you.

The SPEAKER. Representative Turzai.

Mr. TURZAI. This body, Mr. Speaker, has too often taken the paradigm of borrowing money to fund projects that it wants today. If the maker of this amendment, of this House bill, excuse me, of the House bill honestly believes in the expenditures that are going to result of HB 1200, then I would suggest that he find the funding in the existing budget and use that money toward those projects and find the justification for that priority over other priorities.

What the people of Pennsylvania have to understand is that this bill is designed to allow significant spending of over 7 percent in the budget on one side, using the Governor's plan and using the House Democratic plan for the budget, an over 7-percent increase, with an administration that has already increased spending by 33 percent over 4 years. Then on the other side, they want these expenditures outside of the budget process. Typically if you think that government money, taxpayer dollars, middle-class taxpayers should in fact be spending their hard-earned money for projects that they think government needs to fund, guess where you do it? You do it in the budget. However, here what they want to do is they want to use a gimmick and say, oh, we are not taxing anybody, we are not spending anybody's dollars today, because we are going to borrow the money, unlimited amounts, through an authority that has not really been used since the 1980s, and we are going to use this gimmick so that we can have it both ways. We can have all the spending we want over here in the budget to the tune of an increase of 7 percent, and we can pretend like this spending that is going to be allowed under HB 1200 is not part of the budget and we will pay for it on a future date, and anybody who thinks that your kids and grandkids as taxpayers are not going to have to foot that bill so that they can spend this special project money under HB 1200 today is sadly mistaken.

This administration has become the scam artists, the special experts, at making sure that there are myriads of ways to spend your taxpayer dollars and those dollars that will ultimately be earned by your kids and grandkids. Hey, the Governor, what, at best he has 4 more years? He does not care what his legacy is with respect to the kids and grandkids in the future. We need to reject this bill and say that there is no more borrowing, no more leveraging the future of our kids and grandkids, and if in fact you believe something is worth expending taxpayer dollars on, then you need to put it in the budget and pay with tax dollars today as you go with the expenditure. Pay-as-you-go means that you meet your obligations that you have prioritized today and not put it off in a gimmick to future generations. It is not about merely whether the projects are worthwhile or not; it is whether if you think they are serious enough that you are going to pay for them today or you are going to pawn them off when you are long gone on your kids and grandkids.

This borrowing-scheme approach has got to come to an end. It has ruined the State of Pennsylvania over the last 4 years, particularly in a variety of agencies that puts power in the hands of a few so that they can go out and present their special project checks. It is wrong, and I would ask everybody to please vote against it. It does not mean you are not green; it does not mean you are not for energy conservation; it does not mean you are not for alternative energies. It is not mutually exclusive. You can fund the Ben Franklin technology centers and have them look for alternative energy programs. You can put in tax incentives for conservation measures similar to what the Rural Electric Association is doing in the northern tier and in the central part of this State. Those are all laudable things that I would be more than happy to look at and support, but they are not mutually exclusive. You do not have to leverage the future of your children and grandchildren so that they have to pay taxes so that the Governor and his cronies on this authority get to hand out the checks.

Please reject this bill. It is not about being green or energy-conscious; it is about getting the opportunity to pass out

checks for yourself and leveraging against the future. Thank you.

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

Mr. DeWEESE. It is amazing, Mr. Speaker, that the honorable gentleman from Allegheny and his Republican friends were so anxious again and again and again to be eminent beneficiaries of gubernatorial largess for the first 4 years of the Rendell administration when they were in charge of this chamber. Cascades of help sluiced into a variety of Republican districts, and we did not hear any caterwauling then. We hear it now; we did not hear it then.

Just to sum up my observation within 1 or 2 more minutes. His reference to scam artists and cronies notwithstanding, there is a legitimate dialectic here, and he has a point that I do not necessarily embrace but it is worthy of the debate. He talks about leveraging the future. I think this vote is about investing in the future. I think we had, under the Ridge-Schweiker years, 8 years of hundreds and hundreds and hundreds and hundreds and hundreds of millions of dollars of surplus that were not invested in a variety of things other than corporate tax reductions. Some of them we supported. Now we have a Governor who is willing to go beyond the shoals, who is able to go out into the deep water. This is an investment in the future, and I would categorically reject not only the tone but the substance of the previous speaker's pronouncements. Thank you.

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

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

Mr. Speaker, would the prime sponsor of the legislation stand for just brief interrogation?

The SPEAKER. The gentleman indicates that he will. The gentleman is in order and may proceed.

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

Mr. Speaker, one of the key elements of this debate is not really the end goal perhaps of the legislation, but, you know, how do you do it? How do you pay for it? Can it be afforded? Where does it fit into the budget? The prior speaker from Allegheny County was making that point that it is outside of the actual General Fund appropriation. My question, Mr. Speaker, is, if this bill were to become law shortly, how would those bonds that the fiscal note referenced at roughly \$800, or I guess it was \$8 million per hundred million dollars borrowed, how would that be repaid?

Mr. DePASQUALE. Thank you, Mr. Speaker.

The Pennsylvania Energy Development Authority can only issue bonds with revenue that they either received from repayments from current loans that they have issued or through additional revenue.

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

The bill contemplates a change in that, because those current bonds as PEDA operates, it functions, I believe, but more as a revolving loan fund. The new program would allow for some to be issued as grants. Nevertheless, how would these— This bill basically has an unlimited bonding component to it. It was the subject of an amendment a couple of days ago which failed to put some limit on that. They will no longer be operating strictly as a revolving loan fund, where the proceeds of that loan then are what is used to pay back the existing, you know, bond costs. How would these revenues be paid back? There has to be some funding stream in place to pay those back since most of that

money is going to be going out the door and not coming back in in the form of a revolving loan.

Mr. DePASQUALE. Thank you, Mr. Speaker.

There would be, if all of the programs were enacted, there would be some money that would come back and some that would not, but again, they cannot issue that bond without an additional revenue stream.

Mr. S. SMITH. What I am asking, Mr. Speaker, what is that additional revenue stream?

Mr. DePASQUALE. At this point this legislation would merely allow the Pennsylvania Energy Development Authority greater tools with the revenue they already have.

Mr. S. SMITH. So there is no funding stream to support the finance charges that are associated with that bonding authority that would be granted under this bill?

Mr. DePASQUALE. Thank you, Mr. Speaker.

This legislation as is, without additional revenue, they could only do what they currently have revenue for through loan repayments. So this legislature would have to decide whether or not to give them additional revenue. That would then allow them to float additional bonds. It would be revenue bonds, and then they could fund various projects or also the consumer rebates for solar installation.

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

This legislation would specifically authorize using this, you know, supposedly borrowed money, to use it up in the way of grants. There has to be a funding stream. Once that money is given out to somebody to develop, you know, an alternative energy source, or whatever the inclination is, there still has to be some money in place. There is no money in our General Fund to do that. There still has to be some money put in place to repay those loans. Otherwise, you do not have any— I mean, let us put it this way. I do not think anybody is going to finance those bonds unless they have some kind of commitment. What will be the commitment, or are you telling me there is no mechanism to repay these bonds?

Mr. DePASQUALE. Well, there is no mechanism right now for them to do additional bonds.

Mr. S. SMITH. Then there is no mechanism to give out grants, Mr. Speaker? What are we doing then if we— If you are not going to put some money on the table to pay for this program, what are we doing here then? Now, I am a little more confused. I thought I was just looking for a simple answer as to how it was contemplated that these bonds would be paid off, and I am a little bit confused now, Mr. Speaker. Then if that is the case, what are we doing here then?

Mr. DePASQUALE. Thank you, Mr. Speaker.

This legislation gives PEDA more tools. Now, this legislature can later decide to give them additional revenue or not. They do have revenue from existing loans that they have given, that do come back into the authority, that they could then give out as additional loans.

Mr. S. SMITH. Thank you, Mr. Speaker. That is the end of the interrogation.

Mr. Speaker, I am not sure, I am not sure just how it is contemplated that this legislation is going to do the job that the proponents say it is going to do. I am not sure that I agree, Mr. Speaker, that we should be out giving an agency like this an unlimited amount of authority to borrow money.

The bottom line is, Mr. Speaker, that the legislative branch is clearly held responsible for these things, and while the goals of

this legislation may be laudable, we are living under the administration whose chief executive says we are paying as we go, that we are living within our means, and at this juncture, Mr. Speaker, I do not see where we are paying as we go. Borrowing more money against the future is not paying as you go. That is borrowing to go forward. Some may refer to it as an investment. I would say you are not paying as you go. You are not paying for what you are doing.

So while the administration tells us all the time that we are living within our means and we are paying as we go, the fact is, Mr. Speaker, this is just one more situation where we are digging a bigger hole that will not really be apparent to the people of Pennsylvania for maybe 4 to 6 or 8 or 10 years. I do not know what the timeline is. I am sure it will be at least more than 4 years away. And, Mr. Speaker, the fact that we do not have any financing in place to fund this particular program, so that at least at some point in time we would know how you are going to repay this money that we would give this agency unlimited authority to borrow, the fact that we do not even know how we are going to pay that back, who is going to pay for that, Mr. Speaker, I would strongly urge the members to vote "no" on HB 1200.

We need, Mr. Speaker, to in fact pay as we go. We need, in fact, Mr. Speaker, to really live within our means. We need, Mr. Speaker, to quit playing with the future of Pennsylvania under the guise of trying to improve the future. The fact is, Mr. Speaker, this is just one more hole that we are going to have to dig out of or our kids are going to have to dig out of down the road, and it will, in fact, Mr. Speaker, be a hole and not an alternative energy source.

So I would urge the members to vote against HB 1200, Mr. Speaker. Thank you.

The SPEAKER. Representative Daley.

Mr. DALEY. Thank you, Mr. Speaker.

For the last several days, for the new members that have been here for their first term, this is an education for you in terms of reform. You are seeing the process firsthand. You are watching the debate. You are listening to your leaders and we are listening to our leaders talk about energy for the future and how all of a sudden we are wrapping the political issues of our caucuses, our parties, and we are placing that before true reform and true idealism about what is best for Pennsylvania. This is a primer for you as young legislators to see what is being done and how we do it, and this is business as usual. That is wrong.

The PEDAs program was started under Governor Casey, and it was funded because it wanted to deal with energy development. It was funded for several years. And then came Governor Ridge, the majority party at that time. They cut the funding. PEDAs went to zero. And then under Governor Schweiker, PEDAs went back to zero. And now today we are talking about creating and expanding PEDAs in a way that has never been expanded before.

