

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

MONDAY, OCTOBER 3, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 61

HOUSE OF REPRESENTATIVES

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

**THE SPEAKER (SAMUEL H. SMITH)
PRESIDING**

PRAYER

HON. SID MICHAELS KAVULICH, member of the House of Representatives, offered the following prayer:

Father in Heaven, during these days of celebration of the anniversary of Your making of our world, You take stock of all that You have created. In these 10 days of awe, celebrated all over the world by people of the Jewish faith, let us all join together and look at what we have done and how we can repent to make ourselves more like You in all ways.

As we come together in these hallowed chambers, let us take stock of ourselves and look at how we act, what we say, and how we live in accordance with Your laws.

We ask for Your guidance, Father, in governing the people of this great Commonwealth and beg You to give us the strength to make the decisions that sometimes are extremely difficult, the wisdom to know what is right and what is wrong and what is best for the people of Pennsylvania, the compassion for those who are suffering and who look to us as legislators for hope, the love that You have commanded us to have for all our fellow human beings.

Father, You do nothing without purpose. May we realize that purpose and conduct our daily lives in a way that will make us pleasing and acceptable to You. May Your hand guide us and Your light lead us, that we will have Your purpose in our hearts and in our minds and we will one day see You as You are, the Almighty, all-knowing God of all creation.

And we ask all of this in Your name. Amen.

PLEDGE OF ALLEGIANCE

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

JOURNAL APPROVAL POSTPONED

The SPEAKER. Without objection, the approval of the Journal of Wednesday, September 28, 2011, will be postponed until printed.

JOURNALS APPROVED

The SPEAKER. However, the following Journals are in print and, without objection, will be approved:

Tuesday, June 14, 2011;
Wednesday, June 15, 2011;
Thursday, June 16, 2011; and
Friday June 17, 2011.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 423 By Representatives PETRI, SCAVELLO, GINGRICH, MILLARD, MURT, O'NEILL, REICHLEY, TOOHIL, SCHRODER, KAUFFMAN, WATSON, BRADFORD, CUTLER, MILNE and GROVE

A Resolution directing the Legislative Budget and Finance Committee to study existing State aid funding formulas.

Referred to Committee on APPROPRIATIONS, September 29, 2011.

No. 424 By Representatives GODSHALL, METCALFE, AUMENT, BAKER, BLOOM, BOYD, CAUSER, CLYMER, COX, CREIGHTON, CUTLER, ELLIS, EMRICK, FLECK, GIBBONS, GILLEN, GRELL, HAHN, HARHAI, HARRIS, HEFFLEY, KAUFFMAN, M. K. KELLER, KNOWLES, KORTZ, LAWRENCE, LONGIETTI, MALONEY, METZGAR, MILLARD, MILLER, MOUL, MULLERY, PAYNE, PERRY, READSHAW, REICHLEY, ROCK, SAINATO, SAYLOR, SCAVELLO, CULVER, SCHRODER, STERN, TALLMAN, TOEPEL, TOOHIL, TURZAI, VEREB, GROVE, VULAKOVICH and GEIST

A Resolution urging the Senate of the United States to oppose the United Nations' arms trade treaty if it restricts the rights of Pennsylvania citizens under either the Second Amendment to the United States Constitution or Article I, Section 21 of the Pennsylvania Constitution.

Referred to Committee on STATE GOVERNMENT, October 3, 2011.

**HOUSE BILLS
INTRODUCED AND REFERRED**

No. 13 By Representatives HUTCHINSON and RAPP

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, further providing for local ordinances.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 3, 2011.

No. 14 By Representatives PASHINSKI, BRENNAN, BRIGGS, CALTAGIRONE, CARROLL, DAVIS, DeLUCA, FABRIZIO, HARKINS, HORNAMAN, JOSEPHS, W. KELLER, KOTIK, MAHONEY, MARSHALL, MILLARD, MOUL, MURPHY, MURT, QUINN, READSHAW, SABATINA, K. SMITH, STABACK, STURLA and THOMAS

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the definition of "maintaining a place of business in this Commonwealth" and for the collection of tax.

Referred to Committee on FINANCE, October 3, 2011.

No. 16 By Representatives PASHINSKI, BRIGGS, CALTAGIRONE, CARROLL, CURRY, DAVIS, DePASQUALE, FABRIZIO, FARRY, HARKINS, JOSEPHS, KOTIK, KULA, MURT, NEUMAN, SANTARSIERO, SANTONI, K. SMITH, THOMAS and WHITE

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, in casualty insurance, providing for living wills and advance directives discount.

Referred to Committee on INSURANCE, October 3, 2011.

