

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

THURSDAY, JULY 2, 2009

SESSION OF 2009

193D OF THE GENERAL ASSEMBLY

No. 58

HOUSE OF REPRESENTATIVES

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

THE SPEAKER (KEITH R. McCALL)
PRESIDING

PRAYER

HON. JERRY STERN, member of the House of Representatives, offered the following prayer:

Let us bow our heads:

Dear Heavenly Father, as we gather today before You on this beautiful day, we thank You for the many blessings that You have bestowed upon our nation and our Commonwealth.

Let us remember the soldiers and support staff serving today in faraway places that protect us from harm. Be with those brave men and women in uniform to protect them and shield them from the enemy that wants to destroy the very freedoms that our Founding Fathers helped to secure through their sacrifices and belief in the laws of nature and of nature's God.

I pray, dear Lord, that this Assembly will be wise in our decisionmaking. As we join this morning to begin this session day, may Your many blessings be upon the Speaker and those who work with him on a daily basis. Be with our family members as well back home and support their needs also.

We ask for strength for the House leadership to guide and direct them during this time in our Commonwealth. Please enable us to do the common good for those who entrust us in governing. Bless the support staff that works so diligently to get our work accomplished.

We pray also for Governor Rendell and the many Cabinet Secretaries and their staff serving with him. We pray for our Senate colleagues and their leadership and staff as well.

Let us recall the words of the prophet, Isaiah, when he said, "Therefore the Lord will wait, that He may be gracious to you; and therefore He will be exalted, that he may have mercy on you. For the Lord is a God of justice; blessed are all those who wait for Him." We often are impatient, dear Lord. We want to be on our own time schedule, but as Isaiah reminded us, blessed are all those who wait for You.

Keep us, O Lord, in the palm of Your hand. Let us remember also the days coming here, in the next 2 days, as we celebrate the Fourth of July. As we sit in this chamber, dear Lord, and we see the paintings of Edwin Austin Abbey and we see the Fourth of July reading, let us remember our Declaration of Independence and what our Founding Fathers fought for.

Keep us, dear Lord, in all Your ways. We pray all these things in Your son's most precious name. Amen.

PLEDGE OF ALLEGIANCE

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

SENATE MESSAGE

AMENDED HOUSE BILL RETURNED
FOR CONCURRENCE AND
REFERRED TO COMMITTEE ON RULES

The clerk of the Senate, being introduced, returned **HB 89, PN 2180**, with information that the Senate has passed the same with amendment in which the concurrence of the House of Representatives is requested.

BILL SIGNED BY SPEAKER

Bill numbered and entitled as follows having been prepared for presentation to the Governor, and the same being correct, the title was publicly read as follows:

SB 241, PN 246

An Act amending the act of February 19, 1980 (P.L.15, No.9), known as the Real Estate Licensing and Registration Act, defining "qualified association"; further providing for prohibited acts and for duties of licensee generally; and providing for handling of deposits and other escrows.

Whereupon, the Speaker, in the presence of the House, signed the same.

HOUSE BILLS INTRODUCED AND REFERRED

No. 1776 By Representatives BEAR, SAYLOR, STURLA, ADOLPH, BOYD, BOYLE, CUTLER, DENLINGER, EVERETT, FLECK, GINGRICH, GOODMAN, GRELL, GROVE, HELM, HICKERNELL, KILLION, MAJOR, OBERLANDER, PICKETT, RAPP, REICHLEY, ROCK, SIPTROTH, STEVENSON, SWANGER and YUDICHAK

An Act providing for a housing and economic revitalization rebate program; imposing duties on the Pennsylvania Housing Finance Agency; and establishing the Build Pennsylvania Fund.

Referred to Committee on COMMERCE, July 2, 2009.

No. 1821 By Representatives SHAPIRO, JOSEPHS, BENNINGHOFF, FRANKEL, SANTARSIERO, EACHUS, S. H. SMITH, DeWEESE, D. EVANS, BOYLE, BISHOP, BOYD, BRADFORD, BRIGGS, CALTAGIRONE, CARROLL, CLYMER, COHEN, D. COSTA, CURRY, CUTLER, DeLUCA, DENLINGER, DePASQUALE, DERMODY, DONATUCCI, DRUCKER, FABRIZIO, FLECK, FREEMAN, GALLOWAY, GIBBONS, GOODMAN, HARPER, HENNESSEY, HESS, HORNAMAN, HOUGHTON, KAUFFMAN, KORTZ, KULA, LENTZ, LEVDANSKY, MAHONEY, MANN, MATZIE, McGEEHAN, McILVAINE SMITH, MELIO, METCALFE, METZGAR, MICOZZIE, MUNDY, MURT, MUSTIO, MYERS, M. O'BRIEN, PALLONE, PARKER, PASHINSKI, PAYTON, PERZEL, RAPP, READSHAW, REED, ROHRER, SAYLOR, SCHRODER, SEIP, SIPTROTH, K. SMITH, M. SMITH, STURLA, SWANGER, TALLMAN, R. TAYLOR, THOMAS, TRUE, VEREB, WAGNER, WALKO, WANSACZ and YOUNGBLOOD

An Act providing for divestiture by the State Treasurer, the State Employees' Retirement System and the Public School Employees' Retirement System of investments in companies doing business in Iran and Sudan.

Referred to Committee on STATE GOVERNMENT, July 2, 2009.

No. 1822 By Representatives WALKO, EACHUS, CALTAGIRONE, FRANKEL, BEYER, BRADFORD, BRENNAN, BROWN, CREIGHTON, DEASY, GEIST, GRUCELA, HALUSKA, HARKINS, HELM, HORNAMAN, KOTIK, KULA, MAHONEY, MELIO, MURT, REICHLEY, ROSS, SCHRODER, SIPTROTH, SOLOBAY, SWANGER, VULAKOVICH and YOUNGBLOOD

An Act amending the act of August 24, 1963 (P.L.1175, No.497), known as the Mechanics' Lien Law of 1963, further providing for the right to lien by a subcontractor.

Referred to Committee on LABOR RELATIONS, July 2, 2009.

No. 1823 By Representatives STURLA, HARHAI, SIPTROTH, CALTAGIRONE, COHEN, D. COSTA, JOSEPHS, MAHONEY, McILVAINE SMITH, MELIO, MUNDY, K. SMITH and YOUNGBLOOD

An Act amending the act of December 19, 1974 (P.L.973, No.319), known as the Pennsylvania Farmland and Forest Land Assessment Act of 1974, further providing for applications for preferential assessments.

Referred to Committee on AGRICULTURE AND RURAL AFFAIRS, July 2, 2009.

No. 1824 By Representatives WILLIAMS and D. EVANS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, in special situs for local sales tax, further providing for construction materials; and providing for an optional sales and use tax for first class cities.

Referred to Committee on APPROPRIATIONS, July 2, 2009.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker is granting permission for the Rules Committee to continue to meet.

The House will be at ease.

The House will come to order.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. There will be an immediate meeting of the House Appropriations Committee in the majority caucus room; an immediate meeting of the House Appropriations Committee in the majority caucus room.

The House will be at ease.

The House will come to order.

BILLS REREPORTED FROM COMMITTEE

HB 250, PN 2003 By Rep. EACHUS

An Act providing for municipal volunteer fire service incentives.

RULES.

HB 1102, PN 1298 By Rep. EACHUS

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for the definition of "eligible adult."

RULES.

HB 1415, PN 1737 By Rep. EACHUS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for definitions, for acting for or aiding nonadmitted insurers, for requirements for eligible surplus lines insurers, for other nonadmitted insurers, for surplus lines licensee's duty to notify insured, for declarations, for surplus lines advisory organizations, for evidence of insurance, for licensing of surplus lines licensee, for surplus lines licensee's acceptance of business from brokers, for records of surplus lines licensees, for monthly reports, for surplus lines tax, for tax on independently procured insurance, for suspension, revocation or nonrenewal of surplus lines licensee's license and for penalties; and providing for compliance.

RULES.

HB 1656, PN 2184 By Rep. EACHUS

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, further providing for administration.

RULES.

HB 1676, PN 2243 By Rep. EACHUS

An Act amending the act of August 26, 1971 (P.L.351, No.91), known as the State Lottery Law, providing for the definitions of "acquisition cost," "Federal upper payment limits" and "usual charge" or "usual and customary charge"; further providing for program generally, for generic drugs, for indication of price, for the

Pharmaceutical Assistance Contract for the Elderly Needs Enhancement Tier and for penalties; providing for the Medication Therapy Management Program; and further providing for terms of rebate agreement, for amount of rebate and for excessive pharmaceutical price inflation discount.

RULES.

HB 1754, PN 2231

By Rep. EACHUS

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

RULES.

HB 1770, PN 2282

By Rep. EACHUS

An Act amending the act of December 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment Compensation Law, further defining "State 'on' indicator" and "State 'off' indicator"; and further providing for total extended benefit amount.

RULES.

The SPEAKER. Those bills will be placed on the House supplemental calendar.

BILL ON CONCURRENCE REPORTED FROM COMMITTEE

HB 270, PN 2181

By Rep. EACHUS

An Act amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for persons qualified to solemnize marriages.

RULES.

The SPEAKER. The bill will be placed on the House calendar.

BILLS RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, who moves that the following bills be removed from the supplemental calendar and recommitted to the Committee on Appropriations:

HB 250;
HB 1102;
HB 1415;
HB 1656;
HB 1676;
HB 1754; and
HB 1770.

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 240 be removed from the tabled calendar.

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

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the majority leader, who moves that SB 240 be recommitted to the Committee on Appropriations.

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

The SPEAKER. The House will come to order.

JOURNALS APPROVED

The SPEAKER. The Journals of Tuesday, May 5; Wednesday, May 6; Thursday, May 7; and Monday, May 11 of 2009 are now in print. Will the House approve those Journals?

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

The SPEAKER. The Journals are approved.

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, approval of the Journal of Wednesday, July 1, 2009, will be postponed until printed. The Chair hears no objection.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who requests the following leaves of absence for: Representative BELFANTI from Northumberland County for the day, Representative KOTIK from Allegheny County for the day, and Representative Matt SMITH from Allegheny County for the day. Without objection, the leaves will be granted.

The Chair recognizes the minority whip, Representative Turzai, who indicates there are no leaves on the Republican side of the aisle.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—197

Adolph	Evans, J.	Longiotti	Reese
Baker	Everett	Maher	Reichley
Barbin	Fabrizio	Mahoney	Roae
Barrar	Fairchild	Major	Rock
Bear	Farry	Manderingo	Roebuck
Benninghoff	Fleck	Mann	Rohrer
Beyer	Frankel	Markosek	Ross
Bishop	Freeman	Marshall	Sabatina
Boback	Gabig	Marsico	Sainato
Boyd	Gabler	Matzie	Samuelson
Boyle	Galloway	McGeehan	Santarsiero
Bradford	Geist	McI. Smith	Santoni
Brennan	George	Melio	Saylor
Briggs	Gerber	Mensch	Scavello
Brooks	Gergely	Metcalfe	Schroder
Brown	Gibbons	Metzgar	Seip
Burns	Gillespie	Micozzie	Shapiro
Buxton	Gingrich	Millard	Siptroth
Caltagirone	Godshall	Miller	Smith, K.
Carroll	Goodman	Milne	Smith, S.
Casorio	Grell	Mirabito	Solobay
Causser	Grove	Moul	Sonney
Christiana	Grucela	Mundy	Staback
Civera	Haluska	Murphy	Stern
Clymer	Hanna	Murt	Stevenson
Cohen	Harhai	Mustio	Sturla
Conklin	Harhart	Myers	Swanger
Costa, D.	Harkins	O'Brien, D.	Tallman
Costa, P.	Harper	O'Brien, M.	Taylor, J.
Cox	Harris	O'Neill	Taylor, R.
Creighton	Helm	Oberlander	Thomas
Cruz	Hennessey	Oliver	True
Curry	Hess	Pallone	Turzai
Cutler	Hickernell	Parker	Verbe
Daley	Hornaman	Pashinski	Vitali
Dally	Houghton	Payne	Vulakovich
Day	Hutchinson	Payton	Wagner
Deasy	Johnson	Peifer	Walko
Delozier	Josephs	Perzel	Wansacz
DeLuca	Kauffman	Petrarca	Waters
Denlinger	Keller, M.K.	Petri	Watson
DePasquale	Keller, W.	Phillips	Wheatley
Dermody	Kessler	Pickett	White
DeWeese	Killion	Preston	Williams
DiGirolo	Kirkland	Pyle	Youngblood
Donatucci	Knowles	Quigley	Yudichak
Drucker	Kortz	Quinn	
Eachus	Krieger	Rapp	McCall,
Ellis	Kula	Readshaw	Speaker
Evans, D.	Levdansky	Reed	

ADDITIONS—0

NOT VOTING—0

EXCUSED—6

Belfanti	Lentz	Perry	Smith, M.
Kotik	Miccarelli		

LEAVES ADDED—2

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

BILLS REREPORTED FROM COMMITTEE

HB 72, PN 54

By Rep. D. EVANS

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for applicability to providers outside this Commonwealth; and further providing for investigative disclosure or use of contents of wire, electronic or oral communications or derivative evidence, for requirements for governmental access, and for issuance of an order for use of certain devices.