When are we going to get the picture? You all went out and campaigned, all the new reformers, all the old incumbents, and we talked to our citizens, and we are looking at gas prices at \$3-plus a gallon. We see home energy fuel that is twice as much as it was last year, but we are still going to wrap ourselves around the politics of our caucuses. It does not make sense. The people of Pennsylvania do not want to hear it. That is why they voted out so many legislators, because they are tired of the baloney that we wrap ourselves in our caucuses.

Mr. Speaker, I am tired of hearing my seniors, like you are, making a decision if they are going to heat or eat. I come from a very poor district with high amounts, more than it should be, of the number of people that live below the poverty limit. That bothers me. And I hear debate on this floor by one member wrapping himself constantly in reform, but he pulls the best trick of all. He filibusters, and that is the biggest enemy of reform in any legislative process.

You cannot talk a bill to death, and that is what one of these people is trying to tell you, they are going to deal with reform. That is not reform. That is contrary to reform. And we have one member that is talking about how he believes in reform, and he is telling all the reformers watch what is happening, but what he brings about, he does something—

POINT OF ORDER

Mr. S. SMITH. Mr. Speaker? Mr. Speaker? A point of order. This gentleman is attacking the motives of other members' debate, and that is out of order.

The SPEAKER. The House will come to order. The House will come to order. Members will take their seats. The Sergeants at Arms will clear the aisles. Members will cease making comments.

The Chair will instruct all the members, one final time, the only issue to be debated before the House is the issue on the board, the issue before us. Remarks will be contained and restricted to that.

The House will come to order.

The gentleman is in order and may proceed.

Mr. DALEY. Thank you, Mr. Speaker.

And, Mr. Leader, if the shoe fits, wear it.

The SPEAKER. Mr. Daley—

Mr. S. SMITH. Mr. Speaker? Mr. Speaker? That is behavior that is beneath the decorum of this House.

The SPEAKER. The gentleman will cease; the gentleman will cease.

Representative Daley, that remark was out of order.

Mr. DALEY. Thank you, Mr. Speaker.

The SPEAKER. If the gentleman wishes to continue, he will restrict his remarks to the issue before this House.

Mr. DALEY. Mr. Speaker, I do apologize to the leader, but I tell you what, Mr. Speaker, I want an apology from Mr.—

The SPEAKER. Mr. Daley—

Mr. DALEY. Yes.

The SPEAKER. —the issue before the House is final passage of HB 1200. The gentleman will confine his remarks to that issue and that issue alone.

Mr. DALEY. Thank you, Mr. Speaker.

This program, as one speaker tried to tell you, he wants to micromanage this, and you cannot micromanage energy. You have to conform it as it proceeds through the future. It has to be conformed every day, not only today and tomorrow, but one speaker wants you to believe, one speaker wants you to believe that you can micromanage that, and believe me, and I heard the debate about the political cronies, the hacks, the scam artists, and, Mr. Speaker, I would like to have an apology from some of our members, because I want to read the list of the members of the PEDAs board. These are the people that have been chastised and criticized because they are political cronies and hacks, and that is what we are doing today. We are looking at these people

and their character, and let me read the names, Mr. Speaker, so everyone knows who the members of the board are that we are dealing with in this legislation.

The SPEAKER. Mr. Daley, the gentleman will suspend for a moment. The gentleman will come up to the rostrum.

(Conference held at Speaker's podium.)

The SPEAKER. The House will come to order.

The Chair recognizes Representative Daley.

Mr. DALEY. Thank you, Mr. Speaker.

Let me read the names of the board members of the PEDA board: the Honorable Kathleen A. McGinty, Secretary of Environmental Protection, chairperson; Ty Christy, regional vice president—

The SPEAKER. The gentleman will cease; the gentleman will cease.

POINT OF ORDER

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

Mr. MAHER. Mr. Speaker, I have not referred to the rules, but my recollection from our past practice is that the names of individuals are not appropriate to be brought up in the course of debate, and that if he wishes to identify positions or board members, and that is fine, but particularly to drag in the names of individuals—

The SPEAKER. If the gentleman will cease. The gentleman has been cautioned. The names that the gentleman is reading are members of a public board. That is public record. The gentleman has been cautioned not to cast negative aspersions upon the reading of these names. The gentleman is making a point. He is in order—

Mr. MAHER. Mr. Speaker?

The SPEAKER. —and he may continue.

Mr. DALEY. Thank you, Mr. Speaker.

PARLIAMENTARY INQUIRY

Mr. MAHER. May I make a further parliamentary inquiry?

The SPEAKER. Yes.

Mr. MAHER. To the extent that he chooses to introduce certain names, and speaking about ethical standards, is it then appropriate for that to be addressed later on based upon public record information?

The SPEAKER. The Chair will listen carefully to the remarks of Representative Daley and act accordingly.

Mr. MAHER. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Mr. DALEY. Thank you, Mr. Speaker.

All these individuals have been appointed by the Governor or by the House of Representatives or by the Senate: Ty Christy, regional vice president of Americas Power Partners, treasurer; Ray Bologna, North Branch Energy, Inc.; Virginia L. Brown, community development specialist, Philadelphia Department of Public Health; Romulo Diaz, city solicitor, City of Philadelphia Law Department; Hon. Dennis C. Wolff, Secretary of the Department of Agriculture; the Honorable Dennis Yablonsky, Secretary of Community and Economy Development;

Joseph A. Dworetzky, Esq., Hanglely Aronchik Segal & Pudlin; J. Clifford Forrest, president of Rosebud Mining Company; Tanya McCloskey, senior assistant consumer advocate, Officer of Consumer Advocate; Victoria Reider, Secretary of Banking; Senator John Wozniak; Senator Edwin Erickson; the Honorable David Reed from this chamber.

Mr. DeWEESE. Yes, Dave Reed.

Mr. DALEY. And may I proudly say, Mr. Speaker, the Honorable Peter J. Daley.

Mr. Speaker, I really believe, I believe that we are at a crossroads in energy. It is no time for rhetoric. It is no time for posturing. The Governor wants us energy independent by the year 2012. This is a positive thing. This is a good thing. This is a thing that Pennsylvania and all our constituents can hang their hat on and say we are truly trying to do something that really is going to make a difference.

Mr. Speaker, Martin Luther King said, you are part of the solution or you are part of the problem. You have a decision — be part of the solution or part of the problem. Thank you, Mr. Speaker.

The SPEAKER. Representative Surra.

Mr. SURRA. Thank you, Mr. Speaker.

Mr. Speaker, I rise to speak in support of HB 1200 on final passage, and I understand that there have been a lot of concerns that many members have brought before the chamber today, but I think the need to invest in our energy plan for Pennsylvania certainly outweighs all those concerns. This is a big first step in alternative energy, and I believe that the State that takes the lead in alternative energy, Mr. Speaker, will be well positioned for our economic future. So I commend the Governor for taking this initiative. And I have heard a lot of reasons why we should not do this. I would like to talk about a few reasons why we should do this.

We have heard our President talk about the addiction to oil. That addiction has the United States and Pennsylvania linked at the hip to the Middle East, linked at the hip to a very volatile part of this world where our young men and women are dying right now because of our energy policy. I wish Pennsylvania would not be in this situation where we have to do this. I wish I would turn the television on tonight and I would see somebody in Washington talk about an energy plan that made sense. I would like to see somebody talk about alternative energies, and we are going to take that big first step on our way to energy independence. So I commend Governor Rendell, and I think the fact that we are spending hundreds and hundreds of billions of dollars on our addiction to oil is reason enough that we should do this.

I have heard concerns about how quick this legislation is moving. It is sad that we have not done it years ago. I cannot believe that we are at this point in our energy situation, not only in Pennsylvania but in America, and we are doing this and we are arguing about doing it. There is talk about our children and our grandchildren and how it will impact on them. That is the reason we should do this. That is the reason we have to do this. I would ask everybody in this chamber, Republican and Democrat, to seriously consider voting for HB 1200, Mr. Speaker. Our children and grandchildren are the exact reason why.

So I encourage your supportive vote for HB 1200. Thank you.

The SPEAKER. Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, it was said earlier that we are at a crossroads in the energy field here in Pennsylvania and our country and in the entire world, and I could not agree more. But the one thing I know is that some board of directors in a State in the United States cannot micromanage our way to energy independence. They cannot do it by taking taxpayers' dollars, borrowing more on top of that, and picking projects, winners and losers, and somehow magically come up with an energy-independent State or a more green State. It just will not work.

Make no mistake, the cost of energy is going to go up, and I do not care if we borrow 850 million more dollars or an unlimited amount, which this bill does allow. May I remind you, no caps on borrowing. It is unlimited borrowing we are talking about here. But make no mistake, the cost of energy is going to go up. And what is contributing to that? Yes, there are tight supplies of energy worldwide, but here in Pennsylvania some of the things that are under our control are just not happening. What have we done in the last couple of years? Somebody thought it was a great idea to exceed Federal mercury limits, which is going to shut down energy producers in Pennsylvania. Too many areas of production of our homegrown energy are declared off limits. We have piled on mandates to use expensive energy sources to fuel our electric power statewide. We keep doing all these things that increase the cost of energy and somehow we complain that the cost of energy is going up. So as I said, the cost of energy is going to go up. We should quit adding to that cost, and we should also think about a better way than mortgaging our future for a smoke-and-mirrors answer to this problem.

I guess I will close with a definition of "debt" that I heard that really sums it up, and I do not know who came up with this, but borrowing or debt. When the State borrows money, what is that? It is nothing but a future tax increase, and I guarantee that following right on the heels of this huge borrowing package is a tax increase that you folks are going to vote for.

Mr. Speaker, it is time to let the market work; control the things, the parts of energy prices that we can control; and move towards true energy independence and true lower cost energy in Pennsylvania by rejecting HB 1200. Thank you, Mr. Speaker.

The SPEAKER. Representative Rohrer.

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, I stand to make some comment on this bill because I agree with what many have said about this being an important issue. This is a turning point of some sort here before us. But the more I listen, the more convinced I am that the passage of this bill is a turning point in a direction in the wrong direction. The more questions that are asked, really the less convincing are the answers.

I look at process, Mr. Speaker. We have heard the debates about the lack of process and the openness. We have hurried this through the committee process. We have not allowed the structure of this institution to properly flesh out the details and to construct a bill, and if we are going to say it is a bill of importance, then certainly to spend the time worthy of that, but that has not been done.

I have major concerns with the structure that is created. No accountability is one that comes to mind. Unlimited borrowing, we have heard that, Mr. Speaker, and all of the ramifications of that. Accountability, debt pushed off to my children and your children, and the fact that there is in this bill no limit, I find that

outrageous. I find that irresponsible for this legislature to enter into anything of that type. But I also find perhaps even more disturbing are the additional powers that are given to this entity. And I would like to read just a piece from the bill, just in order to make sure that it is very clear before us, section 2806-C of this bill, under the category of "Powers and Duties," and I hope everybody listens to this because maybe it has not been read, but to me, it stands out with great concern.