No. 17 By Representatives WATSON, CLYMER, DiGIROLAMO, MURT, O'NEILL, PETRI and QUINN

An Act designating the Pickertown Road Bridge carrying Pickertown Road over the U.S. Route 202 Parkway in Warrington Township, Bucks County, as the Robert V. Cotton Bridge.

Referred to Committee on TRANSPORTATION, October 3, 2011.

No. 1801 By Representatives DAVIS, HANNA, BOBACK, BROOKS, CALTAGIRONE, DALEY, DeLUCA, DONATUCCI, EVERETT, GEIST, GEORGE, GODSHALL, HESS, HORNAMAN, KULA, MAHONEY, MOUL, MURT, READSHAW, REICHLEY, SANTARSIERO and YOUNGBLOOD

An Act amending the act of March 4, 1970 (P.L.128, No.49), entitled "An act granting to the Governor of the Commonwealth the sole authority for regulating the display of the flag of the United States from any public ground or building and from any ground or building of certain other institutions," further providing for the display of the official POW/MIA flag.

Referred to Committee on STATE GOVERNMENT, October 3, 2011.

No. 1860 By Representatives SACCONI, BLOOM, EVANKOVICH, REESE, AUMENT, BAKER, BROOKS, R. BROWN, CAUSER, CREIGHTON, CUTLER, DENLINGER, DUNBAR, GABLER, GERGELY, GILLEN, GROVE, HARHART, HESS, HUTCHINSON, F. KELLER, KNOWLES, MALONEY, MARSHALL, METCALFE, METZGAR, MUSTIO, NEUMAN, OBERLANDER, PERRY, QUIGLEY, RAPP, READSHAW, ROAE, ROCK, SAYLOR, SCHRODER, SIMMONS, STEVENSON, SWANGER, TOBASH, TURZAI, VEREB, VULAKOVICH, KOTIK, KORTZ, WHITE and GEIST

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for use of force in self-protection.

Referred to Committee on JUDICIARY, October 3, 2011.

No. 1880 By Representatives ADOLPH, MUNDY, HENNESSEY, DENLINGER, DePASQUALE, SONNEY, BARBIN, BARRAR, BOBACK, CARROLL, COHEN, D. COSTA, DALEY, DAVIDSON, DeLUCA, DiGIROLAMO, DONATUCCI, DUNBAR, FABRIZIO, GALLOWAY, GEORGE, GIBBONS, GINGRICH, GODSHALL, GOODMAN, GROVE, HARHART, HARKINS, HARPER, HESS, HORNAMAN, JOSEPHS, F. KELLER, M. K. KELLER, W. KELLER, KILLION, KORTZ, KOTIK, MARSHALL, MICOZZIE, MILNE, MULLERY, MURPHY, MURT, M. O'BRIEN, PASHINSKI, PETRI, RAVENSTAHL, ROEBUCK, SAINATO, SANTONI, SIMMONS, STERN, THOMAS, WATSON, YOUNGBLOOD, PRESTON and MANN

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

Referred to Committee on HEALTH, September 29, 2011.

No. 1881 By Representatives WAGNER, V. BROWN, BROWNLEE, D. COSTA, FABRIZIO, FLECK, GEIST, GROVE, JOSEPHS, KORTZ, KULA, MIRABITO, MURT, M. O'BRIEN, PASHINSKI, SWANGER and DONATUCCI

An Act amending the act of February 1, 1974 (P.L.34, No.15), known as the Pennsylvania Municipal Retirement Law, providing for return to work.

Referred to Committee on LOCAL GOVERNMENT, October 3, 2011.

No. 1882 By Representatives PRESTON, GEORGE, GODSHALL, BARBIN, BROWNLEE, CALTAGIRONE, FABRIZIO, MILLER, YOUNGBLOOD and DONATUCCI

An Act providing for the Cell Tower and Antenna Siting on Commonwealth Property Act; and imposing duties on the Office of Administration.

Referred to Committee on CONSUMER AFFAIRS, September 29, 2011.

No. 1883 By Representatives BENNINGHOFF, AUMENT, BAKER, BOYD, B. BOYLE, BRADFORD, D. COSTA, CREIGHTON, DALEY, J. EVANS, FLECK, GINGRICH, GODSHALL, GOODMAN, HARHART, HARKINS, KAUFFMAN, MURT, RAPP, ROCK, ROSS, SWANGER, TOOHL, VULAKOVICH and YOUNGBLOOD

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, providing for a tax credit for donated dental services.

Referred to Committee on FINANCE, September 29, 2011.

No. 1884 By Representatives STERN and FLECK

An Act authorizing the Department of General Services, with the approval of the Department of Military and Veterans Affairs and the Governor, to grant and convey to the Borough of Tyrone certain land and improvements situate in the Borough of Tyrone, Blair County, known as the Tyrone Armory.

Referred to Committee on STATE GOVERNMENT, September 29, 2011.

