

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 16, 2007

FIRST SPECIAL SESSION OF 2007-2008

No. 11

HOUSE OF REPRESENTATIVES

The House convened at 4:19 p.m., e.d.t.

THE SPEAKER PRO TEMPORE (MATTHEW E. BAKER) PRESIDING

PRAYER AND PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Without objection, the prayer and Pledge recited in today's regular session will serve as the prayer and Pledge for today's special session.

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

Let us pray:

We come to You, O Lord, on this morning in October. We attempt to keep our minds focused on the tasks at hand, but we are beginning to feel the demands surrounding the coming holidays. Already the stores are beckoning us to enter and spend what You have given us on things that will not make our lives any better or our souls more at peace; only You can do that. But we are too distracted to make time for You. Between work, home, and holidays, where do You fit in? O God, it seems we can lose sight of You in anything we do, including prayer. Our distractions rob us from the one and only thing we need, which is You, my God. Though, if it is true that we can lose You in everything, it must also be true that we can find You in anything.

It is my prayer this morning that each of us here finds You in the ordinary, that we see the miracle in the changing colors of fall, that we see the beauty in the smile of a friend, that we marvel at the magnificence of the stars as they twinkle above in the crisp, clear evenings, and that many joys throughout our long days cause us to laugh – enjoying the very sensation of that simple act.

"Almighty God, give us wisdom to perceive you, intellect to understand you, diligence to seek you, patience to wait for you, eyes to behold you, a heart to meditate upon you, and life to proclaim you." Amen.

JOURNAL APPROVAL POSTPONED

The SPEAKER pro tempore. Without objection, approval of the Journal of Monday, October 15, 2007, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER pro tempore. The leaves of absence granted in today's regular session will be granted in today's special session.

MASTER ROLL CALL

The SPEAKER pro tempore. The master roll call taken in today's regular session will also be the master roll call for today's special session.

Are there any changes to the master roll for the special session? I see none.

There are no reports and no referrals in special session.

SENATE MESSAGE

RECESS RESOLUTION FOR CONCURRENCE

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

In the Senate,
October 15, 2007

RESOLVED, (the House of Representatives concurring), Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when Special Session No. 1 of the Senate recesses this week, it reconvene on Monday, October 22, 2007, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, Pursuant to Article II, Section 14 of the Pennsylvania Constitution, that when Special Session No. 1 of the House of Representatives recesses this week, it reconvene on Monday, October 22, 2007, unless sooner recalled by the Speaker of the House of Representatives.

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

On the question,

Will the House concur in the resolution of the Senate?

Resolution was concurred in.

Ordered, That the clerk inform the Senate accordingly.

CALENDAR

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of HB 8, PN 29, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusion from the sales tax.

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

RULES SUSPENDED

The SPEAKER pro tempore. Representative Nickol, do you have an amendment that you seek to suspend the rules for?

Mr. NICKOL. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Thank you, Mr. Nickol.

The Chair recognizes the gentleman, Mr. Nickol, who makes a motion to suspend the rules for the purpose of offering his amendment, which the clerk will read.

The clerk read the following amendment No. A03598:

Amend Sec. 1 (Sec. 204), page 1, line 20, by striking out "a" and inserting

an Energy Star qualified

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

The SPEAKER pro tempore. On suspension, the Chair recognizes the gentleman, Mr. Nickol.

Mr. NICKOL. Thank you, Mr. Speaker.

My understanding is this is an agreed-to amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Leach.

Mr. LEACH. Yes, Mr. Speaker, it is an agreed-to amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS-196

Table listing names of members who voted 'YEAS-196' in four columns: Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Boyd, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Micozzie, Millard, Miller, Milne, Moul, Moyer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Shimkus, Siptroth, Smith, K.

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

NAYS-2

Cutler Galloway

NOT VOTING-0

EXCUSED-5

Adolph Conklin Pallone Tangretti Cappelli

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 second consideration?