It says, "The authority, as a public corporation and governmental instrumentality exercising public powers of the Commonwealth, is hereby granted and shall have and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this article," which I think are still unclear, "including the following powers, in addition to others herein granted," and then goes on and lists other powers of which the raising of the eliminating of the limit on the borrowing is included and the establishing of this entity for 50 years is included. I get very concerned when we grant to an entity that is not directly responsible to this legislature or to the public unlimited powers, which it says, granted all powers to effectuate the purpose. I am not sure that that appears anywhere else.

In addition to the powers, there is an awful lot of granting of moneys – we have talked about that – whether they be grants, whether they be loans, whether they be who knows what, by this power that is given to this entity. And to that extent, I have a question, Mr. Speaker, that I would like to ask or interrogate the sponsor of the bill.

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

Mr. ROHRER. Thank you, Mr. Speaker.

Mr. Speaker, in regard to the powers and the duties given this board, I would like to ask, from your perspective, is this language, where I just read where it talks about giving all power necessary, does that occur anywhere else and what other entity or body have we given – because I do not know – have we given this length and breadth of power?

Mr. DePASQUALE. Mr. Speaker, let me ask— Can you reread the provision you are speaking about?

Mr. ROHRER. It is in the bill, section 2806-C, where it talks about giving them, granting them, "...is hereby granted and shall have and may exercise all powers necessary or appropriate to carry out and effectuate the purposes of this article, including the following powers...." It may occur elsewhere. I do not know. Where does it occur?

Mr. DePASQUALE. Mr. Speaker, that is part of the existing PEDA law.

Mr. ROHRER. Okay. In the bill as written, it says that this language, this paragraph, is added to the current law, therefore is why I asked that question.

Mr. DePASQUALE. Mr. Speaker, that paragraph is in there to effectuate the programs that we are trying to implement with this passage of HB 1200.

Mr. ROHRER. You are saying it is a repeat of what is already in the law?

Mr. DePASQUALE. Thank you, Mr. Speaker.

The PEDA law already grants that authority for them to do this, not for the new, for the rebate program, not for the venture capital piece, but it already grants them the powers to effectuate energy projects under the existing amount that they already have.

Mr. ROHRER. I am just asking relative to why it is being repeated and why in the language then it says that it is being added to the law that created the entity in the first place.

Mr. DePASQUALE. Mr. Speaker, that is to ensure that they have the ability to carry out the new tools that we are trying to give them.

Mr. ROHRER. All right. I understand what it says, and that is part of my issue, that it is very, very broad and extensive. In that regard, Mr. Speaker, can you tell me whether or not this new entity so empowered is subject to our Right-to-Know?

Mr. DePASQUALE. Mr. Speaker, this is not a new entity. This is already an existing authority, and by the way, if they are not subject to Right-to-Know, I certainly would support them being a Right-to-Know. I do not have the answer to that, but I do know that every time they have a meeting to decide on which projects that they are going to award, that is a sunshine meeting. It happens in full public view. Public comment is certainly permitted, and all the projects that are on the agenda are sunshined as well.

Mr. ROHRER. Mr. Speaker, I believe that we need to know that for certain because it was surprising to me to find out how many of our entities that have been created are not subject to Right-to-Know, and therefore, we do not have access to the kinds of detail that really would be important when this kind of money is loaned or granted.

Mr. DePASQUALE. Thank you, Mr. Speaker.

Every project that is up for a decision by the PEDDA board, that happens in full public view, and the public has access to all the information that is before the board, and that is, again, a sunshine issue as well. So you can get all of that prior to the meeting.

Mr. ROHRER. All right. Thank you, Mr. Speaker. I am through.

Mr. Speaker, just to further comment then. I have concluded with interrogation.

The SPEAKER. The gentleman is in order. He may proceed with his remarks.

Mr. ROHRER. My comments along that regard were simply to just point out the fact that there are extensive powers that are granted. We are uncapping the amount of money that can be borrowed. We are giving the power, all power necessary – not under our discretion; it does not come back to this legislature for further approval – to do whatever it is they believe needs to be done to effectuate what is the purpose of this bill, which I would say is not defined, is clearly wide open, and therefore, I believe, granting too far and too much power, and I believe that that will come back to haunt this legislature.

Now, secondly, and then in conclusion, I guess, I would say that as we have talked about this, the purpose for this, I have heard comments such as energy independence being the goal. That is good. I believe that we need to. But I also say that within this bill, which is why I believe that this is an improperly framed bill that will not do what is going to be revealed or relayed to the people of the State its intent, and that is to give us energy independence. In my opinion, when we turn our back on the kind of natural resource that we have in this State, as referenced by Representative Hutchinson, this effort has turned its back on clean coal technology, as an example. It is not a part of what this effort is, and we have got more, if we want independence, we have got it in the ground in Pennsylvania, and it is not a part of this, and I believe that is a very, very grave,

grave mistake and to me says the goal is not energy independence.

I would say a vote for this bill is not a vote for energy independence, but rather, it is a vote to create, to create a giant gubernatorial cookie jar that will allow the dispensing of funds of unlimited amounts in such places and forums so as this legislature will not have oversight, will not have accountability, and, Mr. Speaker, for that and many other reasons and as has been stated, this bill, because of the borrowing, a vote for this bill is also a vote for a tax increase because you cannot get away from it.

So while this body moves itself forward into other issues in addition to this, as we approach the budget, as we approach transportation, as we deal on this issue, there are going to be many opportunities for members of this House to distinguish themselves on whether or not they are going to lay upon the backs of the people of this State a tax burden. Be it today or be it tomorrow, this vehicle creates that burden, and a vote for this bill is a vote for a tax increase. Mark it down. It has been established clearly, and I, for one, am not going to go this direction. I believe it is the wrong direction and believe there is a much better way that we can fix this problem, but this bill is clearly not the way to do it.

Thank you, Mr. Speaker.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, very briefly. For the information of the members, just a couple things for the record. This is the actual PEDDA law. Under section 2807 for the authority indebtedness, "Bonds issued under the provisions of this act shall not be deemed to constitute a debt of the Commonwealth or any political subdivision thereof or a pledge of the faith and credit of the Commonwealth or of any such political subdivision."

Additionally, Mr. Speaker, I thought I would just, for the information of the members, let them know what various Governors and administrations have incurred in indebtedness, and everybody is talking about what is going on, on this floor. Well, just for the record, the Ridge-Schweiker administration issued \$6,055,835,000 in total debt. That is more than \$701 million more than what Governor Casey issued under his administration, and thus far, the Rendell administration is nowhere near that number.

Mr. Speaker, for the information again of the members, we are still burning rocks, Mr. Speaker, to keep warm. We have the technology and we have the innovators to do better, and the law that we are trying to establish here tonight will specifically do just that. It will incent those innovators; it will incent those young minds to help and promote alternative energy with tax credits, to build new and clean-burning technologies, clean air technologies, here in this Commonwealth. There will be money for research, money for incubators, money for working capital, and money to construct these much-needed facilities. We should be promoting and encouraging investment in Pennsylvania's future to promote wind energy, to promote hydroelectric energy, to promote geothermal energy, to promote the use of methane gas, biologically derived methane gas, to promote solar energy, and yes, Mr. Speaker, to promote coal gasification and clean coal technology.

We do have those bright minds. We talk about the brain drain. The investment in this sector is the fastest growing sector in the country, \$25 billion over the last 5 years. Why would we not incent and keep our youngest and brightest in this

Commonwealth with the investment that we are going to make with this legislation? To be quite candid with you, I am sick and tired of sending my money to the Middle East. Pennsylvanians are spending \$30 billion, \$30,000 million a year, \$30,000 million a year on liquid fuels alone. That is what we are spending. I am tired of the Middle Eastern sheiks getting that money. We should be investing right here in Pennsylvania, creating the jobs, creating the jobs here in Pennsylvania.

If we do not act as a Commonwealth— You know, this energy that is being produced right now is not infinite, and in the next 15 years, we are going to be faced with the reality of building new facilities to meet the demands that we are being confronted with. To meet those demands, we are going to have to build at least five new facilities, be they nuclear facilities or some type of clean coal plants, to meet the needs of our future electric needs in this Commonwealth. Without this clean energy technology, the pollution that we would be adding in Pennsylvania over the course of the next 15 years would include 24 million tons of carbon dioxide, 190,000 tons of sulfur dioxide, 54,000 tons of nitrogen, 2,000 tons of mercury, and all of that within the course of the next 15 years if we do not do something.

Mr. Speaker, I think we have to incent the youngest and the brightest and create the jobs and the investment in the Commonwealth so we can stop the reliance that we have on Middle East oil, and I think the way we do that is we pass HB 1200. Thank you, Mr. Speaker.

The SPEAKER. Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I am reminded of an evening just about 3 years ago when the desire to address an issue in some fashion was found to be so irresistible by some that obvious flaws in drafting, obvious imitations to corruption were ignored. They were obvious. They were addressed on this floor and members looked past it and said, oh, they are not going to worry about it. The issue is too important to worry about integrity issues, and that bill became law. The public saw through, saw through that and demanded that those invitations to corruptions be revoked.

We are in the same place today, Mr. Speaker, and I would caution those who have a passion, as I do, for advancing alternative energy to remember that no how appealing a notion, a mission may be, it does not overcome the need for this legislature to insist that checks and balances are in place, to insist on systems that require integrity.

You can look past it today and kid yourselves that the public will not see through it, but I believe the public will see through it, and I do believe that by the time the summer has gone by, that you will have heard from many people who will share the concerns that I have about the invitations to corruption that are embedded in this bill.

I sought in good faith with the prime sponsor, who I believe was acting in good faith, to set about crafting an amendment that would address these problems. To complete that exercise would probably require another dozen hours, a dozen hours. Instead, the decision was made overtly to call the bill up this evening. What is the rush? Why not spend a dozen hours to fix what appear to be invitations to corruption? I would suggest that that rush indicates not only do people recognize that these problems are there, but they do not want to have them fixed. You are being asked to vote for something that you will regret. It could be repaired, quite apart from the question, and there

will still be differences among some of us as to whether, you know, how much is too much or how little is too little and those sorts of discussions, but the lurking danger that public moneys will be abused could have been removed.

Why not? Ask yourselves, why not? Who benefits? Who benefits by keeping those provisions as they are? It is certainly not the people of Pennsylvania. Who benefits? And why would you permit it? I believe that if there is a genuine interest in repairing these problems, that it can be done, and we could make these changes and vote on this legislation tomorrow with a clear conscience, but the only question then is the matter of the issue.