APPROPRIATIONS.

HB 1415, PN 1737

By Rep. D. EVANS

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for definitions, for acting for or aiding nonadmitted insurers, for requirements for eligible surplus lines insurers, for other nonadmitted insurers, for surplus lines licensee's duty to notify insured, for declarations, for surplus lines advisory organizations, for evidence of insurance, for licensing of surplus lines licensee, for surplus lines licensee's acceptance of business from brokers, for records of surplus lines licensees, for monthly reports, for surplus lines tax, for tax on independently procured insurance, for suspension, revocation or nonrenewal of surplus lines licensee's license and for penalties; and providing for compliance.

APPROPRIATIONS.

SB 142, PN 997

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; providing for confidentiality of information; and making related repeals.

APPROPRIATIONS.

SB 380, PN 378

By Rep. D. EVANS

An Act designating a bridge on that portion of Route 219 over the Little Toby Creek, Brockway Borough, Jefferson County, as the Christopher E. Loudon Memorial Bridge.

APPROPRIATIONS.

The SPEAKER. Those bills will be placed on the House supplemental calendar.

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

HB 1187, PN 2374 (Amended)

By Rep. JOSEPHS

An Act amending Title 5 (Athletics and Sports) of the Pennsylvania Consolidated Statutes, further providing for duties of State Athletic Commission; in regulation of boxing contests and exhibitions, further providing for age of participants, for gloves and for contracts; in wrestling, further providing for definitions and for physician to be in attendance; and, in registration of athlete agents, further providing for penalties and for bonding requirements.

STATE GOVERNMENT.

HB 1500, PN 2277

By Rep. JOSEPHS

An Act imposing a fee on municipalities for patrol services provided by the Pennsylvania State Police; and providing for allocation of funds and for penalties.

STATE GOVERNMENT.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****SB 536, PN 543**

By Rep. JOSEPHS

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Tad W. Hippensteel a pedestrian and vehicular access easement over certain lands of the Commonwealth of Pennsylvania situate in Mount Joy Township, Lancaster County.

STATE GOVERNMENT.

SB 852, PN 1143

By Rep. JOSEPHS

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Department of Military and Veterans' Affairs, to grant and convey to the Schuylkill YMCA certain lands and building situate in the City of Pottsville, Schuylkill County.

STATE GOVERNMENT.

GUEST INTRODUCED

The SPEAKER. In the balcony, the Chair would like to welcome Valerie DeNault, who is here visiting the Capitol and is the guest of Representative Tina Pickett. Will the guest please rise. Welcome to the hall of the House.

LEAVES OF ABSENCE

The SPEAKER. Turning to leaves of absence, the Chair recognizes the majority whip, Representative DeWeese, who requests a leave for the gentleman from Cambria County, Representative BARBIN, for the day. Without objection, the leave will be granted.

The Chair recognizes the minority whip, Representative Turzai, who requests leave for the gentleman from Chester, Representative MILNE.

The members will please take their seats. We are about to take up a condolence resolution.

The Sergeants at Arms will close the doors of the House.

CALENDAR**RESOLUTION PURSUANT TO RULE 35**

Mr. HUTCHINSON called up **HR 393, PN 2353**, entitled:

A Resolution honoring the life of former Senator Robert J. Kusse and extending condolences to his family.

The following resolution was read:

A RESOLUTION

Honoring the life of former Senator Robert J. Kusse and extending condolences to his family.

WHEREAS, Senator Robert J. Kusse, who served in the Pennsylvania Legislature as a member of the House of Representatives from 1972 to 1977 and as a Senator from 1977 to 1984, died on February 8, 2008; and

WHEREAS, This sad event was only recently made known to this august body; and

WHEREAS, Senator Kusse, a proud resident of Warren County, began his professional career in 1964 as owner of the Bob Kusse Pontiac Cadillac dealership in Warren; and

WHEREAS, After being elected township supervisor in 1966, Senator Kusse ran unsuccessfully for the House of Representatives in 1968 before being elected to that post in 1972; and

WHEREAS, In the House of Representatives, Senator Kusse served the 65th legislative district, comprising Forest, Venango and Warren Counties, and was on the Finance and Game and Fisheries Committees; and

WHEREAS, In a special election in 1977 to fill the unexpired term of State Senator Richard Frame, Senator Kusse was elected to represent the 25th senatorial district, comprising Elk, Forest, McKean, Potter and Warren Counties and parts of Clarion, Erie and Venango Counties; and

WHEREAS, Senator Kusse served the 25th senatorial district with distinction from 1977 to 1984, where he was chairman of the Transportation Committee, a member of the Joint Legislative Air and Water Pollution Control and Conservation Commission and a member of the Banking and Insurance, Game and Fisheries, Labor and Industry and Rules and Executive Nominations Committees; and

WHEREAS, Congressman Phil English knew Senator Kusse well, serving as executive director of the Senate's Transportation Committee when Kusse was its chairman, and said, "He was one of the most effective for rural transportation"; and

WHEREAS, In addition, Congressman English said, "Senator Bob Kusse was one of the toughest, most principled voices in the Pennsylvania State Senate. He was a remarkable advocate of improving the State's transportation as well as the State's business climate. He was a committed conservative who was always ready to make tough decisions and make Pennsylvania attractive for new job creation"; and

WHEREAS, The Commonwealth was fortunate to have been graced with the wisdom and experienced background of this outstanding public servant; therefore be it

RESOLVED, That the House of Representatives honor the life of former Senator Robert J. Kusse and extend condolences to his family.

On the question,

Will the House adopt the resolution?

The SPEAKER. The Chair recognizes the gentlelady from Warren County, Representative Rapp.

Ms. RAPP. Thank you, Mr. Speaker.

Today we have the honor of recognizing our former member, Representative and Senator Robert J. Kusse, who served in this House representing the 65th Legislative District, which consisted at that time of Warren, Forest, and Venango Counties. Representative Kusse served in the House from 1972 to 1977 when he was elected to the Pennsylvania Senate.

Prior to serving in the House and Senate, he served as a civilian flight instructor during World War II. He served as a primary, intermediate, and advance trainer for the U.S. military. He was a test pilot for Curtiss-Wright and also a chief pilot for Fruehauf, a major semitrailer manufacturer.

Senator Kusse was a proud resident of Warren County and owner of the Bob Kusse Pontiac Cadillac dealership in Warren where he raised his family.

I was fortunate to know Senator Kusse as my neighbor and friend. He was extremely proud of his service to the 65th Legislative District and to the people of Pennsylvania. He loved the beauty of northwestern Pennsylvania and its wealth of history. His study in his home on Follett Run Road in Warren, which is also the road that I live on, was filled with memorabilia from his years of service in the House and the Senate.

Representative Hutchinson and I are proud to serve in his footsteps. We are both proud to serve on the Joint Legislative Air and Water Pollution Control and Conservation Commission, where Senator Kusse also served on in the Senate. I serve on the task force on Forestry and Representative Hutchinson chairs that commission today in the House.

We appreciate your kind support of honoring our former member, Representative and Senator Robert J. Kusse. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentlelady.

Members and guests will rise as a sign of respect for a former deceased member.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of the Honorable Robert J. Kusse.)

The SPEAKER. The members and guests may please be seated.

The Sergeants at Arms will open the doors of the House.

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

The following roll call was recorded:

YEAS—195

- | | | | |
|-------------|-----------|------------|-------------|
| Adolph | Everett | Longiotti | Reese |
| Baker | Fabrizio | Maher | Reichley |
| Barrar | Fairchild | Mahoney | Roae |
| Bear | Farry | Major | Rock |
| Benninghoff | Fleck | Manderino | Roebuck |
| Beyer | Frankel | Mann | Rohrer |
| Bishop | Freeman | Markosek | Ross |
| Boback | Gabig | Marshall | Sabatina |
| Boyd | Gabler | Marsico | Sainato |
| Boyle | Galloway | Matzie | Samuelson |
| Bradford | Geist | McGeehan | Santarsiero |
| Brennan | George | McI. Smith | Santoni |
| Briggs | Gerber | Melio | Saylor |
| Brooks | Gergely | Mensch | Scavello |
| Brown | Gibbons | Metcalfe | Schroder |
| Burns | Gillespie | Metzgar | Seip |
| Buxton | Gingrich | Micozzie | Shapiro |
| Caltagirone | Godshall | Millard | Siptroth |
| Carroll | Goodman | Miller | Smith, K. |
| Casorio | Grell | Mirabito | Smith, S. |
| Causar | Grove | Moul | Solobay |
| Christiana | Grucela | Mundy | Sonney |
| Civera | Haluska | Murphy | Staback |
| Clymer | Hanna | Murt | Stern |
| Cohen | Harhai | Mustio | Stevenson |
| Conklin | Harhart | Myers | Sturla |

- | | | | |
|------------|--------------|-------------|------------|
| Costa, D. | Harkins | O'Brien, D. | Swanger |
| Costa, P. | Harper | O'Brien, M. | Tallman |
| Cox | Harris | O'Neill | Taylor, J. |
| Creighton | Helm | Oberlander | Taylor, R. |
| Cruz | Hennessey | Oliver | Thomas |
| Curry | Hess | Pallone | True |
| Cutler | Hickernell | Parker | Turzai |
| Daley | Hornaman | Pashinski | Vereb |
| Dally | Houghton | Payne | Vitali |
| Day | Hutchinson | Payton | Vulakovich |
| Deasy | Johnson | Peifer | Wagner |
| Delozier | Josephs | Perzel | Walko |
| DeLuca | Kauffman | Petrarca | Wansacz |
| Denlinger | Keller, M.K. | Petri | Waters |
| DePasquale | Keller, W. | Phillips | Watson |
| Dermody | Kessler | Pickett | Wheatley |
| DeWeese | Killion | Preston | White |
| DiGirolamo | Kirkland | Pyle | Williams |
| Donatucci | Knowles | Quigley | Youngblood |
| Drucker | Kortz | Quinn | Yudichak |
| Eachus | Krieger | Rapp | |
| Ellis | Kula | Readshaw | McCall, |
| Evans, D. | Levdansky | Reed | Speaker |
| Evans, J. | | | |

NAYS—0

NOT VOTING—0

EXCUSED—8

- | | | | |
|----------|-------|------------|-----------|
| Barbin | Kotik | Miccarelli | Perry |
| Belfanti | Lentz | Milne | Smith, M. |

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

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 33, PN 1230**, entitled:

An Act amending the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, further providing for powers and duties of the Secretary of the Commonwealth, for Voting Standards Development Board and for restrictions on alteration of boundaries of election districts.

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?

MOTION TO POSTPONE

The SPEAKER. On the question of final passage, the Chair recognizes the gentleman from Lycoming County, Representative Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

First, Mr. Speaker, I would like to apologize to you and the members of the House if I got too rambunctious yesterday when I was making my motion. I just feel strongly about this issue.

I rise again, as I mentioned yesterday, to make a motion that this bill be postponed. I am going to slightly modify my motion from yesterday. Since it was apparent after we had our debate and dialogue yesterday that the members of the majority party are not interested in taking up a budget bill right now, that I will modify my motion to be that I believe that we should not conduct any further business in this House until we pass a funding bill, an emergency funding bill that pays the 77,000 workers that are not getting paid, the vendors that are not getting paid, and keeps our government open and running. So I will just have one criterion on my motion from yesterday, and I would like that motion to be taken up now.