Mr. NICKOL offered the following amendment No. A03598:

Amend Sec. 1 (Sec. 204), page 1, line 20, by striking out "a" and inserting

an Energy Star qualified

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

The SPEAKER pro tempore. On the amendment, Mr. Nickol. Mr. NICKOL. Thank you, Mr. Speaker.

This bill creates a sales tax exclusion for the retail sale of compact fluorescent lamps. It is an excellent bill. In fact, if every American home replaced just one light bulb with an ENERGY STAR compact fluorescent bulb, we would save enough energy to light more than 3 million homes for a year, save more than \$600 million in annual energy costs, and prevent greenhouse gas equivalent emissions of more than 800,000 cars.

As I said, it is an excellent bill. The problem is that some manufacturers have made knockoff compact fluorescent bulbs that do not meet the Federal ENERGY STAR qualified standards. So what I am seeking to do is just require that to receive this sales tax exclusion, they be ENERGY STAR qualified bulbs.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Leach. The gentleman has agreed?

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

The following roll call was recorded:

YEAS—198

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

Fleck	Major	Reichley	Yudichak
Frankel	Manderino	Roae	
Freeman	Mann	Rock	O'Brien, D.,
Gabig	Mantz	Roebuck	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Adolph Cappelli	Conklin	Pallone	Tangretti
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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 second consideration as amended?

The SPEAKER pro tempore. On that question, the gentleman, Mr. Gabig, is recognized.

Mr. GABIG. Thank you, Mr. Speaker.

I just want to make a couple of comments about this basic strategy that I have seen on a national level, as I have been reading, to encourage in different ways changing from incandescent light bulbs to fluorescent light bulbs as a way to make us energy-independent and energy-efficient, et cetera.

I have some concerns about this, and I know it is a big national movement, but I think we as a General Assembly need to look at both the pros, and we have heard some pros, and the cons between the policy that we are trying to push so that we do not harm our constituents. I guess there is an old saying, and I guess it was in a Hippocratic oath, you know, "Do no harm" was the first rule that the doctors used to take. These fluorescent bulbs that everyone is pushing as the new sort of fad, vogue thing to push, they contain mercury – mercury. Mercury is a toxic substance. It is a poison. It is a hazardous waste. It has been classified as such by the EPA (Environmental Protection Agency) and by every respectable scientist that has looked at it.

So there are problems with the old bulbs. We have a lot of light bulbs in this room and throughout this Capitol and, of course, throughout the Commonwealth, and they have some problems. And these new bulbs are more efficient, but they have mercury in them, and you have to dispose of these bulbs ultimately. The fluorescent mercury-poison light bulbs have to be disposed of. You are either going to break them accidentally in your home or in your workplace, expose your family or friends or coworkers to this poison, this toxicity, or they will ultimately have to be thrown away in some manner, disposed of in some manner. Many States have created waste to dispose of it just like you dispose of hazardous waste. It is a hazardous waste. You cannot just throw it out in the garbage or dispose of it in some manner as you do some normal household items.

So I just want to caution us as we go down here that we do not sort of jump the gun and just jump all over this thing and move everything forward before we know the full impact. I know GE (General Electric) and some of these big companies are pushing this stuff, and they have factories over in China. We were given by one of our colleagues earlier one of these

bulbs, made in China, of course, on there saying that it must be disposed of in accordance with Federal and State law because it is a hazardous waste.