Consequently, Mr. Speaker, just to make it perfectly clear that this opportunity has been sought beyond private discussions, I am going to interrupt my moment here on the floor, Mr. Speaker, to make a motion.

The SPEAKER. The gentleman will state his motion.

MOTION TO TABLE

Mr. MAHER. Thank you, Mr. Speaker.

I am going to interrupt my time on the floor to make a motion that this bill be tabled until Friday, which is posted as a voting day now, so that to give an opportunity, if there is any real desire to do this without the invitation to corruption, that we can accomplish that. Now, if that is not important to you, vote against the motion; if that is important to you, I hope you will support adding a little bit of time so we can ensure that for the 50-year life that is being added here, that this unlimited borrowing authority and spending authority will have some checks and balances, Mr. Speaker.

The SPEAKER. The gentleman, Representative Maher, moves that HB 1200 be tabled till Friday.

On the question,

Will the House agree to the motion?

The SPEAKER. On the motion, the Chair recognizes Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I do respect the gentleman's motion, but I ask for a negative vote so we can vote on final passage sometime this evening.

The SPEAKER. The Chair thanks the gentleman.

On the motion to table, those— Representative Maher.

Mr. MAHER. Excuse me, Mr. Speaker. On the motion.

The SPEAKER. The gentleman is in order.

Mr. MAHER. You have the opportunity to make sure that this program, and if you believe this is an important program, I am sure you would believe it should be done with checks and balances, in a way that we cannot be imagining the mischief that will go forward.

You have the opportunity. Please take it; please take it.

Thank you, Mr. Speaker.

The SPEAKER. On the motion, those in favor of tabling HB 1200 until Friday will vote "aye"; those opposed, "no."

On the question recurring,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—84

Baker	Fleck	Major	Rapp
Barrar	Gabig	Mantz	Reed
Bear	Geist	Marsico	Reichley
Benninghoff	Gillespie	McIlhattan	Roe
Beyer	Gingrich	Mensch	Rock
Boback	Godshall	Metcalfe	Rohrer
Boyd	Grell	Millard	Ross
Brooks	Harhart	Miller	Saylor
Cappelli	Harper	Milne	Scavello
Causar	Harris	Moul	Schroder
Civera	Helm	Moyer	Smith, S.
Clymer	Hennessey	Murt	Sonny
Cox	Hershey	Mustio	Stairs
Creighton	Hess	Nailor	Stern
Cutler	Hickernell	Nickol	Stevenson
Dally	Hutchinson	Payne	Swanger
Denlinger	Kauffman	Peifer	Taylor, J.
Ellis	Keller, M.	Perry	True
Evans, J.	Kenny	Pickett	Turzai
Everett	Mackereth	Pyle	Verab
Fairchild	Maher	Quigley	Vulakovich

NAYS—114

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

NOT VOTING—0

EXCUSED—5

Argall	McGeehan	Perzel	Phillips
Bastian			

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

On the question recurring,
Shall the bill pass finally?

The SPEAKER. The Chair recognizes Representative Maher to conclude his remarks.

Mr. MAHER. Thank you, Mr. Speaker.

I am disappointed, and I think ultimately you will be disappointed. Keep in mind that as the bill stands, this board and whoever these people may be into the future – reciting the names of current board members is entirely meaningful when you are dealing with this sort of an entity that is being funded – they are going to have the ability to give away, give away an unlimited amount of public money. The public will never get to vote for whether they are on this board; public money. Venture capitalists, who should be smiling, Pennsylvania has other provisions for venture capital investments with the Tobacco Board, with the Commonwealth Financing Agency. In both cases the statutes that were adopted put up parameters to safeguard transactions between the Commonwealth and these other venture capitalists.

The bill as it is drafted has no, no restrictions whatsoever, and if you do not think the guys in crocodile shoes are going to be more clever about how to pick the pocket of the public when they have an open invitation to do so, well, then I think you are just having faith. Faith instead of checks and balances does not cut it. Why we would not require the same standards for hundreds of millions of dollars that can go out the door to venture capitalists that we require otherwise is beyond me. Why that is so objectionable to this administration is beyond me. Why that is objectionable to the maker of the bill is beyond me.

Mr. Speaker, it is a terrible thing when desirable goals are tainted by procedures being embedded in law that guarantee that over time the public's purse will be picked. Consequently, Mr. Speaker, I am going to be opposing this legislation because any issue does not justify surrendering the integrity that the public deserves.

Thank you, Mr. Speaker.

The SPEAKER. Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Clearfield County in his remarks mentioned that our military forces are giving their lives for oil, and that is certainly his opinion. In my opinion, these brave men and women, many in their late teens, early twenties, are engaged in a very difficult conflict with a brutal and treacherous enemy, one that, if they could, would do serious and irreparable harm to our people and to our nation—

Do you want me to stop? To continue? Thank you.

—to our people and to our nation, if they were given the opportunity. I, for one, appreciate the mission of these service men and women trying to bring freedom to the troubled and repressed people of Iraq and to send a message to al-Qaeda that their crimes against humanity will not go unpunished.

Mr. Speaker, I have another part that I would like to ask a question to one of the other speakers. It is just a very brief comment.

The SPEAKER. Will the gentleman approach the rostrum for a moment.

Mr. CLYMER. Okay.

(Conference held at Speaker's podium.)

The SPEAKER. The Chair recognizes Representative Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, the gentleman from Carbon County had mentioned that in his debate here this evening on HB 1200, and I want to get this straight, that under the Ridge and Schweiker

administration, billions of dollars were spent on different programs, different bond expenditures. I hope I got that right. And what I am asking is if the gentleman would submit a list so I could see that. Having served under both Governors Ridge and Schweiker, I am curious about the moneys that we voted for during those 8 years, so if I could get from the gentleman from Carbon County an itemized list, I would certainly appreciate that.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, we will be glad to provide the gentleman with the list.

Mr. CLYMER. Okay. Are you going to submit that list to the Speaker or to myself? Who will get the list?

Mr. McCALL. I will send it directly to you.

Mr. CLYMER. Thank you.

Thank you, Mr. Speaker.

The SPEAKER. The Chair is not interested in reading that list.

Representative Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

I, too, rise this evening to oppose HB 1200. I find it interesting that this House over the years in debates has constantly talked about what we do to the poor, what we do to our senior citizens. This bill, in the end, is going to cost consumers additional higher priced electric. Think of it this summer. I do not know when this is going to exactly start kicking in, but this summer there are a lot of people who are senior citizens and the poor, and more importantly than anything else, the people in our Commonwealth who are ill and who this summer will need, and every summer after this, to have air conditioning so that they can survive in a life that is worth living to them.

You know, when we look at this, the electric rates are going to go up due to this bill. The Governor already raised the standards in Pennsylvania for our electric companies, which means some of the electric companies will shut their plants down because the consumer is going to have to absorb just the plants that stay open; \$1.7 billion higher in electric rates to make up for the loss or, I should say, the addition of these new scrubbers that they are going to have to put in these facilities.

So we are raising the electric rates to pay for this bond issue. We have raised the standards on the mercury rates in Pennsylvania, which means certain plants are going to shut down, which immediately means higher priced electric because of that, and because of scrubbers being put into these plants, it is going to cost the consumers another \$1.7 billion, and we are borrowing this on the backs of our children. At some point in time all of this debt that we have created in the State— And just think of this: In the last 4 years we have doubled the State debt; in 4 years. Governor Casey, Governor Thornburgh, Governor Ridge, Governor Schweiker did not build this much debt in all their years of administration that this administration has built, and it is our children who will have to pay this back along with the taxpayers of today.

The business community is going to be hit again. We talk in this Commonwealth about creating jobs, yet we are going to see huge increases because of a bill like this on industrial and commercial businesses in Pennsylvania. Every day this Commonwealth is competing not only against 49 other States but the nations throughout the world. In this global economy we face today, we in Pennsylvania have got to realize all of us in

this House of Representatives want alternative energy, all of us want to create jobs, but we have got to get together and create a bipartisan way of doing this, not shoving a bill that has not had any real good hearings.

We have had one hearing on this bill, one hearing in York. That is all that has been on this bill. There has been a lack of input from all of the communities who are involved in this decisionmaking process.

So I ask for a "no" vote on this, one, for the consumers who are going to have to pay these higher bills as well as those who are looking for jobs that we can create in Pennsylvania without borrowing the money to do it. For us as State legislators, we have an opportunity to pass a budget at some point in time here, somewhere, hopefully tonight, tomorrow, next week, and if this issue is so important, we can find room in that budget to pay for this now and not borrow the money. If it is that critical, that important, why is it not a priority in our mainline budget?

Thank you.

The SPEAKER. Representative Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, I rise to assure my colleagues on both sides of the aisle, there is no bogeyman in HB 1200. Let me say that again. There is no bogeyman in HB 1200.

Mr. Speaker, let me also rise to say to my colleagues that this is just a legislative prescription; it is not God. I heard somebody say that HB 1200 has all power. The only one that I know that has all power is God or whoever you call Him.

This is a legislative proposal that reflects a vision, a vision that provides flexibility so that that vision can be achieved. There is no one in this chamber, whether you are R, D, D, R, whatever, that can disagree with the fact that Pennsylvania is in a unique position to move towards energy dependence. No one can agree with that. No one can agree that now is the time to take that step forward, that we can ill-afford to put this off another day, another month, another year.

Now, there are those who would argue that we should have had more time, and, Mr. Speaker, I ask the question, how much time? From my review of this bill, it was introduced on May 23. It received its first consideration early in June. Mr. Speaker, as of today, there have been almost 600 hours, 600 hours, more than 20 days that have lapsed between the time HB 1200 was introduced and the time that it is coming before us for final consideration. So, Mr. Speaker, you have to raise the question of how much time is needed. If more than 500 hours, more than 20 days is not enough time, you have to ask, how much time is needed? I think that there has been sufficient conversation, sufficient analysis, sufficient evaluation, sufficient comparative analysis done on HB 1200. So, Mr. Speaker, let us dismiss the argument that this is being rammed down the throats of this General Assembly. And, Mr. Speaker, in the interest of the excellent democracy that we live under, because we vote on final passage this evening does not mean that you are precluded from having an opportunity to influence the ultimate outcome. The last time I checked, once we vote on final passage, it goes to the Senate for consideration, and the Senate will go through a process of considering what has happened here in the House, and then once the Senate has made a decision, it will either come back to us or go to the Governor's desk for his signature.

So, Mr. Speaker, do not tell my constituents that if we vote for HB 1200 today, that school is out. School is not out. Do not tell my constituents that there is a bogeyman when you cannot point to the bogeyman.

