

# COMMONWEALTH OF PENNSYLVANIA

## LEGISLATIVE JOURNAL

MONDAY, FEBRUARY 11, 2008

SESSION OF 2008

192D OF THE GENERAL ASSEMBLY

No. 13

### HOUSE OF REPRESENTATIVES

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

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

#### PRAYER

REV. RICHARD A. CLARK, Guest Chaplain of the House of Representatives, offered the following prayer:

Representatives of the House and visitors, may we be in an attitude of prayer.

Most Holy One, You whom we call by many different names, we have gathered once more in this chamber in Your presence, coming in from the frigid winds and cold of winter, gathering from our many places around this State to ask Your blessing upon our session as we exchange ideas, debate, and deliberate laws and do the work of the people of this Commonwealth. May the surroundings of this chamber remind us of the diversity and the spirit of welcome for those of different religions, cultures, and people that has been the heritage of our Commonwealth. And may we be renewed in our sense of responsibility to those who elected us to this place of privilege and responsibility, trusting that what we do is right and good for all Your people.

We pray for the wisdom to do Your will. We pray that in our deliberations, our thoughts, and our efforts, as well as the work of all those who support us in doing the work of this body, and especially during those times when the heat and passion of debate roll over us, we may once more be reminded that You have created each and every one of us in Your image, and that when You had finished creation, You pronounced it very good.

This is our prayer not only for ourselves but for our brothers and sisters in the Senate and our Governor, but also remembering those in the Congress of these United States and our President as well as those everywhere whom You have called to the work of governing. May we prove ourselves worthy of the trust given to us for this task. Amen.

#### PLEDGE OF ALLEGIANCE

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

### JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Thursday, February 7, 2008, will be postponed until printed. The Chair hears no objection.

### LEAVES OF ABSENCE

The SPEAKER. The Chair turns to requests of leaves of absence. The Chair recognizes the majority whip, who requests that Representative SHIMKUS from Lackawanna County be placed on leave for the day. The Chair sees no objection. The leave will be granted.

The Chair recognizes the minority whip, who indicates that there are no requests.

Members will report to the floor.

### MASTER ROLL CALL

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

The following roll call was recorded:

#### PRESENT—202

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

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

ADDITIONS—0

NOT VOTING—0

EXCUSED—1

Shimkus

LEAVES ADDED—5

Harper	Micozzie	Perzel	Taylor, J.
Metcalfe			

LEAVES CANCELED—2

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

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes Representative Major for an announcement.

Miss MAJOR. Thank you, Mr. Speaker.

I would like to ask all Republicans to please report back to our caucus room. We will continue caucus until we are asked to come back to the floor.

Thank you. Thank you, Mr. Speaker.

The SPEAKER. The House will be at ease until notified by the leaders of the adjournment of the caucus.

The House will come to order.

**FIRST PROGRAM STUDENTS INTRODUCED**

The SPEAKER. The Chair recognizes Representative Harkins for the purpose of an introduction.

Mr. HARKINS. Thank you, Mr. Speaker.

Mr. Speaker, it is with great pride today that I bring an Erie delegation down through a frightening snowstorm last evening

on 79. They made the trek from Collegiate Academy up in Erie in my district.

They are up in the gallery; they are seated in the gallery. The student leader is Adam Last, and Adam, along with seven of his team members; I will read them off: Molly Homchenko, Erica DiLuzio, Alexandra Pfadt, Tom Pomorski, John Curtin, Chris Wehrer, and Emily Last. And also their mentor, Peter Reed, and parent Mike Wehrer are seated up in the gallery. If we could give them a round of applause, please.

We had the good fortune this morning of meeting with the Lieutenant Governor, and Catherine Baker Knoll was gracious enough to allow them at least an hour of time, and they had a chance to give their presentation. It is a very worthwhile program that I plan to introduce to the House Education Committee as well as the Senate Education Committee. I look forward to working with my colleagues to bring them and their mentors and everybody else to the table and let the people see where our tax dollars are going and how well worthy they are being spent.

Thank you again, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The House will be at ease until notified by the leaders.

The House will come to order.

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative PERZEL be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

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

**HB 2230, PN 3215** (Amended) By Rep. D. EVANS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, establishing the Protecting Pennsylvania's Progress Program.

APPROPRIATIONS.

**HB 2231, PN 3191** By Rep. D. EVANS

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

APPROPRIATIONS.

**BILLS REREPORTED FROM COMMITTEE**

**HB 949, PN 2933** By Rep. D. EVANS

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for reciprocity, for certification and licensure renewal, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification,

for surrender of suspended or revoked certificate, for penalties and for injunctive relief.

APPROPRIATIONS.

**HB 1188, PN 3011** By Rep. D. EVANS

An Act amending the act of July 2, 1993 (P.L.345, No.48) entitled "An act empowering the General Counsel or his designee to issue subpoenas for certain licensing board activities; providing for hearing examiners in the Bureau of Professional and Occupational Affairs; providing additional powers to the Commissioner of Professional and Occupational Affairs; and further providing for civil penalties and license suspension," further providing for civil penalties; and making related repeals.

APPROPRIATIONS.

**HB 1199, PN 3012** By Rep. D. EVANS

An Act amending the act of October 10, 1975 (P.L.383, No.110), known as the Physical Therapy Practice Act, further providing for definitions, for State Board of Physical Therapy and its powers and duties, for training and license required and exceptions, for application for license, for qualifications for license and examinations, for renewal of license and for reporting of multiple licensure; providing for continuing education; further providing for practice of physical therapy, for physical therapy assistant, education and examination, scope of duties and registration and for supportive personnel; repealing provisions relating to Athletic Trainer Advisory Committee and certification of athletic trainers and certification renewal, revocation and suspension; and further providing for refusal or suspension or revocation of license, for automatic suspension, for temporary suspension, for subpoenas, reports and surrender of license, for penalties and injunctive relief and for impaired professional.

APPROPRIATIONS.

**HB 1257, PN 2934** By Rep. D. EVANS

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; defining "certified dental assistant"; further providing for general powers of the State Board of Dentistry, for fees, for reason for refusal, revocation or suspension of license or certificate, for penalties, for civil penalties, for right of dentists to practice as dental hygienists and expanded function dental assistants, for reporting of multiple licensure or certification and for the definition of "assignment of duties"; and providing for scope of practice of expanded function dental assistant and for scope of practice for certified dental assistant.

APPROPRIATIONS.

**HB 1999, PN 3014** By Rep. D. EVANS

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 and for respiratory care practitioners.

APPROPRIATIONS.

**HB 2051, PN 3015** By Rep. D. EVANS

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 and for respiratory care practitioners; and making inconsistent repeals.

APPROPRIATIONS.

**HB 2200, PN 3176**

By Rep. D. EVANS

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for adoption of energy efficiency and demand-side response.

APPROPRIATIONS.

The SPEAKER. These bills will be placed on a supplemental calendar.

**HOUSE RESOLUTIONS  
INTRODUCED AND REFERRED**

**No. 584** By Representatives CRUZ, YOUNGBLOOD, GALLOWAY, M. O'BRIEN, JAMES, BUXTON, BRENNAN, SAINATO, GIBBONS, GEORGE, McGEEHAN, SIPTROTH, READSHAW, DePASQUALE, PARKER, MANN, BELFANTI, PHILLIPS, LEACH, JOSEPHS, DALEY, MURT, PALLONE, KULA and MILNE

A Resolution urging the Congress of the United States to declare March 31, 2008, a national holiday in honor of the late, great farm worker leader Cesar E. Chavez.

Referred to Committee on INTERGOVERNMENTAL AFFAIRS, February 11, 2008.

**No. 590** By Representatives BENNINGTON, GINGRICH, ROAE, BENNINGHOFF, HUTCHINSON, WAGNER, SWANGER, HORNAMAN and McILHATTAN

A Resolution amending the 2007-2008 House Rules by providing for term limits for chairs of standing committees.

Referred to Committee on RULES, February 11, 2008.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2232** By Representatives M. KELLER, BOYD, CLYMER, CREIGHTON, CUTLER, EVERETT, FAIRCHILD, GINGRICH, GRELL, KAUFFMAN, MAHER, MARSICO, MOUL, NAILOR, PICKETT, REICHLEY, ROSS, SAYLOR, SCHRODER, BAKER, DENLINGER, FLECK, GILLESPIE, HARRIS, HERSHEY, R. MILLER, PEIFER, PERRY, RAPP, ROCK, R. STEVENSON and SWANGER

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for administration.

Referred to Committee on LABOR RELATIONS, February 11, 2008.

**No. 2234** By Representatives ADOLPH, BARRAR, CIVERA, KILLION, MICOZZIE, RAYMOND, BRENNAN, FRANKEL, HARPER, HERSHEY, HORNAMAN, JOSEPHS, W. KELLER, KENNEY, KING, LEACH, MANN, MANTZ, McGEEHAN, MELIO, R. MILLER, MILNE, MURT, MYERS, O'NEILL, PETRI, PRESTON, READSHAW, REICHLEY, SABATINA, SCHRODER, SIPTROTH, SONNEY, STURLA, SWANGER, J. TAYLOR, THOMAS, WATSON, YOUNGBLOOD and HENNESSEY

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in limitation of time, making an editorial change.

Referred to Committee on JUDICIARY, February 11, 2008.

**No. 2235** By Representatives MANTZ, ARGALL, BAKER, BARRAR, BASTIAN, BENNINGHOFF, BOBACK, BOYD, CALTAGIRONE, CIVERA, CLYMER, COHEN, CREIGHTON, DALEY, DALLY, DeWEESE, DiGIROLAMO, J. EVANS, EVERETT, GABIG, GEORGE, GIBBONS, GILLESPIE, GODSHALL, GRUCELA, HANNA, HENNESSEY, HERSHEY, HUTCHINSON, JAMES, KAUFFMAN, M. KELLER, KILLION, KOTIK, LONGIETTI, MANDERINO, MARKOSEK, MARSHALL, MARSICO, McILHATTAN, McILVAINE SMITH, MICOZZIE, MILLARD, MOUL, MOYER, MURT, NAILOR, O'NEILL, PAYTON, PYLE, REED, REICHLEY, ROEBUCK, ROHRER, SANTONI, SCAVELLO, SCHRODER, SIPTROTH, K. SMITH, S. H. SMITH, STAIRS, STURLA, SWANGER, VULAKOVICH, YOUNGBLOOD, HARHART, DENLINGER and HARPER

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for municipal service grants; and making an appropriation.

Referred to Committee on EDUCATION, February 11, 2008.

**No. 2237** By Representatives TANGRETTI, ROSS, FREEMAN, KESSLER and GINGRICH

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for compensation of council members and for salary of mayor.

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

**No. 2238** By Representatives TANGRETTI, KESSLER, FREEMAN, ROSS and GINGRICH

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for compensation of commissioners.

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

**No. 2239** By Representatives TANGRETTI, ROSS, FREEMAN, KESSLER and GINGRICH

An Act amending the act of May 1, 1933 (P.L.103, No.69), known as The Second Class Township Code, further providing for compensation of supervisors.

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

**No. 2240** By Representatives FAIRCHILD, ARGALL, BAKER, BARRAR, BASTIAN, BENNINGHOFF, BOBACK, BOYD, BRENNAN, CAPPELLI, CAUSER, CLYMER, COHEN, CUTLER, DALLY, DENLINGER, EVERETT, GEIST, GEORGE, GINGRICH, GODSHALL, GRUCELA, HALUSKA, HARHAI, HARPER, HARRIS, HELM,

HENNESSEY, HERSHEY, HESS, HORNAMAN, JAMES, KENNEY, KILLION, KING, LENTZ, MANTZ, McGEEHAN, MELIO, MICOZZIE, R. MILLER, MILNE, MOUL, MURT, NAILOR, PASHINSKI, PETRARCA, PETRONE, PHILLIPS, READSHAW, REICHLEY, ROEBUCK, RUBLEY, SAYLOR, SCHRODER, SIPTROTH, SONNEY, SURRA, J. TAYLOR, THOMAS, VULAKOVICH, WANSACZ, J. WHITE, YOUNGBLOOD and YUDICHAK

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, providing for veterans.

Referred to Committee on VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, February 11, 2008.

### SENATE BILLS FOR CONCURRENCE

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

#### SB 295, PN 1739

Referred to Committee on TRANSPORTATION, February 11, 2008.

#### SB 776, PN 1740

Referred to Committee on STATE GOVERNMENT, February 11, 2008.

#### SB 987, PN 1741

Referred to Committee on LOCAL GOVERNMENT, February 11, 2008.

#### SB 1019, PN 1711

Referred to Committee on PROFESSIONAL LICENSURE, February 11, 2008.

#### SB 1201, PN 1742

Referred to Committee on TRANSPORTATION, February 11, 2008.

### ALLENTOWN CENTRAL CATHOLIC GIRLS VOLLEYBALL TEAM INTRODUCED

The SPEAKER. The Chair recognizes Representative Jennifer Mann for the purposes of an introduction.

Miss MANN. Thank you, Mr. Speaker, and good morning.

It is really my privilege this morning to introduce some very accomplished young women to all of you and hope that you will join me in celebrating their most recent accomplishment. I am joined this morning by colleagues, Representative Karen Beyer and Representative Julie Harhart. The truth is that most of the delegation from all of Lehigh County can celebrate in this victory because today I am proud to present to you the PIAA AAA State Champion girls volleyball team from Allentown Central Catholic. These are the Vikettes. Let us welcome them to the hall of the House. Ladies, please stand; please stand.

Allow me just to tell you a little bit about the extent of the accomplishments of this fantastic team. I am also joined here this morning by coach Laurie Corcoran and captains Erin Leaser and Kelsey Semler.

Let me tell you just a little bit about these folks. This is the second State championship for Central Catholic High School in volleyball. The last one was in 2001. But this season they achieved their overall record of 29 and 1 and were 16 and 0, undefeated, in their conference. They won the Lehigh Valley Conference Championship for the sixth straight year, and for the seventh straight year won the District XI Championship. This senior class has won 109 matches, only losing 5 times in 4 years, and that is a winning percentage of 96. I think we would all take that in November.

Ladies and gentlemen, I think that what we have seen from these young women is really what it takes. They talked about their motto this year was, it takes teamwork to make the dream work, and they worked very hard and really leaned on each other to accomplish a mutual goal, and I think that they are truly not only great athletes but great role models for other young women and for all the students at Allentown Central Catholic and throughout the Lehigh Valley.

So again I want to thank these women and their coaches seated in the back, Rob McFadden and Angela Myles, and everybody that helped to make such a great year a success for this volleyball team and giving us a great sense of pride in the city of Allentown and throughout the Lehigh Valley, the 2007 PIAA AAA State Champion volleyball team, Allentown Central Catholic Vikettes.

Thank you very much.

### ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to acknowledge that Representative Dick Stevenson is celebrating his birthday today. Congratulations, Representative Stevenson.

### STATEMENT BY MR. SIPTROTH

The SPEAKER. The Chair would like to welcome back Representative Siptroth, and the Chair would like to recognize Representative Siptroth under the provision of unanimous consent. The floor is yours.

Mr. SIPTROTH. Do you object, Mr. King?

Thank you very much, Mr. Speaker. Thank you very much, members of the Pennsylvania House.

It is certainly a great feeling to be back. I just want to say thank you for all of your cards, your well wishes; to the leadership, especially for the flowers – thank God it was not my funeral – and the fruit baskets, all those good foods, and also to all of the staff folks on both sides of the aisle. I got many, many cards and many, many e-mails and many best wishes, and to the folks that are watching from the back in the little room with the TV, also from them as well.

So again, Mr. Speaker, I want to thank you. I want to thank my Harrisburg staff and my district office staff for picking up the slack while I was gone and also those individuals from Monroe County and Pike County, my colleagues up there, for offering their assistance in my absence.

Thank you again.

## SUPPLEMENTAL CALENDAR A

### RESOLUTION PURSUANT TO RULE 35

Mr. M. KELLER called up **HR 587, PN 3203**, entitled:

A Resolution designating the week of February 16 through 23, 2008, as "FFA Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The SPEAKER. The Chair recognizes Representative Mark Keller on the resolution.

Mr. M. KELLER. Thank you, Mr. Speaker.

It gives me great pleasure to have with us today the State officers of the FFA (Future Farmers of America) sitting in the back of the House floor here, if they would please rise, and give them a round of applause.