Now, I am not sure how, if every bulb in Pennsylvania was actually changed, how much mercury would be put into our environment to poison our environment, but let me give you a couple of somewhat concerning, I do not want to say alarming, because I do not want to be an alarmist, statistics. One gram of mercury, one little teeny gram of mercury, can pollute or contaminate a 2-acre pond, an entire 2-acre pond. Now, most of us do not live on 2-acre plots of ground, so, I mean, that is a lot of ground, one little— And most of these bulbs contain anywhere, a low watt one will have, I guess, 3 or 4 milligrams of this stuff and others can go up to 20, 60. So you start adding up these hundreds and hundreds of bulbs, and as you know, many of the fluorescent bulbs can get very long and they are much bigger than some of the bulbs in here. But there are 800 million lamps, the EPA estimates, just currently, under our current system, that need to be replaced. So if we move where all of these are out there, I think we put our environment at threat, and so maybe even trying to solve one problem and jump on sort of a fad, we cause some other problems. And I can remember, for example, with DDT (Dichloro-Diphenyl-Trichloroethane), we got rid of all that, and oh, that is a great thing – Rachel Carson, we have buildings named after her – but throughout the world, malaria is epidemic and is killing whole populations in these Third World countries.

So I just want us to be a little cautious as we move down this road. I am not against the gentleman's endeavor here at all. I know his heart is in the right place and he is a very intelligent person, I know that, and he is a very smart person. He would not do anything knowingly to harm the Pennsylvania citizens. But I think with some of this data that is out here, I encourage any one of you to Google on your computers "fluorescent lamps and mercury." There will be a whole list of scientific studies which warn us about this.

So I know the gentleman, his heart is in the right place, I am sure, but I just ask him to sort of look at some of this science which concerns us before we jump too far down this road too fast. So with that word of caution as we get ready to vote this, I would conclude my remarks, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Leach.

Mr. LEACH. Thank you, Mr. Speaker, and I would like to thank the gentleman for giving me the opportunity to respond to that.

I share his concerns about mercury as a neurotoxin. There were some regulations earlier in this term to reduce the amount of mercury in the atmosphere that was allowable, and based on his comments, I am sure the gentleman joined me in supporting those regulations.

That said, I want to clear up the specifics, because I actually have looked at the mercury issue. Each light bulb now contains 5 micrograms of mercury. That is less than 1 percent of the mercury in a common household thermometer. However, by the time this act will become effective, I am told on the market there will be, the light bulbs will have 2 micrograms of mercury, which is an amount that is not even considered a hazardous waste. It is below the threshold that is considered a hazardous waste.

When you are looking at the mercury issue, you also have to look at the other side of it, which is that, and Representative

Nickol did a great job in explaining how much energy will be saved by using these light bulbs, and that will reduce the amount of mercury that is produced in electric plants. And I am told by DEP (Department of Environmental Protection) and others that the amount of mercury that will be kept out of our environment because of the less energy that we use will far exceed the microscopic amounts of mercury that are still in these bulbs. So on plus, every bulb that is being used is a net plus not only for electricity, not only for the environment, which Representative Nickol talked about, but also for the reduction of mercury in the environment.

So I just wanted to clear that up and I thank the gentleman for that opportunity, and I urge a "yes" vote. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

* * *

The House proceeded to second consideration of **HB 11, PN 30**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for exclusion from the sales tax.

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

Mr. **PERRY** offered the following amendment No. **A03533**:

Amend Bill, page 2, by inserting between lines 19 and 20
Section 1.1. This legislation shall serve to create market incentives for the purchase of energy efficient appliances. If this legislation is enacted into law, there shall be no additional enactments providing for rebates to consumers who purchase energy efficient appliances.

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

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Perry.

Mr. PERRY. Thank you, Mr. Speaker.

I laud the maker of this bill, and I think it is a great idea to incentivize individuals to purchase energy-saving appliances. I just want to make sure that we are not adding incentive upon incentive to at some point where we are actually paying people to potentially buy or potentially paying people to buy these energy-efficient appliances. So this amendment just seeks to say that, hey, this is a great thing, let us do this, but let us not stack one thing on top of another, one incentive on top of another here. Let us say what we are going to do, let us do it, and then let us move on to the next issue, and I urge support of this amendment.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

The Chair apologizes that he did not remind the members of our special rules of a 5-minute debate. We have not needed to get too hypertechnical about it at this point, but it is just a friendly reminder.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. I would defer to the maker of the bill first, if you think that is appropriate.