Mr. Speaker, the other thing, even if HB 1200 becomes law, Mr. Speaker, we are up for reelection every 18 months, and, Mr. Speaker, I have been here long enough to have witnessed a bill being signed into law today and repealed next month if it provides the wrong kinds of consequences for Pennsylvanians. So my constituents and the people of Pennsylvania should not get caught up into thinking that because this becomes law, that it cannot be changed. It can be changed either by this body or a subsequent body.

And last but not least, Mr. Speaker, the last time I checked, this Governor cannot run for reelection after this term. This Governor cannot serve a term that has perpetual existence. This term is finite.

So, Mr. Speaker, and to my colleagues, HB 1200 can be modified, can be amended, can be changed, can even be repealed if some later body thinks that it is not achieving what it was intended to do. So it is wrong to say to the people of Pennsylvania that you have got to say, boo, did I scare you? It is wrong to say to the people of Pennsylvania that we do not have an opportunity to change courses if we find that the course that we are on is not a righteous and good course.

Mr. Speaker, HB 1200 is a step in the right direction. Yes, it has broad parameters because you need broad parameters in order to achieve its noble goals, but I stand here and I say to you, W. Curtis Thomas from the 181st Legislative District, I say to you that if we invest today, we will reap the benefits tomorrow. Children yet unborn will be talking about the step that we have taken tonight. That is what I say to you. And if it does not happen, if it does not happen in the real near future, then W. Curtis Thomas from the 181st Legislative District will lead the charge to change the direction and change the methodology of HB 1200. I say that to you this evening.

So, Mr. Speaker, in closing, there is no bogeyman; there is no bogeyman. All we have is a legislative prescription that has good benefits for the people of Pennsylvania. Vote "yes" on HB 1200.

Thank you, Mr. Speaker.

STATEMENT BY MR. BELFANTI

The SPEAKER. Representative Belfanti.

Mr. BELFANTI. Thank you, Mr. Speaker.

I will be very brief.

Is it possible for me to have a point of personal privilege? I did remain in the order of rotation.

The SPEAKER. The gentleman will state his point of personal privilege.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, speaking about alternative energy, around here it is graham crackers and—

The SPEAKER. The gentleman will cease.

The gentleman's point of personal privilege, for the information of the members, is limited to the rights, reputation, and the conduct of members. The gentleman should request unanimous consent.

Mr. BELFANTI. May I have unanimous consent concerning the hour of 25 of 8?

The SPEAKER. The gentleman is in order.

Mr. BELFANTI. Thank you, Mr. Speaker.

Mr. Speaker, as I was saying, alternative energy around here seems to come from graham crackers and chemical soup in the

back. I did not plan to speak this evening, but en route back to the men's room, I walked by the gentleman from Allegheny's desk here, and he has what is known as a real Italian hoagie here, not the kind that we cannot get because the cafeteria is closed, with no meat on it, but a real good one here, nice and greasy.

I understand that there have been some efforts made to have the cafeteria remain open when we are in late session. If that cannot occur, I would really like for the legislative rules Reform Commission to take up the idea of perhaps collecting from our paychecks some amount of money so that we can have food in the caucus rooms during the late-night sessions.

As I mentioned earlier before—

The SPEAKER. If the gentleman will cease; if the gentleman will cease.

The Chair is sensitive to that issue and will take it under advisement directly.

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

CONSIDERATION OF HB 1200 CONTINUED

The SPEAKER. Representative Miller. The Chair recognizes Representative Miller for the second time.

Mr. MILLER. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose HB 1200.

I do not question the intent of the legislation and the fact that we need to invest in alternative fuels. However, like my colleague from Chester County, I think we could do some things to possibly make this a better bill.

I would like to ask the prime sponsor of this legislation if he would stand for a brief interrogation? Mr. Speaker? Mr. Speaker, I would like to ask the prime sponsor of this legislation to stand for a brief interrogation.

The SPEAKER. The gentleman indicates that he will, and the gentleman is in order and may proceed.

Mr. DePASQUALE. I hope the gentleman knows that I fought for him to say that he would only speak and this is his first time, so remember that in interrogation.

Mr. MILLER. Mr. Speaker, we had a hearing on this bill in York, which I attended, and while I thought the hearing was very good, there was one issue that was raised by the venture capitalists that were there, and one of the things that they mentioned was that additional State money to be used for venture capital could be quite useful but they had concerns, and their concern centered around the fact that attracting venture capital, you cannot put too many restrictions and limitations on. Have we addressed that somehow in this legislation since that date so that we have some reason to believe that the investment of this venture capital will be in such a way that it does not scare off other venture capital that many of our alternative energy concerns would be looking to use?

Mr. DePASQUALE. Thank you, Mr. Speaker.

I do believe that this legislation as drafted does provide flexibility. Currently the PEDA board will have to develop guidelines to go along with this, as they do with any — or any bureaucracy does with items we pass, and that will truly be an important issue that I believe is important to weigh on, and we do have members of the legislature that are on that board, too, but those guidelines, you know, no matter what we pass, our

bureaucracy has to flesh out guidelines, but this legislation does provide that flexibility.

Mr. MILLER. So, Mr. Speaker, were there any changes made since that hearing to the language that would have allayed some of their fears?

Mr. DePASQUALE. We have not made any changes to the venture capital piece. The gentleman is correct.

Mr. MILLER. Okay. Thank you, Mr. Speaker.

That concludes my interrogation.

Mr. Speaker?

The SPEAKER. The gentleman is in order and may make his remarks.

Mr. MILLER. Thank you, Mr. Speaker.

Again, I do not question the intent of this legislation. I question the speed with which it has moved.

On the date of May 24, I had a conversation—

Mr. Speaker? Mr. Speaker? Could we have some order?

The SPEAKER. The gentleman is correct.

Members, I know it is getting late. Members will please clear the aisles. Hold your conversations to a minimum. Hopefully that will make this issue go faster. Members, conferences in the rear of the House will break up.

The gentleman is in order.

Mr. MILLER. Thank you, Mr. Speaker.

On May 24 I had a conversation with Republican staff on the Environmental Resources and Energy Committee asking about this bill because there was a hearing scheduled for the following Wednesday, I believe it was, May 30, and they commented to me that they had not yet seen the language on the bill. I had the opportunity to discuss this with the prime sponsor at the time, and that language was not available at that point in time. Here we are, less than a month later, and we are running a very substantial bill with major implications for the future of Pennsylvania and our energy usage and our energy independence.

While I do not disagree with the intent of the legislation, I have grave concerns on the way we vetted this and the way we discussed it, and I believe the committee process was really shortchanged, even though we did have the one hearing in York. So I am going to urge my colleagues to give this a "no" vote at this point in time. I really would love to see us have additional hearings on this and make it a better bill, at least flesh it out a little bit more and then bring it back for a vote.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative George for the second time.

Mr. GEORGE. Mr. Speaker, they seem to be disappointed. Maybe they should be reminded that I, too, have sat around for 3 hours listening to the old saying, to a lot of people who do not know, they do not know.

I have heard some things that I think I would be remiss just to sit down, and I am not going to get into this Republican/Democrat stuff, because there are Republicans over there that are darn good people. They know the difference, and I am not going to take issue with any Republican, but again, they are just like us. They come from a district promising their people they are going to work their hearts out for them, and they do that. The only difference is they refuse to concede that what they did before, along with some Democrats, was not spend \$850 million like the gentleman from Allegheny said.

You know, a program that if all these bills are passed, you will get \$15 back for \$1, but we are talking about the

deregulation and the fact that the utilities and the PUC (Public Utility Commission) that were under the control of Governor Ridge when the deregulation was passed spent over \$115 million – and I am not going to give Mr. Clymer a list, because I have it in my memory – to try to sell deregulation, a so-called bill that if I dare to say that the prime sponsor, if he is an honest man, and I know he is, would admit that it went too far, would admit that these utilities sold their plants, would admit that these utilities then lately bought into them again, would admit that there is a utility in Pennsylvania that formed a nonprofit organization.

Mr. Speaker, 12 years ago the House and Senate were under the control of Governor Ridge, and they shut down the Pennsylvania Energy Office, and, Mr. Speaker, from 1995 until Governor Rendell took over, almost everything was a free market in competition, not conservation, not energy efficiency. Mr. Speaker, it would be interesting to understand really what happened with the PUC urging people to go choice when there was not one company that I daresay that had given 10 choices to 10 families, and that is the truth.

And now here we are. We lost our coal jobs. They have moved out where power is being generated out of State. Nobody is insisting that this is going to save every utility from demise, but what it is going to say is that, Mr. Speaker, this is going to give us a reliance on this energy problem; it is going to give us an opportunity. Just do not. You can talk about it all you want, but let us give it a chance. We gave you a chance in 1996, and, holy smokers, what you did with it is unbelievable.

Oh, I am not laughing or being proud that I was too dumb to vote for deregulation. I am dumber than heck, Mr. Speaker, because, Mr. Speaker, I do not know whether you voted for it or not, but you look like a brilliant guy. I bet a buck you did not vote for it, but I know some people over there did.

And I want to tell you something. You can make a good argument that the Governor and the PUC and the legislature under the same party wasted millions of dollars of ratepayer dollars promoting electric regulation. I stand on that and I can prove it when there were not even real choices.

Mr. Speaker, under deregulation, Enron came to this town, and today Governor Rendell is bringing windmills in and everybody is complaining, but do you know what they did? They are centered and they are located in Pennsylvania towns and they are employing our people.

Oh, and another thing I will hear a complaint about, we are also getting batteries from Germany, those kinds of batteries that solar energy work with. And guess what? They are located in Philadelphia, darn it. They should be located in Clearfield, but I am not mad about that because I am going to get an ethanol plant that is going to bring 90 jobs, and, you know, when I asked the man from ethanol what would be the cheapest job that would pay the least money? He said, truck driver. I said, wait in 4 years because I am going to take that darn job.

Now, Governor Rendell is bringing the windmills from Spain, the car batteries from Germany, and making this State a leader in trying to save money. Put the vote up or put the vote down, but let us not drag this in. You are legislators and you are responsible people. It evidently is in the air, because something has happened. You are not the kind of guys, especially you people that voted for deregulation and that I have known for 20 or 25 years, you surely have taken a drink of something that is affecting your good common sense.

Thank you, Mr. Speaker.

The SPEAKER. The Chair is about to recognize the prime sponsor of the legislation. Is there anyone else seeking recognition?

Representative Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

I just had not intended to offer further remarks, but in the intervening time, a couple of things were said that I think require clarification.

I would remind the members that based upon the information provided when we had this bill on second consideration, that this authority already has power to borrow nearly a quarter billion dollars. A quarter billion dollars is at their fingertips if they so choose.