No. 1885 By Representatives K. BOYLE, McGEEHAN, BARBIN, D. COSTA, DONATUCCI, FABRIZIO, GOODMAN, JOSEPHS, KORTZ, KULA, MAHONEY, PAYTON, SABATINA, V. BROWN, GEORGE, HALUSKA, MURT, READSHAW, TAYLOR and B. BOYLE

An Act amending the act of April 14, 1972 (P.L.221, No.63), known as the Pennsylvania Drug and Alcohol Abuse Control Act, providing for narcotic treatment programs.

Referred to Committee on HUMAN SERVICES, September 29, 2011.

No. 1886 By Representatives SACCONI, DALEY, AUMENT, BENNINGHOFF, BRADFORD, BROOKS, CAUSER, CLYMER, CUTLER, DENLINGER, DIGIROLAMO, FARRY, FLECK, GABLER, GEORGE, GILLEN, GROVE, HAHN, HARHAI, HARHART, HEFFLEY, HELM, HENNESSEY, HESS, KNOWLES, MAHER, MAJOR, MALONEY, MARSHALL, METZGAR, MICCARELLI, MILLARD, MOUL, MULLERY, O'NEILL, PERRY, RAPP, ROAE, ROCK, SAYLOR, SONNEY, STEVENSON, VULAKOVICH and YOUNGBLOOD

An Act designating the bridge carrying State Route 136 over the Monongahela River connecting Forward Township, Allegheny County, to the City of Monongahela, Washington County, as the General Carl E. Vuono Bridge.

Referred to Committee on TRANSPORTATION, October 3, 2011.

No. 1888 By Representatives DeLUCA, MATZIE, BISHOP, CALTAGIRONE, KOTIK, DONATUCCI, V. BROWN, GEIST, FABRIZIO, KULA, READSHAW, M. O'BRIEN, JOSEPHS, HARKINS, D. COSTA, MURT, YOUNGBLOOD and TOOHL

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, providing for cranial hair vacuum prosthesis coverage standards for health insurance policies.

Referred to Committee on INSURANCE, October 3, 2011.

No. 1889 By Representatives DeLUCA, M. O'BRIEN, D. COSTA, FABRIZIO, KOTIK, BROWNLEE, CALTAGIRONE, GILLESPIE, DALEY, THOMAS, MOUL, QUINN, STURLA, MUNDY and DAVIS

An Act amending Title 63 (Professions and Occupations (State Licensed)) of the Pennsylvania Consolidated Statutes, providing for vehicle storage facilities and for vehicle towing and booting; and imposing duties on the Department of Transportation.

Referred to Committee on TRANSPORTATION, October 3, 2011.

No. 1890 By Representatives HANNA, BRENNAN, CALTAGIRONE, CARROLL, D. COSTA, DIGIROLAMO, EVERETT, FABRIZIO, JOSEPHS, KORTZ, KULA, MAHONEY, MILLARD, MILNE, MIRABITO and YOUNGBLOOD

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to the Centre County Industrial Development Corporation certain lands situate in Benner Township, Centre County.

Referred to Committee on STATE GOVERNMENT, October 3, 2011.

SENATE BILLS FOR CONCURRENCE

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

SB 957, PN 1535

Referred to Committee on PROFESSIONAL LICENSURE, October 3, 2011.

SB 967, PN 1536

Referred to Committee on PROFESSIONAL LICENSURE, October 3, 2011.

SB 1167, PN 1604

Referred to Committee on JUDICIARY, October 3, 2011.

COMMUNICATION FROM PHILADELPHIA PARKING AUTHORITY

The SPEAKER. The Speaker acknowledges receipt of the Philadelphia Parking Authority Fiscal Year 2011 Audit Report pursuant to Act 94 of 2004.

(Copy of communication is on file with the Journal clerk.)

LEAVES OF ABSENCE

The SPEAKER. The Speaker is about to take the leaves of absence. Are there requests for leaves?

The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. Dennis O'BRIEN, from Philadelphia County for the day, and the gentleman, Mr. John TAYLOR, from Philadelphia County for the day. Without objection, the leaves will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. BRIGGS, from Montgomery County for the day; the gentleman, Mr. Dwight EVANS, from Philadelphia County for the day; and the gentleman, Mr. SAMUELSON, from Northampton County for the day. Without objection, the leaves will be granted.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—198