The SPEAKER pro tempore. The gentlelady – thank you, Mr. Vitali – the gentlelady, Miss Parker, is recognized.

Miss PARKER. Thank you, Mr. Speaker, and on the amendment.

Mr. Speaker, I applaud the gentleman for his interest in wanting to make sure that we are not overincentivizing here to help people to purchase more appliances that are energy-efficient. But with rate caps, Mr. Speaker, set to expire very soon, I do not think that we should tie our hands. We should find any and every way possible to provide incentives to the people of the Commonwealth of Pennsylvania so that we can become a more energy-efficient State and that our consumers find a way to benefit from it.

Mr. Speaker, I really want to make sure that I am extremely direct, because when I think about this amendment, you know, it really appears to me that this is a direct attempt to stop Governor Rendell's effort to move forward with his appliance swap rebate program, and that is a part of the overall Energy Independence Strategy that he mentioned when he spoke with us and introduced this proposal not long ago.

As the prime sponsor of HB 11, I ask my colleagues to vote "no" on the Perry amendment, and we should not tie our hands on this. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the lady.

The Chair recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

And this actually is an important amendment, and I have been around here long enough to say one thing with certainty, and that is, if the Perry amendment goes in, the Parker bill is dead. It just will not move forward, I guarantee you that. This will kill the bill.

Mr. Speaker, the Governor's Energy Independence Strategy, one of the cornerstones is an Energy Independence Fund, and in that Energy Independence Fund, one of the components is moneys for energy-efficient air conditioners and refrigerators and so forth – rebates. As I read this language, if this goes into law, this would totally knock out the ability to do that. You may think it is a good idea, you may think it is a bad idea, but the discussion ends if this goes into law.

Mr. Speaker, the lady from Philadelphia's bill is a very good attempt to address this issue, but to be clear, it only deals with giving a small break for, as I understand it, perhaps 2 weeks during the year. So you have a 6-percent reduction in appliances for 2 weeks during the year, and that has a very low fiscal impact and a small but good benefit, but a small benefit nonetheless.

What this Perry amendment would do in exchange for that small benefit is totally knock out, totally knock out our ability to have the much more extensive rebates for appliances sold in this State. So the correct vote from a perspective of renewable energy, the correct vote from a perspective of reducing our dependence on foreign oil, in gaining all the benefits to consumers from a climate change perspective, the correct vote,

although it may not seem it intuitively, the correct vote is a "no" vote on the Perry amendment.

If you vote "yes" for the Perry amendment, you are in effect killing the bill, so I urge a "no" vote. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

The last gentleman's comments I find absurd, that if Mr. Perry's amendment goes in, it kills the energy bill. First of all, I find it amazing that instead of letting consumers keep their money when they go buy the refrigerator or the appliance or anything else, we want to bring the money to Harrisburg and let politicians hand the check back to these consumers. That makes a lot of sense for our political careers, I guess, but it does not make a lot of sense for the voters out there or the consumers. It is just absurd to make that kind of a statement, you are killing this bill. I far believe that this bill with the Perry amendment has a far better chance of seeing the Governor's signature than the Governor's proposal, because I do not believe the State Senate is stupid enough to pass a bill that borrows money and we write a check out and give it back to the consumers.

Let us be honest about this thing. The bottom line is, the previous speaker liked the idea, which I find amazing, because he in the past has been a real opponent of political boondoggles around here, and all today he stands up and talks about this political boondoggle that the Governor wants to propose in rebate checks that will go out with a letter from him telling the consumers what he has done a great job on and here is their check. I think it is important that we let consumers keep their money when they buy the refrigerator or the appliance with the ENERGY STAR issues rather than we bring it to Harrisburg and send it back to the consumers. It is just an absurd argument.

You know, the other thing is that Representative Perry's comments are, in his legislation, I think the consumers can see a real, real interest by this body in doing something for once for them rather than sitting down and doing something that benefits us by handing them a check. If you truly want to help the consumers, you want to put energy efficiency back into people's minds, let us show them we can do it when they go buy the appliance.