As I said, this resolution designates the week of February 16 through the 23d as "FFA Week" in Pennsylvania. Future Farmers of America, now the National FFA Organization, has grown from its agricultural beginnings into a broad-spectrum leadership incubator, and the FFA creed expresses belief in the future of agriculture: "with a faith born not of words but of deeds."

In this 21st century, we welcome young women and men with diverse backgrounds to become our future leaders of this great Commonwealth.

I encourage all of you to please support this resolution on behalf of the FFA, the State leaders. I appreciate your taking care of this and seeing that we do recognize them because they are our future.

Thank you.

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

The following roll call was recorded:

#### YEAS—201

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

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Perzel Shimkus

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

**SUPPLEMENTAL CALENDAR B**

**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 2200, PN 3176**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for definitions; and providing for adoption of energy efficiency and demand-side response.

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

Mr. **FREEMAN** offered the following amendment No. **A05751**:

Amend Sec. 2 (Sec. 2806.1), page 4, lines 7 and 8, by striking out "in whose service territory the programs are implemented." and inserting

from all sources, including default service generation revenues as of January 1, 2007.

Amend Sec. 2 (Sec. 2806.1), page 9, by inserting between lines 3 and 4

(i) By May 31, 2011, total annual deliveries to retail customers of electric distribution companies shall be reduced by a minimum of 1%. This load reduction shall be measured against the expected load forecasted by the commission for June 1, 2010, through May 31, 2011,

based on load for the period June 1, 2007, through May 31, 2008, with provision made for weather adjustments and extraordinary load that the electric distribution company must serve. The commission shall determine and make public the forecasts to be used for each electric distribution company no later than August 31, 2008. The program administrator shall ensure that a third-party entity meets the goals contained in this section through the implementation of a program of energy efficiency measures throughout the service territory of the electric distribution company.

Amend Sec. 2 (Sec. 2806.1), page 9, line 4, by striking out "(i)" and inserting

(ii)

Amend Sec. 2 (Sec. 2806.1), page 9, line 6, by inserting a period after "2.5%"

Amend Sec. 2 (Sec. 2806.1), page 9, lines 6 through 8, by striking out "WITH PROVISIONS MADE FOR" in line 6, all of line 7 and "ELECTRIC DISTRIBUTION COMPANY MUST SERVE." in line 8

Amend Sec. 2 (Sec. 2806.1), page 9, line 12, by inserting after "2008"

, with provision made for weather adjustments and extraordinary load that the electric distribution company must serve

Amend Sec. 2 (Sec. 2806.1), page 9, line 20, by striking out "(ii)" and inserting

(iii)

Amend Sec. 2 (Sec. 2806.1), page 9, line 28, by striking out "(iii)" and inserting

(iv)

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

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

Mr. **FREEMAN**. Thank you, Mr. Speaker.

Mr. Speaker, this amendment does a number of things. First, it adds clarifying language dealing with the 2-percent cost cap that is currently contained in the legislation. It would add generation to the list of items that go into calculating the final figure. Currently it only deals with transmission and distribution, but we add generation, and generation makes up roughly 60 percent of the revenues of a public utility. So it is important to put generation in to make sure that we have a higher figure to work off of.

Second, we add an incremental figure of 1 percent. Currently in the bill the goal, or target goal, is going to be 2.5 percent, in terms of target, of making demand go down by 2013, and we have an interim goal of 1 percent that would kick in in 2011, and that is important to provide for in this legislation as a means of expediting the efforts on the part of the electric utility companies to put in place their efforts to reduce demand and to make conservation a real priority.

And third, we provide language in this amendment to deal with the issue of adjusting the figure, the load figure, based on weather conditions and the like, those kinds of extraordinary factors that are beyond the control of the utility company, in order to take that into consideration.

I would urge a "yes" vote on this amendment.

The **SPEAKER**. Representative Ross, on the amendment.

Mr. **ROSS**. Thank you, Mr. Speaker.

I believe this is a good amendment, and I intend to support it.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Madam Speaker – Mr. Speaker.

The SPEAKER. The Chair will remind the gentleman to be judicious in his comments.

Mr. McCALL. I was referring to Sue, Mr. Speaker.

Mr. Speaker, I would also ask for an affirmative vote on the Freeman amendment.

It does a number of things, but more importantly, it accelerates the energy efficiency goals as set in HB 2200 and implements that 1-percent reduction by 2011, and I think what that does, it ensures that the implementation of the 2.5 goal, that they can in fact meet that goal and we could benchmark that early on in 2011 to see that they are well on their way to implementation of the 2 1/2-percent conservation goal as set in HB 2200.

But I think, more importantly, that it can in fact help customers mitigate rate increases as they come off in 2010 by having the conservation measure of 1 percent implemented before those caps come off, and I would ask for an affirmative vote on the Freeman amendment.

The SPEAKER. Representative Bud George.

Mr. GEORGE. Mr. Speaker, I would echo the sentiments of the gentleman, Mr. McCall. It would seem, and hopefully I am right, that the big wall has gone down and we are about to pursue what those of us on both sides of the aisle feel is most necessary in regard to conservation, in regard to controlling the spiraling of electric rates, and I would urge the passage of this amendment.

Thank you.

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

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Manderino	Rohrer
Argall	Freeman	Mann	Ross
Baker	Gabig	Mantz	Rubley
Barrar	Galloway	Markosek	Sabatina
Bastian	Geist	Marshall	Sainato
Bear	George	Marsico	Samuelson
Belfanti	Gerber	McCall	Santoni
Benninghoff	Gergely	McGeehan	Saylor
Bennington	Gibbons	McI. Smith	Scavello
Beyer	Gillespie	McIlhattan	Schroder
Bianucci	Gingrich	Melio	Seip
Bishop	Godshall	Mensch	Shapiro
Blackwell	Goodman	Micozzie	Siptroth
Boback	Grell	Millard	Smith, K.
Boyd	Grucela	Miller	Smith, M.
Brennan	Haluska	Milne	Smith, S.
Brooks	Hanna	Moul	Solobay
Buxton	Harhai	Moyer	Sonney
Caltagirone	Harhart	Mundy	Staback
Cappelli	Harkins	Murt	Stairs
Carroll	Harper	Mustio	Steil
Casorio	Harris	Myers	Stern
Causer	Helm	Nailor	Stevenson
Civera	Hennessey	Nickol	Sturla
Clymer	Hershey	O'Brien, M.	Surra
Cohen	Hess	O'Neill	Swanger
Conklin	Hickernell	Oliver	Tangretti
Costa	Hornaman	Pallone	Taylor, J.
Cox	Hutchinson	Parker	Taylor, R.
Creighton	James	Pashinski	Thomas
Cruz	Josephs	Payton	True

Curry	Kauffman	Peifer	Turzai
Cutler	Keller, M.	Petrarca	Vereb
Daley	Keller, W.	Petri	Vitali
Dally	Kenney	Petrone	Vulakovich
DeLuca	Kessler	Phillips	Wagner
Denlinger	Killion	Pickett	Walko
DePasquale	King	Preston	Wansacz
Dermody	Kirkland	Pyle	Waters
DeWeese	Kortz	Quigley	Watson
DiGirolamo	Kotik	Quinn	Wheatley
Donatucci	Kula	Ramaley	White
Eachus	Leach	Rapp	Williams
Ellis	Lentz	Raymond	Wojnaroski
Evans, D.	Levdansky	Readshaw	Yewcic
Evans, J.	Longiatti	Reed	Youngblood
Everett	Mackereth	Reichley	Yudichak
Fabrizio	Maher	Roae	
Fairchild	Mahoney	Rock	O'Brien, D., Speaker
Fleck	Major	Roebuck	

NAYS—3

Metcalf	Payne	Perry
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NOT VOTING—0

EXCUSED—2

Perzel	Shimkus
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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?

Mr. FREEMAN offered the following amendment No. **A05807**:

Amend Title, page 1, line 2, by striking out "and"  
Amend Title, page 1, line 4, by removing the period after "response" and inserting

; and further providing for duties of electric distribution companies.

Amend Sec. 1 (Sec. 2803), page 3, line 3, by striking out all of said line and inserting

"Real-time price." A rate that directly reflects the different cost of energy during each hour.

\* \* \*

"Smart meter technology." Technology, including, but not limited to, metering technology and network communications technology capable of bidirectional communication and that records electricity usage on at least an hourly basis, including related electric distribution system upgrades to enable the technology. The technology shall provide customers with direct access to and use of price and consumption information. The technology shall also:

(1) Directly provide customers with information on their hourly consumption.

(2) Enable time-of-use rates and real-time price programs.

(3) Effectively support the automatic control of the customer's electricity consumption by one or more of the following as selected by the customer:

- (i) the customer;
- (ii) the customer's utility; or

(iii) a third party engaged by the customer or the customer's utility.

"Time-of-use rate." A rate that reflects the costs of serving customers during different time periods, including off-peak and on-peak periods, but not as frequently as each hour.

Amend Bill, page 13, by inserting between lines 22 and 23

Section 3. Section 2807(e) of Title 66 is amended by adding a paragraph to read:

§ 2807. Duties of electric distribution companies.

\* \* \*

(e) Obligation to serve.—\* \* \*

(6) (i) Within nine months after the effective date of this paragraph, electric distribution companies shall file a smart meter technology procurement and installation plan with the commission for approval and make the plan available for public comment for a minimum of 30 days. The plan shall describe the smart meter technologies the electric distribution company proposes to install, how the smart meter technology meets the requirements of this paragraph and how the smart meter technology shall be installed according to this paragraph. In addition, the plan shall ensure that all smart meter technology installation and maintenance work shall be performed by adequately trained and qualified personnel and that, to the extent practical, such work shall be offered initially to employees of the electric distribution company.

(ii) Electric distribution companies shall furnish smart meter technology to:

(A) Customers responsible for 40% of the distribution company's annual peak demand within four years after the effective date of this paragraph.

(B) Customers responsible for 75% of the distribution company's annual peak demand within six years after the effective date of this paragraph.

(C) One hundred percent of its customers within ten years after the effective date of this paragraph.

Electric distribution companies shall, with customer consent, make available electronic access to customer meter data to third parties, including electric generation suppliers and providers of conservation and load management services.

(iii) Electric distribution companies shall be permitted to recover all reasonable and prudent costs, as determined by the commission, of providing smart meter technology, including annual depreciation and capital costs over the life of the smart meter technology, that are incurred after the effective date of this paragraph, less all operating and capital costs savings realized by the electric distribution company from the introduction and use of the smart meter technology. An electric distribution company may, at its option, recover such smart meter technology costs:

(A) through base rates, including a deferral for future base rate recovery of current costs, with carrying charges equal to 6%; or

(B) on a full and current basis through a reconcilable automatic adjustment clause under section 1307 (relating to sliding scale of rates; adjustments).

In no event shall lost or decreased revenues by an electric distribution company due to reduced electricity consumption or shifting energy demand be considered a cost of smart meter technology. Smart meter technology shall be deemed to be a new service offered for the

first time under section 2804(4)(vi) (relating to standards for restructuring of electric industry).

(iv) By January 1, 2010, or at the end of the applicable generation rate cap period, whichever is later, a default service provider shall submit to the commission one or more proposed time-of-use rates and a real-time price plan. The commission shall approve or modify the time-of-use rates and real-time price plan within six months of submittal. The default service provider shall offer commission-approved time-of-use rates and a real-time price plan to all residential and commercial customers that have been provided with smart meter technology within 60 days of installation of the smart meter technology or commission approval of the time-of-use rates and a real-time price plan, whichever is later. Customer participation in time-of-use rates or real-time pricing shall be voluntary and shall only be provided with the affirmative consent of the customer. The default service provider shall submit an annual report to the commission on the participation in the time-of-use and real-time price programs and the efficacy of the programs in affecting energy demand and consumption and the effect on wholesale market prices.

(v) For purposes of this paragraph, the term "electric distribution company" shall mean a public utility providing facilities for the jurisdictional transmission and distribution of electricity to 100,000 or more retail customers in this Commonwealth.

Amend Sec. 3, page 13, line 23, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

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

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, this amendment would require that all public utilities, electric utilities, install smart meters for residential and business customers across the Commonwealth. Smart meters are a very important technology which is available to us, which would save both customers and utilities a considerable amount of money by allowing the customer to be able to opt in – and it is optional – in to a purchasing process where they could purchase their electricity at off-peak hours, thereby saving on cost.

Currently the electric rate that all of us receive as utility customers is an averaging of peak-hour costs, which are high, and off-peak-hour costs, which are low. With smart meters, which are a bidirectional mechanism to let both the utility know when electricity is being used and also the customer, the customer has the option of being able to purchase their electricity at off-peak periods at considerable savings to them in terms of their electric utility bill.

In terms of the provision of the amendment, the utility companies would be required to file procurement plans with the PUC (Public Utility Commission), I believe within a 9-month period. They would have to provide for the installation of these meters by people who have been trained, giving the current employees of those utility companies the opportunity to do that work. There would be a phase-in of the smart meters over a 10-year period – 40 percent in the first 4 years, 75 percent in the 6-year period, with 100 percent at the end of the 10-year period.

Obviously, a utility company would be able to recover their costs for the installation of these meters, but only their net cost,



and there is a tremendous savings to the utility company. In fact, when PPL, which is one of the utility companies that actually has installed smart meters, installed their meters, it was their belief that the meters actually paid for themselves. So there was little cost to be passed on to the utility customer.

I should note, too, that the customers will not be billed for the smart meter. It becomes part of the rate base and one that the utility company would have to file for, but it is important to note that there are savings both for the utility customer as well as for the utility company.

Within this amendment is the time-of-use plan, which I mentioned or referred to earlier. The customer would be able to purchase their electricity at off-peak periods, and that is important. That is a cheaper period of time in which to get your electricity. So there are quite a bit of savings that can be realized by the consumer by using the smart meter technology and opting in to that plan.

Smart meters are already used in a number of sections of the State. As I mentioned, PPL has installed smart meters at a considerable savings to their customers as well as to the utility company. Smart meters allow customers, as I mentioned, to voluntarily sign up for that optional plan to buy their electricity at off-peak periods, and it has been shown that if only 1 percent of utility customers were to use the smart meter technology to reduce their cost of electricity, it could mean a savings of 10 percent overall for all utility customers.

Smart meters also benefit the utility company in providing for better knowledge as to blackouts, as to thefts, as to being able to address and cut down on consumer complaints. Smart meters truly are a win-win proposition for the utility customers here in Pennsylvania and also for those who generate the electricity because it will save them on the amount of money that needs to go in to creating new generating facilities and transmission lines.

I would urge a "yes" vote for this conservation measure.

The SPEAKER. Representative Pyle, on the amendment.

Mr. PYLE. Will the maker of the amendment please answer a few questions?

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

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, I am having trouble here understanding this bidirectional communication ability. What vehicle might be used to enable this communication?

Mr. FREEMAN. The smart meter.

Mr. PYLE. The smart meter has to connect to something for the EDC (electric distribution company) to read usage. I am asking, what is the vehicle for communication?

Mr. FREEMAN. I am sorry. I am having trouble following the gentleman's line of questioning.

Mr. PYLE. I am asking if Internet access is essential to make this idea work.

Mr. FREEMAN. I do not believe it is, if I recall my readings of the smart meter technology.

Mr. PYLE. Could the gentleman please fill me in on how this meter is going to be hooked up to an electric company? By the wording in your bill, it says it can kind of step in and monitor day usage, time-of-day usage, et cetera?

Mr. FREEMAN. Correct.

Mr. PYLE. That is the part I am curious about, Mr. Speaker.

Mr. FREEMAN. Well, the meter, as is true of any meter, reads your usage of electricity, and with smart meters, you are able to read both peak and off-peak periods. The generation of electricity is cheaper in an off-peak period. So there is the opportunity for the utility customer, the consumer, to be able to purchase that electricity at an off-peak period of time, and that would be noted through the smart meter, saving the utility customer, the consumer, considerable dollars.

Mr. PYLE. Another question, Mr. Speaker. I am curious about section (3) here, "Effectively support the automatic control of the customer's electricity consumption by one or more of the following...." I am looking at section (ii), "the customer's utility...." In any way does that have any bearing on the electric customer's ability to use electricity as they see fit?

Mr. FREEMAN. No, not in any way, Mr. Speaker.

Mr. PYLE. Is there a potential for the EDC, the electric distribution company, to effect a rolling blackout by readings on these smart meters?