Those who say that this has got to be rushed despite the invitations to corruption in this bill have no leg to stand on, because there is a quarter billion dollars that can be borrowed right now. That is a lot of money. To put it in perspective, think about, you know, we talk about millions and billions around here with some frequency, but I am afraid that sometimes folks lose perspective on exactly how much we are talking about.

Consider this: A thousand minutes ago was about 4 a.m. today. Now, we all have pretty good clarity in what we were doing at 4 a.m. today. A million minutes ago, which is about 2 years ago, we all have a pretty good idea what we were doing 2 years ago. That is a million, a million minutes. A billion minutes, Rome was still being run by a guy named Caesar. A billion is a big number. A quarter billion dollars is available to advance alternative energy projects right now. What is not available right now is to give away the public's money, to give away the public's money without any restrictions.

The prior speaker was railing about utilities, and he might be interested to realize that if you move forward with the bill as it is written, there is nothing to prevent hundreds of millions of dollars from being just given to utilities. So if you think utilities need some sort of parameters around them, why would you advance legislation that would permit a handful of people to give away hundreds of millions of dollars, and if they choose, they give it to the utilities? Is that desirable? Well, if you think it is, go ahead and vote for this. If you do not, well, be cautious.

Again, I suggest to you that whatever the Governor may be doing in Spain or Germany and whatever plans he has to boost the economies of those nations, to keep in mind that there are nearly 60,000 fewer people employed in Pennsylvania now than at the beginning of the year.

These are difficult times for our State. The cure is not to take public money and just give it away in millions and hundreds of millions of dollars. We need some constraints on this. Please, please recognize that you cannot accomplish good by putting your heads in the sand as to the evil that lurks.

Thank you, Mr. Speaker.

The SPEAKER. Is there any other member seeking recognition?

Representative DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

I assure you I will be brief, because I want it to pass.

This legislation is a continuation of this State's journey towards energy independence. It began with the advanced energy portfolio standard that this legislature passed in December of 2004, and I commend you for it. It continued with the location of Gamesa in Pennsylvania, bringing 650 manufacturing jobs into Pennsylvania and also several

professional jobs, totaling close to 1,000 good-paying jobs all to produce wind energy.

I also want to thank my colleagues on both sides of the aisle for a vigorous debate on this issue. For my first time having a bill run in this chamber, it has been enlightening to me, and I thank each of you for all of the comments, and I also believe, through the efforts of many, that this product is a better product than what it started out as.

This legislation will help move our economy forward and clean our environment at the same time. It will allow for the funding of venture capital firms that will help grow our job prospects that will be high-tech jobs and clean energy jobs and that will help keep our young people here in Pennsylvania. Other States are moving aggressively in this area, and while there can be a philosophical debate on whether States should be doing this, the reality is that other States are, and if we want to grow our economy, we must be aggressive as well.

This legislation, the rebate for energy-efficient appliances and the rebate for solar installation, will help save consumers money and lower our energy demands. This legislation, I believe, is a bold step and the public wants bold action, and I ask this body for an affirmative vote and to finally pass HB 1200, and I thank the Speaker for the time.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—128

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

NAYS—70

Baker	Everett	Maher	Rapp
Bear	Fairchild	Major	Reed
Benninghoff	Fleck	Mantz	Reichley
Beyer	Gabig	Marsico	Roae
Boback	Geist	Metcalfe	Rock
Boyd	Gillespie	Millard	Rohrer
Brooks	Gingrich	Miller	Saylor
Cappelli	Godshall	Moul	Smith, S.
Causar	Grell	Murt	Sonney
Civera	Harhart	Mustio	Stairs
Clymer	Harris	Nailor	Stern
Cox	Helm	Nickol	Stevenson
Creighton	Hess	Payne	Swanger
Cutler	Hickernell	Perry	Taylor, J.
Dally	Hutchinson	Pickett	True
Denlinger	Kauffman	Pyle	Turzai
Ellis	Keller, M.	Quigley	Vulakovich
Evans, J.	Mackereth		

NOT VOTING—0

EXCUSED—5

Argall	McGeehan	Perzel	Phillips
Bastian			

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

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

* * *

The House proceeded to third consideration of **HB 1202, PN 1982**, 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 third consideration?
Bill was agreed to.

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

Representative Benninghoff.

Mr. BENNINGHOFF. Actually, go ahead and run the vote. I would like a point of personal privilege as soon as the vote is over.

The SPEAKER. The Chair thanks the gentleman.

Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Would the maker of the bill stand for interrogation, please?

The SPEAKER. The gentleman, Representative Gerber, indicates that he will. The gentleman is in order.

Mr. FAIRCHILD. Thank you.

I understand that there were no hearings held on this bill. Is that correct?

Mr. GERBER. Mr. Speaker, there was a hearing on alternative energy in York County, the day of which I forget, by the Environmental Resources and Energy Committee where we discussed a variety of bills and particularly the bill that we just passed out of the House, but issues related to this bill were also discussed that day.

Mr. FAIRCHILD. Was there any— Well, let me first ask you, I understand the purpose of the bill, but I also understand that the purpose is to protect and enhance our air and water quality. With that stated in the bill, could you tell me how this protects our water quality?

Mr. GERBER. Yes; absolutely.

Right now in most of the State, regular petroleum is blended with a product called MTBE (Methyl tertiary-butyl ether), and when MTBE gets into our water supply, it is hazardous and dangerous. In southeastern Pennsylvania we no longer use MTBE. We use 10 percent ethanol instead of the MTBE, and ethanol is less harmful if introduced to our water supply. So it is the replacement of that MTBE material that makes this better, safer for our water supply.

Mr. FAIRCHILD. Are you aware that the estimate is that if corn-based ethanol meets its projections both in Pennsylvania, Maryland, and Virginia, that there will be approximately 15 million pounds a year additional nitrogen that we will have to account for? I serve on the Chesapeake Bay Commission in a bipartisan mission with other members here, and we had a report issued to us at our May 12 meeting in Washington, DC, and it was kind of scary, because they brought forth the issue with increased acreage put into corn production and also the increased amount of fertilizer that that would produce. Therefore, the scientists came up with an estimate of the roughly 15 million pounds per year, and the problem is, they said this would put us back to roughly 1985 levels of cleaning up the Chesapeake Bay itself. And as many of us know in Pennsylvania, there are about 42 counties that are either wholly or dissected by the Chesapeake Bay watershed and obviously the Susquehanna River Basin watershed.

But I wondered, did you invite anybody from the Governor's Office or the Department of Environmental Protection, who serve as surrogates to the Governor on the Bay Commission, to testify or have you gotten any information from them on this problem or maybe even talked to the Democratic Governor of Maryland, who has identified it as a problem? Did any of that dialogue take place?

Mr. GERBER. There was dialogue like that, not specific to the Chesapeake Bay Commission, but to the environmental issues raised or potentially raised by the implementation of these types of processes in Pennsylvania, and there was extensive dialogue with the environmental community — the Pennsylvania League of Conservation Voters, Sierra Club, Clean Water Action, the Department of Environmental Protection, the Farm Bureau, down the line — an extensive amount of conversation for the months leading up to this and over the last several weeks; absolutely.

Mr. FAIRCHILD. But as I understand it, a lot of those groups you mentioned also wholeheartedly support and understand the need to reduce nitrogen, which is the largest problem in the bay. Did anybody speak specifically to the nitrogen problem during that hearing?

Mr. GERBER. No, sir.

Mr. FAIRCHILD. Have you spoken to anybody specifically about the nitrogen problem?

Mr. GERBER. No, sir. As I said to you before in my previous comment when you asked me the same question, while talking to all of those environmental groups and all those groups who are solely focused on the environmental issues in trying to evaluate the environmental impact of these processes, that issue was not raised. So that is why I am not sure. And I understand that you are involved with the group and I can see you are reading from information before you, but, no, that particular issue was not raised as a concern, and through the exhaustive process we went through, it just did not come up. So the answer would be no, but I think I have answered that question now a couple of times, sir.

Mr. FAIRCHILD. Okay. Well, perhaps they missed it, and I will speak to that later, but the issue to me is not— And perhaps they were talking about biodiesel, which I am a very strong proponent of biodiesel. I think it is the way to go. It is not part of the interrogation. It is not fair to you.

Mr. GERBER. If I may, Mr. Speaker?

Mr. FAIRCHILD. Thank you.

Could I make a statement, Mr. Speaker?

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

Mr. FAIRCHILD. Thank you.

Mr. Speaker, you do not see me get up too often, and again, I want to tell you personally I support biodiesel. Over half the European vehicles are diesel at this point. We have around 3 percent. I think it is probably the way we are going to go at least in the short term until hydrogen comes into being and some of the other technologies.

I believe in ethanol, but corn-based ethanol scientifically is creating a lot of problems. I am amazed that it really has not come up here. Perhaps it is because everyone does not just want to go there.

As a member of the Chesapeake Bay Commission, our mission is to seek out the facts and bring that information back to our respective legislative bodies. That is what they do in Maryland, that is what they do in Virginia, and that is what I am doing here this evening, just alerting you to a giant problem – cleaning up our streams and rivers. And do not forget, our streams, the streams in your backyard, flow into those main stems of the river, whether it is the Susquehanna, whether it is the Delaware, whether it is some of the rivers out west, but if we are going to increase the nitrogen levels in these rivers which flow into the bays, we have got a major, major problem.

If we are going to set back the efforts of cleaning up the environment in the Chesapeake Bay to the 1985 levels, we have got a terrible problem. That bay is hanging on by its teeth and toenails right now, and it needs all the help it can get. I do not think— And these are not my figures. These are figures developed by scientists who deal in this every day. They are words of Governor O'Malley from Maryland, who certainly would be on top of the problem because he and his legislators are surrounded by the bay.

So whatever we do here today, just remember that there are good ways to attack this and then there are ways that we have not addressed, and I would certainly ask and request that the sponsor of the bill just request to hold it over. I am not going to make a motion, because I think you would fight me tooth and nail, but in good conscience, just hold it over, take a look at the nitrogen issue. Either that or, I mean, if you could tell me, yes, I am aware of it; it is not a problem; we are going to take care of it, tell me how you are going to take care of it, because I have

the fiscal note in my hand, Mr. Speaker, and you can pull it up on your computer, too. In fact, I wish everyone would. The fiscal note for this bill is \$670,100, and I can tell you, cleaning up nitrogen in your streams and in our rivers and in our bays is going to cost a heck of a lot more than that. The cost to clean up the bay itself is around \$17.6 billion. If we take it back and we have to clean up, we have to take it back to 1985 levels and have to clean up the additional amount of nitrogen, I would say you could probably double that figure.