I ask for a "yes" vote on the Perry amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentleman, Mr. McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that we not support the Perry amendment.

The legislation before us provides a sales tax holiday for the consumers of Pennsylvania to buy a number of air conditioners, ceiling fans, refrigerators, clothes washers, that are energy-efficient. I do not think we should restrict any other incentives that we can provide to our consumers for the purchase of energy-efficient appliances and/or which could conceivably preempt a program that the Governor has right now in the form of a swap program for old, antiquated appliances. That is legislation that we could still see coming down the pike in this chamber in our special session on energy, that the language, if this language would go in, would certainly preempt that program from being funded with any type of incentive.

I think we should all understand that under the ENERGY STAR program that was created by the EPA and the United States Department of Energy, this program has provided great relief as far as the environment is concerned since its inception.

It has prevented 37 million metric tons of greenhouse gas emissions alone, which is equivalent to 25 million vehicles traveling on the road. This bill creates an incentive to get people to buy energy-efficient devices. There is more legislation that we will see that will certainly provide incentives to consumers. Especially with the rate caps coming off in 2010, we should not be preempting any other programs from taking advantage of incentives to increase their efficiencies, both in products and the way we live our daily lives, and I would ask that we not support the Perry amendment.

The SPEAKER pro tempore. The Chair thanks the gentleman.

LEAVE OF ABSENCE CANCELED

The SPEAKER pro tempore. The Chair recognizes the presence on the floor of the House of the gentleman, Mr. Tangretti, and he will be added to the master roll.

CONSIDERATION OF HB 11 CONTINUED

The SPEAKER pro tempore. The Chair at this time recognizes the gentleman, Mr. Reed.

Mr. REED. Mr. Speaker, would the gentleman, the maker of the amendment, rise for brief interrogation?

The SPEAKER pro tempore. He has agreed, and you may proceed, Mr. Reed.

Mr. REED. Thank you.

Mr. Speaker, just one brief question: Would this amendment preclude the Commonwealth from offering tax credits to the purchasers of energy-efficient appliances across the Commonwealth?

Mr. PERRY. No. No, it would not.

Mr. REED. Okay.

Mr. Speaker, may I speak on the amendment?

The SPEAKER pro tempore. You are in order, and you may proceed.

Mr. REED. Mr. Speaker, I rise in support of this amendment, because I think this amendment offers a clear contrast between two very differing schools of thoughts on the ways for Pennsylvania to encourage our residents to become more energy-efficient through the purchase of energy-efficient appliances. Rebate programs, depending on how they are structured, could be utilized by folks living out of State, perhaps Ohio, Delaware, West Virginia, New York, purchasing energy-efficient appliances in the State of Pennsylvania, taking their appliance back out of State to their residency, and then gaining the rebate through the rebate program. So essentially what would be happening would be our taxpayers would be subsidizing out-of-State energy-efficient appliances, and I think a better mechanism for us to do that would be through a tax credit program where we would at least ensure that our own taxpayers and our own residents would be reaping the rewards of programs paid for by our own residents and our taxpayers.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentelady, Miss Parker, for the second time.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, I just want to go back to repeat for members of this body something that we discussed briefly earlier.

You know, if Governor Rendell's proposal to provide rebates for the purchase of energy-efficient appliances is enacted, we should embrace it – any additional tool, any additional tool that can help Pennsylvania consumers become more energy-efficient and help our nation become more energy-independent.

I also just want to remind everyone that although HB 11 is a great opportunity – it is, and I do agree with the maker of the amendment that I think it is a great piece of legislation – but we should not, we should not restrict other incentives for the purchase of energy-efficient appliances. We really just should not do that, Mr. Speaker.