Thank you, sir.

The SPEAKER. Will the gentleman state the motion.

Mr. EVERETT. My motion is that SB 33 be postponed until the first day after this House has passed an emergency funding bill that keeps our 77,000 State workers paid and keeps our government open and running while we continue to debate the budget.

The SPEAKER. The gentleman from Lycoming County, Representative Everett, has made a motion to postpone until the first day after the House passes a funding bill.

On the question,

Will the House agree to the motion?

PARLIAMENTARY INQUIRY

The SPEAKER. On that question, the Chair recognizes the gentleman from Westmoreland County, Representative Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

A point of parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. PALLONE. Is it appropriate for the body to be at ease contingent upon further action of this deliberative body? It seems to indicate to me that if the only way we are allowed to take further action in the House is if we in fact do some other type of action, it almost looks as though we are trying to hold the elected body from being a deliberative body to almost being held hostage to some other action of the body. I do not know that that is appropriate. I would just like a ruling from the Chair, sir.

The SPEAKER. The Chair is going to seek clarification from the maker of the motion on his motion.

The gentleman's remarks are in order; however, the gentleman from Lycoming will rephrase his motion for a clearer interpretation by the Chair. If the gentleman will yield to the gentleman from Lycoming? The Chair thanks the gentleman, Mr. Pallone.

The Chair recognizes the gentleman from Lycoming County, Representative Everett.

Mr. EVERETT. Thank you, Mr. Speaker.

I am going to be withdrawing this motion, so that is why I did not want to get into the whole parliamentary inquiry and the ruling.

I just want to say that I think that next week when we come back into session, that it would be my desire to see this chamber take up HB 1171 and provide pay for the State workers. There is no reason that the State workers in Pennsylvania should not be getting paid while we are working out these budget issues.

I fully agree that we have a serious budget problem here. There are obviously strong feelings on both sides, but I would just urge this House next week, first thing, to put in position HB 1171 so that the 77,000 State workers in Pennsylvania can get paid. They should not be pawns in this game. They are working hard for us every day, and they should be getting paid.

MOTION WITHDRAWN

Mr. EVERETT. I will withdraw my motion, Mr. Speaker, and I thank you for the liberty of speaking.

The SPEAKER. The Chair thanks the gentleman.

The gentleman, Mr. Pallone.

Mr. PALLONE. Thank you, Mr. Speaker.

I appreciate the cooperation from the member. However, I think it is important that we note that the House rules contain a number of provisions that will enable us to move legislation without making our votes be contingent upon the success or failure of another piece of legislation. I think every member of the body has a specific interest in a particular piece or pieces of legislation that we would love to advance, and we certainly would love to make the body vote on our bills before they vote on another one. So I think it is wholly disingenuous to be able to try to hold the body hostage in such a way and that we should follow the rules and not play to the media at this time of crisis, because I think we are all supportive of making sure that the State employees, whether there are 77,000 or 7700—

The SPEAKER. Will the gentleman yield.

Mr. PALLONE. —that they all get paid because those families need that. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman Cumberland County, Representative Gabig. The gentleman withdraws.

On the question recurring,

Shall the bill pass finally?

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

The following roll call was recorded:

YEAS—195

Adolph	Everett	Longiitti	Reese
Baker	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	George	McI. Smith	Santoni
Briggs	Gerber	Melio	Saylor
Brooks	Gergely	Mensch	Scavello
Brown	Gibbons	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Seip

Buxton	Gingrich	Micozzie	Shapiro
Caltagirone	Godshall	Millard	Siptroth
Carroll	Goodman	Miller	Smith, K.
Casorio	Grell	Mirabito	Smith, S.
Causar	Grove	Moul	Solobay
Christiana	Grucela	Mundy	Sonney
Civera	Haluska	Murphy	Staback
Clymer	Hanna	Murt	Stern
Cohen	Harhai	Mustio	Stevenson
Conklin	Harhart	Myers	Sturla
Costa, D.	Harkins	O'Brien, D.	Swanger
Costa, P.	Harper	O'Brien, M.	Tallman
Cox	Harris	O'Neill	Taylor, J.
Creighton	Helm	Oberlander	Taylor, R.
Cruz	Hennessey	Oliver	Thomas
Curry	Hess	Pallone	True
Cutler	Hickernell	Parker	Turzai
Daley	Hornaman	Pashinski	Vereb
Dally	Houghton	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Wagner
Delozier	Josephs	Perzel	Walko
DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson
Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGiolamo	Kirkland	Pyle	Williams
Donatucci	Knowles	Quigley	Youngblood
Drucker	Kortz	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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

Ordered, That the clerk return the same to the Senate with the information that the House has passed the same with amendment in which the concurrence of the Senate is requested.

STATEMENT BY MR. EVERETT

The SPEAKER. For what purpose does the gentleman from Lycoming, Representative Everett, rise?

Mr. EVERETT. Mr. Speaker, thank you.

I would just like to correct the record. The prime sponsor of the bill, the gentleman from the 103d District, informs me that the proper bill number – I must be a little dyslexic today or maybe all the time – the proper bill number that I was referring to was HB 1771.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

BILL ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 80, PN 2350**, entitled:

An Act amending the act of November 30, 2004 (P.L.1672, No.213), known as the Alternative Energy Portfolio Standards Act, further providing for definitions and for alternative energy portfolio standards; and providing for sequestration facility permitting and for title to carbon dioxide, immunity and transfer of liability; establishing the Carbon Dioxide Indemnification Fund; providing for carbon dioxide sequestration facility and transportation pipeline on Commonwealth State forest lands; and providing for application of the Public Utility Code to transporters of carbon dioxide.

On the question,

Will the House agree to the bill on second consideration?

Mr. **VITALI** offered the following amendment No. **A02352**:

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

Incremental nuclear energy, which means additional

Amend Bill, page 5, line 29, by inserting after "NUCLEAR" energy

Amend Bill, page 15, line 28, by inserting after "ANY" or all

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

This is purely a technical amendment, making just several word changes that do not affect the substance of the bill, and I would ask for a "yes" vote.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

Mr. Speaker, may I speak on this bill?

The SPEAKER. On the amendment?

Mr. PYLE. On the amendment? I will hold my comments for the bill, Mr. Speaker. Thank you.

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—105

Bishop	Fabrizio	Mahoney	Sainato
Boyle	Frankel	Manderino	Samuelson
Bradford	Freeman	Mann	Santarsiero
Brennan	Galloway	Markosek	Santoni
Briggs	George	Matzie	Seip
Brown	Gerber	McGeehan	Shapiro
Burns	Gergely	McI. Smith	Siptroth
Buxton	Gibbons	Melio	Smith, K.

Caltagirone	Goodman	Mirabito	Solobay
Carroll	Grucela	Mundy	Staback
Casorio	Haluska	Murphy	Sturla
Cohen	Hanna	Murt	Taylor, R.
Conklin	Harhai	Myers	Thomas
Costa, D.	Harkins	O'Brien, M.	Vitali
Costa, P.	Harper	O'Neill	Wagner
Cruz	Hennessey	Oliver	Walko
Curry	Hornaman	Pallone	Wansacz
Daley	Houghton	Parker	Waters
Deasy	Johnson	Pashinski	Wheatley
DeLuca	Josephs	Payton	White
DePasquale	Keller, W.	Petrarca	Williams
Dermody	Kessler	Petri	Youngblood
DeWeese	Kirkland	Preston	Yudichak
Donatucci	Kortz	Readshaw	
Drucker	Kula	Roebuck	McCall,
Eachus	Levdansky	Ross	Speaker
Evans, D.	Longietti	Sabatina	

NAYS—90

Adolph	Everett	Maher	Rapp
Baker	Fairchild	Major	Reed
Barrar	Farry	Marshall	Reese
Bear	Fleck	Marsico	Reichley
Benninghoff	Gabig	Mensch	Roae
Beyer	Gabler	Metcalfe	Rock
Boback	Geist	Metzgar	Rohrer
Boyd	Gillespie	Micozzie	Saylor
Brooks	Gingrich	Millard	Scavello
Causar	Godshall	Miller	Schroder
Christiana	Grell	Moul	Smith, S.
Civera	Grove	Mustio	Sonney
Clymer	Harhart	O'Brien, D.	Stern
Cox	Harris	Oberlander	Stevenson
Creighton	Helm	Payne	Swanger
Cutler	Hess	Peifer	Tallman
Dally	Hickernell	Perzel	Taylor, J.
Day	Hutchinson	Phillips	True
Delozier	Kauffman	Pickett	Turzai
Denlinger	Keller, M.K.	Pyle	Vereb
DiGirolamo	Killion	Quigley	Vulakovich
Ellis	Knowles	Quinn	Watson
Evans, J.	Krieger		

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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. **SANTARSIERO** offered the following amendment No. **A02338**:

Amend Bill, page 14, line 2, by striking out "construction of"
 Amend Bill, page 14, lines 3 and 4, by striking out "has not been" in line 3 and "commenced" in line 4 and inserting is not operating and capable of capturing the amount of carbon dioxide required by paragraph (14) of the definition of "alternative energy sources" in section 2

On the question,

Will the House agree to the amendment?

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Bucks County, Representative Santarsiero.

Mr. **SANTARSIERO**. Thank you, Mr. Speaker.

This amendment is language that was developed as a consequence of discussions that I had with both Representative Vitali, Representative Ross, and the DEP (Department of Environmental Protection).

What this essentially does is in the event that— For the carbon capture and sequestration aspect of HB 80 to the extent that carbon dioxide is never actually sequestered underground, this amendment would say that the 3-percent requirement, the requirement for energy distributors to buy 3 percent of their energy from new coal-fired plants, would not exist. So this is an addition to the so-called force majeure clause in HB 80, and as I understand it, it has been agreed to by Representative Vitali as well as the Department of Environmental Protection.

The **SPEAKER**. The Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. **VITALI**. This is an agreed-to amendment.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—119

Adolph	Evans, D.	Maher	Sabatina
Barrar	Fabrizio	Mahoney	Sainato
Beyer	Farry	Manderino	Samuelson
Bishop	Frankel	Mann	Santarsiero
Boyle	Freeman	Markosek	Santoni
Bradford	Galloway	Matzie	Scavello
Brennan	George	McGeehan	Schroder
Briggs	Gerber	McI. Smith	Seip
Brown	Gergely	Melio	Shapiro
Burns	Gibbons	Micozzie	Sipthroth
Buxton	Goodman	Mirabito	Smith, K.
Caltagirone	Grucela	Mundy	Solobay
Carroll	Haluska	Murphy	Staback
Casorio	Hanna	Murt	Sturla
Cohen	Harhai	Myers	Taylor, R.
Conklin	Harkins	O'Brien, M.	Thomas
Costa, D.	Harper	O'Neill	Vitali
Costa, P.	Hennessey	Oliver	Wagner
Cruz	Hornaman	Pallone	Walko
Curry	Houghton	Parker	Wansacz
Daley	Johnson	Pashinski	Waters
Day	Josephs	Payton	Watson
Deasy	Keller, W.	Petrarca	Wheatley
DeLuca	Kessler	Petri	White
DePasquale	Killion	Preston	Williams
Dermody	Kirkland	Quinn	Youngblood
DeWeese	Kortz	Readshaw	Yudichak
DiGirolamo	Kula	Reichley	
Donatucci	Levdansky	Roebuck	McCall,
Drucker	Longietti	Ross	Speaker
Eachus			

NAYS—76

Baker	Fairchild	Krieger	Quigley
Bear	Fleck	Major	Rapp
Benninghoff	Gabig	Marshall	Reed
Boback	Gabler	Marsico	Reese
Boyd	Geist	Mensch	Roae

Brooks	Gillespie	Metcalf	Rock
Causser	Gingrich	Metzgar	Rohrer
Christiana	Godshall	Millard	Smith, S.
Civera	Grell	Miller	Smith, S.
Clymer	Grove	Moul	Sonney
Cox	Harhart	Mustio	Stern
Creighton	Harris	O'Brien, D.	Stevenson
Cutler	Helm	Oberlander	Swanger
Dally	Hess	Payne	Tallman
Delozier	Hickernell	Peifer	Taylor, J.
Denlinger	Hutchinson	Perzel	True
Ellis	Kauffman	Phillips	Turzai
Evans, J.	Keller, M.K.	Pickett	Vereb
Everett	Knowles	Pyle	Vulakovich

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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. **GEORGE** offered the following amendment No. **A02342**:

Amend Bill, page 6, line 2, by striking out "(E)(6) AND (7)" and inserting

(e)(6), (7) and (12)

Amend Bill, page 17, by inserting between lines 3 and 4

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

(ii) This paragraph shall apply to all alternative energy credits created pursuant to this act.