Mr. FREEMAN. Could you add clarity to that question? I am not quite sure where you are going with it.

Mr. PYLE. What I am asking is, is there a potential utilizing these smart meters and customers' electrical usage for the electric distribution company to choose to selectively route electricity to areas showing peak and off-peak usage?

Mr. FREEMAN. No. Keep in mind that opting in to this program is an optional opportunity for customers, and they would not be able to selectively pick certain customers to be blacked out versus others.

It should be noted, too, that, if anything, this technology actually will reduce the possibility of blackouts and brownouts, because if you reduce the amount of electricity that is demanded at peak times, you limit or reduce the possibility of blackouts. One of the problems with our system now is that when we hit a peak time, particularly in the hottest days of the year, you have the system being overloaded. If you can shift some of that use to nonpeak periods, or off-peak periods, rather, you save considerably in terms of money for the consumer but you also save in the amount of money the utility company has to expend in purchasing far more expensive energy at peak times. So it is a win-win for both the customer and the utility, but in addition to that, you also reduce the possibility of blackouts and brownouts because you have already incentivized the shifting to nonpeak periods, which will reduce the potential of overstraining the system.

Mr. PYLE. What is confusing me, Mr. Speaker, is the wording that says, and I quote, "Effectively support the automatic control of the customer's electricity consumption by one or more of the following...: the customer;" – which I am all right with – "the customer's utility...." Is there a potential, is what I am asking, for the customer's utility to exercise automatic control over the amount of electricity a customer may purchase?

Mr. FREEMAN. I would direct the gentleman's attention, Mr. Speaker, to the word "support" that appears on line 23. It is to support in that effort. It is not to wrest control from the consumer.

Mr. PYLE. Sorry; automatic control is what is throwing me off here.

Mr. FREEMAN. Again, I would direct the gentleman's attention to the word "support." Keep in mind, it is a bidirectional system, so there is information being transmitted to the utility as well as to the customer.

Mr. PYLE. Thank you, Mr. Speaker.

The SPEAKER. Representative Hutchinson, on the amendment.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

I rise in opposition to this amendment.

Mr. Speaker, I think that this amendment makes absolutely no common sense at this time. The consumers of Pennsylvania are about to experience an increase in the electricity costs over the next couple of years because rate caps will be phasing out in various areas over the next 2 or 3 years, and with that, consumers are going to see their electric rates increased. By passing this amendment, we are going to be piling on the consumers because they will be mandated, although in an indirect way, they will be mandated to pay for these new meters to be installed in their home whether they save on their electric costs or not.

It only makes sense to say smart meters should go to consumers who can save money by installing them. Those who can save by having a smart meter, it would make sense for them to have smart meters in their home. Mandating it across the board mandates that everybody pays whether they save or not, and that just does not make sense.

I am very concerned that we continue to ignore the consumers by making more mandates and increasing their costs, whether it is through mandating the meters, through trying to have some kind of a surcharge, all these things at a time when their electric costs are going up anyways.

So although on a case-by-case basis, smart meters might be a good thing to do, making a 100-percent mandate does not make sense. So I am opposing this amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Godshall, on the amendment.

Mr. GODSHALL. I would like to interrogate the maker of the amendment, please.

The SPEAKER. Representative Freeman indicates he will stand for interrogation. Representative Godshall is in order and may proceed.

Mr. GODSHALL. Thank you, Mr. Speaker.

On these smart meters, I understand that PPL has smart meters installed already in their service area. Is that correct?

Mr. FREEMAN. That is correct, Mr. Speaker.

Mr. GODSHALL. Is that in their full service area?

Mr. FREEMAN. To the best of my knowledge, it is.

Mr. GODSHALL. I questioned in our caucus this morning. I am in a PPL service area. If I have a smart meter installed, I do not know it. I have not been told that, nor do I have any idea what it is doing to save me energy. I do not know.

Mr. FREEMAN. I should note that PPL did install smart meters. They would need to upgrade that technology that they installed to make it bidirectional. The benefits being realized by smart meters in the PPL service area really are to the utility at this point, because it allows them to better track theft, to track blackouts, to track out shortages, anything that they could respond to more quickly, which also helps them in terms of their cost savings and cutting down on consumer complaints. At this point in time, they do not offer the optional requirement that we are putting in with this amendment, which would allow the consumer to be able to pick and choose their off-peak periods, if they so choose, in order to run their dishwasher or their laundry to save in terms of their electric utility costs.

So the technology is there in the PPL territory. It needs a slight upgrade to be able to be bidirectional, but the benefits from the utility standpoint of being able to be better on top of blackouts, thefts, shortages is already being accrued to the utility. What we would be able to do with this is to ensure that the customer will now have the option of buying their electricity at off-peak periods and thereby saving considerable dollars.

Mr. GODSHALL. So at this point the benefit of the smart meter supposedly that is on my home is benefiting the company, and I am still not sure how that— I have no knowledge as far as turning this appliance off or buying my electric at whatever. If it is there, it is of little use, and if there is going to be any conservation, it would be on my part, not on the company's part.

Mr. FREEMAN. Keep in mind again, Mr. Speaker, that when PPL—

Mr. GODSHALL. Mr. Speaker, I am having trouble hearing. Just one second.

I am sorry.

Mr. FREEMAN. That is okay.

Mr. Speaker, the meters as installed by the PPL utility really are for the benefit of the company in their current configuration. With this amendment, we would be able to realize the benefits for the consumer as well.

The company understood that this technology was a cost savings for them, because again, they could capture blackouts, they could capture shortages, they could capture cases of theft through this technology. It will require on the part of PPL somewhat of an upgrade in order to be able to realize a bidirectional reporting system, but in doing so, we then afford to the consumer the option of saving money by being able to purchase their electricity at cheaper off-peak periods as opposed to the current system where they are stuck with the averaging out, which is a much higher rate than an off-peak period.

Mr. GODSHALL. As of right now, I believe, in going to PJM (Pennsylvania-Jersey-Maryland Interconnection), you know, they look at the peak demand, and everybody is really charged the same rate when PPL or PECO or whoever is buying electric. It is based on the last amount of energy needed coming in to PJM before it goes out. I still do not understand how that is going to relate to each individual household, you know, when you are talking about millions of households in the system.

And the costs, we had a cost, I believe, from the PUC of \$1.2 billion or \$1.3 billion to install these around in the State of Pennsylvania, and I do not know if that has taken off because PPL has them already, and you know, if they are in place or not, I have no idea. But I am not sure how each individual home is going to be able to purchase based on the way our electric is being distributed today and the various companies charge, the distribution companies charge for that electric by the PJM, who distributes the electric.

Mr. FREEMAN. Just for the members' information, Mr. Speaker, I would point to the fact that PPL, by their own estimates, has stated that they believe that the cost of installation has paid for itself in terms of the savings that the company has realized, which is good news for the consumer if this becomes a statewide program.

The other factor to be kept in mind, too, is that even if only 1 percent, only 1 percent of all utility customers, all consumers, utilize smart meter technology by purchasing their power at off-peak hours, that reduces dramatically the amount of demand on peak-hour periods of generation. Bringing that number down can result in a 10-percent savings for all utility customers,

whether they use the smart meter technology or not, and the reason for that is the fact that if you can reduce the peak-hour demand, you reduce the period of time when any utility company is forced to buy the most expensive amount of energy. It is at peak periods that energy costs the most. You bring that demand down in those peak periods and you have a cost savings for both the utility company and the consumer. So even just 1 percent of utility customers utilizing smart meter technology, purchasing their electricity at off-peak hours, will result in a 10-percent savings for everyone.

Mr. GODSHALL. Do you have any idea how many people – are there any projections based on how many people would actually use this? Have there been any kind of test markets done showing how many people are going to use this technology and how many people are going to be sitting up there watching this meter on their computer or whatever?

Mr. FREEMAN. Well, there are a couple of factors to be kept in mind, Mr. Speaker, in that regard. One is the fact that a statewide poll that was conducted last year showed that 67 percent of registered Democrats and 62 percent of registered Republicans support smart meter technology and have expressed their support for the concept.

In terms of usage, obviously there has got to become a greater awareness on the part of the consumer that they have this option, and that will become part of the process as the utilities move forward with their procurement plans.

I do recall an article I came across – I do not have it with me on the floor today – but an article that I came across where smart meter technology was utilized in the Province of Ontario in Canada, and it has met with a great response on the part of customers. They have voluntarily bought into the optional plan. They are saving money and energy demand at peak periods is dropping. So at least in the case of Ontario, there shows a real response to it, and I think given the nature of our consumer-oriented society where in the last 10 to 15 years in particular, we have given more and more options of choice to consumers in an array of different utility service areas, it only makes common sense to be able to give them this choice, to give the consumer the opportunity to be able to purchase their power at a cheaper rate. In particular, when you are dealing with those very mundane household chores like doing laundry or washing the dishes in a dishwasher, why run those activities during a period of peak hour when you can save money in an off-peak period?

I would also note, and you will see this in the amendment, there is the option to the consumer of getting the services of a third party so that that third party can guarantee, through the consumer's consent, the ability of purchasing the power through a computer-programmed period. There is no need for the consumer to have to keep watching when the peak hour and off-peak hour is. They could actually purchase that service and have that third party make sure that the purchase of electricity occurs in an off-peak period for whatever the consumer wants that electricity purchased for.

So there are a lot of options that we lay out with this amendment that will benefit the consumer, reduce their utility bill, and save money for both the utility company and definitely for the customer themselves.

Mr. GODSHALL. In this case are we not taking the choice away from the consumer by saying you have to put this in service in your district rather than you may or you have a choice? Are we not saying that you must do it? We are taking

that choice away from the consumer, I believe, and I would have no problem with this if we do it on a choice basis, as you used the word "choice" before. We are taking that choice away.

Mr. FREEMAN. Well, I would only point out, Mr. Speaker, that we are requiring the utility company to install the meter, not the customer, and it is the utility company. If we are going to see the kind of cost savings that will reduce the price of electricity for consumers throughout the State, it has got to be done on a statewide basis by the utility companies. To do it piecemeal really would not result in a lot of savings to the individual customer, but if we do it statewide, the economies of scale begin to kick in and you see a savings statewide to all customers.

And as I mentioned before, a very important statistic, if just 1 percent, just 1 percent of utility customers decide that they want to utilize this technology, everyone saves a minimum of 10 percent because peak-hour demand goes down, and that is the most expensive time to purchase electricity both for a utility company and for a customer. So there is a savings for everyone, and they have the choice to either opt in to those smart meters or to not opt in, but at least through this process, we can guarantee that through the economies of scale, that will be there and the savings can be realized by all customers across the Commonwealth.

Mr. GODSHALL. Thank you, Mr. Speaker.

That concludes my interrogation. I would like to make a few comments.

The SPEAKER. The gentleman is in order and may proceed.

Mr. GODSHALL. In looking at this, I totally agree with the gentleman that we need to conserve energy, we need to save energy. I totally agree that smart meters are a big step in doing this. What I am not in full agreement on in any way is that everyone is mandated to, whether they intend to use it or not, whether they know how to use it or not, everyone is mandated, under this legislation, to go ahead with the smart meter technology.

And again, the gentleman mentioned there were polls taken. If there is a poll taken and said, do you believe in the use of smart meters, my answer to that would be yes. I would have absolutely no problem in answering yes, but then if there was a question at the bottom that says you are going to be paying \$300 for the installation through your utility bill for this meter and the software that goes with it, I am not sure what the answer would be.

And the other thing I am not quite certain of is why we are addressing this in HB 2200 when the smart meter technology part of it is in HB 2201, which remains in committee. We did not move that out of committee as of 2 weeks ago, I believe it was. It is still there, and the smart meter part of the discussion that we are doing today on the smart meters is in HB 2201, which remains in the Consumer Affairs Committee.

As I said, I agree with the bulk of what the gentleman says. I agree we have got to conserve. I agree on everything else he said, but I am just totally not in agreement that somebody who has no intention of using this technology should be assessed by the utility companies approximately, until it is finished, at least \$300 to get this in place in his residence and he is going to be paying for it. It is going to be paid for by the consumer whether they use it or not.

So anyway, those are my feelings on the bill, and you have to vote accordingly.

The SPEAKER. Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I think that we have gotten engaged in a very technical discussion about the particular technology here, but underneath this, there is a larger issue, and that is that regardless of what we do here today, the Public Utility Commission is moving us toward real-time pricing, real-time pricing basically reflecting the actual demands and costs at any particular time in the day. In order to be able to react to that, we will need technology sufficient to help customers understand and save money on their usage.

It is inherent in the discussion that we ultimately get this technology one way or another. We can dispute about whether this is the best way to go at getting that technology deployed, whether a voluntary or incentive-based program might be better, but ultimately we will need, in order to save money for our customers and reduce peak demand and achieve our goals in that regard, we will need some form of technology that will enable communications with devices within the house and enable us to manage our electric usage in real time in a better way.

So although I recognize some valid points by some of my colleagues here, Mr. Speaker, I will personally be voting in favor of this amendment.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask the members to support the Freeman amendment, and I would submit to the members that this is one of the most important tools that we will have at our disposal for us to achieve the energy conservation and demand-side management that we need. And there is no question with this technology that if it is implemented and implemented properly, that we will save both the consumers money and we will save the utilities money. The bottom line is that if we give people the tools and the ability to reduce peak demand, that reduction in peak demand reduces everybody's energy bill, not just one-sided. Everybody gets a reduction in their energy bill when we start managing peak demand in this Commonwealth.

And the other thing that it does, when you reduce that peak demand, you reduce the probability that we are going to have to build more generation in this Commonwealth. The reason why we are here today is because of the growth and demand on the energy front, and if we continue to rely on the energy or consume the energy that we are consuming today, 10 years down the road we are going to have to build at least five new generating facilities at exorbitant costs, at costs of like \$25 to \$30 billion, and they are costs that our consumers are going to have to pay unless we start giving them the tools to manage, and the Freeman amendment does precisely that. It gives people the ability to, voluntarily, by the way – and I think that is the key to this whole debate, is voluntarily – we are going to allow them to decide whether they want time-of-use pricing.

Just like we do with cell phones today – you get free calls on the weekend or cheaper rates in the evening – you could choose on your electric utility bill with smart meter technology time-of-day pricing, because maybe you are not home during the day, but at nighttime or weekends you want to run the dryer and you know it is going to be a cheaper price, so time-of-use pricing is the way for you to go. Or if you are more savvy, and I know a lot of us in this chamber do not have the time, but you could go for real-time pricing. You will have the ability as the

consumer – voluntarily, by the way; understand this is a voluntary program – voluntarily you will have the ability to use real-time pricing that will allow you as a consumer to look at your electric meter on an hour-to-hour, minute-to-minute basis to see where energy consumption is and where peak demand is, and you could make that decision as a consumer, looking at what that kilowatt average is on that meter and decide whether or not you want to run the oven, an iron, or whatever else. If you are savvy enough, you will have that ability under this legislation. Or you could be just like me right now. I will just use same-day pricing. That is what most of us use right now. If you do not want to worry about where the peak demand is, just give me a bill with real-time pricing. You have that ability, under this amendment, to just keep your electric bill the way it is.

But I think we need to give our consumers the ability and the tools to make those kinds of decisions to help reduce peak demand. If we reduce peak demand, we can reduce that certain probability that we are going to have to build more generation. And when you consider peak demand, the demand side of this equation, where we are telling the utility companies that the 100 highest hours of any peak demand in a utility's year, which is generally July or August, the hottest, hottest days of the week where air conditioners are running constantly, that we want you to have the ability to reduce that demand and understand what the consequences of that are.

It is not just all of this money that we are spending on those peak-demand prices, but we can actually help air pollution in this State because utilities have to buy energy on the spot market, which is very expensive. They have to turn on facilities that burn maybe not as efficiently as we would all like. There are increased mercury emissions, increased carbon dioxide emissions by virtue of these 100 highest peak hours that utilities have to turn up extra generation.

Mr. Speaker, I think it is extremely important that we give our consumers this necessary tool, help utilities with the issue of reliability because it will help with reliability when you reduce that peak demand. This is a very, very strong component of the overall energy conservation and demand-side management program, and I would certainly urge each and every one of you to look at this hard and vote affirmatively on the Freeman amendment.

The SPEAKER. Representative Bud George.