And again I want to reinforce and urge my colleagues, this bill, HB 11, I also want to mention, we have been working across the aisle on this issue. Representative Ellis from Butler, our colleague from across the aisle, has been extremely supportive, and we have worked in a bipartisan manner to help to address this issue and work on this piece of legislation. So I would once again ask my colleagues on both sides of the aisle to vote "no" on the Perry amendment. Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

Seeing no one else seeking recognition, we will move to the final concluding remarks.

For the second time, Mr. Perry, maker of the amendment.

Mr. PERRY. Thank you, Mr. Speaker.

I just want to first, again, commend Representative Parker. I think it is great that we are incentivizing taxpayers and consumers to save money and clean up the environment at the same time.

I also would like to speak about my motivations for this. For those who think that I have offered this amendment to kill the bill, I want to let you know that I plan on voting for the bill, but what I do not plan on voting for and what I want to make a clear statement to everybody in the room and taxpayers is that I do not approve of nor do I like nor do I think the taxpayers would approve of an open checkbook on their backs, on their wallets, and that is what I am concerned about, and this would limit the checkbook. We are saying we are going to give this tax incentive, but that is it; we are not going to just continue to heap on top of the folks that will be paying for it. And understand that rebates cost money where the incentives generally, tax incentives generally, do not.

And I also encourage members to determine what is the correct vote. You do not have to listen to any other gentleman or lady here that determines what the correct vote is. You can determine what is correct for the folks in your district, that you are representing, that are paying the bills and paying for this legislature.

And finally, I want to thank my colleagues in advance for their support of the amendment, and I urge them to support it. Thank you, Mr. Speaker.

The SPEAKER pro tempore. The Chair thanks the gentleman.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—91

Baker	Geist	Marsico	Rapp
Barrar	Gillespie	McIlhattan	Raymond

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

NAYS—108

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

NOT VOTING—0

EXCUSED—4

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

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

Mrs. WATSON offered the following amendment No. **A03534**:

Amend Sec. 1 (Sec. 204), page 2, line 13, by striking out "JANUARY" and inserting

February

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

The SPEAKER pro tempore. On that question, the gentlelady, Mrs. Watson, is recognized.

Mrs. WATSON. Thank you, Mr. Speaker.

I believe and certainly would leave it to the sponsor to speak for herself. This is agreed to, but indeed, this is a consumer-friendly amendment. I would draw members' attention to it simply really changes only the one date the second time for the tax-free, the sales-tax-free, and that is that those of us who buy appliances and get involved know that the best time to buy them and consumers know is February around Presidents' weekend, and so this moves that date to that time to give the consumer the maximum, a better deal, if you will.

Thank you.

The SPEAKER pro tempore. The Chair thanks the lady.

On the amendment, the gentlelady, Miss Parker, is recognized.

Miss PARKER. Thank you, Mr. Speaker.

Mr. Speaker, this is an agreed-to amendment, and I do want to publicly just thank the gentlelady for her retail acumen and knowing that consumers will benefit in a much larger way if we did this in February instead of January. So thank you for being so perceptive.

The SPEAKER pro tempore. The Chair thanks the lady.

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

The following roll call was recorded:

YEAS—199

Argall	Geist	Marshall	Ross
Baker	George	Marsico	Rubley
Barrar	Gerber	McCall	Sabatina
Bastian	Gergely	McGeehan	Sainato
Bear	Gibbons	McI. Smith	Samuelson
Belfanti	Gillespie	McIlhattan	Santoni
Benninghoff	Gingrich	Melio	Saylor
Bennington	Godshall	Mensch	Scavello
Beyer	Goodman	Metcalfe	Schroder
Bianucci	Grell	Micozzie	Seip
Bishop	Grucela	Millard	Shapiro
Blackwell	Haluska	Miller	Shimkus
Boback	Hanna	Milne	Siptroth
Boyd	Harhai	Moul	Smith, K.
Brennan	Harhart	Moyer	Smith, M.
Brooks	Harkins	Mundy	Smith, S.
Buxton	Harper	Murt	Solobay
Caltagirone	Harris	Mustio	Sonney
Carroll	Helm	Myers	Staback
Casorio	Hennessey	Nailor	Stairs
Causser	Hershey	Nickol	Steil
Civera	Hess	O'Brien, M.	Stern
Clymer	Hickernell	O'Neill	Stevenson
Cohen	Hornaman	Oliver	Sturla
Costa	Hutchinson	Parker	Surra
Cox	James	Pashinski	Swanger
Creighton	Josephs	Payne	Tangretti
Cruz	Kauffman	Payton	Taylor, J.
Curry	Keller, M.	Peifer	Taylor, R.
Cutler	Keller, W.	Perry	Thomas
Daley	Kenney	Perzel	True
Dally	Kessler	Petrarca	Turzai