Amend Bill, page 25, by inserting between lines 28 and 29

Section 5. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of section 3(e)(12) of the act.

(2) Section 3.1 of the act of July 17, 2007 (P.L.114, No.35), entitled "An act amending the act of November 30, 2004 (P.L.1672, No.213), entitled, 'An act providing for the sale of electric energy generated from renewable and environmentally beneficial sources, for the acquisition of electric energy generated from renewable and environmentally beneficial sources by electric distribution and supply companies and for the powers and duties of the Pennsylvania Public Utility Commission,' further providing for the definitions of 'alternative energy credit,' 'customer-generator,' 'force majeure,' 'net metering,' and 'Tier I alternative energy source,' for alternative energy portfolio standards, for portfolio requirements in other states and for interconnection standards for customer-generator facilities," is repealed.

Section 6. The amendment of section 3(e)(12) of the act shall apply to all alternative energy credits created under the act on or after the effective date of this section, regardless of when any underlying contract for the purchase of electric energy or other products from the generator that qualifies as an alternative energy system was executed.

Amend Bill, page 25, line 29, by striking out "5" and inserting

7

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Chair recognizes the gentleman from Clearfield County, Representative George.

Mr. GEORGE. Thank you, Mr. Speaker.

Mr. Speaker, you as well as most know that if you know me, you understand that I have and will continue to be a supporter of sustainable development, alternative energy, and responsible resource management. I think I have dedicated myself to that.

Throughout my years of service, I have come to understand that legislative intent can easily find itself in conflict with the realities facing the implementation of an individual policy. The original intent of the Alternative Energy Portfolio Standards Act was to expand the use of alternative energy by giving energy credits to generators that actually use alternative energy sources to create energy.

However, the PUC (Public Utility Commission) has ordered a transfer of these energy credits to distribution companies that have nothing to do with the generation of clean electricity. So this amendment provides a remedy, and the remedy is such for the generators which entered into long-term contracts with the distribution companies prior to the creation of energy credits. Without this remedy, generators who invested in the alternative energy will not reap the benefits we intended to provide them in order to spur greater clean energy development.

It is for that purpose, Mr. Speaker, that I ask all our members to support amendment A2342. Thank you.

The SPEAKER. The Chair thanks the gentleman.

On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. I support the George amendment.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Schuylkill County, Representative Seip.

Mr. SEIP. On the amendment, Mr. Speaker?

The SPEAKER. On the amendment.

Mr. SEIP. Mr. Speaker, I rise to support my colleague, the Representative from Clearfield, whom I have high regard for. He has an expert knowledge base on energy issues.

This amendment is very crucial to my constituents in Schuylkill County, and it will enhance the gentleman from Delaware's legislation.

I urge all my colleagues to provide an affirmative vote to the George amendment. Thank you, Mr. Speaker.

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—189

Adolph	Everett	Levdansky	Reichley
Baker	Fabrizio	Longiatti	Roae
Barrar	Fairchild	Maher	Rock
Bear	Farry	Mahoney	Roebuck
Beyer	Fleck	Major	Rohrer
Bishop	Frankel	Manderino	Ross
Boback	Freeman	Mann	Sabatina
Boyd	Gabig	Markosek	Sainato
Boyle	Gabler	Marshall	Samuelson
Bradford	Galloway	Marsico	Santarsiero
Brennan	Geist	Matzie	Santoni
Briggs	George	McGeehan	Saylor
Brooks	Gerber	McI. Smith	Scavello
Brown	Gergely	Melio	Seip
Burns	Gibbons	Mensch	Shapiro
Buxton	Gillespie	Metzgar	Siptroth
Caltagirone	Gingrich	Micozzie	Smith, K.
Carroll	Godshall	Millard	Smith, S.
Casorio	Goodman	Miller	Solobay
Causer	Grell	Mirabito	Sonney
Christiana	Grove	Moul	Staback
Civera	Grucela	Mundy	Stern
Clymer	Haluska	Murphy	Stevenson
Cohen	Hanna	Murt	Sturla
Conklin	Harhai	Mustio	Swanger
Costa, D.	Harhart	Myers	Tallman
Costa, P.	Harkins	O'Brien, M.	Taylor, J.
Cox	Harper	O'Neill	Taylor, R.
Cruz	Harris	Oberlander	Thomas
Curry	Helm	Oliver	True
Cutler	Hennessey	Pallone	Turzai
Daley	Hess	Parker	Verb
Dally	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Houghton	Payton	Wagner
Delozier	Hutchinson	Peifer	Walko
DeLuca	Johnson	Perzel	Wansacz
Denlinger	Josephs	Petrarca	Waters
DePasquale	Kauffman	Petri	Watson
Dermody	Keller, M.K.	Phillips	Wheatley
DeWeese	Keller, W.	Pickett	White
DiGirolamo	Kessler	Preston	Williams
Donatucci	Killion	Pyle	Youngblood
Drucker	Kirkland	Quinn	Yudichak
Eachus	Knowles	Rapp	
Ellis	Kortz	Readshaw	McCall,
Evans, D.	Krieger	Reed	Speaker
Evans, J.	Kula	Reese	

NAYS—5

Benninghoff	Metcalfe	Quigley	Schroder
Creighton			

NOT VOTING—1

O'Brien, D.

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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. **SANTARSIERO** offered the following amendment
No. **A02337**:

Amend Bill, page 14, line 2, by striking out "construction of"
Amend Bill, page 14, lines 3 and 4, by striking out "has not been" in line 3 and "commenced" in line 4 and inserting is not operating and capable of capturing the amount of carbon dioxide required by paragraph (14) of the definition of "alternative energy sources" in section 2

Amend Bill, page 14, line 10, by inserting after "commission."
Should force majeure be declared pursuant to this subsection, then subsection (c.1)(2), limiting the total value of credit sold in the event that carbon dioxide is not being sequestered, shall remain in full force and effect to the extent that any such credits remain available under this act.

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

PARLIAMENTARY INQUIRY

AMENDMENT DIVIDED

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks County, Representative Santarsiero.

Mr. **SANTARSIERO**. Thank you, Mr. Speaker.

This amendment is very similar to the previous amendment that passed, which was A02338. It includes some additional language, however, and for that reason, what I would do now, Mr. Speaker, is move that the amendment be divided from lines 8 through 14 so that the amendment would essentially be lines 8 through 14 to be considered now.

The SPEAKER. To answer the gentleman's question, the amendment is divisible. It is the Chair's understanding that you want to withdraw lines 1, 2, 3, 4, 5, 6, and 7 from the amendment—

Mr. **SANTARSIERO**. That is correct.

The SPEAKER. —and would like the House to consider lines 8, 9, 10, 11, 12, 13, and 14 of the amendment?

Mr. **SANTARSIERO**. That is correct, Mr. Speaker.

PART A OF AMENDMENT WITHDRAWN

The SPEAKER. The motion to divide the amendment – the Chair accepts that it is a divisible amendment. The gentleman withdraws the first half, and before the House would be lines 8 through 14.

Mr. **SANTARSIERO**. Yes. Thank you, Mr. Speaker.

On the question,
Will the House agree to part B of the amendment?

The SPEAKER. The gentleman is in order and may proceed.
Mr. **SANTARSIERO**. Thank you. Thank you, Mr. Speaker.
On those lines, essentially what this additional language would do would be to require that should force majeure be

enacted, which as the bill currently exists as amended by the previous amendment, if there was no carbon dioxide sequestration happening, this would ensure that any Alternative Energy Portfolio Standard credits being given would be limited to the amount of the capture technology that was enacted minus any money that might have been obtained from the State or Federal governments.

So essentially what this does is it will maintain a limitation on credits that would be available in the event that carbon dioxide was not being sequestered and thereby, in my view, remove, what I would say, a negative incentive would be to the creation of new coal-fired plants in the event that sequestration was not taking place.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, the Chair recognizes the gentleman from Chester County, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

I want to begin by apologizing for the condition of my voice. And I am afraid I might have to talk a few times today, so I apologize to you and to the members and the television audience as well. I have got a little laryngitis today.

I applaud the effort and the intent of the maker of this amendment, and I supported his last version which actually put some language in that made it plain that if the facility was not fully operational, that the credits would not be required to be purchased by the electric distribution company. However, despite his description of this amendment, the actual language creates a problem, and the problem is this: If a facility is about to be operational and is not operational by the start date as it has been indicated in the language, it then winds up being out forever. What should happen is the PUC should review this on an annual basis to determine whether future credits should be allowed.

I know this is not his intention, but the language as he has constructed it right now leaves that unclear and in fact lead somebody who is not familiar with his intent to actually go the opposite direction. And if the facility was simply a day or two late, it would be disqualified permanently. That would, I think, be a tremendously unfair overreaction to a delay in the operational capacity of that facility, and for those that are proposing to put very large amounts of money aside to make this operate, it would be a very unfair outcome.

So therefore, I think we have covered his point already in the earlier amendment, and I would recommend a "no" vote on this divided amendment. Thank you.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Representative Vitali, on the amendment.

Mr. VITALI. Thank you, Mr. Speaker.

First of all, I would like to commend the gentleman from Bucks County on the excellent work he has done and the attention he has done throughout this process. His work has really added to this bill and will continue to add to it.

And I want to say, I support the intent of what he is trying to do. This is a highly technical matter subject to legal interpretation. I can tell you, it is the position of the experts I have been working with – Secretary Hanger, his staffers, and others – that they support the position of Representative Ross in that this language may have unintended consequences, so it is my view that this bill would be better without this language than with it.

So I want to continue to work with the gentleman from Bucks. I just think that probably a "no" vote would be better on this particular amendment.

The SPEAKER. On the question, the Chair recognizes the gentleman from Bucks County, Representative Santarsiero.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

If I may, I would just like to reply to the point that the gentleman from Chester County raised.

I do not read the language the way he does, and I would say that to the extent that the concern he articulated exists, it exists in the force majeure clause quite apart from the language that I have offered.

The language I have offered merely closes a loophole, and it actually addresses an issue that the gentleman from Chester County sought to address himself in a previous amendment that we adopted in committee, and the question at issue is this: Those of us who had a concern about the carbon capture and sequestration aspect of this bill had a concern that we not provide an incentive for the construction of new coal-fired plants in the event that carbon dioxide was never sequestered, and the concern went to two issues.

One of them was that we not provide a requirement to purchase 3 percent of energy needs from those plants, and I think that has now been addressed by the previous amendment that I offered that was adopted today. But then the second one was to make sure that any Alternative Energy Portfolio Standard credits given, to the extent that sequestration was not happening, would be limited to the amount of the cost of the capture equipment. We thought that that was a reasonable compromise, and I applaud the gentleman from Chester County for having offered it, because I do think that was a reasonable compromise.

What my amendment right now would try to do is just ensure, to the extent that force majeure is triggered, that that compromise that the gentleman from Chester County had previously offered would remain in effect. And the reason it is necessary is because the language of the force majeure clause says that if force majeure is triggered, all of the obligations of the previous section, subsection (c.1), are waived, essentially, and that could be read to include the limitation on the amount of credits that would be available. So this language essentially says, that limitation would still exist if sequestration is not happening to the extent that any credit is available.

So respectfully, I disagree in terms of it having any effect to the effects that the gentleman from Chester County previously noted, and I do think it is necessary to close what I feel is an important issue and close that loophole on an important issue. Thank you.

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Armstrong County, Representative Pyle.

Mr. PYLE. Thank you, Mr. Speaker.

And I commend the man from Bucks for his care and hard work going into this bill, but, Mr. Speaker, it is becoming increasingly apparent that the amendments being filed now substantially change the bill. They have not been discussed by ERE (Environmental Resources and Energy).