Mr. GEORGE. Mr. Speaker, we sit here not only as legislators but also as consumers, and there are none of us that do not understand the concept of supply and demand.

Now, for someone to engage in an argument about why nonpeak hours cost more is simply because the utility had to procure, unassured of what was going to be delivered. And when it is not delivered, the truth of the matter is, it is not cliché, that it is literal and it is factual that you are basically paying more for those hours at nonpeak. So the truth is, you are paying more for power you do not use than for power you do use.

Where there are many, many ways, I am sure, that we can get around to where we are going, the most positive way for the utilities and mostly for the consumer is what we are trying to do with this amendment. So in all fact, if you want to eliminate what is now pressing us very hard, this matter of deregulation and rate cap, the best way to do this is to work with one and all and to give these individuals who pay for power they do not use

an opportunity to look at a meter and make a decision of when they should turn off this or turn off that.

So really and truly, what better way is it for us to understand supply and demand and the concept of needing to pay for something you do not use than it is to look at your bill every month and understand that now there will be an opportunity for the bill to be somewhat less because you are not going to pay for something you did not use.

I would urge that we would support this amendment.

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

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

Mr. Speaker, when I first started looking into this issue of the smart meters, there was certainly a component of it that makes a lot of sense, and I think one of the previous speakers touched on that, meaning that it would give individual homeowners or businesses the opportunity to adjust their usage based on that actual time-of-day pricing.

What I think is inconsistent with how this amendment has been put forth, though, and what we are saying here on the floor of the House is that members are saying that this is entirely voluntary. That is not completely accurate, Mr. Speaker, because what this amendment would require is for the electric distribution company to put the cost of a smart meter, distribute it to every user in that service territory, into your rate base, and to install those, whatever is involved in the smart meter, on every meter.

What is voluntary is whether you actually use it or not. What I think the difference is in the way we should be approaching this is to allow the individuals who want to take advantage of smart meter technology, allow them to sign up for it to have it installed, then they engage in the program, as opposed to many of the people who might have the availability of the technology, the cost of the technology, but not the desire to use it.

So, Mr. Speaker, while I certainly support the voluntary utilization of smart meters, what I think is going to be a costly measure that many people will not reap the benefits of is the fact that the smart meters will be put onto your bill. The overall cost of distributing, installing, and setting up that smart meter technology will be put onto every consumer of the Commonwealth whether or not they use it.

If we really want to encourage people to use it, I think we ought to allow them to engage it themselves as opposed to forcing them to pay for something they may not use, and that is really the difference, Mr. Speaker, in what I think is right or wrong with this amendment. While I certainly appreciate the direction it is trying to go, I think the fact that it forces the cost of the meters onto every consumer of electricity in Pennsylvania, I think that is the wrong direction to go and would ask for a vote against the amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Saylor, on the amendment.

Mr. SAYLOR. Mr. Speaker, I want to make it clear to everybody, this is a mandate. This is not voluntary; it is a mandate required to use smart meters in Pennsylvania. And while I agree, again, with my colleague on the other side of the aisle that this is all great, the Adams Electric, the Rural Cooperatives of Pennsylvania, have been very effective in using smart meter technology to help lower consumers' bills, the choice is up to the consumer to use that technology and whether they want that smart meter installed on their house. The key is, should we in the General Assembly mandate something on

consumers that is going to cost them more dollars in their electric bill?

Every year we hear from people who need more money to pay their electric bills throughout this Commonwealth through LIHEAP (Low-Income Home Energy Assistance Program) and their fuel bills, and we constantly are asking the Federal government to put more money into LIHEAP and other programs similar to that, installation programs and so on and so forth, to help consumers.

This issue in particular should be a choice by consumers, not a mandate by the General Assembly onto an additional cost to electric bills in Pennsylvania. So remember, voting for this amendment, while I think it has great goals and where the gentleman wants to get to is very admirable and where we need to get to at some point in time, it still needs to be a consumer choice, not a General Assembly mandate onto consumers that is going to cost them more in their electric bill.

Thank you, Mr. Speaker.

The SPEAKER. Representative Vitali, on the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in support of the Freeman amendment. This is truly a voluntary measure for consumers, and I think the interesting thing is, going to the gentleman from Jefferson County's point about increased costs with regard to smart metering, it should be noted that PPL installed smart metering in every one of its customers' homes or businesses while they were under a rate cap. In other words, PPL put smart metering in because it benefited them and saved them money, even when they were in a rate-cap situation, so they could not recover the costs. I think that is an important point to make here, because smart meters do save money. They do save the utilities money, because when there is a power outage, they can get the power up faster. They have less problems with customers' bills. It is a money savings.

Another point, Mr. Speaker, is I sat in on the Consumer Affairs Committee meeting on this issue last week, and one thing I was surprised about is many of the major utility companies in Pennsylvania support smart metering. I thought it would be just the opposite. But utility company after utility company testified they supported this.

Mr. Speaker, listen to this; this is from Reliant Energy: "HB 2201 also directs deployment of smart meters, an initiative Reliant fully supports. In fact, Reliant urges the committee to speed up the implementation of advanced metering...." So you have utility companies supporting smart metering.

Listen to this; this is from PECO: "PECO supports the section of H.B. 2201 that provides for a phased-in deployment of smart-meter technology and the availability of time-of-use rates for all customers. Such offerings will provide customers with tools to help enable them to manage their energy consumption...." The same with EPGA (Electric Power Generation Association). Mr. Speaker, this is something, quite surprisingly, that is also supported by utilities.

The next point. Mr. Speaker, I know some of us are hunters. We respect game land. We are fans of our parks and forests. The problem is, if we do not enact things like smart metering, we put them in jeopardy, and here is the connection. There is a national transmission corridor. Huge swaths of Pennsylvania have been designated by the Federal government to be part of this corridor because of the country's need for power lines, and these power lines, if we increase and increase and increase our demand for electricity, will go through Pennsylvania's wooded areas near the view scapes of our national parks. Smart metering

helps us protect our parks and forests and historical places by preventing the need for additional transmission lines.

The next point. Mr. Speaker, consumers need to be aware that rate hikes are coming. In the PECO service area, for example, PECO experts predicted that rates could go as high as 26 percent between 2010 and 2011. Utility rates could increase as high as 26 percent. We need to do something about that. The Freeman amendment does something about that by dealing with reducing demand. It is a very basic economic principle that price is a function of supply and demand, and one thing Freeman does is keep down the lid on the demand for electricity, so when these rate caps come off in 2011, our constituents are not going to be paying these big predicted rate increases because we have helped reduce demand. That is why we are saving consumers money if we can enact measures that will reduce demand.

Mr. Speaker, finally, smart metering helps consumers who do not opt for the time-of-use rates in a number of ways. One, even if you do not opt in, the power goes out, if you have a smart meter in your home, even though you did not opt in to the time-of-use rates, your utility company knows that; it can get your power up much more quickly. So even if you do not use the time-of-use rating, having a smart meter in your home will help you.

Also, Mr. Speaker, another reason why it is necessary to do this in a comprehensive way, as the Freeman bill does, is you can capture the economies of scale if all these meters are installed in a systematic program instead of having an installer go out one by one as people volunteer for this.

Mr. Speaker, for all these reasons I urge the adoption of the Freeman amendment. Thank you.

The SPEAKER. Representative Benninghoff, on the amendment.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

I wish to see if the maker of the amendment would stand for a couple of questions, please?

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

Mr. BENNINGHOFF. Thank you.

I was just curious if the maker could tell me how many other States have done this and whether their program was a mandate.

Mr. FREEMAN. I cannot say how many States have done it. I know that the Province of Ontario in Canada has done this.

Mr. BENNINGHOFF. All right. Well, my follow-up question was going to be, obviously, from an economic perspective. I am curious if we know of any savings, but if no other State in the Commonwealth has done that, then I will assume that there are no savings to those States.

My second question concerns, if people in the Commonwealth are mandated to put a meter in their home and prices fluctuate from time to time, is the potential there for a company or a supplier to absorb or inherit a windfall of money or revenue or proceeds? I just cannot imagine that the company is going to be adjusting cost every time that it is adjusted for them back to the consumer. So therefore, I would think that they could inherently see a windfall of profits, as we see oftentimes when the gas pump prices are going up every other day and we know the fuel in the ground has already been paid for a week in advance. Will that not be the same case in this scenario?

Mr. FREEMAN. No, it really will not, and I will tell you why, Mr. Speaker. Keep in mind that the utility company has to

purchase energy at various times of the day to meet demand. If that demand is being purchased during peak hour, when you are at the maximum of the system, it is going to be more expensive energy. So we realize two savings with this legislation with my amendment. One is for the consumer – for the customer. They have the opportunity, if they want to opt in to this optional program, to be able to choose their electricity at an off-peak time when it is cheaper than what it is at peak times.

Currently what we get is an averaging of the expensive and the less expensive. So when you pay your electric bill, even if you were to be someone today who runs their electricity at off-peak periods – you are doing it at a time when the actual cost of electricity is cheaper – you are not realizing a savings. You might be doing the utility company a favor, you might be doing the environment a favor, but you are not realizing a savings, because the average cost, or the cost, rather, that you will pay is going to be an averaged-out cost of high peak and low peak.

So even though you are someone who is being conservation-minded, thinking about the environment, thinking about the purchase of electricity, under the current system, you will not realize a savings. Under this amendment, you have the option of entering into that program to realize a savings by buying your electricity at off-peak periods. That reduces the cost for everyone. Again, I go back to the statistic that if just 1 percent of all utility customers were to buy into the optional purchasing proposal, it would be a cost savings for everyone of 10 percent, because it reduces peak-hour demand.

Now, obviously that also helps the utility company, because they do not have to purchase as much energy during a high-peak period, but it is not going to be a windfall situation because they have to justify their rates, obviously. If they do not, it causes the possibility of going to a different utility company. So there is not going to be a windfall of savings in that regard.

Mr. BENNINGHOFF. I appreciate your thorough answer. I think you and I share some obviously common ground where we want to see energy efficiency and energy savings.

Again, under your answer, I am still having difficulty understanding why a company would not try to purchase the bulk of their energy at the lowest cost and know what time period that is, how that subsequently is not going to be sold to me at a higher peak time, and thus I pay a higher rate than what they may have purchased at a lower peak time. And as a customer, how am I going to know that on my bill?

Mr. FREEMAN. Well, once you have the smart meter technology, you will be able to either choose by yourself or by contracting with a third party who can monitor it for you as to when the off-peak periods are. You will know that information, and as such, you will be able to make an informed decision as to when to purchase your electricity.

Maybe you want to run your laundry in the middle of the night when the cost of electricity is down considerably because of it being an off-peak period. Maybe you will set your dishwasher to kick in in the middle of the night, again, when electricity is cheaper. So you will have that information through the smart meter technology, and that will enable you to be able to make smart choices and to reduce your electric bill.

Mr. BENNINGHOFF. And the last question, if you would.

I as a consumer, if this is voluntary, do I have the ability to acquire one of those meters right now? If this is the best thing to come down the road for me and it is going to have the

opportunity for me to save money, can I go and get a meter right now and have it installed in my house?

Mr. FREEMAN. Because of the simple reason that without this amendment, there is no requirement for the utility company to recognize your personal smart meter. You might be able to know when you are purchasing, but keep in mind, under current procedures, utility companies do not give you rates at a cheaper time of day or a more expensive time of day. The only way they bill you is on an average of the overall cost of the electricity.

So unless we can put into place my amendment which will require them to have the optional buy-in program where you can purchase your electricity at a cheaper rate, you will never be able to realize that savings on your own by going out and purchasing a smart meter. You might be able to monitor it, you might be able to see when your rates are higher or lower, but there is nothing that is going to require the utility company to charge you based upon your usage. It requires this amendment to achieve that and to, in essence, require the utility company to give you the savings that they are realizing by you using it at an off-peak period.

Mr. BENNINGHOFF. Thank you. And if I may clarify one last question on that.

Mr. FREEMAN. Sure.

Mr. BENNINGHOFF. So I understand, the part that is actually voluntary is not the installation of the meter statewide by your amendment; it is the billing process by the companies—

Mr. FREEMAN. Well, I would say that—

Mr. BENNINGHOFF. —how I am going to be billed. If this passes, I am going to get a meter whether I want it or not. The only option is going to be on the rates of energy that I would be paying for. So it is the billing that is the optional part?

Mr. FREEMAN. Yeah. I would say that in order for everyone to realize the savings of smart meter technology, it has to be done as a requirement statewide because of economies of scale. But you are right, what we are requiring here is the installation of those meters.

And keep in mind, utility companies change their meters, roughly 5 or 10 percent of their meters, every year. So in a 10-year period of time, whether you want it or not, you as the customer are going to have to pay for the installation currently of a new meter. The difference is, the current meters they install every 10-year cycle is a dumb meter. We are requiring a smart meter. So you will have the opportunity to then buy into that optional plan in which you can purchase your electricity at a cheaper period of time and realize the savings in your electric bill.

Mr. BENNINGHOFF. Thank you.

Mr. Speaker, a quick comment on the amendment itself.

The SPEAKER. The gentleman is in order and may proceed.

Mr. BENNINGHOFF. Thank you, Mr. Speaker.

And again I thank the maker of the amendment for his time in answering those questions. I guess my reservation, obviously, is do we want a statewide mandate? Do we want the government telling you that you have to have a meter put in your property? I think the majority of us appreciate the fact that we want to be more energy conscious, have more efficient appliances, and I think a lot of us are moving that way.

I just struggle with the fact that there is no other State in the Commonwealth that has done this in the past, although I would like to see Pennsylvania obviously be a leader. It gives me some reservations that if this technology is so accurate and so helpful and such a cost reduction savings for the consumer, why is it

not being used unilaterally across this great nation? I would ask the members to keep that in mind.

I think it is important that we are smart about our energy use, but I also think we have to think about what government's role is in mandating such a thing.

Mr. Speaker, thank you very much for your time.

The SPEAKER. Representative Bennington, on the amendment.

Ms. BENNINGTON. Thank you, Mr. Speaker.

If Pennsylvania does nothing to reduce its electricity consumption, our State will need to make room for at least 12 new power plants.

Opponents of this amendment talk about the cost to the consumer. All told, not passing Representative Freeman's amendment and HB 2200 will cost \$17 billion in capital, fuel, and other costs associated with meeting increases in electricity demand. Smart meters and Representative Freeman's amendment will help reduce this demand.

Again, in response to the queries regarding the cost of this technology, I ask, what is the cost of clean air to our children? What is the cost of clean water to our children? When they ask us, should we tell them that it costs too much? Please vote "yes" on the Freeman amendment.

Thank you, Mr. Speaker.

The SPEAKER. Representative Gabig, on the amendment.

Mr. GABIG. Thank you, Mr. Speaker.

Would the maker of the amendment stand for brief interrogation?

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

Mr. GABIG. Thank you, Mr. Speaker.

I have been listening to the debate, and I need to get a few answers that I have not heard yet.

How much would it cost a customer to have a smart meter installed? What would be the cost of that?

Mr. FREEMAN. Excuse me, Mr. Speaker. Are you referring to the actual price of a smart meter? Is that what the question is?

Mr. GABIG. Well, I think there is a cost— As I understand it, there is a cost of the meter and a cost of installation, and so I was trying to find out what that cost would be to an electric customer.

Mr. FREEMAN. Now, this question came up in the Environmental Resources and Energy Committee when we discussed this issue previously. It is difficult to ascertain an actual cost for a variety of reasons. Let me explain, if I may.

If you are looking at the actual cost of a meter, it could be as high as \$240, or it could be \$175, as was the case with PPL. But what you have to figure in to the actual costs, what will be realized, is the fact that the utility company makes considerable savings with smart meter technology. By installing the smart meters, they will realize savings which will bring the actual cost down dramatically for the actual customer. So in fact, in the case of PPL, they felt that the cost of the meters paid for themselves simply by being able to use this technology to be able to get a hold of outages, blackouts, theft of electricity, to be able to lower the amount of customer complaints, because with this technology, they know how to respond quickly before the complaints overload the system. All of that brings the cost down dramatically.

And one final point, if I may, to answer the gentleman's question, and that is the fact that the cost itself is not going to be

that significant when you think of the overall savings, and we have to think long term. If you are thinking about trying to reduce the amount of electricity that is consumed in this Commonwealth, that is used in this Commonwealth, if you are thinking about saving energy and saving money for the consumer, you need conservation technology like smart meters to bring it down. The actual cost of the meter will be considerably less because of economies of scale, because of the savings that will be realized by the consumer, and because of the simple fact that the utility will only be able to recoup that percentage of the cost that is an actual cost for them. Whatever savings they realize they will not be able to charge the customer for, and the savings to them is considerable.