DeLuca	Killion	Petri	Vereb
Denlinger	King	Petrone	Vitali
DePasquale	Kirkland	Phillips	Vulakovich
Dermody	Kortz	Pickett	Wagner
DeWeese	Kotik	Preston	Walko
DiGirolamo	Kula	Pyle	Wansacz
Donatucci	Leach	Quigley	Waters
Eachus	Lentz	Quinn	Watson
Ellis	Levdansky	Ramaley	Wheatley
Evans, D.	Longietti	Rapp	White
Evans, J.	Mackereth	Raymond	Williams
Everett	Maher	Readshaw	Wojnaroski
Fabrizio	Mahoney	Reed	Yewcic
Fairchild	Major	Reichley	Youngblood
Fleck	Manderino	Roae	Yudichak
Frankel	Mann	Rock	
Freeman	Mantz	Roebuck	O'Brien, D.,
Gabig	Markosek	Rohrer	Speaker
Galloway			

NAYS-0

NOT VOTING-0

EXCUSED-4

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

LEAVES OF ABSENCE

The SPEAKER pro tempore. The Chair recognizes the minority whip, who requests a leave of absence for the remainder of the day for the gentleman, Mr. ROHRER, and the gentleman, Mr. BENNINGHOFF. Without objection, the leaves are so granted.

CONSIDERATION OF HB 11 CONTINUED

On the question,

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

Mr. LEVDANSKY offered the following amendment No. A03535:

Amend Sec. 1 (Sec. 204), page 2, lines 17 through 19, by striking out "For the" in line 17 and all of lines 18 and 19

On the question,

Will the House agree to the amendment?

The SPEAKER pro tempore. On the amendment, the Chair recognizes the gentleman, Mr. Levdansky.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, this is a technical amendment. When the bill was amended in committee, the sales tax holiday was changed from a weekend to a week. In some drafting language, we want to make it consistent so that we understand that the sales tax holiday is for a 1-week period.

So it is a technical amendment, and I would urge the members' approval.

The SPEAKER pro tempore. The Chair thanks the gentleman and recognizes the gentlelady, Miss Parker.

Miss PARKER. Thank you, Mr. Speaker.

It is a technical amendment, and I would encourage all of our colleagues to vote in the affirmative.

The SPEAKER pro tempore. The Chair thanks the lady.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS-197

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

NAYS-0

NOT VOTING-0

EXCUSED-6

Adolph	Cappelli	Pallone	Rohrer
Benninghoff	Conklin		

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?

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

VOTE CORRECTION

The SPEAKER pro tempore. The Chair recognizes the gentleman, Mr. Curry, who asks that he be voted as a "no" on amendment A03533 to HB 11. The gentleman's remarks will be spread upon the record.

BILL ON SECOND CONSIDERATION

BILL PASSED OVER

The SPEAKER pro tempore. Special session HB 17 is over.

Are there any announcements in special session?

ADJOURNMENT

The SPEAKER pro tempore. The Chair recognizes Representative Bear of Lancaster County, who moves that this special session of the House do now adjourn until Wednesday, October 17, 2007, until the call of the Chair.

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

Motion was agreed to, and at 5:09 p.m., e.d.t., the House adjourned.