Now, should this body not decide to rerefer this to ERE, I might suggest, Mr. Speaker, that there are significant costs that are going to be borne by companies who logically would roll them onto their consumers, and this bill might be better referred

to Consumer Affairs for an accurate study as to what this is going to cost the Pennsylvania electric consumer before we enact this.

Let us not rush into this. We are dealing right now with the possibility of rate caps expiring. That is going to be added cost. I would like to hear from my esteemed colleagues on Consumer Affairs as to what the numbers are going to be.

Also, Mr. Speaker, as I am informed, yesterday the Appropriations Committee took HB 80 under consideration where a number of these amendments were offered for the first time, as the gentleman from Delaware referenced. He has been speaking with experts for a while, as have I. I am sure they come from different perspectives. I suppose the learned and wiser path to follow is to give us more time to consider this. There are different perspectives: What will this cost the average Pennsylvania consumer? And I feel my brothers on Consumer Affairs would be best addressed to that.

My second point being, the change in the amendments that were added into this bill in Appropriations yesterday meet the definition and the standard for substantial change, Mr. Speaker.

MOTION TO RECOMMIT

Mr. PYLE. Mr. Speaker, I would like to make a motion.

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

Mr. PYLE. Mr. Speaker, I would like to make a motion to rerefer HB 80 to Consumer Affairs. Thank you.

The SPEAKER. The gentleman from Armstrong County, Representative Pyle, has made a motion to recommit HB 80 with its amendments to the House Consumer Affairs Committee.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Bucks County, Representative Santarsiero.

The motion is debatable by all members. The gentleman from Bucks is in order and may proceed.

Mr. SANTARSIERO. Thank you, Mr. Speaker.

I rise to oppose the motion. The amendments that we are considering right now will not have a financial impact. Ultimately, when the bill comes before the House on third consideration, these issues can be addressed and a full debate can take place.

So for those reasons, I oppose this motion.

The SPEAKER. The Chair thanks the gentleman.

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Armstrong, Representative Pyle.

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

Mr. Speaker, in the honest effort that we will get more time to hear where every member of this House weighs in on this topic, I am going to withdraw this motion and possibly reintroduce it later. I truly value what the gentlemen and ladies from other parts of this fine Commonwealth have to say.

And just for the sake of exposure, transparency, as well as the buzzwords "openness" and "reform," I would like to hear a little bit more of this debate and may possibly reintroduce this motion later.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

On the question, will the House adopt the amendment, those in favor of the amendment will vote "aye"; those opposed, "nay."

On the question recurring,
Will the House agree to part B of the amendment?

The following roll call was recorded:

YEAS—147

Adolph	Fabrizio	Krieger	Reese
Baker	Fairchild	Kula	Reichley
Barrar	Fleck	Levdansky	Roae
Bear	Frankel	Maher	Rock
Beyer	Freeman	Mahoney	Roebuck
Boback	Gabig	Major	Rohrer
Boyd	Gabler	Mann	Samuelson
Bradford	Galloway	Markosek	Santarsiero
Brennan	Geist	Marshall	Santoni
Briggs	George	Marsico	Saylor
Brooks	Gerber	McI. Smith	Scavello
Brown	Gergely	Melio	Seip
Buxton	Gibbons	Metcalfe	Shapiro
Caltagirone	Gillespie	Metzgar	Siproth
Carroll	Gingrich	Micozzie	Smith, K.
Causer	Godshall	Millard	Smith, S.
Christiana	Goodman	Miller	Solobay
Civera	Grell	Mirabito	Sonney
Cohen	Grove	Moul	Staback
Conklin	Grucela	Mundy	Stern
Cox	Hanna	Murphy	Stevenson
Curry	Harhai	Mustio	Sturla
Cutler	Harhart	O'Brien, D.	Swanger
Daley	Harris	Oberlander	Tallman
Dally	Helm	Oliver	Taylor, R.
Day	Hess	Pallone	True
Deasy	Hickernell	Pashinski	Turzai
Delozier	Hornaman	Payne	Vulakovich
Denlinger	Houghton	Peifer	Wagner
Dermodo	Hutchinson	Petrarca	Wansacz
DiGirolamo	Josephs	Phillips	Waters
Donatucci	Kauffman	Pickett	Wheatley
Drucker	Keller, M.K.	Preston	White
Eachus	Kessler	Pyle	Yudichak
Ellis	Killion	Rapp	
Evans, D.	Knowles	Readshaw	McCall,
Evans, J.	Kortz	Reed	Speaker
Everett			

NAYS—48

Benninghoff	DeWeese	McGeehan	Ross
Bishop	Farry	Mensch	Sabatina
Boyle	Haluska	Murt	Sainato
Burns	Harkins	Myers	Schroder
Casorio	Harper	O'Brien, M.	Taylor, J.
Clymer	Hennessey	O'Neill	Thomas
Costa, D.	Johnson	Parker	Vereb
Costa, P.	Keller, W.	Payton	Vitali
Creighton	Kirkland	Perzel	Walko
Cruz	Longietti	Petri	Watson
DeLuca	Manderino	Quigley	Williams
DePasquale	Matzie	Quinn	Youngblood

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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

On the question recurring,

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

Mr. **CUTLER** offered the following amendment No. **A02332**:

Amend Bill, page 1, line 9, by striking out "and"

Amend Bill, page 1, line 16, by inserting after "dioxide"

and for alternative energy electricity consumer cost impact statements

Amend Bill, page 25, by inserting between lines 23 and 24

Section 8.6. Alternative energy electricity consumer cost impact statements.

(a) Written statement required.—The commission shall prepare a written electricity consumer cost impact statement in relation to any bill introduced in either house of the General Assembly that proposes to add additional requirements on electric distribution companies relating to the procurement of alternative energy sources under this act. Upon the assignment of the bill to a committee, the chairperson of the committee shall forward the bill to the chairperson of the commission who shall prepare the statement within 14 calendar days after receiving the request, and the bill shall be held on second reading until the statement has been received. Whenever because of the complexity of the measure additional time is required for preparation of the statement, the chairperson of the committee may so inform the sponsor of the bill, who may approve an extension of time for the statement to be furnished for an additional 14 days. Copies of each electricity consumer cost impact statement shall be furnished by the chairperson to the President pro tempore of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, the Secretary of the Senate, the Chief Clerk of the House of Representatives, the sponsor of the bill that is the subject of the statement, and the member, if any, who initiated the request for the statement.

(b) Statement contents.—The electricity consumer cost impact statement shall be factual in nature and as brief and concise as possible. The statement shall provide a reliable estimate of the impact of the bill on the Commonwealth's electric consumers by class of consumer and, to the extent possible, shall be specific to each certificated electric distribution company in this Commonwealth. A brief summary or work sheet of computations used in arriving at the electric consumer cost impact statement shall be attached. If a bill proposed by either chamber of the General Assembly proposes that electric distribution companies procure electricity for their customers from specific electric generation suppliers or sources, the commission shall include a comparison of the present day costs of each of the available fuel source costs as compared to the costs of the required specific source. The commission may consult with the Regional Transmission Organization for Pennsylvania for the purposes of computing the costs under this section.

(c) Amended statements.—Whenever any committee of either house of the General Assembly reports any bill that is required by this section to have an electricity consumer cost impact statement with an amendment or whenever a bill is amended on the floor of either house

in such manner as to substantially affect the estimated cost of the bill, the chairperson of the committee shall, upon request by any member of the house by which the bill is being considered, prepare a new or revised statement in relation to the amended bill. Copies of the statement shall be furnished to the individuals enumerated in subsection (a).

On the question,

Will the House agree to the amendment?

The SPEAKER. The gentleman will yield for a moment.

GUEST INTRODUCED

The SPEAKER. The Chair would like to welcome to the hall of the House, to the left of the Speaker, Peter Kunze, who is an intern in Representative Curt Schroder's district office. He is the guest of Representative Schroder. Will the guest please rise. Welcome to the hall of the House.

That was just in case he did not want to listen to all this great debate.

CONSIDERATION OF HB 80 CONTINUED

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

Very simply, this amendment would require us as a General Assembly to submit our bills that would alter the AEPS standards (Alternative Energy Portfolio Standards) to the PUC for some kind of economic impact statement to be done. I understand the utility companies are required to do so as well. Anytime that they have decisions that need to be made that could potentially impact ratepayers in their service areas, they are required to go to the PUC and obtain a rate impact statement. I believe that we as a General Assembly, anytime that we would make decisions that would also impact rates, I believe that we should do the same thing.

Last session, we entertained HB 2200, which I was supportive of. Ultimately I found out that many of the electric companies had to go and obtain rate impact statements to find out the cost of implementation, and I realized, I thought the process was a little backwards for them to go out and find out the cost of implementation after we had already mandated it.

So I thought since the experts reside in the PUC, it would probably be best for us to consult with the PUC prior to us considering bills or at least in conjunction with. So I attempted to have this amendment drafted and work so that we could consult with the PUC while we are considering bills so that we could get some idea of how our decisions actually impact ratepayers.

Many of my colleagues have brought up the fact that we already do fiscal notes to the Commonwealth, and that is true. However, that is only the cost of implementation to the Commonwealth, and while that might be the actual cost for us as the Commonwealth to implement the bill, it is not the cost or the effects that it might have in the district. So that is really the basis or the premise of this.

Additionally, Mr. Speaker, on a personal level, I was intrigued as this bill went through. I am someone who is supportive of green energy. I myself had actually offered an amendment that would have upped the solar requirements.

I have a lot of solar usage in the district, so that is an area that I am personally supportive of. But I also believe that we should know the cost, and we should make sure we have all the appropriate players at the table any time we are making a decision.

And I do not know for sure that the PUC has been asked what the cost impacts will be to this point. I do not know that PJM has been asked if the reliability has been there yet. I do not know even actually, Mr. Speaker, if we as a Commonwealth have fully contemplated the potential increases that we will have to incur as one of the largest electricity consumers going forward with these new standards.

In regards to ourselves as the institutions that we have as a Commonwealth, our State-owned and State-related institutions, I did not see that contemplated in the fiscal note that I obtained in the amendment that I had offered. So I think that those are all things that we should really have at our hand as we consider any amendments or any bills or changes to these kinds of bills going forward.

I would like to see the Office of Consumer Advocate involved going forward, and it is my understanding that these parties were not involved in moving this process forward.

MOTION TO RECOMMIT

Mr. CUTLER. For that reason, Mr. Speaker, I would actually like to renew the motion that my previous colleague had done and make the motion that this bill be moved to Consumer Affairs to have a hearing, because I think that we have to have the discussion on cost, what the impact is to ratepayers, at some point, Mr. Speaker, and I would like to have that discussion.

I know that my amendments have created some angst amongst some of my colleagues. I believe that most of my questions could be answered in a hearing setting like that, and I would like to make that motion at this time, that the bill be rereferred to Consumer Affairs and we have that hearing and have that meaningful discussion about the impact that all of our ratepayers and even us as a consumer Commonwealth would have at this time.

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

MOTION WITHDRAWN

The SPEAKER. The Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Mr. Speaker, I understand that there is some desire to actually debate the amendment, so I will withdraw the motion at this time and look forward to the upcoming debate. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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

The SPEAKER. On the amendment, the Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I rise in opposition to the Cutler amendment. Although I believe that there may be something to this concept, I do not believe it is in a position where it is ready to be voted on.

Mr. Speaker, I have spoken with PUC Chairman Cawley this morning. He would be willing to continue to work on this general concept with Mr. Cutler.

The amendment itself has problems. Mr. Speaker, one thing that Chairman Cawley mentioned is having the resources in that commission to actually do the work required by this bill. We are cutting funding for our various State agencies and commissions now, and this bill would require them to take on additional personnel to in effect create fiscal-like notes. We need to explore the issue of whether there are resources necessary to really handle the suggestions that Representative Cutler is suggesting the PUC take on.

Mr. Speaker, another problem with the Cutler amendment is, it is really incomplete in the sense that he is calling for a report just on consumer costs, which his amendment describes as dollar costs. In looking at alternative energy and increasing the requirements for alternative energy, there are benefits that also must be considered. When you take on new sources of renewable energy and bring in more energy supply to the system, that increase in supply of electricity relative to demand has a downward pressure on price. So although directly, there may be an increase in cost, indirectly, by suppressing, there may be a downward pressure on price.