Mr. GABIG. Wow, what an answer. Now, if I understood the answer, I think the gentleman said between \$175 and \$240 for a smart meter, for the cost of the meter. Did that include per customer? Does that cost of the meter, the installation, does that include installation or just the cost of the physical meter?

Mr. FREEMAN. Again, with all due respect to the gentleman, Mr. Speaker, it is mixing apples and oranges. That is not the actual cost under this amendment for the simple reason that you have economies of scale which bring that price down, and you have cost savings by the utility which are not borne by the customer. Since the utility actually realizes cost savings under this amendment, it is nowhere near \$175 for the meter. When you stop and realize the exact cost savings that occur to the company as well as to the consumer, it is far less.

It is difficult to give the gentleman a precise figure, but I can guarantee the fact that it is considerably less based on the fact that there are cost savings for the utility and obvious savings for those customers who wish to participate in the optional program as well as all utility ratepayers who will realize the benefit from even a small percentage of those customers opting to purchase their electricity at off-peak periods.

Mr. GABIG. All right. I understood that from the gentleman's first response to the question, but if I understood the earlier advocacy of this amendment, it said that the big corporations, the utility companies, are not going to be paying for this installation. It is going to be borne by the customer. So the gentleman keeps bringing up in his responses matters dealing with the utility – it may be savings down the road or not. I am just talking about how much it is going to cost the electric customer to have this installed, and I do not know why it is such a State secret. It is going to cost so much money to go on an electric bill, and I think, to respond to the gentleman's answer, I think we have a duty as the House to tell the people in Pennsylvania how much it is going to cost them. This might be the greatest thing since sliced bread, as the gentleman seems to think. I am not debating that right now. All I want to know is how much we are going to be charging? How much does it cost to do this? And you said it has been done in Ottawa or someplace in Canada—

Mr. FREEMAN. Ontario.

Mr. GABIG. Ontario; I am sorry, and it has also been done by other utilities. We heard that Adams Electric has done it. So how much is it going to cost them to put these meters in? That is the simple question. There should be a dollar figure. If it is not \$175 to do it, we should have at least a range that we can tell people. Does the gentleman have that information, after all these hearings he has been to, all this research that he has done, all the investment that he has looked at? I just want to know how much it is initially costing a customer in Pennsylvania to

put one of these in their house or in their business. That is a simple question. I hope I can get a simple response from the gentleman.

Mr. FREEMAN. Unfortunately, Mr. Speaker, not all complex issues can be boiled down to a simple answer. That is why they are complex issues.

However, to give the gentleman greater clarity, there is a reasonable and prudent standard within the legislation, within the amendment, rather, and the PUC will determine how much the utility can recoup their costs for on a reasonable and prudent basis. They can only recoup the net costs. Any savings they realize they cannot charge the customer for.

And I think there is a bit of a misunderstanding on the part of the gentleman, Mr. Speaker, when the gentleman said that this is a cost to the—

Mr. GABIG. Well, Mr. Speaker, if I could rephrase the question since it was—

Mr. FREEMAN. Just let me answer—

Mr. GABIG. —complicated.

The SPEAKER. The gentlemen will suspend.

The Chair will remind the gentleman to ask a question and wait for the responder to give his answer and request that the gentlemen not speak over each other in interrogation.

Mr. FREEMAN. Thank you, Mr. Speaker.

Just to finish my—

Mr. GABIG. Thank you, Mr. Speaker.

If I could just—

The SPEAKER. The Chair will ask the gentlemen to suspend.

The Chair will ask the gentleman, Mr. Gabig, to ask his question and then ask Representative Freeman to respond.

Mr. GABIG. Thank you, Mr. Speaker.

I am going to ask it one more time. Three times can be good, and three times you can be out. Is it fair to say that the gentleman cannot tell the people of Pennsylvania how much it is going to cost them to put these meters in their homes and businesses? Is that fair to say? You just do not know?

Mr. FREEMAN. In answer to your question, it is the PUC which determines the cost based upon a reasonable and prudent decision, and it is wrong for the gentleman to insist that somehow this is a cost that gets directly put at the door of the consumer. It is the utility that has to pay for it. They then have to go to the PUC, as they do for the installation of current meters.

Any expense by a utility in terms of equipment has to go before the PUC to recover the costs. If you expend money as a utility, that gets passed on to the consumer, but under this amendment, there is a savings to the utility company which dramatically brings down the cost of installation, and on top of that, there is a savings to the customer by having the option of purchasing cheaper electricity.

These meters more than pay for themselves. That is the bottom line, and any customer will have to pay for the installation of a dumb meter or a smart meter. If you pay for the installation of a smart meter, you save money. That is the bottom line.

Mr. GABIG. All right. I appreciate the gentleman's candid response to those questions.

Mr. Speaker, I have another question that I do not know if I am going to get any more of a response to or not. But in my district, there are apartment buildings, apartment buildings, where people live in apartment buildings, and there are senior



centers where people live in individual, sort of apartment-style units. And so what I am wondering, is each person that lives in an apartment going to be mandated under this Freeman amendment to get a meter or not? Or if there is an apartment building or a townhouse that has many different units in it that has one meter currently, will each individual apartment dweller in such a situation be required to get one of these meters?

Mr. FREEMAN. With all due respect to the gentleman, Mr. Speaker, we are making the mandate on the utility company to install smart meters. The individual customer does not have to go out and purchase a smart meter. That requirement is being borne by the utility. They have to replace their meters every 10 years anyway. They can either replace it with a dumb meter that does little to save energy and save dollars for the consumer, or we can, through this amendment, require them to purchase and install smart meters that save money for the consumer and the utility company by cutting down on the amount of energy that is consumed.

Mr. GABIG. So if I understand the gentleman's response, it will be in the power of the utility company to decide whether or not they are going to require each person in an apartment building or not to have a meter or not. It will be in their power to decide whether to do that and whether to pass that cost on to their customers. Is that correct?

Mr. FREEMAN. No, Mr. Speaker. It is not the power—

Mr. GABIG. There is no protection in this legislation—

Mr. FREEMAN. Mr. Speaker, can I please answer the question?

The SPEAKER. The Chair will again remind the gentlemen not to speak over each other.

Mr. FREEMAN. I would like to be able to—

Mr. GABIG. I thought he was done when he said no, Mr. Speaker.

The SPEAKER. The gentleman will suspend. The gentleman is not in order. Representative Freeman will respond.

Mr. FREEMAN. Thank you, Mr. Speaker.

It is not the power of the utility company; it is a requirement in our conservation efforts here in this Commonwealth with this amendment that they install smart meters.

A utility company has the requirement to have meters for all of its customers. They have to replace those meters every 10 years because they wear out. Now, they can either put in a dumb meter that does not allow the customer to choose what time of day they wish to purchase their electricity, either at a cheaper off-peak period or at a more expensive high-demand period, or through this amendment, we can require those utility companies to utilize smart meter technology to save money in terms of the purchase of electricity for them and, most importantly, for the customer. If we wish to save money for the customer, you need smart meter technology, and it has to be done on a statewide basis if you are to realize economies of scale. It is a basic point of economics.

Mr. GABIG. Thank you, Mr. Speaker.

That concludes my attempts to question the maker of the amendment. If I might speak on the amendment.

The SPEAKER. The gentleman is in order and may proceed.

Mr. GABIG. The problem I am having with the amendment is I think if I were called on the telephone and asked, are you for a smart legislator or a dumb legislator, are you for a smart card or a dumb card, are you for a smart meter or a dumb meter, I would probably answer, I am for the smart legislator, the smart card, the smart meter. But if they start saying, well,

for the smart legislator you are going to pay five times more money and for the dumb legislator you are going to pay five times less money, for the smart card you are going to pay five times more money and for the dumb card you are going to pay five times less money, for the smart meter you are going to pay we do not know how much more money because we will not tell you, but it is not going to be the utilities that pay for it because we took care of them in our amendment; they are taken care of in this Freeman amendment. The big utility companies and corporations, they are all right with it; they support this, but the customer, well, you are going to pay the freight for this mandate, this State mandate.

You know, I think some of you know I was in the Navy before I came here to the House, and we were under orders. I was overseas, I can remember, and the command said, hey, we are running out of water. I was stationed in Guantanamo Bay, Cuba – there has been a lot in the news about it – and they did not have fresh water down there. They had to desalinate the water, and the Army would come with their big desalination things and they would have to take the salt out of the water so that we could use it. And we would start running out of water, and they would come down and say, you cannot wash your clothes between such and such a time and such and such a time; you can only do it, you know, midnight to 2 o'clock in the morning. You can only wash your clothes on Tuesdays and Thursdays; you cannot do it Wednesdays. And there were other regulation and command and control items that we had to abide by. And I was in the Navy; I said "yes, sir" and saluted. Some people got in trouble for washing their clothes on the wrong day. That is what this is. This is a mandate to people saying you have to buy this whether this is good for you or not good for you; we are telling them what to do.

And it is going to cost them money. The average apartment person, their electric bill is, I do not know, when I used to live in an apartment it was \$30, maybe, a month or something like that. It was not that much money. The gentleman would not answer the question. I do not know what the answer is. I heard different figures. I heard it could be up to \$300 to install one of these smart meters, for the cost of the meter and to install it. So somebody is paying \$30 a month, or a senior citizen that is on a fixed income, to have that passed on by the big utility company to pay for this because somehow it is going to, in the long run, be a cost benefit to us. Now, maybe it is, and maybe these things are great, but it should not be forced upon people to have to do it who live on fixed incomes. It should be something that is voluntary and that the market drives.

I think that the gentleman from York, Stan Saylor, mentioned that Adams Electric Co-op has a similar program, but it is not forced on people; it is a voluntary program, and they can use the market to decide whether they want to do it or not.

We also have heard that you have to have Internet capability to do this, and in rural areas – I know in the big cities and other areas I am told that there is Internet capability. I do not know if that is true in all cities across Pennsylvania. But in some of the areas that I represent, they do not have that out there yet, so they are going to be forced to buy this \$300, this cost will be passed on to them, and they will not get the benefit of it. They will not get the benefit of it.

So I appreciate the intent of this amendment. I think there are some serious questions, unresolved questions, that have not been satisfactorily dealt with, and that is why the gentleman, who is a very good friend of mine, by the way, was unable to

give me direct answers to and to answer the people in Pennsylvania the questions that need to be answered before we go to such a strong mandate, a very expensive mandate.

So for that reason, I am not going to be able to support this amendment, Mr. Speaker.

The SPEAKER. The Chair will ask all members to take their seats and reduce the noise level on the floor. Is there any other member seeking recognition on the amendment, because the Chair is about to recognize the prime sponsor for the second time.

Representative Levdansky, on the amendment.

Mr. LEVDANSKY. Thank you, Mr. Speaker.

Mr. Speaker, I just want to make a clarification in case people understand the way markets are supposed to work. You know, if you read Adam Smith and the classical economic doctrines, prices are accurate and fair when buyers and sellers in a perfectly competitive marketplace have access to goods and services and to information. Capitalism assumes perfect competition and perfect access of buyers and sellers to information. That is when markets work.

Essentially what the Freeman amendment does is requires the electric utility industries to roll out a plan to provide all consumers with smart meters, smart meters so that consumers will know how much electric costs at a given time of the day so that they can adjust their purchasing habits according to their preferences for what they want to pay for electricity.

If Adam Smith were here, if Adam Smith, the father of capitalism, were here, he would say you have got to vote for this. If you want markets to work, if you want markets to work, then consumers have to have access to perfect information. This amendment gives consumers access to perfect information so capitalism and the market distribution of electricity will work. If you are a conservative economist and a conservative legislator, you have got to vote for this.

Support it. Thank you.

The SPEAKER. Is there any member seeking recognition before the Chair recognizes the prime sponsor of the amendment?

The Chair recognizes Representative Freeman for the second time.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, there are a number of points to be kept in mind in regard to this amendment and what it will achieve. First, to clear up some misunderstandings that were expressed on the floor.

Participating in the optional program, deciding whether you want to choose whether to purchase your electricity at peak times or off-peak times, that is an optional voluntary program. We are not mandating that people have to buy into that process, but they will be advised to do so, because it would empower them to be informed and to purchase their electricity at a cheaper time. No one is saying they have to run their laundry in the middle of the night, no one is saying they have to use their dishwasher in the middle of the night, but if they so choose, in order to realize great savings on their utility bill, under this amendment, they would have that opportunity.

One of the things that has to be kept in mind, utility companies replace their meters every 10 years. Somewhere between 5 and 10 percent of all current dumb meters have to be replaced every 10 years. So why not replace those dumb meters with smart meters that can give consumers options and allow them to control their own destiny as far as electric utility rates

by purchasing electricity at a cheaper off-peak period, if they choose to do so?

In this amendment we provide for a reasonable and prudent standard in terms of the utility's ability to recoup its cost, so it is the cost of the meter minus the savings to the utility. And if you ask people from PPL, they say the meters pay for themselves. The cost savings to the utility company are tremendous, and therefore, the cost to be borne by the customer is limited and in fact will result in tremendous savings to customers because of the ability to purchase power at a cheaper off-peak period.

I have to drive home one very critical point once again. If only 1 percent of all utility customers, of all consumers, decide to opt in to the program to be able to purchase their electricity at a cheaper off-peak period, that means a savings, a minimum of 10 percent, to all utility customers, because it reduces the purchasing of electricity at the most expensive, high-peak periods of time. That is a savings for everyone. This legislation is a win-win situation for utility companies but more importantly for consumers, allowing utility customers to reduce the cost of their electricity bill. That is the bottom line.

One speaker said that this made no common sense. It makes a great deal of common sense. It is the essence of common sense to utilize technology in a period of energy crisis in order to reduce costs for the consumer and to conserve energy. For too long we have buried our head in the sand when it comes to making good measures to conserve energy here in this Commonwealth and throughout our nation. Today, with this amendment, we have the opportunity to make a tremendous stride forward in conserving energy and reducing the cost of electricity for our consumers, and therefore, I urge a "yes" vote.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—128

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

Frankel	Mantz	Samuelson	O'Brien, D.,
Freeman	Markosek	Santoni	Speaker
Galloway	McCall		

## NAYS—73

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

## NOT VOTING—0

## EXCUSED—2

Perzel	Shimkus
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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 recurring,  
Will the House agree to the bill on second consideration as amended?

The SPEAKER. The House will be at ease.

The Chair announces his intention to recess regular session, go over HB 2200 temporarily, and go into special session at 3:26 p.m.

## BILL PASSED OVER TEMPORARILY

The SPEAKER. HB 2200 will be over temporarily.

## RECESS

The SPEAKER. Regular session will now be in recess.

## AFTER RECESS

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

## SUPPLEMENTAL CALENDAR B CONTINUED

## CONSIDERATION OF HB 2200 CONTINUED

The SPEAKER. The Chair returns to HB 2200.

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

Mr. KORTZ offered the following amendment No. A05750:

Amend Title, page 1, line 2, by inserting after "Statutes,"  
providing for recovery of certain labor relations  
expenses;

Amend Bill, page 1, lines 7 and 8, by striking out all of said lines  
and inserting

Section 1. Title 66 of the Pennsylvania Consolidated Statutes is  
amended by adding a section to read:

§ 1329. Recovery of certain labor relations expenses.

No public utility may charge its customers as a permissible  
operating expense for ratemaking purposes any portion of the direct or  
indirect cost of meetings, publications, consultants, attorneys or other  
professional services and expenses associated with the utility's efforts  
to dissuade the employees of the utility, or the employees of any  
affiliated interest of the utility as defined in section 2101 (relating to  
definition of affiliated interest), from becoming or remaining a member  
in, or otherwise being represented by, any labor union.

Section 2. Section 2803 of Title 66 is amended by adding  
definitions to read:

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

Amend Sec. 3, page 13, line 23, by striking out "3" and inserting  
4

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

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

Mr. KORTZ. Thank you, Mr. Speaker.

Mr. Speaker, amendment A5750 deals with the labor relations expenses of public utilities. Mr. Speaker, there is a right under the laws of this country and the Commonwealth of Pennsylvania for employees to form a union and bargain collectively to secure various protections and benefits on the job. Basically, Mr. Speaker, this amendment says that utilities may not charge its customers the cost of dissuading employees from joining a union or remaining a member of the union.