One last thought. You have been contacted probably by the sewer authorities, the municipal authorities, your boroughs about the cost to take the nitrogen out of your sewer plants so we can clean up the streams and clean up the bay. Does it make any sense, does it make any sense to do that and then turn right around and add nitrogen back into the bay, into the streams, taking it back to 1985? You talk about an issue going the wrong way. This is one.

So in good conscience again, I am not going to make the motion. I am just going to ask that perhaps we can hold this over for a day. You find out the answers and report back or hold a hearing on it and get the stakeholders. Ask people from the Chesapeake Bay Foundation, ask people from these environmental groups to comment on the nitrogen issue and the projection by the scientists that this massive amount of load is going to be added to our system.

Thank you.

The SPEAKER. The Chair recognizes Representative Gerber for the first time.

Mr. GERBER. Thank you, Mr. Speaker.

I appreciate the very genuine concerns raised by the honorable gentleman from Union County.

I do want to point out that my amendment yesterday addresses the very problem that you are talking about, and we passed that amendment unanimously yesterday here in the House, 202 to 0. We changed language that defined ethanol as an agriculturally derived product. Now, while that amendment was not driven at your concern, it was driven at other concerns, particularly those raised by the agricultural community about the cost of corn and how we would drive up the cost of feedstock, I think it addresses your concern, because the intent of the bill and what we know would be best for Pennsylvania's economy is moving away from corn-based ethanol to cellulosic-based ethanol, and there are investments now in Pennsylvania in R&D (research and development) facilities for cellulosic processes, and I am not sure if it gives the gentleman comfort, but the economics of ethanol are moving us in that direction in the very near future. So while the bill does not preclude the use of corn-based ethanol, it does, with our amendment that we voted for together yesterday, address your concern, because it does not limit the definition to those forms of ethanol that are agriculturally derived. It opens it up for cellulosic forms that would be such as switchgrass or timber waste or other cellulosic forms.

So I know the gentleman is very genuine in his concerns, and I appreciate that, but I do think that with the amendment yesterday, we have addressed those concerns, and I am not as concerned about all of the ethanol production in Pennsylvania being corn-based and therefore causing the issues that the gentleman raises today.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes Representative Fairchild for the second time.

Mr. FAIRCHILD. Thank you.

If I am speaking for the second time, could I interrogate the maker of the bill, please?

The SPEAKER. The gentleman is in order.

Mr. FAIRCHILD. Thank you.

We were told at the meeting, we were informed at the Chesapeake Bay meeting that everyone is looking forward to the cellulosic ethanol, including the sources that you mentioned. The problem was, the technology, they expect it soon to be here, but the technology is really not here to produce it in an economical fashion. In fact, I think they said in a couple of forms there was only one plant in North America so far. I believe it was in Halifax, Canada, that was producing the pure noncellulosic.

But I guess with that said, if we are not producing it and there is no immediate process in the near future, how does that address my concern with dumping nitrogen into our waterways? How does it address Governor O'Malley's concern of dumping nitrogen into Maryland's Chesapeake Bay, because if there is no other way to meet the mandates of your bill other than using, on the ethanol side, other than using corn ethanol, how are you going to solve our problem?

Mr. GERBER. I believe the gentleman mentions it is a timing issue and a volume issue, and I cannot give you a date certain, but I am very confident with the level of investment in the cellulosic processes here in Pennsylvania and elsewhere. Goldman Sachs, for example, just put \$27 million into a cellulosic plant in Canada.

The concern of the timing I do not think is as great as the gentleman may think, and that is why I take comfort in the fact that we are close—

Mr. Speaker, if we could just have a little order. It is loud in the chamber, and I am not sure if the gentleman can hear me.

But the timing and the volume amounts are what matter, because as you mentioned, it would require us to grow a lot more corn than we are already growing, and we are already growing a lot of corn in Pennsylvania. We are net importers of corn here in Pennsylvania. We already have a lot, and while the volume may rise—

The SPEAKER. The gentleman will cease.

The Chair will ask the members to please take their seats. Conversations in the rear of the House, conversations in the rear of the House will cease. Members will take their seats. The gentleman is in order.

Mr. GERBER. Thank you, Mr. Speaker.

So not to belabor it, but the marginal difference in the amount of corn that we would grow as a result of trying to stimulate the ethanol market does not raise that level of concern for me, but I understand the gentleman's genuine interest and I am happy to continue working with him but today do not believe that is reason to not vote the bill today in the chamber.

Thank you, Mr. Speaker.

The SPEAKER. Representative Yudichak.

Mr. FAIRCHILD. Mr. Speaker, I am still under interrogation.

The SPEAKER. The Chair is in error.

The Chair recognizes Representative Fairchild.

Mr. FAIRCHILD. Thank you.

Mr. Speaker, are you aware of the Governor's involvement in the Chesapeake Executive Council?

Mr. GERBER. I am not familiar with the Governor's participation in it.

Mr. FAIRCHILD. I will explain it to you. The Governors of Maryland, Pennsylvania, Virginia; mayor of DC; the Governors of West Virginia, New York, and Delaware, they have gotten together realizing the environmental problems that exist not only in the Chesapeake Bay but also in all our rivers and our individual watersheds and basins, and this is not something that is unique to this administration. This has been going on since the, I think, mideighties. But anyways, they have a Directive No. 04-02, and it is called A Watershed Partnership. I would just like to read it or part of it and ask you a question, whether you believe your bill comports to what our Governor signed as a signatory to this agreement. "In its 2003 Directive, 'Meeting the Nutrient and Sediment Reduction Goals,' the Chesapeake Executive Council reaffirmed its pledge to achieve the Chesapeake 2000 commitment to, 'By 2010, correct the nutrient- and sediment-related problems in the Chesapeake Bay and its tidal tributaries sufficiently to remove the Bay and the tidal portions of its tributaries from the list of impaired waters under the Clean Water Act.' The Council endorsed the Bay-specific water quality criteria published in April 2003, and the nutrient and sediment allocations for all tributary rivers, and pledged to complete Tributary Strategies to achieve the allocations in 2004."

And maybe that is an unfair question if you do not know about these agreements that the Governor signed and the Chesapeake Bay Commission, but from what you know – and I think you agree that there could be a nitrogen problem, and I think you will at least go along that far, unless you disagree with the scientists and the Governor of Maryland and the Chesapeake Bay Commission and a whole bunch of other environmental groups – but do you believe your bill is in sync with that agreement signed by our Governor?

Mr. GERBER. As the gentleman said, I have not read every document that our Governor signed, but as the gentleman knows, the Governor's administration was very involved in this entire energy independent strategy, the development of it, and a lot of these bills, and while my bill is different than the bill that was offered by the Governor's Office, it is very similar in many ways. So the same Governor and the same administration that signed on to that document you just read from wholeheartedly supports the legislation that we are voting on tonight.

So I cannot speak to whether or not they have internal conflicts. I do not know the context of the document that you just read from, but I do know that they entirely support the legislation that we are about to vote on.

So I am not sure if that answers the question to your satisfaction; I am not really sure what the question was other than if I had read it, but the answer is, no, I have not read that particular document, but I do know that the Governor's Office was very involved in this process and wholeheartedly supports this legislation as it stands alone and as part of the entire Energy Independence Strategy because of the fact that it is good for our environment, whether it is the MTBEs we spoke of before, because the fuel burns more cleanly; because it will help us achieve energy independence, not just here in Pennsylvania but in this nation, and as it has been talked about tonight in these other bills, that is critically important; and because it will help stimulate economic development here in Pennsylvania.

So again, I know the gentleman's concerns are genuine. I respect that. I know your involvement with the commission is heartfelt, but based on what you have given us tonight and the concern you have about this one particular document, I do not

share that concern with the Governor's tremendous support behind this legislation.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Could I make a statement?

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

Mr. FAIRCHILD. Thank you.

Mr. Speaker, this was a very interesting conversation. Think about it. We have a Chesapeake Bay Commission, bipartisan, who subscribes to cleaning up the environment, not only in the Chesapeake Bay but most of us take that home with us and work on our streams, our tributaries. But what concerns me is we got all these environmental groups that have been on board, on our backs saying clean up the bay, clean up the rivers, clean up your streams, and the first issue that comes up to anybody with knowledge is clean up the nitrogen; clean up the nitrogen. Now all of a sudden we have got a body that comes before your Chesapeake Bay delegation and tells us there is a major problem brewing with increased nitrogen with corn-based ethanol. I do not quite understand why and how the administration would not be aware of it when they are signatory to it. I sit on the Chesapeake Bay Commission, not only with Senators and Representatives but members of DEP (Department of Environmental Protection), high-ranking members of DEP. In fact, the Secretary attends a lot of our meetings. How could they miss it? How could the Governor of Maryland pick it up but it becomes not an issue here? I do not quite understand this. Two and two does not add up to four. But if we are going to believe the scientists, we have got a major problem brewing. If we are going to believe the politicians in other States, we have got a major problem going. How did we miss it?

All I am asking is, Mr. Speaker, slow down this process. Let this thing— Let us just— I would love to have the dialogue. I think the gentleman is as honest as the day is long. I would love to have this dialogue where we could get some real answers on the floor so we could all vote accordingly, because I am afraid that if we rush this thing through, we are going to be under an enormous amount of pressure. We are going to be under an enormous amount of questioning from our folks back home saying, wait a minute; you just raised our sewer rates so we could reduce nitrogen; now you are going to dump how many thousands of pounds a year back into our streams? It does not make any sense. The answers have not been forthcoming. I have tried to give you my side, but I have been here long enough to know that you need a healthy debate and you need healthy facts from the other side. But I believe the gentleman; he just does not have them. It did not come up in the hearing. The administration did not bring it up. I do not know what to say to you, Mr. Speaker, but I ask again that voluntarily we just hold this over for a day or two. I do not think it is going to hurt anything.

Thank you very much.

The SPEAKER. Representative Yudichak.

Mr. YUDICHAK. Thank you, Mr. Speaker.

May I interrogate the prime sponsor of the bill?

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

Mr. YUDICHAK. Thank you, Mr. Speaker.

Mr. Speaker, there are 250 million tons of waste coal in Pennsylvania. Most of it litters the landscape of northeastern Pennsylvania in my home county of Luzerne. Finding a productive use for that waste coal is important to cleaning up

our environment, important to creating new jobs, and it is important to lowering the cost of energy. My question to you, Mr. Speaker, is, does HB 1202 include waste coal as part of Pennsylvania's renewable energy strategy?

Mr. GERBER. Yes, it does, Mr. Speaker.

Mr. YUDICHAK. Thank you, Mr. Speaker.