In addition, with regard to the costs being stated but not the benefits, many of the benefits associated with the Alternative Energy Portfolio Standard go to jobs, jobs created by green-energy jobs – solar, wind, and so forth – jobs created by advanced coal plants. These are all benefits that will not show up on that report.

Mr. Speaker, I believe that this is an issue that merits further discussion. It is not ready for today. It, in its present form, is not complete, so I would ask for a "no" vote.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Montgomery County, Representative Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

I rise in support of the Cutler amendment. I am not sure why we are afraid to let our people know, let our constituents know what something is going to cost them.

The gentleman from Delaware County, and a friend of mine from Delaware County, as he said, this amendment is not in order or not ready to be voted upon today. Well, some of us actually feel that this bill is not ready to be voted on today or some of the amendments that are in here are not ready to be voted on today.

And when we talk about jobs that are going to be created, I am not sure why I got a letter from the United Mine Workers, why I got a letter from the AFL-CIO, why I got a letter from the electrical workers union – all concerned about this bill. So we are talking about jobs; I do not know why these unions out there have a concern of the bill.

So I am just saying, I rise in support of the Cutler amendment. Thank you.

The SPEAKER. The Chair recognizes the gentleman from Venango County, Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, I, too, rise in favor of the Cutler amendment.

Mr. Speaker, when you boil this whole bill down to its essence, you come up with one thing: those who think we should be paying more for energy and those who think we should be paying less for energy.

Mr. Speaker, the gentleman from Lancaster County has proposed a simple amendment that just says, let us take a pause, allow the experts at the PUC to take a good, hard look at our ability to meet these demands as well as the cost of meeting those demands, and I think that is a good, commonsense approach for those who want to rush in to this vast expansion of cost for the consumers and businesses of Pennsylvania.

Therefore, I feel we should support this amendment, allow those who have a better grasp on the things that are affecting the energy marketplace have a chance to look at any time we try to alter this act, the AEPS Act, and therefore, I ask my colleagues to join me in supporting the Cutler amendment. Thank you, Mr. Speaker.

The SPEAKER. Does the gentleman, Mr. Freeman, wish to be recognized? The Chair recognizes the gentleman from Northampton County, Representative Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise to oppose the Cutler amendment.

I respect the intent of the gentleman from Lancaster, and I understand where he is trying to go with the issue. I think the problem with the amendment, as it is drafted and as it is before us, is it is overly broad. It would require this kind of study or impact statement on all bills introduced in the General Assembly, regardless of whether they are in a position to be voted.

I think if the amendment was narrower in scope dealing with those bills that might be on the active calendar to be considered or those bills that come before the legislature after it has gone through the Appropriations process, there may be some merit to the concept. But in casting his net broadly so that all bills must have this kind of impact statement, we would be, in many respects, wasting the resources of the legislature at a time that we are trying to watch our expenses and tighten our belt.

As we all know, there are many, many proposals that are introduced into this chamber, well-intentioned, perhaps, but sometimes never see the light of day, never come out of committee. Yet under this proposal, under this amendment, as soon as the bill is referred to the chairmen, they would have to refer it to the PUC for an impact statement. That is overly broad and will waste taxpayers' dollars, because a good portion of those bills will never come before us for consideration on the floor of this House.

Again, I applaud the gentleman's intent. I think it is well-meaning, and I think it tries to give us a broader understanding of the impact of some of these proposals, but I am afraid it is just overly broad and would be a waste of taxpayers' dollars. I would therefore urge the members to oppose the amendment.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from York County, Representative Saylor.

Mr. SAYLOR. Mr. Speaker, I rise for two reasons: one, to disagree with my good friend, the Representative who just spoke. This does not apply to anything else but as stated in the amendment.

And more importantly, I think that a lot of us in this General Assembly have been hearing from our constituents about the concerns of rising energy costs over the last many years, and as we all know, a lot of them have been contacting us. And the Speaker himself has a great piece of legislation that hopefully will be coming before us on the House floor shortly.

And this bill does, to most of our consumers, increase their electricity costs in this Commonwealth by 10 to 15 percent as a whole. This kind of legislation and what Representative Cutler is doing provides us as legislators an intelligent way to understand what we are doing to consumers sometimes.

I understand there is much legislation, and I think I am like everybody else in here – there are certain areas that I feel very comfortable with in my knowledge of certain pieces of legislation. I am not an expert on this kind of piece of legislation, other than the fact that I want to know, when I am voting on legislation, what it means to my consumers back home, what it means to their electric bills. And already knowing that rate caps are going to come off, I would think it would benefit all of us as legislators to be able to go back home and say, I voted for a piece of legislation that helps our environment, but more importantly, does not increase your electric rates.

So I do not understand why what Representative Cutler is doing today has anything negative on this bill. I think it helps us as members of this General Assembly to make even better and more intelligent decisions about the legislation that passes here that affects our constituents and consumers.

I ask for a positive vote on this, because this is what we want to do, and that is to help our consumers, and I thought that is what we are all here about. Thank you.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentelady from Mercer County, Representative Brooks.

Mrs. BROOKS. Thank you, Mr. Speaker.

In the 17th Legislative District, our rate caps have come off. My constituents have been paying higher energy costs for a couple of years now because of a piece of legislation put in place 10 years ago.

I rise in support of the Cutler amendment. I believe that this bill is well-intentioned, but I think this is a prime case of the road to higher energy costs, in this case, is paved with good intentions.

Mr. Speaker, we need to find out how much this is going to increase energy costs to the already hardworking families across Pennsylvania. My constituents cannot afford any more. Thank you very much.

The SPEAKER. The Chair thanks the gentelady and recognizes the gentleman from Clearfield County, Representative Gabler.

Mr. GABLER. Thank you, Mr. Speaker.

I rise in support of the Cutler amendment. Too often in State government, we get away from the idea of accountability and responsibility. We have the idea of sound bites where people claim one thing or another, how something might affect the consumers. This is an easy way for us to rely on facts in order to enact good policy. We can actually make sure that we know how what we are doing affects the people of Pennsylvania.

This is a good amendment that insists on responsibility and accountability, and I support the amendment. Thank you very much.

The SPEAKER. The Chair thanks the gentleman and recognizes the gentleman from Chester County, Representative Ross.

Mr. ROSS. Thank you, Mr. Speaker.

There is actually some misunderstanding on the subject of cost, and importantly, on the subject of cost and benefit, and there have been a number of statements that have been inaccurately made here already. But before I get to that, let me talk directly about the elements in the Cutler amendment here that are of importance.

First of all, I think it is entirely appropriate that we understand costs in advance, and I support the intent of the Cutler amendment to have the PUC do that kind of analysis in advance of when we actually are making votes on the floor. I think that is very appropriate.

I have some technical concerns about it, some of which have been expressed earlier, about how often we would ask the PUC to do this, at what stage of the process we would ask them to do it, but the idea of asking them at an appropriate time to do that is entirely justified.

However, in talking about the relevance of this particular amendment to this particular bill, I would be remiss in not pointing out that it does not apply to this bill. That is not a disaster, because we actually have information from the DEP, from PJM, and informally, from people at Exelon and other of the companies that would be directly dealing with this. We also have studies from other States, such as New York, which go into quite a bit of detail and explain why this bill, despite what is being said so far on the floor, is relatively cost-neutral to the ratepayers.

And, Mr. Speaker, I would like to emphasize that, in my scratchy voice as best I can, that this bill, to the ratepayers, proposes to be effectively cost-neutral. Going forward, as the Cutler amendment does, to have that kind of information reviewed again on new initiatives that might come forward is a good idea. And assuming that some of the elements that are perhaps faulty in the current draft can be corrected over in the Senate, I am actually going to support this amendment. Thank you.

The SPEAKER. On the question, the Chair recognizes the gentleman from Lancaster County, Representative Cutler.

Mr. CUTLER. Thank you, Mr. Speaker.

In regards to the amendment to the bill, I would simply ask, why not? Why not know what impacts any decisions that we make in this chamber might have on future rates? I do think that it is appropriate. I certainly appreciate the support of all of those who spoke in favor of the amendment. I do believe that the amendment could certainly have some improvements, and I am open to those suggestions and look forward to working on it should it go into the bill as it moves forward. But I would also like to stand and correct the record on a few points.

It is certainly not my intention to put the PUC in the middle of this. I am not looking to draw them into a political battlefield in regards to asking them to use their resources on a lot of bills that may or may not ever see the light of day here in the General Assembly. It is my understanding actually, though, that there have actually been only probably two bills last session that this would have even applied to. So I think that there would have been a minimal outlay of the PUC's resources in this.

Additionally, I have in hand the fiscal note provided by the majority Appropriations chairman that says the PUC already has on staff experts and analysts that analyze the electricity industry

and would be able to provide the analysis within its current budgeted resources. So I do not believe there would be any fiscal impact going forward as well.

Additionally, I would point out that on line 12 of the amendment that this amendment only applies to alternative energy that is procured under this act, the AEPS standards, so it would be limited in scope to the Alternative Energy Portfolio Standard.

Additionally, I would like to go back and discuss the social benefits. I understand that there are social benefits to procuring alternative energies. I understand that for some folks, they are looking for the environmental benefits. I understand other individuals look for the self-reliance. They look for the ability to be self-sufficient and that we have benefits related to the microgrids and the local infrastructure that we can build national security and the things that come from that. But I believe that we as consumers can make those intelligent decisions in conjunction with what it is costing us, and that is what we are all here to do.

Unfortunately, though, those social benefits, when they are put forward, are not given any credit when we as the Commonwealth tax it. Those social benefits get no credit when it comes time for us to tax it. We collect the gross receipts tax on the overall cost.

And additionally, particularly in regards to the solar energy that we consume, the majority of that is consumed by sole proprietors and individuals at their homes. Sometimes they will occasionally sell it back to the grid, but the majority of that is actually consumed by the individuals.

Additionally, the amendment and my intention of the amendment and the way we hope, I believe, that it is drafted is that the reports due by the PUC are only due prior to second consideration. So it would only be those bills that are most likely to move out to the floor for consideration and possible amendment.

Finally, I do not believe it would be too much of a burden to ask the PUC to do this given their resources, given the fiscal note that we have before us, simply because the honorable gentleman from Montgomery County, which I believe we all received the memo, whose support for the amendment that I am grateful for, he was able to collect what additional financial impacts the electricity industry would have from this. So I believe that the PUC would be able to do this as well.

I am open to the suggestions by the honorable gentleman from Chester County in regards to the limited impact that the cost and the offsets that might occur or the benefits that come from that. I would certainly be interested in seeing a force majeure provision for that as well if it supersedes a certain cost going forward, that maybe we could do that as well. As I stated before, I am supportive of the solar industry in general, and I think that there is plenty of room to work on that as well.

I certainly would appreciate everyone's support on the amendment. Thank you, Mr. Speaker.

The SPEAKER. On the question— The House will come to order.

BILL RECOMMENDED

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Vitali.

Mr. VITALI. Thank you, Mr. Speaker.
I rise for the purpose of making a motion.
The SPEAKER. The gentleman is in order.

Mr. VITALI. I move that this bill be recommitted to the Environmental Resources and Energy Committee.

The SPEAKER. The gentleman, Representative Vitali, makes a motion that HB 80 and all its amendments be recommitted to the House Environmental Resources Committee.

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

The SPEAKER. On that question, the Chair recognizes the gentleman from Venango County, Representative Hutchinson.

Mr. HUTCHINSON. Thank you, Mr. Speaker.

Mr. Speaker, I just had to rise because of this momentous occasion where I get to agree with the gentleman from Delaware County.

Mr. Speaker, I support the motion to recommit.

The SPEAKER. The Chair thanks the gentleman.

On the question, those in favor of recommitment will vote "aye"; those opposed, "nay."