Mr. Speaker, I would urge all of my colleagues to support this amendment.

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

Mr. ROSS. Thank you, Mr. Speaker.

My understanding of the current functioning of the Public Utility Commission and what they would or would not allow into the rate base would prevent the elements that my colleague from Allegheny County wishes to not be included in a rate case anyway. So I do not think that this amendment really advances things further, neither does it do any harm.

The SPEAKER. Will the House agree to the amendment?  
The Chair recognizes the majority whip.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would agree that there are provisions in the law, but this will make sure that those provisions are enforced, and I would ask that we support the Kortz amendment.

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

The following roll call was recorded:

YEAS—137

Adolph	Galloway	Markosek	Santoni
Argall	George	Marshall	Scavello
Baker	Gerber	McCall	Seip
Barrar	Gergely	McGeehan	Shapiro
Belfanti	Gibbons	McI. Smith	Siptroth
Bennington	Godshall	Melio	Smith, K.
Beyer	Goodman	Mensch	Smith, M.
Bianucci	Grell	Micozzie	Solobay
Bishop	Grucela	Moyer	Sonney
Blackwell	Haluska	Mundy	Staback
Brennan	Hanna	Murt	Stairs
Buxton	Harhai	Mustio	Sturla
Caltagirone	Harhart	Myers	Surra
Carroll	Harkins	O'Brien, M.	Tangretti
Casorio	Harper	O'Neill	Taylor, J.
Civera	Hornaman	Oliver	Taylor, R.
Cohen	James	Pallone	Thomas
Conklin	Josephs	Parker	Therb
Costa	Keller, M.	Pashinski	Vitali
Cruz	Keller, W.	Payne	Vulakovich
Curry	Kenney	Payton	Wagner
Daley	Kessler	Petrarca	Walko
Dally	Killion	Petrone	Wansacz
DeLuca	King	Preston	Waters
DePasquale	Kirkland	Pyle	Wheatley
Dermody	Kortz	Ramaley	White
DeWeese	Kotik	Raymond	Williams
DiGirolamo	Kula	Readshaw	Wojnaroski
Donatucci	Leach	Reed	Yewcic
Eachus	Lentz	Reichley	Youngblood
Evans, D.	Levdansky	Roebuck	Yudichak
Evans, J.	Longietti	Ross	
Fabrizio	Mahoney	Sabatina	O'Brien, D., Speaker
Frankel	Manderino	Sainato	
Freeman	Mann	Samuelson	

NAYS—64

Bastian	Fleck	Mantz	Quinn
Bear	Gabig	Marsico	Rapp
Benninghoff	Geist	McIlhattan	Roae
Boback	Gillespie	Metcalfe	Rock
Boyd	Gingrich	Millard	Rohrer
Brooks	Harris	Miller	Rubley
Cappelli	Helm	Milne	Saylor
Causser	Hennessey	Moul	Schroder
Clymer	Hershey	Nailor	Smith, S.
Cox	Hess	Nickol	Steil
Creighton	Hickernell	Peifer	Stern
Cutler	Hutchinson	Perry	Stevenson
Denlinger	Kauffman	Petri	Swanger
Ellis	Mackereth	Phillips	True
Everett	Maher	Pickett	Turzai
Fairchild	Major	Quigley	Watson

NOT VOTING—0

EXCUSED—2

Perzel Shimkus

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. ROSS offered the following amendment No. **A05747**:

Amend Sec. 2 (Sec. 2806.1), page 7, line 21, by inserting after "established."

The program administrator, or its appointed fiscal agent, shall administer any and all funds to be used as payments to the third-party entities, and shall disburse said funds upon finding by the program administrator that the selected third-party entity complied with the terms of the agreement between the program administrator and the selected third-party entity.

Amend Sec. 2 (Sec. 2806.1), page 8, lines 20 and 21, by striking out all of line 20 and inserting

(2) Upon approval by the commission of a recommendation by the program administrator for selection of a third-party entity to

Amend Sec. 2 (Sec. 2806.1), page 8, lines 29 and 30; pages 9 and 10, lines 1 through 30; page 11, lines 1 through 3, by striking out all of said lines on said pages and inserting

(e) Plan goals.—

(1) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of energy efficiency measures includes meeting the goal of reaching an incremental annual energy savings based on a percentage of all electricity sold in calendar year 2007 of 0.4% in 2010 and 2.5% in 2014 and each year thereafter. The program administrator shall ensure that a third-party entity meets the goals contained in this section through the implementation of a program of energy efficiency measures throughout the service territory of the electric distribution company. After December 31, 2014, the commission, in consultation with the program administrator, may adopt additional incremental energy efficiency goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with energy efficiency measures, updated or new technologies and economic conditions that may exist at the time the additional incremental goals are being considered. The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

(2) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of demand-side response measures includes meeting the goal of reducing peak demand from a target year being the calendar year 2007 on a weather-normalized basis and adjusted to eliminate the effect of emergency load control procedures implemented by a regional transmission organization by an amount equal to 2.0% in the 100 hours of highest demand in 2010, 4.0% in the 100 hours of highest demand in 2012 and each year thereafter. The program administrator shall ensure a third-party entity meets the goals contained in this section through the implementation of a program of demand-side resources measures throughout the service territory of the electric distribution company. After December 31, 2012, the commission, in consultation with the program administrator, may adopt additional incremental peak load reduction goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with demand-side response measures, updated load growth forecasts and economic conditions that may exist at the time the additional incremental goals are being considered.

The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

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

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

Mr. ROSS. Thank you, Mr. Speaker.

Amendment A05747 cleans up several elements in the bill which I think were, when it was redrafted, made a little less clear. In particular, it attempts to make it quite clear exactly how the payments would flow through the program administrator to the third-party organizations, not necessarily going through the electric distribution companies. It also makes it clear that the commission, once the commission has approved a recommendation for the third-party administrator, that this process move forward.

And finally, we go through the planned goals one more time. Obviously, the first section is less important now because the interim goal on energy efficiency had been established by the Freeman amendment, but I would point out that there is no interim goal in the demand-side management portion, and I think that that is an important element for us to get some interim cost savings as price caps come off.

That is all that is contained in this particular amendment, and I urge the members to have a positive vote.

The SPEAKER. Representative McCall.

Mr. McCALL. Thank you, Mr. Speaker.

Mr. Speaker, I would ask that the members oppose the Ross amendment.

Two fronts. On the first section of his amendment, he removes the language concerning the program administrator or its appointed fiscal agent. The problem with that is there is a question on funding, a fiscal concern by the removal of that language in this amendment. The question, you know, arises, where does the money come from to pay the third-party entities? You know, does it come out of the General Fund budget or General Fund appropriations, or does it come out of the PUC budget? And the amendment really does not speak to that.

But secondly and even more importantly is, he leaves the cap in place on the energy conservation provisos in the law or in this bill. We cap or put a hard cap on the amount of money the utilities can spend each year to achieve their energy conservation goals, 2 percent of their gross revenues. The problem I see is that the gentleman leaves the cap in place but he raises the goal line or the bar as far as how much or what percentage of reductions are necessary, and because of the fact that the cap is maintained yet the goal has been raised, we do not feel that there is enough money there to take care of the goals that he implements in the legislation or in the amendment, and therefore, I would ask for a negative vote on the amendment.

The SPEAKER. Is there any member seeking recognition before the Chair recognizes the prime sponsor of the amendment for the second time?

Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I just want to rise to acknowledge all of the excellent work the Representative from Chester County has done, not only on

this particular amendment but on the bill as a whole. His ideas and his hard work have really brought us in large measure to what we are. So if I would vote against this measure, which I very well may, it is not a reflection of the ideas contained in this amendment but it is more a matter of the overall strategy of getting a bill to the other side and getting it signed into law.

So I just wanted to tip my hat to Representative Ross for all the good work he has done.

The SPEAKER. The Chair thanks the gentleman – and his hat.

Representative Ross, for the second time.

Mr. ROSS. Mr. Speaker, with some reluctance, I ask the members to read my amendment. My amendment does not change any of the goal targets. That is a misreading of my amendment. It uses the underlying goal targets in the bill.

Secondly, the other provision which was referred to earlier in debate is also in error. I believe that the gentleman in question was reading the wrong amendment. Please refer all members to 5747, not 5730, and once again I urge a positive vote on this amendment.

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

The following roll call was recorded:

#### YEAS—103

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

#### NAYS—98

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

Curry	Keller, W.	Pashinski	Wansacz
Daley	Kessler	Payton	Waters
DeLuca	King	Petrarca	Wheatley
DePasquale	Kirkland	Petrone	White
Dermody	Kortz	Preston	Williams
DeWeese	Kotik	Ramaley	Wojnaroski
Donatucci	Kula	Readshaw	Yewcic
Eachus	Leach	Roebuck	Youngblood
Evans, D.	Lentz	Sabatina	Yudichak
Fabrizio	Levdansky	Sainato	
Frankel	Longietti	Santoni	O'Brien, D.,
Galloway	Mahoney	Seip	Speaker

NOT VOTING—0

EXCUSED—2

Perzel	Shimkus
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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 recurring,

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

The SPEAKER. The Chair recognizes Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I would like to withdraw the other amendments that I had previously offered.

The SPEAKER. The Chair thanks the gentleman.

The Chair is not aware of any other amendments pending to the bill.

On the question recurring,

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

**AMENDMENT A05747 RECONSIDERED**

The SPEAKER. It has been moved by Representative McCall and Representative Surra that the vote by which amendment A05747 was passed to HB 2200, PN 3176, on the 11th day of February 2008 be reconsidered.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

YEAS—102

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

Cruz	Josephs	Pashinski	Walko
Curry	Keller, W.	Payton	Wansacz
Daley	Kessler	Petrarca	Waters
DeLuca	King	Petrone	Wheatley
DePasquale	Kirkland	Preston	White
Dermody	Kortz	Ramaley	Williams
DeWeese	Kotik	Readshaw	Wojnaroski
Donatucci	Kula	Roebuck	Yewcic
Eachus	Leach	Sabatina	Youngblood
Evans, D.	Lentz	Sainato	Yudichak
Fabrizio	Levdansky	Samuelson	
Frankel	Longietti	Santoni	O'Brien, D.,
Freeman	Mahoney	Seip	Speaker

NAYS—99

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

NOT VOTING—0

EXCUSED—2

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

On the question recurring,

Will the House agree to the amendment?

The clerk read the following amendment No. **A05747**:

Amend Sec. 2 (Sec. 2806.1), page 7, line 21, by inserting after "established."

The program administrator, or its appointed fiscal agent, shall administer any and all funds to be used as payments to the third-party entities, and shall disburse said funds upon finding by the program administrator that the selected third-party entity complied with the terms of the agreement between the program administrator and the selected third-party entity.

Amend Sec. 2 (Sec. 2806.1), page 8, lines 20 and 21, by striking out all of line 20 and inserting

(2) Upon approval by the commission of a recommendation by the program administrator for selection of a third-party entity to

Amend Sec. 2 (Sec. 2806.1), page 8, lines 29 and 30; pages 9 and 10, lines 1 through 30; page 11, lines 1 through 3, by striking out all of said lines on said pages and inserting

(e) Plan goals.—

(1) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of energy efficiency measures includes meeting the goal of reaching an incremental annual energy savings based on a percentage of all electricity sold in calendar year 2007 of 0.4% in 2010 and 2.5% in 2014 and each year thereafter. The program administrator shall ensure that a third-party entity meets the goals contained in this section through the implementation of a program of energy efficiency measures throughout the service territory of the electric distribution company. After December 31, 2014, the commission, in consultation with the program administrator, may adopt additional incremental energy efficiency goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with energy efficiency measures, updated or new technologies and economic conditions that may exist at the time the additional incremental goals are being considered. The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

(2) The program administrator shall ensure that each proposal submitted by a third-party entity to deliver a program of demand-side response measures includes meeting the goal of reducing peak demand from a target year being the calendar year 2007 on a weather-normalized basis and adjusted to eliminate the effect of emergency load control procedures implemented by a regional transmission organization by an amount equal to 2.0% in the 100 hours of highest demand in 2010, 4.0% in the 100 hours of highest demand in 2012 and each year thereafter. The program administrator shall ensure a third-party entity meets the goals contained in this section through the implementation of a program of demand-side resources measures throughout the service territory of the electric distribution company. After December 31, 2012, the commission, in consultation with the program administrator, may adopt additional incremental peak load reduction goals. These additional incremental goals may be based upon, but not limited to: the costs and benefits associated with demand-side response measures, updated load growth forecasts and economic conditions that may exist at the time the additional incremental goals are being considered. The commission shall undertake a public hearing process to receive input regarding new proposed new incremental goals prior to their implementation.

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

The following roll call was recorded:

YEAS—98

Adolph	Fleck	Marsico	Raymond
Argall	Gabig	McIlhatten	Reed
Baker	Geist	Mensch	Reichley
Barrar	Gillespie	Metcalf	Roe
Bastian	Gingrich	Micozzie	Rock
Bear	Godshall	Millard	Rohrer
Benninghoff	Grell	Miller	Ross
Beyer	Harhart	Milne	Ruble
Boback	Harper	Moul	Saylor
Boyd	Harris	Moyer	Scavello
Brooks	Helm	Murt	Schroder
Cappelli	Hennessey	Mustio	Smith, S.
Causar	Hershey	Nailor	Sonney
Civera	Hess	Nickol	Stairs

Clymer	Hickernell	O'Neill	Steil
Cox	Hutchinson	Peifer	Stern
Creighton	Kauffman	Perry	Stevenson
Cutler	Keller, M.	Petri	Swanger
Dally	Kenney	Phillips	Taylor, J.
Denlinger	Killion	Pickett	True
DiGirolamo	Mackereth	Pyle	Turzai
Ellis	Maher	Quigley	Vereb
Evans, J.	Major	Quinn	Vulakovich
Everett	Mantz	Rapp	Watson
Fairchild	Marshall		

NAYS—103

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

NOT VOTING—0

EXCUSED—2

Perzel	Shimkus
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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 as amended?

The SPEAKER. Does Representative Ross still wish to withdraw the other amendments?

Mr. ROSS. I have no interest in wasting the time of the body.  
The SPEAKER. 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.)

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 494, PN 549**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further providing for State Board of Dentistry.

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—201

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

Evans, D.	Longietti	Raymond	Yewcic
Evans, J.	Mackereth	Readshaw	Youngblood
Everett	Maher	Reed	Yudichak
Fabrizio	Mahoney	Reichley	
Fairchild	Major	Roae	O'Brien, D., Speaker
Fleck	Manderino	Rock	
Frankel	Mann	Roebuck	

NAYS—0

NOT VOTING—0

EXCUSED—2

Perzel Shimkus

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 1752, PN 3194**, entitled:

An Act providing for education for parents relating to sudden infant death syndrome and sudden unexpected death of infants; establishing the Sudden Infant Death Syndrome Education and Prevention Program; and providing for duties of the Department of Health.

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—201

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



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

NAYS-0

NOT VOTING-0

EXCUSED-2

Perzel Shimkus

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 1867, PN 3174**, entitled:

An Act requiring a circulating nurse in certain operating rooms.

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-201

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Perzel Shimkus

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.

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

Just on scheduling: We are going to break for caucus and return to the floor at 4:30. We have approximately 10 bills on second consideration that we are going to caucus on and then return to the floor at 4:30.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately at the call of the recess; that is, Republicans will caucus immediately at the call of the recess. Thank you.

The SPEAKER. The Chair thanks the lady.

**VOTE CORRECTION**

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

Mr. PETRI. Mr. Speaker, to correct the record.

The SPEAKER. The gentleman is in order.

Mr. PETRI. Thank you.

On amendment 5750 to HB 2200, I was recorded negatively, and I would like to be recorded in the affirmative. Thank you.

The SPEAKER. The Chair thanks the gentleman. His remarks will be spread upon the record.

Are there any other announcements?

**RECESS**

The SPEAKER. This House will stand in recess until 4:30 p.m.

**RECESS EXTENDED**

The time of recess was extended until 5 p.m.; further extended until 5:30 p.m.

**AFTER RECESS**

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

The SPEAKER. Members will report to the floor.