I have one additional question: Does anything in 1202, HB 1202, this legislation putting forth a renewable energy strategy for Pennsylvania, is there anything in this bill that would limit Pennsylvania's ability to leverage the more than \$2 billion that has been allocated by the Federal government for clean coal technology?

Mr. GERBER. I do not believe so, Mr. Speaker.

Mr. YUDICHAK. Thank you, Mr. Speaker.

The SPEAKER. Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, I rise to ask you for a vote against HB 1202. I think we once again are going down the road of a government command and control system of trying to pick winners and losers, limiting choices, and not allowing Pennsylvania's real strengths to rise to the top. Pennsylvania is not ready for, whether it is infrastructure-wise or corn production-wise, to handle ethanol at this time. When I tried to amend this bill and add more choices, emerging technologies, different processes, that was struck down. I think we should have the broadest array of fuels available and then let the market decide which works best, not just limiting to a very minor definition of what is "biodiesel," a minor definition, a very technical, narrow definition of what can be used for ethanol, and so I think we should oppose this bill.

Thank you, Mr. Speaker. I am going to end it there.

The SPEAKER. Representative George.

Mr. GEORGE. Mr. Speaker, if they pay attention, I will not be more than 30 seconds.

Mr. Speaker, this is not the first bill dealing with alternative fuels that this House faced. Mr. Speaker, some people here do not have minds as long as a gnat's rear end, because, Mr. Speaker, this House voted unanimously 196-0 on November 19, 2004, to establish some incentives for SB 255, an act relating to alternate fuels. Mr. Speaker, let me read from the Republican bill analysis that was available on the night of November 19, 2004, when it described grants to producers of alternate fuels: These grants would reimburse producers of alternate fuels up to 5 cents per gallon up to 12,500,000 gallons for alternative fuels produced in a calendar year. Mr. Speaker, I do not remember or recall any problems then with the majority at the time, but now they seem to have concerns.

Let us get on with the vote. We are doing this for the people.

The SPEAKER. Representative Gerber, for the second time.

Mr. GERBER. Thank you, Mr. Speaker.

I just want to thank my colleagues for their help with this bill on both sides of the aisle. I think once we pass this bill, we have done a great service for Pennsylvania. It is going to be great for Pennsylvania's environment. It is one important step toward achieving energy independence from unstable parts of the world. It will help boost the local economic development here in Pennsylvania, and with the price of oil headed in the direction it is headed, we might even be able to help deliver fuel more cheaply to Pennsylvania residents.

So I thank my colleagues and look forward to a "yes" vote on the legislation. Thank you, Mr. Speaker.

On the question recurring,
Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—138

Adolph	Gerber	McCall	Santoni
Barrar	Gergely	McI. Smith	Scavello
Belfanti	Gibbons	Melio	Schroder
Bennington	Goodman	Micozzie	Seip
Beyer	Grell	Milne	Shapiro
Bianucci	Grucela	Moyer	Shimkus
Bishop	Haluska	Mundy	Siptroth
Blackwell	Hanna	Murt	Smith, K.
Boback	Harhai	Mustio	Smith, M.
Brennan	Harkins	Myers	Solobay
Buxton	Harper	O'Brien, M.	Staback
Caltagirone	Hennessey	O'Neill	Steil
Carroll	Hershey	Oliver	Sturla
Casorio	Hornaman	Pallone	Surra
Civera	James	Parker	Tangretti
Cohen	Josephs	Pashinski	Taylor, J.
Conklin	Keller, W.	Payne	Taylor, R.
Costa	Kenny	Payton	Thomas
Cruz	Kessler	Peifer	Verbe
Curry	Killion	Petrarca	Vitali
Daley	King	Petri	Wagner
DeLuca	Kirkland	Petrone	Walko
DePasquale	Kortz	Preston	Wansacz
Dermody	Kotik	Quinn	Waters
DeWeese	Kula	Ramaley	Watson
DiGirolamo	Leach	Raymond	Wheatley
Donatucci	Lentz	Readshaw	White
Eachus	Levdansky	Reed	Williams
Evans, D.	Longietti	Roae	Wojnaroski
Evans, J.	Mahoney	Roebuck	Yewcic
Fabrizio	Manderino	Ross	Youngblood
Frankel	Mann	Rubley	Yudichak
Freeman	Mantz	Sabatina	
Galloway	Markosek	Sainato	O'Brien, D., Speaker
George	Marshall	Samuelson	

NAYS—60

Baker	Fairchild	Mackereth	Quigley
Bear	Fleck	Maher	Rapp
Benninghoff	Gabig	Major	Reichley
Boyd	Geist	Marsico	Rock
Brooks	Gillespie	McIlhattan	Rohrer
Cappelli	Gingrich	Mensch	Saylor
Causar	Godshall	Metcalfe	Smith, S.
Clymer	Harhart	Millard	Sonney
Cox	Harris	Miller	Stairs
Creighton	Helm	Moul	Stern
Cutler	Hess	Nailor	Stevenson
Dally	Hickernell	Nickol	Swanger
Denlinger	Hutchinson	Perry	True
Ellis	Kauffman	Pickett	Turzai
Everett	Keller, M.	Pyle	Vulakovich

NOT VOTING—0

EXCUSED—5

Argall	McGeehan	Perzel	Phillips
Bastian			

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

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

STATEMENT BY MR. BENNINGHOFF

The SPEAKER. Representative Benninghoff.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I rise for a point of personal privilege, if I may.

The SPEAKER. Is the gentleman rising under unanimous consent?

Mr. BENNINGHOFF. If I need to, yes.

The SPEAKER. The gentleman is in order.

Mr. BENNINGHOFF. During the discussion on HB 1200, one of the previous speakers who felt very concerned with cleaning up the environment ought to be as concerned with cleaning up his mouth. I looked up in the balcony and there was a family with two young individuals. We are on prime time. And I think people have the ability to speak opinions and ideologies, and I let one go by, I let two go by, but I think in one person's conversation to have to use five different words of profanity is a disgrace to the chamber and does not speak well of any of us, especially on prime time TV. So I would just ask that all of us in these late days and these late hours be somewhat conscious of that. And I was really saddened when I looked in the balcony to see a young family – who knows if they are Pennsylvanians or they are visitors – sitting in our chamber having to witness that.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 917, PN 1067**, entitled:

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for general powers of borough.

On the question,

Will the House agree to the bill on third consideration?

Bill was agreed to.

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

(Bill analysis was read.)

The SPEAKER. The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Gabig	Mantz	Ross
Baker	Galloway	Markosek	Rubley
Barrar	Geist	Marshall	Sabatina

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Argall	McGeehan	Perzel	Phillips
Bastian			

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

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

HOUSE SCHEDULE

DEMOCRATIC CAUCUS

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

Members will take their seats.

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

Just a moment for the schedule, the way we see it.

We all know that the last 2 weeks of June are intense, lots of traffic relative to bills and amendments, meetings, et cetera. Tomorrow the Democrats will caucus at 9, and Miss Major will probably have an announcement relative to the Republican Caucus.

We will be on the floor at 11. During the early middle afternoon, we will probably take a very short break for lunch. We will continue through the middle late afternoon. We will then take a very, very modest break for dinner, and we will conclude, and we will conclude at 11 o'clock. Whether or not we will be here Friday is contingent upon our endeavors tomorrow, but I have high confidence that we can complete our work relative to budget negotiations. Some of us will be in touch during the weekend, not only with our counterparts here in this chamber but with our counterparts across the way and with the Governor's Office.

So things are proceeding as well as we can expect, but I wanted to give the chamber notice that tomorrow there will at least be short breaks for meals, but tomorrow will be a very intense and long day, and I thank you for your indulgence.

The SPEAKER. For the information of the members, there will be no further votes recorded.

Are there any announcements?

REPUBLICAN CAUCUS

The SPEAKER. Representative Major.

Miss MAJOR. Thank you, Mr. Speaker.

There will be a Republican caucus tomorrow morning at 9:30 in our caucus room. That is at 9:30 tomorrow morning. Thank you.

The SPEAKER. The Chair thanks the lady.

VOTE CORRECTIONS

The SPEAKER. Representative Boback.

Ms. BOBACK. Mr. Speaker, on HB 1200 I was recorded as a "no," and I wish to be voted in the affirmative.

The SPEAKER. The Chair thanks the lady. Her remarks will be spread upon the record.

Representative Civera.

Mr. CIVERA. Mr. Speaker, on final passage of HB 1200, I was recorded in the negative. I wish to be recorded in the "yes."

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Any further announcements?

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

HB 143, PN 2017 (Amended)

By Rep. JOSEPHS

An Act amending the act of July 2, 1984 (P.L.561, No.112), known as the Pennsylvania Conservation Corps Act, further providing for supervisors.

STATE GOVERNMENT.

HB 1140, PN 2018 (Amended) By Rep. JOSEPHS

An Act prohibiting the investment of State funds in certain private business entities doing business in Sudan; and providing indemnification to certain persons.

STATE GOVERNMENT.

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

SB 431, PN 162 By Rep. JOSEPHS

An Act authorizing the release of Project 70 restrictions on certain lands owned by the Commonwealth of Pennsylvania, Pennsylvania Game Commission, being conveyed by the Pennsylvania Game Commission in return for the imposition of Project 70 restrictions on certain lands being conveyed to the Commonwealth of Pennsylvania, solely for the use of the Pennsylvania Game Commission in Adams County.

STATE GOVERNMENT.

**RESOLUTION REPORTED
FROM COMMITTEE**

HR 280, PN 1559 By Rep. JOSEPHS

A Resolution establishing a select committee to study the impact of legal and illegal immigration on housing, health care and education in this Commonwealth.

STATE GOVERNMENT.

RESOLUTION REREFERRED

The SPEAKER. The Chair moves, at the request of the majority leader, that HR 280, PN 1559, be rereferred to the Intergovernmental Affairs Committee.

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

The SPEAKER. Without objection, the resolution will be so rereferred.

SENATE BILLS FOR CONCURRENCE

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

SB 87, PN 1197

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, June 20, 2007.

SB 399, PN 851

Referred to Committee on EDUCATION, June 20, 2007.

SB 648, PN 1198

Referred to Committee on STATE GOVERNMENT, June 20, 2007.

SB 752, PN 828

Referred to Committee on STATE GOVERNMENT, June 20, 2007.

BILLS RECOMMITTED

The SPEAKER. The Chair recognizes the majority leader, who moves the following bills be recommitted to the Committee on Appropriations:

HB 606;
HB 614;
HB 773;
HB 966;
HB 1203;
HB 1295;
HB 1420; and
HB 1481.

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

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. The Chair recognizes Representative Mahoney from Fayette County, who moves that this House do now adjourn until Thursday, June 21, 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 8:43 p.m., e.d.t., the House adjourned.