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

The following roll call was recorded:

YEAS—195

Adolph	Everett	Longiotti	Reese
Baker	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	George	McI. Smith	Santoni
Briggs	Gerber	Melio	Saylor
Brooks	Gergely	Mensch	Scavello
Brown	Gibbons	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Seip
Buxton	Gingrich	Micozzie	Shapiro
Caltagirone	Godshall	Millard	Siptroth
Carroll	Goodman	Miller	Smith, K.
Casorio	Grell	Mirabito	Smith, S.
Causar	Grove	Moul	Solobay
Christiana	Grucela	Mundy	Sonney
Civera	Haluska	Murphy	Staback
Clymer	Hanna	Murt	Stern
Cohen	Harhai	Mustio	Stevenson
Conklin	Harhart	Myers	Sturla
Costa, D.	Harkins	O'Brien, D.	Swanger
Costa, P.	Harper	O'Brien, M.	Tallman
Cox	Harris	O'Neill	Taylor, J.
Creighton	Helm	Oberlander	Taylor, R.
Cruz	Hennessey	Oliver	Thomas
Curry	Hess	Pallone	True
Cutler	Hickernell	Parker	Turzai
Daley	Hornaman	Pashinski	Vereb

Dally	Houghton	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Wagner
Delozier	Josephs	Perzel	Walko
DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson
Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGirolamo	Kirkland	Pyle	Williams
Donatucci	Knowles	Quigley	Youngblood
Drucker	Kortz	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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

SUPPLEMENTAL CALENDAR A

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **SB 142, PN 997**, entitled:

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; providing for confidentiality of information; and making related repeals.

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

* * *

The House proceeded to second consideration of **SB 380, PN 378**, entitled:

An Act designating a bridge on that portion of Route 219 over the Little Toby Creek, Brockway Borough, Jefferson County, as the Christopher E. Loudon Memorial Bridge.

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

CALENDAR CONTINUED

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 580, PN 2367**, entitled:

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal police education and training, further defining "police department" and "police officer"; and further providing for reimbursement of expenses and for payment of certain county costs.

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—195

Adolph	Everett	Longietti	Reese
Baker	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	George	McI. Smith	Santoni
Briggs	Gerber	Melio	Saylor
Brooks	Gergely	Mensch	Scavello
Brown	Gibbons	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Seip
Buxton	Gingrich	Micozzie	Shapiro
Caltagirone	Godshall	Millard	Siptroth
Carroll	Goodman	Miller	Smith, K.
Casorio	Grell	Mirabito	Smith, S.
Causser	Grove	Moul	Solobay
Christiana	Grucela	Mundy	Sonney
Civera	Haluska	Murphy	Staback
Clymer	Hanna	Murt	Stern
Cohen	Harhai	Mustio	Stevenson
Conklin	Harhart	Myers	Sturla
Costa, D.	Harkins	O'Brien, D.	Swanger
Costa, P.	Harper	O'Brien, M.	Tallman
Cox	Harris	O'Neill	Taylor, J.
Creighton	Helm	Oberlander	Taylor, R.
Cruz	Hennessey	Oliver	Thomas
Curry	Hess	Pallone	True
Cutler	Hickernell	Parker	Turzai
Daley	Hornaman	Pashinski	Vereb
Dally	Houghton	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Wagner
Delozier	Josephs	Perzel	Walko
DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson

Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGirolamo	Kirkland	Pyle	Williams
Donatucci	Knowles	Quigley	Youngblood
Drucker	Kortz	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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 291, PN 2326**, entitled:

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

On the question,
Will the House agree to the bill on 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—154

Barrar	Evans, J.	Levdansky	Quinn
Benninghoff	Everett	Longietti	Readshaw
Beyer	Fabrizio	Maher	Reese
Bishop	Fairchild	Mahoney	Reichley
Boback	Farry	Major	Roebuck
Boyle	Frankel	Manderino	Ross
Bradford	Freeman	Markosek	Sabatina
Brennan	Galloway	Marshall	Sainato
Briggs	Geist	Marsico	Samuelson
Brooks	George	Matzie	Santarsiero
Brown	Gerber	McGeehan	Santoni
Burns	Gergely	McI. Smith	Saylor

Buxton	Gibbons	Melio	Scavello
Caltagirone	Gillespie	Metcalfe	Schroder
Carroll	Gingrich	Metzgar	Shapiro
Casorio	Godshall	Micozzie	Siptroth
Causar	Grell	Millard	Smith, K.
Christiana	Grove	Miller	Solobay
Civera	Haluska	Mirabito	Staback
Cohen	Hanna	Moul	Sturla
Conklin	Harhai	Mundy	Swanger
Costa, D.	Harhart	Murphy	Taylor, J.
Costa, P.	Harkins	Mustio	Taylor, R.
Cruz	Harris	Myers	Thomas
Curry	Helm	O'Brien, D.	Turzai
Daley	Hennessey	O'Brien, M.	Vitali
Dally	Hess	Oliver	Vulakovich
Day	Hornaman	Pallone	Wagner
Deasy	Houghton	Parker	Walko
Delozier	Johnson	Pashinski	Wansacz
DeLuca	Josephs	Payne	Waters
DePasquale	Keller, M.K.	Payton	Wheatley
Dermody	Keller, W.	Perzel	White
DeWeese	Kessler	Petrarca	Williams
DiGirolamo	Killion	Petri	Youngblood
Donatucci	Kirkland	Phillips	Yudichak
Drucker	Kortz	Pickett	
Eachus	Krieger	Preston	McCall,
Evans, D.	Kula	Quigley	Speaker

NAYS—41

Adolph	Gabig	Mensch	Rohrer
Baker	Gabler	Murt	Seip
Bear	Goodman	O'Neill	Smith, S.
Boyd	Grucela	Oberlander	Sonney
Clymer	Harper	Peifer	Stern
Cox	Hickernell	Pyle	Stevenson
Creighton	Hutchinson	Rapp	Tallman
Cutler	Kauffman	Reed	True
Denlinger	Knowles	Roae	Vereb
Ellis	Mann	Rock	Watson
Fleck			

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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.

REMARKS SUBMITTED FOR THE RECORD

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

In May 2005, the U.S. Supreme Court issued its decision in the case of *Granholtm*. On the basis of the commerce clause of the U.S. Constitution, the Court ruled that a State and its laws cannot treat instate businesses better than out-of-State businesses. As a result of this decision, plaintiffs have successfully taken many States to court challenging the instate preferences in the beer and wine business.

HB 291 will bring the PA laws on beer distribution into compliance with the *Granholtm* ruling. Our legislature must deal with this issue before the courts are asked to deal with it. When it is challenged in

court, the court may have the option of wiping out our successful three-tier system for bringing the product to market safely and securely.

Some have questioned the exclusion for small brewers – under 75,000 barrels – which allows them to self-distribute. This will give the true small brewers an opportunity to get to market that they might not otherwise have.

STATEMENT BY MR. MUSTIO

The SPEAKER. For what purpose does the gentleman from Allegheny, Representative Mustio, rise?

Mr. MUSTIO. Thank you, Mr. Speaker.

Would it be permissible to— Rather than debate the bill that we had just passed, I thought it might be quicker if I were able to ask the question of the chairman of the Liquor Committee and make a brief comment on that legislation – under unanimous consent.

I had intended to seek recognition, but rather than delay the vote – it will be a very brief comment.

The SPEAKER. The Chair would allow you to make comments. Being there is no question before the House, we would recognize you under unanimous consent.

Mr. MUSTIO. Thank you, Mr. Speaker.

The bill that we just passed had significant debate in the Liquor Committee and has the potential to have some impact on many of the smaller manufacturers of beer in our Commonwealth. And the chairmen, the minority and the majority chairmen of the Liquor Committee, have agreed to work with those of us on both sides of the aisle that have manufacturers in their districts where the effects of this legislation could have significant impact.

And many of us agreed to vote in favor of the legislation because of that commitment, and I wanted to thank both chairmen for their agreement to work on the franchise laws in Pennsylvania and the impact that the elimination of this self-distribution has had. And I just wanted to go on record, Mr. Speaker, and recognize the chairmen for their agreement to work on this issue. Thank you.

The SPEAKER. The Chair thanks the gentleman.

STATEMENT BY MR. DONATUCCI

The SPEAKER. The Chair recognizes the gentleman from Philadelphia County, Representative Donatucci, under unanimous consent.

Mr. DONATUCCI. Thank you, Mr. Speaker.

Basically, by default, I would like to look into the issue that Representative Mustio just took up. There are problems, and we will address it in committee and have future legislation. Thank you.

The SPEAKER. The Chair thanks the gentleman.

MEMO SUBMITTED FOR THE RECORD

VOTE CORRECTION

Mr. GABLER submitted the following memo for the Legislative Journal:

House of Representatives
Commonwealth of Pennsylvania
Harrisburg

Memo

To: Roger Nick, Chief Clerk

From: Representative Matt Gabler, District 75

Date: July 2, 2009

Re: Correction of Record

Notice is given to correct the record of my vote on House Bill 291 from a negative to a positive. Thank you.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1720, PN 2349**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting organized retail theft.

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—195

Adolph	Everett	Longiotti	Reese
Baker	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	George	McI. Smith	Santoni
Briggs	Gerber	Melio	Saylor
Brooks	Gergely	Mensch	Scavello
Brown	Gibbons	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Seip
Buxton	Gingrich	Micozzie	Shapiro
Caltagirone	Godshall	Millard	Siptroth
Carroll	Goodman	Miller	Smith, K.
Casorio	Grell	Mirabito	Smith, S.
Causser	Grove	Moul	Solobay
Christiana	Grucela	Mundy	Sonney
Civera	Haluska	Murphy	Staback

Clymer	Hanna	Murt	Stern
Cohen	Harhai	Mustio	Stevenson
Conklin	Harhart	Myers	Sturla
Costa, D.	Harkins	O'Brien, D.	Swanger
Costa, P.	Harper	O'Brien, M.	Tallman
Cox	Harris	O'Neill	Taylor, J.
Creighton	Helm	Oberlander	Taylor, R.
Cruz	Hennessey	Oliver	Thomas
Curry	Hess	Pallone	True
Cutler	Hickernell	Parker	Turzai
Daley	Hornaman	Pashinski	Vereb
Dally	Houghton	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Wagner
DeLozier	Josephs	Perzel	Walko
DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson
Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGirolamo	Kirkland	Pyle	Williams
Donatucci	Knowles	Quigley	Youngblood
Drucker	Kortz	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS—0

NOT VOTING—0

EXCUSED—8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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.

RESOLUTION

Mr. **SIPTROTH** called up **HR 350, PN 2100**, entitled:

A Resolution directing the Joint State Government Commission to conduct a study on the impact of common interest ownership communities on local governments and the Commonwealth, the challenges facing the residents and governing bodies of these common interest ownership communities and opportunities for the Commonwealth to assist local governments and common interest ownership communities to deliver adequate services to their residents at an affordable cost.

On the question,
Will the House adopt the resolution?

The **SPEAKER**. On that question, the Chair recognizes the gentleman from Monroe County, Representative Siptroth.

Mr. **SIPTROTH**. Thank you, Mr. Speaker.

Mr. Speaker, during my past 4 1/2 years in office, I have been approached many times by residents of the planned communities, condominiums, and cooperative associations asking for State financial help to repair roads, bridges, water

and sewer systems, and dams. Residents of these communities support our funding programs with their tax dollars but do not have access to them, as the State has deemed many of them ineligible.

My resolution would be a first step in seeing what the State can do to help them get cost-effective services. My resolution would direct the Joint State Government Commission to determine the number of private communities in each county and municipality, the amount of State and local taxes that our residents pay per year, the amount and condition of infrastructure in the communities, and whether these communities should be allowed to access State money to improve infrastructure; also whether there are ways for the State to make sure that the communities receive adequate services at an affordable cost.

The SPEAKER. The House will come to order. The gentleman is correct. The gentleman has a right to be heard. The House will come to order.

The gentleman may proceed.

Mr. SIPTROTH. Thank you, Mr. Speaker.

In my legislative district, there are at least 30 common-interest communities containing about 16,000 homes. In some municipalities, the vast majority of residents live in those communities. For those who do not have private communities, let me be clear: Although a few consist of large homes around golf courses, most have low- to moderately priced family homes that have grown quickly in the past decade or so. Many rely on infrastructure that was built 30 to 50 years ago. Bringing it up to date will cost millions, and that is beyond the reach of most of these communities I represent.

There could be as many as 15,000 common-interest ownership communities across the State, from Pike County to Greene County and everywhere in between. The point is, Mr. Speaker, not knowing the facts prevents us from effectively addressing their issues, and I ask the members to support this resolution.

Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Monroe County, Representative Scavello.

Mr. SCAVELLO. Thank you, Mr. Speaker.

I rise in support of HR 350.

The gentleman from Monroe explained it pretty much the way it is out there in the communities, especially today with the expense of road reconstruction in these private communities and the effect that it has on their dues within those communities.

I urge the members to support this. Let us see what those numbers actually are to give a better understanding of what the citizens in those private communities are going through, between paying taxes like everyone else as well as not getting services that are due them, I believe.

Thank you, Mr. Speaker.

The SPEAKER. The Chair recognizes the gentleman from Allegheny County, Representative Maher.

Mr. MAHER. Thank you, Mr. Speaker.

I just wanted to thank the gentleman from Monroe for his leadership on this issue and urge support.

The SPEAKER. The Chair thanks the gentleman.

The Chair recognizes the gentleman from Delaware County, Representative Micozzie.

Mr. MICOZZIE. Thank you, Mr. Speaker.

I rise to support this resolution, and I hope that we can develop legislation that will also include residents who live on what we call back home paper streets. Paper streets are streets that the homes were built in rural areas and then later on became occupied by other homes, and the streets have never been dedicated to the borough or the township; therefore, the people are paying property taxes but they are not getting any services. In fact, they have to carry their trash all the way down to the next dedicated street.

So hopefully, some legislation in the future, working with the chairman, and I will be glad to work together to come up with some legislation that will address this very, very important issue. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman.

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

The following roll call was recorded:

YEAS—194

Adolph	Evans, J.	Levdansky	Reese
Baker	Everett	Longiatti	Reichley
Barrar	Fabrizio	Maher	Roae
Bear	Fairchild	Mahoney	Rock
Benninghoff	Farry	Major	Roebuck
Beyer	Fleck	Manderino	Rohrer
Bishop	Frankel	Mann	Ross
Boback	Freeman	Markosek	Sabatina
Boyd	Gabig	Marshall	Sainato
Boyle	Gabler	Marsico	Samuelson
Bradford	Galloway	Matzie	Santarsiero
Brennan	Geist	McGeehan	Santoni
Briggs	George	McI. Smith	Saylor
Brooks	Gerber	Melio	Scavello
Brown	Gergely	Mensch	Schroder
Burns	Gibbons	Metzgar	Seip
Buxton	Gillespie	Micozzie	Shapiro
Caltagirone	Gingrich	Millard	Siproth
Carroll	Godshall	Miller	Smith, K.
Casorio	Goodman	Mirabito	Smith, S.
Causar	Grell	Moul	Solobay
Christiana	Grove	Mundy	Sonney
Civera	Grucela	Murphy	Staback
Clymer	Haluska	Murt	Stern
Cohen	Hanna	Mustio	Stevenson
Conklin	Harhai	Myers	Sturla
Costa, D.	Harhart	O'Brien, D.	Swanger
Costa, P.	Harkins	O'Brien, M.	Tallman
Cox	Harper	O'Neill	Taylor, J.
Creighton	Harris	Oberlander	Taylor, R.
Cruz	Helm	Oliver	Thomas
Curry	Hennessey	Pallone	True
Cutler	Hess	Parker	Turzai
Daley	Hickernell	Pashinski	Vereb
Dally	Hornaman	Payne	Vitali
Day	Houghton	Payton	Vulakovich
Deasy	Hutchinson	Peifer	Wagner
Delozier	Johnson	Perzel	Walko
DeLuca	Josephs	Petrarca	Wansacz
Denlinger	Kauffman	Petri	Waters
DePasquale	Keller, M.K.	Phillips	Watson
Dermody	Keller, W.	Pickett	Wheatley
DeWeese	Kessler	Preston	White
DiGirolo	Killion	Pyle	Williams
Donatucci	Kirkland	Quigley	Youngblood
Drucker	Knowles	Quinn	Yudichak
Eachus	Kortz	Rapp	
Ellis	Krieger	Readshaw	McCall,
Evans, D.	Kula	Reed	Speaker

NAYS-1

Metcalfe

NOT VOTING-0

EXCUSED-8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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

RESOLUTION PURSUANT TO RULE 35

Ms. PICKETT called up **HR 371, PN 2253**, entitled:

A Resolution commemorating the 150th anniversary of the Borough of Dushore.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS-195

Adolph	Everett	Longiotti	Reese
Baker	Fabrizio	Maher	Reichley
Barrar	Fairchild	Mahoney	Roae
Bear	Farry	Major	Rock
Benninghoff	Fleck	Manderino	Roebuck
Beyer	Frankel	Mann	Rohrer
Bishop	Freeman	Markosek	Ross
Boback	Gabig	Marshall	Sabatina
Boyd	Gabler	Marsico	Sainato
Boyle	Galloway	Matzie	Samuelson
Bradford	Geist	McGeehan	Santarsiero
Brennan	George	McI. Smith	Santoni
Briggs	Gerber	Melio	Saylor
Brooks	Gergely	Mensch	Scavello
Brown	Gibbons	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Seip
Buxton	Gingrich	Micozzie	Shapiro
Caltagirone	Godshall	Millard	Siptroth
Carroll	Goodman	Miller	Smith, K.
Casorio	Grell	Mirabito	Smith, S.
Causar	Grove	Moul	Solobay
Christiana	Grucela	Mundy	Sonney
Civera	Haluska	Murphy	Staback
Clymer	Hanna	Murt	Stern
Cohen	Harhai	Mustio	Stevenson
Conklin	Harhart	Myers	Sturla
Costa, D.	Harkins	O'Brien, D.	Swanger
Costa, P.	Harper	O'Brien, M.	Tallman
Cox	Harris	O'Neill	Taylor, J.
Creighton	Helm	Oberlander	Taylor, R.
Cruz	Hennessey	Oliver	Thomas
Curry	Hess	Pallone	True
Cutler	Hickernell	Parker	Turzai
Daley	Hornaman	Pashinski	Vereb
Dally	Houghton	Payne	Vitali
Day	Hutchinson	Payton	Vulakovich
Deasy	Johnson	Peifer	Wagner
Delozier	Josephs	Perzel	Walko

DeLuca	Kauffman	Petrarca	Wansacz
Denlinger	Keller, M.K.	Petri	Waters
DePasquale	Keller, W.	Phillips	Watson
Dermody	Kessler	Pickett	Wheatley
DeWeese	Killion	Preston	White
DiGirolamo	Kirkland	Pyle	Williams
Donatucci	Knowles	Quigley	Youngblood
Drucker	Kortz	Quinn	Yudichak
Eachus	Krieger	Rapp	
Ellis	Kula	Readshaw	McCall,
Evans, D.	Levdansky	Reed	Speaker
Evans, J.			

NAYS-0

NOT VOTING-0

EXCUSED-8

Barbin	Kotik	Miccarelli	Perry
Belfanti	Lentz	Milne	Smith, M.

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

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Chair would like to note the birthdays of two of our members – Representative Pashinski and Representative Staback. Happy birthday, gentlemen.

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

HB 704, PN 2375 (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in reimbursement by Commonwealth and between school districts, further providing for definitions; and providing for special education funding for student achievement and instruction of eligible students in regular classrooms and for special education accountability to Commonwealth taxpayers.

EDUCATION.

HB 1148, PN 2376 (Amended) By Rep. ROEBUCK

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

EDUCATION.

HB 1659, PN 2377 (Amended) By Rep. ROEBUCK

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, further providing for duties of public institutions of higher education, for the Transfer and Articulation Oversight Committee and for participation by independent institutions of higher education and for participation by State-related institutions.

EDUCATION.

ANNOUNCEMENT BY MR. SEIP

The SPEAKER. The Chair would like to recognize the gentleman from Schuylkill County, Representative Seip, under unanimous consent, without objection.

Mr. SEIP. Thank you, Mr. Speaker.

Mr. Speaker, 15 years ago, it was a Saturday. I know that because it was the day I made the best deal of my life. It is the day that my wife, Starr Michelle Dubbs at the time, agreed to marry me, and I would just like to say, happy anniversary, honey. All of you members here who had the chance to meet Starr when she returned from Iraq just about 2 years ago know how lucky I am and how fortunate I am to have her and what a great deal that was for me.

So happy anniversary, honey. Thank you, Mr. Speaker.

The SPEAKER. The Chair thanks the gentleman, and congratulations on your anniversary.

We will expect all the members to stand up and make that same announcement now.

HOUSE SCHEDULE

The SPEAKER. The Chair recognizes the gentleman from Luzerne County, the majority leader, Representative Eachus.

Mr. EACHUS. Thank you, Mr. Speaker.

I would like to make an announcement for the information of the Democratic members.

As the members know, the last 2 days, we have been going line by line through the State budget; we are about a third of the way through that. I think the deliberations have been extremely useful, and I think the depth of the conversation about the policy that we are going to have to address as part of the final four-caucus agreement on the budget when it comes has been extremely important, and I want to compliment the members for their conversations about that.

At 2 o'clock today, we will re-begin that work with the chairman of the Appropriations Committee and his staff. We will also be beginning tomorrow at 10 a.m. and working all day to try and get through that document in the hopes that we can complete it before the end of business on Friday. But the work of the analysis of the budget, line by line, will begin, once again for the members, at 2 o'clock today and once again at 10 o'clock tomorrow.

The SPEAKER. The Chair thanks the gentleman.

REPUBLICAN CAUCUS

The SPEAKER. The Chair recognizes the gentlelady from Susquehanna County, Representative Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce a Republican caucus this afternoon at 2 and also a Republican caucus tomorrow morning at 10. Thank you.

The SPEAKER. The Chair thanks the lady.

INTERROGATION

The SPEAKER. The Chair recognizes the gentleman from Delaware County, Representative Civera, under unanimous consent.

Mr. CIVERA. Thank you, Mr. Speaker.

Mr. Speaker, would the majority leader stand for brief interrogation?

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

Mr. CIVERA. Could you describe to us what budget you are doing line by line? What budget are you working on?

Mr. EACHUS. Well, thank you, Mr. Speaker.

We are mirroring the 11 to 12 hours of work that we did at the Governor's residence that analyzes the Governor's current balanced budget against the bill that was passed in the Senate, SB 850, which, as you know, is out of balance. But we are still using the same reference point of what we did in the Governor's residence so that our members clearly understand what we have been working on in the Democratic leadership and the conversations in each line that have been had so that the members can make the same informed judgment about those lines that we can as leaders.

Mr. CIVERA. Okay. So if I understand you correctly, the process that we did at the Governor's Office – we had SB 850 and we had the Governor's proposal, which would be HB 1416 – and you are going line by line, because the Governor's budget indicates that the revenues would have to be increased as a tax increase; in 850, they decline. So what I am asking, what I am getting at is that at the conclusion of this line by line, will the Democratic Party be ready or be prepared by next week to bring a bill to the floor?

Mr. EACHUS. Well, what I can say affirmatively, Mr. Speaker, as I said to the members, there has been a tremendous amount of conversation about various lines. The lines on education funding, which we are about to get to – our members are very concerned about cuts to education funding. They are also concerned about cuts to hospital funding that affect children's health and senior citizen health. These are issues that we are really going to dig into in the next 2 days. And I also think that they are also concerned, you can see from our conversations that there is also a deep concern about investing in the Pennsylvania economy so we can grow jobs. Those seem to be the three key areas that our caucus is going to be having a deep dialogue about.

I am hopeful that what happens is – because in our caucus, we do things by consensus – that we get to some conclusion that might help the gentleman by the time we get to Monday.

Mr. CIVERA. Okay. Well, thank you, Mr. Speaker. I appreciate what you have expressed to us.

Our concern, naturally, as we continue this process, is that I am hoping that in the beginning part of next week, or I was hoping that you would say that maybe over this weekend we would have some type of a document that we could start working on.

For the members of the Republican Party, we are continuing to work on a proposal that I have talked to in caucus. I think it is going to be our desire that at the end of session today that we will look at that proposal line by line. The difference between ours and theirs – we do not have a tax increase. Thank you.

The SPEAKER. The Chair thanks the gentleman.

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.

RECESS

The SPEAKER. This House does now stand in recess until the call of the Chair.