**LEAVES OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative METCALFE and Representative John TAYLOR be placed on leave for the remainder of the day. The Chair sees no objection. The leaves will be granted.

**HOUSE BILLS  
INTRODUCED AND REFERRED**

**No. 2241** By Representatives McILVAINE SMITH, KENNEY, BENNINGTON, BISHOP, BRENNAN, BUXTON, CAPPELLI, CARROLL, CONKLIN, COSTA, CURRY, CUTLER, DALEY, DERMODY, DIGIROLAMO, FABRIZIO, FLECK, FREEMAN, GEORGE, GOODMAN, GRUCELA, HALUSKA, HARHAI, HARKINS, HARPER, HENNESSEY, HERSHEY, HORNAMAN, JOSEPHS, ADOLPH, KESSLER, KING, KOTIK, KULA, LEACH, LENTZ, LEVDANSKY, LONGIETTI, MAHONEY, MANDERINO, MANN, McILHATTAN, MELIO, MICOZZIE, MUNDY, MYERS, NAILOR, OLIVER, PETRARCA, PETRONE, RAPP, READSHAW, ROAE, ROSS, RUBLEY, SAMUELSON, SANTONI, SCAVELLO, SEIP, SHAPIRO, SHIMKUS, K. SMITH, M. SMITH, SOLOBAY, STABACK, STEIL, SURRA, J. TAYLOR, THOMAS, WALKO, WATERS, WATSON, J. WHITE, WILLIAMS, YOUNGBLOOD, MILNE, GRELL and D. O'BRIEN

An Act providing for an annual allocation of funds to county mental health and mental retardation programs.

Referred to Committee on HEALTH AND HUMAN SERVICES, February 11, 2008.

**No. 2242** By Representatives GINGRICH, MUNDY, HENNESSEY, WATSON, BELFANTI, BENNINGTON, BIANCUCCI, CALTAGIRONE, CAPPELLI, CLYMER, CREIGHTON, FREEMAN, GEIST, GILLESPIE, LONGIETTI, R. MILLER, O'NEILL, PALLONE, PETRONE, RAPP, REICHLEY, RUBLEY, SAYLOR, SIPTROTH, SWANGER, J. TAYLOR and YOUNGBLOOD

An Act requiring public notices relating to long-term care providers; and providing for compliance and enforcement, for certain information to be posted on the Internet, for certain information to be provided directly to consumers and consumers' designated persons and for certain duties of Commonwealth agencies responsible for licensure, certification and other approval of long-term care providers.

Referred to Committee on AGING AND OLDER ADULT SERVICES, February 11, 2008.

**SENATE BILL FOR CONCURRENCE**

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

**SB 949, PN 1744**

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, February 11, 2008.

**SUPPLEMENTAL CALENDAR B CONTINUED****BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1257, PN 2934**, entitled:

An Act amending the act of May 1, 1933 (P.L.216, No.76), known as The Dental Law, further defining "expanded function dental assistant"; defining "certified dental assistant"; further providing for general powers of the State Board of Dentistry, for fees, for reason for refusal, revocation or suspension of license or certificate, for penalties, for civil penalties, for right of dentists to practice as dental hygienists and expanded function dental assistants, for reporting of multiple licensure or certification and for the definition of "assignment of duties"; and providing for scope of practice of expanded function dental assistant and for scope of practice for certified dental assistant.

On the question,  
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 1804, PN 3013**, entitled:

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 definitions and for the State Board of Medicine; providing for jointly promulgated regulations; and further providing for respiratory care practitioners and for respiratory care practitioner certificates and permits.

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

Mr. **YUDICHAK** offered the following amendment No. **A05245**:

Amend Sec. 4 (Sec. 13.1), page 5, line 23, by striking out "disability" and inserting

impairment

Amend Sec. 4 (Sec. 13.1), page 5, line 30, by striking out all of said line and inserting

Medicine.

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

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

Mr. **YUDICHAK**. Thank you, Mr. Speaker.

This makes minor technical changes to the bill.

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

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

(Members proceeded to vote.)

### LEAVE OF ABSENCE

The **SPEAKER**. The Chair recognizes the minority whip, who requests that Representative **HARPER** be placed on leave for the remainder of the day. The Chair sees no objection. The leave will be granted.

### CONSIDERATION OF HB 1804 CONTINUED

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

The following roll call was recorded:

#### YEAS—198

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

#### NAYS—0

#### NOT VOTING—0

#### EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Metcalf			

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.)

**SUPPLEMENTAL CALENDAR B CONTINUED**

**BILLS ON SECOND CONSIDERATION**

The House proceeded to second consideration of **HB 1999, PN 3014**, entitled:

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 and for respiratory care practitioners.

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

Mr. **SEIP** offered the following amendment No. **A05447**:

Amend Sec. 1 (Sec 13), page 2, lines 3 and 4, by striking out all of line 3 and "(2)" in line 4 and inserting

(1)

Amend Sec. 1 (Sec. 13), page 2, line 5, by striking out "(3)" and inserting

(2)

Amend Sec. 1 (Sec. 13), page 2, line 8, by striking out "(4)" and inserting

(3)

Amend Sec. 1 (Sec. 13), page 2, line 9, by striking out "(5)" and inserting

(4)

Amend Sec. 1 (Sec. 13), page 2, line 10, by striking out "(6)" and inserting

(5)

Amend Sec. 1 (Sec. 13), page 2, line 12, by striking out "(7)" and inserting

(6)

Amend Sec. 1 (Sec. 13), page 2, line 13, by striking out "(8)" and inserting

(7)

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

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

Mr. **SEIP**. Thank you, Mr. Speaker.  
This is an agreed-to technical agreement.  
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-198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rublely

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

NAYS-0

NOT VOTING-0

EXCUSED-5

Harper	Perzel	Shimkus	Taylor, J.
Metcalfe			

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 2051, PN 3015**, entitled:

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 and for respiratory care practitioners; and making inconsistent repeals.

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

Mr. **SEIP** offered the following amendment No. **A05448**:

Amend Sec. 2 (Sec. 10), page 4, line 1, by striking out all of said line

Amend Sec. 2 (Sec. 10), page 4, line 2, by striking out "(ii)" and inserting

(i)

Amend Sec. 2 (Sec. 10), page 4, line 3, by striking out "(iii)" and inserting

(ii)

Amend Sec. 2 (Sec. 10), page 4, line 6, by striking out "(iv)" and inserting

(iii)

Amend Sec. 2 (Sec. 10), page 4, line 7, by striking out "(v)" and inserting

(iv)

Amend Sec. 2 (Sec. 10), page 4, line 9, by striking out "(vi)" and inserting

(v)

Amend Sec. 2 (Sec. 10), page 4, line 11, by striking out "(vii)" and inserting

(vi)

Amend Sec. 2 (Sec. 10), page 4, line 12, by striking out "(viii)" and inserting

(vii)

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

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

Mr. **SEIP**. Thank you, Mr. Speaker.  
This also is an agreed-to technical agreement.

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

The following roll call was recorded:

YEAS—198

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Biancucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Micozzie	Seip
Blackwell	Goodman	Millard	Shapiro

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Metcalfe			

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.)

CALENDAR CONTINUED

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 2088, PN 3007**, entitled:

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

respiratory care practitioners, for respiratory care practitioner certificates and permits and for reasons for refusal, revocation or suspension of license; and providing for regulations.

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

RESOLUTIONS PURSUANT TO RULE 35

Mr. DONATUCCI called up HR 569, PN 3150, entitled:

A Resolution observing the month of March 2008 as "National Colorectal Cancer Awareness Month" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Table listing names of members who were excused: Harper, Metcalfe, Perzel, Shimkus, Taylor, J.

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

\* \* \*

Mr. HESS called up HR 573, PN 3166, entitled:

A Resolution recognizing the importance of finding the cause and cure for multiple sclerosis; expressing appreciation to the Pennsylvania chapters of the National Multiple Sclerosis Society for their work; and proclaiming the week of March 10 through 17, 2008, as "Multiple Sclerosis Awareness Week" in Pennsylvania.

On the question,  
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—198

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

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

NAYS—0

NOT VOTING—0

EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Metcalf			

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

The SPEAKER. The House will be at ease.

The House will come to order.

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 1137, PN 1621**, entitled:

An Act amending the act of March 20, 2002 (P.L.154, No.13), known as the Medical Care Availability and Reduction of Error (Mcare) Act, further providing for medical professional liability insurance, for the Medical Care Availability and Reduction of Error Fund and for actuarial data; providing for the Medical Care Availability for Pennsylvanians (MCAP) Reserve Fund; further providing for abatement program, for the Health Care Provider Retention Account and for expiration; and providing for expiration of certain sections.

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

### BILL TABLED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1137 be removed from the active calendar and placed on the tabled bill calendar.

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

### BILL REMOVED FROM TABLE

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 1137 be removed from the tabled bill calendar and placed on the active calendar.

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

### BILL ON FINAL PASSAGE

The House proceeded to consideration on final passage of **HB 1643, PN 2876**, 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 reports to Department of Education, for rules and regulations and safety patrols, for financial reports, for residence and right to free school privileges, for possession of weapons prohibited and for suspension and expulsion of pupils.

On the question recurring,  
Shall the bill pass finally?

### BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, who moves that HB 1643 be removed from the active calendar and recommitted to the Committee on Rules.

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

The SPEAKER. The House will be at ease.

The House will come to order.

### SUPPLEMENTAL CALENDAR B CONTINUED

### BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 949, PN 2933**, entitled:

An Act amending the act of July 10, 1990 (P.L.404, No.98), known as the Real Estate Appraisers Certification Act, further providing for real estate appraiser certification required, for State Board of Certified Real Estate Appraisers, for powers and duties of board, for application and qualifications, for reciprocity, for certification and licensure renewal, for disciplinary and corrective measures, for reinstatement, for reporting of multiple certification, for surrender of suspended or revoked certificate, for penalties and for injunctive relief.

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

The SPEAKER. The House will be at ease.

The House will come to order.

**REPUBLICAN CAUCUS**

The SPEAKER. The Chair recognizes Representative Major. Miss MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus immediately. All Republicans please report to our caucus room immediately. Thank you

The SPEAKER. The Chair thanks the lady.

**ANNOUNCEMENT BY DEMOCRATIC LEADER**

The SPEAKER. The Chair recognizes Representative DeWeese.

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

The House will reconvene at 7:30 promptly. There will be no need for a Democratic caucus. Thank you very much.

The SPEAKER. The Chair thanks the gentleman.

Any other announcements?

**RECESS**

The SPEAKER. This House will stand in recess until 7:30 p.m.

**AFTER RECESS**

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

**PARLIAMENTARY INQUIRY**

Mr. DeWEESE. Mr. Speaker?

The SPEAKER. The House will come to order.

For what purpose does the majority leader, Representative DeWeese, rise?

Mr. DeWEESE. A parliamentary inquiry.

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

Mr. DeWEESE. I am under the impression, Mr. Speaker, that the language that the Legislative Reference Bureau was working on is now on the computers and a vote is imminent. Can the Chair verify that?

The SPEAKER. The Chair is not aware that it has been posted on the system. We are monitoring that, and we will let you know as soon as that is available. It is not on the system as yet.

Mr. DeWEESE. We are anticipating a 5- or 10-minute wait. I have been told 10 minutes two or three different 10 minutes ago, if there is such a phrase; not by you, Mr. Speaker, but by several of our very worthy helpers.

The SPEAKER. We will call and find out what the timeframe is and report to you immediately.

Mr. DeWEESE. Thank you.

**GUEST INTRODUCED**

The SPEAKER. The Chair would like to recognize as the guest of Representative Ken Smith, his wife, Dorothy, who is

seated to the left of the Speaker. Would you please stand and be recognized. Welcome to the floor of the House.

**LEAVE OF ABSENCE CANCELED**

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

**LEAVE OF ABSENCE**

The SPEAKER. The Chair recognizes the minority whip, who requests that Representative MICOZZIE be placed on leave. The Chair sees no objection. The leave will be granted.

The House will come to order.

**ANNOUNCEMENT BY SPEAKER**

The SPEAKER. The Chair informs the majority leader the amendment is on the system.

**RESCISSION OF POSTPONEMENT OF BILL**

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

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

I would like to move that the vote of February the 6th, 2008, whereby SB 1 was postponed until Tuesday, February 12, 2008, be rescinded so that we may return to the consideration of SB 1.

The SPEAKER. The majority leader moves that the vote on February 6, 2008, whereby SB 1 was postponed until Tuesday, February 12, 2008 be rescinded so that we may return to the consideration of the bill.

On the question,

Will the House agree to the motion?

The following roll call was recorded:

**YEAS—198**

Adolph	Frankel	Mann	Roebuck
Argall	Freeman	Mantz	Rohrer
Baker	Gabig	Markosek	Ross
Barrar	Galloway	Marshall	Rubley
Bastian	Geist	Marsico	Sabatina
Bear	George	McCall	Sainato
Belfanti	Gerber	McGeehan	Samuelson
Benninghoff	Gergely	McI. Smith	Santoni
Bennington	Gibbons	McIlhattan	Saylor
Beyer	Gillespie	Melio	Scavello
Bianucci	Gingrich	Mensch	Schroder
Bishop	Godshall	Metcalfe	Seip
Blackwell	Goodman	Millard	Shapiro
Boback	Grell	Miller	Sipthoth
Boyd	Grucela	Milne	Smith, K.
Brennan	Haluska	Moul	Smith, M.
Brooks	Hanna	Moyer	Smith, S.
Buxton	Harhai	Mundy	Solobay
Caltagirone	Harhart	Murt	Sonney
Cappelli	Harkins	Mustio	Staback
Carroll	Harris	Myers	Stairs
Casorio	Helm	Nailor	Steil
Causar	Hennessey	Nickol	Stern



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

NAYS—0

NOT VOTING—0

EXCUSED—5

Harper	Perzel	Shimkus	Taylor, J.
Micozzi			

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

## CALENDAR CONTINUED

### BILL ON CONCURRENCE IN SENATE AMENDMENTS TO HOUSE AMENDMENTS

The House proceeded to consideration of concurrence in Senate amendments to House amendments to **SB 1, PN 1726**, entitled:

An Act providing for access to public information, for a designated open-records officer in each Commonwealth agency, local agency, judicial agency and legislative agency, for procedure, for appeal of agency determination, for judicial review and for the Office of Open Records; imposing penalties; providing for reporting by State-related institutions; requiring the posting of certain State contract information on the Internet; and making related repeals.

On the question recurring,

Will the House concur in Senate amendments to House amendments?

## RULES SUSPENDED

The SPEAKER. On the question of concurrence, the Chair recognizes the gentleman, Representative King of Bucks County, who moves that the rules of the House be suspended so that he can offer amendment A05848, which the clerk will read.

The clerk read the following amendment No. **A05848**:

Amend Sec. 102, page 57, line 24, by striking out "INCLUDES:" and inserting

Any of the following:

Amend Sec. 102, page 58, line 3, by striking out all of said line and inserting

(3) A financial audit report. The term does not include work papers underlying an audit.

Amend Sec. 102, page 59, by inserting between lines 11 and 12

(15) The Legislative Audit Advisory Commission.

Amend Sec. 102, page 60, line 3, by inserting after "AUDIT" report

Amend Sec. 102, page 61, line 11, by inserting after "PRIVILEGE" where it appears the second time , the speech and debate privilege

Amend Sec. 102, page 61, line 14, by inserting after "RECORD" where it appears the second time

, including a financial record,

Amend Sec. 102, page 62, line 7, by striking out "AND" where it appears the second time and inserting

services and training,

Amend Sec. 102, page 62, line 10, by inserting after "SERVICES" where it appears the second time

, services for the elderly, services for individuals with disabilities

Amend Sec. 102, page 62, line 11, by inserting after "CRIMES" and domestic violence

Amend Sec. 701, page 74, line 13, by inserting after "TO"

or the personal security of

Amend Sec. 708, page 78, line 21, by inserting after "RECORD" which is not otherwise exempt from access under this act and which is

Amend Sec. 708, page 79, lines 22 through 25, by striking out all of said lines and inserting

(15) (i) Academic transcripts.

(ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

Amend Sec. 708, page 82, line 5, by inserting a comma after "RECORDING" where it appears the second time

Amend Sec. 708, page 84, by inserting between lines 25 and 26

(30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

Amend Sec. 708, page 84, lines 27 and 28, by striking out "FOR FINANCIAL RECORDS" and inserting

that an agency may redact that portion of a financial record

Amend Sec. 708, page 84, lines 29 and 30; page 85, line 1, by striking out all of said lines on said pages and inserting

(4), (5), (6), (16) or (17). An agency shall

Amend Sec. 708, page 85, line 3, by inserting a period after "ACTIVITY"

Amend Sec. 708, page 85, lines 3 through 5, by striking out "OR OTHER" in line 3 and all of lines 4 and 5

Amend Sec. 708, page 85, by inserting between lines 9 and 10 (e) Construction.—In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.

Amend Sec. 1307, page 94, line 7, by inserting after "BY" where it appears the second time

or connected with

Amend Sec. 1307, page 94, line 9, by striking out "NEWSPAPER" and inserting publication

Amend Sec. 1307, page 94, lines 16 through 18, by striking out all of said lines

Amend Sec. 1707, page 100, line 11, by striking out "OBLIGATION" and inserting contract

Amend Bill, page 102, lines 11 through 21, by striking out all of said lines and inserting

This act shall apply to requests for information made after December 31, 2008.

Section 3101.1. Relation to other laws.

If the provisions of this act regarding access to records conflict with any other Federal or State law, the provisions of this act shall not apply.

Amend Sec. 3103, page 103, lines 9 and 10, by striking out all of line 9 and "DECREE" in line 10 and inserting

Notwithstanding 1 Pa.C.S. § 1937(b), a reference in a statute or regulation

Amend Sec. 3104, page 103, line 19, by striking out all of said line and inserting

(2) Chapters 15 and 17 and sections 3102(1)(i) and 3102(2)(i) shall take effect July 1, 2008.

(3) The remainder of this act shall take effect January

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

The following roll call was recorded:

YEAS—198

Table listing names of members who voted 'YEAS' (198 total). Includes Adolph, Argall, Baker, Barrar, Bastian, Bear, Belfanti, Benninghoff, Bennington, Beyer, Biancucci, Bishop, Blackwell, Boback, Boyd, Brennan, Brooks, Buxton, Caltagirone, Cappelli, Carroll, Casorio, Causer, Civera, Clymer, Cohen, Conklin, Costa, Cox, Creighton, Cruz, Frankel, Freeman, Gabig, Galloway, Geist, George, Gerber, Gergely, Gibbons, Gillespie, Gingrich, Godshall, Goodman, Grell, Grucela, Haluska, Hanna, Harhai, Harhart, Harkins, Harris, Helm, Hennessey, Hershey, Hess, Hickernell, Hornaman, Hutchinson, James, Josephs, Kauffman, Mann, Mantz, Markosek, Marshall, Marsico, McCall, McGeehan, McI. Smith, McIlhattan, Melio, Mensch, Metcalfe, Millard, Miller, Milne, Moul, Moyer, Mundy, Murt, Mustio, Myers, Nailor, Nickol, O'Brien, M., O'Neill, Oliver, Pallone, Parker, Pashinski, Payne, Payton, Roebuck, Rohrer, Ross, Rubley, Sabatina, Sainato, Samuelson, Santoni, Saylor, Scavello, Schroder, Seip, Shapiro, Siptroth, Smith, K., Smith, M., Smith, S., Solobay, Sonney, Staback, Stairs, Steil, Stern, Stevenson, Sturla, Surra, Swanger, Tangretti, Taylor, R., Thomas, True.

Table listing names of members who did not vote 'YEAS'. Includes Curry, Cutler, Daley, Dally, DeLuca, Denlinger, DePasquale, Dermody, DeWeese, DiGirolamo, Donatucci, Eachus, Ellis, Evans, D., Evans, J., Everett, Fabrizio, Fairchild, Fleck, Keller, M., Keller, W., Kenney, Kessler, Killion, King, Kirkland, Kortz, Kotik, Kula, Leach, Lentz, Levdansky, Longietti, Mackereth, Maher, Mahoney, Major, Manderino, Peifer, Perry, Petrarca, Petri, Petrone, Phillips, Pickett, Preston, Pyle, Quigley, Quinn, Ramaley, Rapp, Raymond, Readshaw, Reed, Reichley, Roae, Rock, Turzai, Vereb, Vitali, Vulakovich, Wagner, Walko, Wansacz, Waters, Watson, Wheatley, White, Williams, Wojnaroski, Yewcic, Youngblood, Yudichak, O'Brien, D., Speaker.

NAYS—0

NOT VOTING—0

EXCUSED—5

Table listing names of members who were excused: Harper, Micozzie, Perzel, Shimkus, Taylor, J.

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 concur in Senate amendments to House amendments?

Mr. KING offered the following amendment No. A05848:

Amend Sec. 102, page 57, line 24, by striking out "INCLUDES:" and inserting

Any of the following:

Amend Sec. 102, page 58, line 3, by striking out all of said line and inserting

(3) A financial audit report. The term does not include work papers underlying an audit.

Amend Sec. 102, page 59, by inserting between lines 11 and 12

(15) The Legislative Audit Advisory Commission.

Amend Sec. 102, page 60, line 3, by inserting after "AUDIT" report

Amend Sec. 102, page 61, line 11, by inserting after "PRIVILEGE" where it appears the second time, the speech and debate privilege

Amend Sec. 102, page 61, line 14, by inserting after "RECORD" where it appears the second time, including a financial record,

Amend Sec. 102, page 62, line 7, by striking out "AND" where it appears the second time and inserting services and training,

Amend Sec. 102, page 62, line 10, by inserting after "SERVICES" where it appears the second time, services for the elderly, services for individuals with disabilities

Amend Sec. 102, page 62, line 11, by inserting after "CRIMES" and domestic violence

Amend Sec. 701, page 74, line 13, by inserting after "TO" or the personal security of

Amend Sec. 708, page 78, line 21, by inserting after "RECORD" which is not otherwise exempt from access under this act and which is

Amend Sec. 708, page 79, lines 22 through 25, by striking out all of said lines and inserting

- (15) (i) Academic transcripts.
- (ii) Examinations, examination questions, scoring keys or answers to examinations. This subparagraph shall include licensing and other examinations relating to the qualifications of an individual and to examinations given in primary and secondary schools and institutions of higher education.

Amend Sec. 708, page 82, line 5, by inserting a comma after "RECORDING" where it appears the second time

Amend Sec. 708, page 84, by inserting between lines 25 and 26

- (30) A record identifying the name, home address or date of birth of a child 17 years of age or younger.

Amend Sec. 708, page 84, lines 27 and 28, by striking out "FOR FINANCIAL RECORDS" and inserting  
that an agency may redact that portion of a financial record

Amend Sec. 708, page 84, lines 29 and 30; page 85, line 1, by striking out all of said lines on said pages and inserting

- (4), (5), (6), (16) or (17). An agency shall

Amend Sec. 708, page 85, line 3, by inserting a period after "ACTIVITY"

Amend Sec. 708, page 85, lines 3 through 5, by striking out "OR OTHER" in line 3 and all of lines 4 and 5

Amend Sec. 708, page 85, by inserting between lines 9 and 10

(e) Construction.—In determining whether a record is exempt from access under this section, an agency shall consider and apply each exemption separately.

Amend Sec. 1307, page 94, line 7, by inserting after "BY" where it appears the second time

or connected with

Amend Sec. 1307, page 94, line 9, by striking out "NEWSPAPER" and inserting

publication

Amend Sec. 1307, page 94, lines 16 through 18, by striking out all of said lines

Amend Sec. 1707, page 100, line 11, by striking out "OBLIGATION" and inserting

contract

Amend Bill, page 102, lines 11 through 21, by striking out all of said lines and inserting

This act shall apply to requests for information made after December 31, 2008.

Section 3101.1. Relation to other laws.

If the provisions of this act regarding access to records conflict with any other Federal or State law, the provisions of this act shall not apply.

Amend Sec. 3103, page 103, lines 9 and 10, by striking out all of line 9 and "DECREE" in line 10 and inserting

Notwithstanding 1 Pa.C.S. § 1937(b), a reference in a statute or regulation

Amend Sec. 3104, page 103, line 19, by striking out all of said line and inserting

- (2) Chapters 15 and 17 and sections 3102(1)(i) and 3102(2)(i) shall take effect July 1, 2008.

- (3) The remainder of this act shall take effect January

On the question,

Will the House agree to the amendment?

The SPEAKER. The Chair recognizes Representative DeWeese.

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

Very briefly, tonight's effort will be to clarify what we believe is an already good open records proposal. Senator Pileggi and his team as well as the Democrats in the Senate sent us a proposal that was voted 50 to nothing out of the Senate. It had some exciting debate last week. We have in the best spirit of compromise been working over the weekend and throughout the day with our Republican colleagues here in the chamber, and we have made several visits back and forth to the State Senate, and we have met with Senator Pileggi as recently as a few minutes ago.

If this legislation is passed tonight, it will indeed be the result of a bicameral and bipartisan effort that has been engendered by preeminently this House, our own chamber. We probably with 102 members could have jammed this thing through to the Governor's desk, but that probably would not have been a good idea. We did not want to leave a sour taste in anybody's mouth. We wanted to go for a bicameral, bipartisan proposal, and with the help of Senator Pileggi and our experts on the legal teams in all of the caucuses, we have that.

So I would ask for an affirmative vote on the King amendment.

The SPEAKER. The Chair recognizes Representative King for an explanation of the amendment.

Mr. KING. Thank you, Mr. Speaker.

Mr. Speaker, amendment 5848 provides for some technical clarifications and further provides for some protections of information in SB 1.

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

Mr. MAHER. Thank you, Mr. Speaker.

This is a happy day for Pennsylvania. The long, long road towards expanding the public's access to government records is about to be a journey completed. The amendment before us serves to add protections of seniors across Pennsylvania who receive services from governments so that their personal information would not be revealed to those who might exploit it. It adds protections for children in Pennsylvania so that their names, addresses, dates of birth will not be just generally available. It improves 911 protections for victims and whistleblowers. It ensures that public records that once are made available, they are public, and if somebody wishes to repackage that information in some creative fashion to make it more easily available to the public, that they have every right to do that.

It also recognizes that the Legislative Audit Advisory Commission's activities should be open to the public, just as any other aspect of the legislature. But most importantly in a nutshell, all of the concerns that were raised on this side of the aisle, many of which meant that we simply needed to improve the drafting because it had real-world reproductions, have been addressed, and senior citizens and children who are at risk will not be at risk, and I want to thank the members of this chamber for taking a deep breath and understanding that this very good proposal could proceed without injuring the innocent, and today this amendment will cure those defects.

Thank you, Mr. Speaker

The SPEAKER. Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I was at this microphone Wednesday and really upset about some issues, and I want to thank the majority leader and thank the gentleman for coming forward with this amendment to

clarify some of those issues, all of those issues, and I think we have a good piece of legislation here that we can live with. Thank you.

The SPEAKER. Representative Fairchild.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

Will the gentleman from Bucks County just submit to a short interrogation on the amendment, please?

The SPEAKER. The gentleman, Representative King, indicates that he will stand for interrogation. The gentleman, Representative Fairchild, is in order and may proceed.

Mr. FAIRCHILD. Thank you, Mr. Speaker, and thank you for bringing together this amendment. I think it goes a long way, and I applaud all those on both sides of the aisle here and both sides of the aisle in the Senate for working to bring us where we are this evening.

I do have a question on legislative intent. I notice the amendment did not take out the time response logs information, and for legislative intent, I visualize the time response logs as a log of when a call comes into a 911 center, when action is taken and when it is complete. Is that your interpretation, or what is your definition or intent as far as a time response log?

Mr. KING. Mr. Speaker, I would say that is a fair interpretation of legislative intent.

Mr. FAIRCHILD. Thank you.

Then just to solidify here, it is not the incident log itself, which has all the detailed information of a caller – the address, the telephone number, the date of birth, all that stuff?

Mr. KING. Mr. Speaker, that is correct.

Mr. FAIRCHILD. Thank you, Mr. Speaker.

I would like to say, and I will say it now if you will just give me leeway.

The SPEAKER. If the gentleman has concluded his interrogation, he is in order and may proceed with his comments.

Mr. FAIRCHILD. Yes, Mr. Speaker.

This does have to do with the amendment and the bill. Then I will not get up on the bill. But again, thank you. We have come a long way. We probably have to tweak a couple things here a little bit, and I think if we continue to work in a bipartisan manner, we can do that.

Finally, there was a very terrible incident that happened in Bucks County recently, and I want to just make all the members aware that the Speaker of the House, Speaker O'Brien, is going to be holding an event on April 7. It is backed and supported by all your 911, your emergency services people, and it is going to be a great enhancement to our system, and I would like to thank you, Mr. Speaker.

Thank you.

The SPEAKER. The Chair thanks the gentleman.

### LEAVE OF ABSENCE CANCELED

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

### CONSIDERATION OF SB 1 CONTINUED

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

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

Very briefly, the majority leader noted that possibly with a 102 votes they could have rammed SB 1 through as it came back to this House recently, and I would say that with 102 votes, he definitely could have rammed this bill through. I think that would have been wrong, and I appreciate that the majority leader was willing to work with us to put together this amendment that I believe goes a long way in putting a proper balance between the public's right to know and the public's expectation of personal privacy protection.

I appreciate the work that has gone into this over the last 24 hours or so, in particular to bring us to this point. I think given where we were last Tuesday or Wednesday night and the controversy on the floor, that we have come a long way in improving SB 1, and I want to thank and appreciate the majority leader's support and help in that regard as well as the members of this House.

Thank you, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

#### YEAS—199

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

Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel			

NAYS—0

NOT VOTING—0

EXCUSED—4

Harper	Micozzie	Perzel	Shimkus
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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 concur in Senate amendments to House amendments as amended?

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

The following roll call was recorded:

YEAS—199

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

Eachus	Levdansky	Rapp	Williams
Ellis	Longietti	Raymond	Wojnaroski
Evans, D.	Mackereth	Readshaw	Yewcic
Evans, J.	Maher	Reed	Youngblood
Everett	Mahoney	Reichley	Yudichak
Fabrizio	Major	Roae	
Fairchild	Manderino	Rock	O'Brien, D.,
Fleck	Mann	Roebuck	Speaker
Frankel			

NAYS—0

NOT VOTING—0

EXCUSED—4

Harper	Micozzie	Perzel	Shimkus
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The majority required by the Constitution having voted in the affirmative, the question was determined in the affirmative and the amendments to House amendments as amended were concurred in.

Ordered, That the clerk inform the Senate accordingly.

The SPEAKER. It is the intention of the Chair to recess regular session and go into special session at 8:21.

The House rescinds its announcement.

The Chair renews its announcement of its intention to recess regular session and go into special session at 8:22.

## RECESS

The SPEAKER. Regular session of the House is now in recess.

## AFTER RECESS

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

## STATEMENT BY MAJORITY LEADER

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

Mr. DeWEESE. Mr. Speaker, are we concluded with our other enterprises for the evening?

The SPEAKER. As far as the Chair—

Mr. DeWEESE. Just for a matter of scheduling, we will launch at 11 o'clock tomorrow.

I did not want to belabor the House chamber during the debate, but as the majority leader and minority leader are occasionally given the opportunity, I wanted to share four quick points. I think I can do it in 60 seconds.

The SPEAKER. The gentleman is in order and may proceed.

Mr. DeWEESE. Relative to our open records law that we worked together on in a bipartisan way, four quick points: One, the presumption of openness is now flipped and government documents will be available, and it will be up to the government to prove why they should not be made open. Number two, for the first time in history, thanks to a bipartisan, bicameral arrangement, the Pennsylvania legislature will be incorporated into the open records proposal. Number three, due to the

financial accountability activities that are prescribed in this measure, the public will know exactly how their tax dollars are being spent. Fourth and finally, a State Office of Open Records will be created. There will be an appeals process, and I think that our Commonwealth will go to the forefront among the 50 States for a very aggressive and successful open records law.

The Senate, and especially Senator Pileggi, deserves congratulations, but again, I think tonight's work product is certainly an example of when a bipartisan effort is a more healthy effort.

Thank you very much, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

Are there any other announcements?

### **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 Pashinski from Luzerne County, who moves that the House do now adjourn until Tuesday, February 12, 2008, at 11 a.m., e.s.t., unless sooner recalled by the Speaker.

On the question,

Will the House agree to the motion?

Motion was agreed to, and at 8:25 p.m., e.s.t., the House adjourned.