Adolph	Dunbar	Kirkland	Quinn
Aument	Ellis	Knowles	Rapp
Baker	Emrick	Kortz	Ravenstahl
Barbin	Evankovich	Kotik	Readshaw
Barrar	Evans, J.	Krieger	Reed
Bear	Everett	Kula	Reese
Benninghoff	Fabrizio	Lawrence	Reichley
Bishop	Farry	Longiotti	Roea
Bloom	Fleck	Maher	Rock
Boback	Frankel	Mahoney	Roebuck
Boyd	Freeman	Major	Ross
Boyle, B.	Gabler	Maloney	Sabatina
Boyle, K.	Galloway	Mann	Saccone
Bradford	Geist	Markosek	Sainato
Brennan	George	Marshall	Santarsiero
Brooks	Gerber	Marsico	Santoni
Brown, R.	Gergely	Masser	Saylor
Brown, V.	Gibbons	Matzie	Scavello
Brownlee	Gillen	McGeehan	Schroder
Burns	Gillespie	Metcalfe	Shapiro
Buxton	Gingrich	Metzgar	Simmons
Caltagirone	Godshall	Miccarelli	Smith, K.
Carroll	Goodman	Micozzie	Smith, M.
Causar	Grell	Millard	Sonney
Christiana	Grove	Miller	Staback
Clymer	Hackett	Milne	Stephens
Cohen	Hahn	Mirabito	Stern
Conklin	Haluska	Moul	Stevenson
Costa, D.	Hanna	Mullery	Sturla
Costa, P.	Harhai	Mundy	Swanger
Cox	Harhart	Murphy	Tallman
Creighton	Harkins	Murt	Thomas
Cruz	Harper	Mustio	Tobash
Culver	Harris	Myers	Toepel
Curry	Heffley	Neuman	Toohil
Cutler	Helm	O'Brien, M.	Truitt
Daley	Hennessey	O'Neill	Turzai
Davidson	Hess	Oberlander	Vereb
Davis	Hickernell	Parker	Vitali
Day	Hornaman	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Wagner
DeLissio	Johnson	Payton	Waters
Delozier	Josephs	Peifer	Watson
DeLuca	Kampf	Perry	Wheatley
Denlinger	Kauffman	Petrarca	White
DePasquale	Kavulich	Petri	Williams

Dermody	Keller, F.	Pickett	Youngblood
DeWeese	Keller, M.K.	Preston	
DiGirolamo	Keller, W.	Pyle	Smith, S., Speaker
Donatucci	Killion	Quigley	

ADDITIONS—0

NOT VOTING—0

EXCUSED—5

Briggs	O'Brien, D.	Samuelson	Taylor
Evans, D.			

LEAVES ADDED—2

Maher	Shapiro
-------	---------

LEAVES CANCELED—2

Briggs	Samuelson
--------	-----------

The SPEAKER. One hundred and ninety-eight members having voted on the master roll call, a quorum is present.

GUESTS INTRODUCED

The SPEAKER. If I could have the members' attention, we would like to recognize some of the guests we have with us in the hall of the House today.

Located to the left of the rostrum, we welcome Darran and Phyllis Sudman. They are cofounders of Simon's Fund, and members of their family are Sally and Jaden Sudman and Ellen Satinsky, and they are here as guests of Representative Mike Vereb. Will the guests please rise. Welcome to the hall of the House.

Also located to the left of the rostrum, as a guest of Representative Cutler, we would like to welcome Ainsley Toppin. Ainsley, welcome to the hall of the House.

Also to the left of the rostrum, I want to introduce Shawn Howze. Shawn is a junior at Mansfield University majoring in communications, and he is actually interning in the Speaker's Office this semester. Welcome, Shawn.

And some additional guests we have with us up in the balcony, as guests of Representative Paul Clymer and other members of the General Assembly, some AFS (American Field Service) exchange students. These students are here from countries like Germany, Mali, Indonesia, Thailand, and also their AFS volunteer, Carol Mattes is with them. Will our guests please rise. Welcome to the hall of the House.

**NATIONAL FUTURE BUSINESS
LEADERS OF AMERICA
SPEAKING AND DEBATE WINNERS**

The SPEAKER. If we could have the members' attention, please.

We would like to invite Representative Kurt Masser to the rostrum for the purpose of presenting a citation to the national winners of the "Emerging Business Issues" event, a Future Business Leaders of America speaking and debating contest.

Mr. MASSER. Thank you, Mr. Speaker.

It certainly is my honor to recognize and honor two outstanding young gentlemen from my district, Danville High School sophomores Ben Fait and Ryan Conrad, on the National Future Business Leaders of America competition by defeating 55 other State and regional champions in a competitive speaking and debating event at the week-long National FBLA Leadership Conference in Orlando, Florida, in late June 2011.

Their event, "Emerging Business Issues," provides FBLA members with an opportunity to develop and demonstrate skills in researching and presenting a contemporary business issue. This year's topic was focused on government subsidies for green technology. Fait and Conrad had to be prepared to argue in the affirmative that, yes, the government should offer incentives in order to encourage business to build green and be prepared to argue the negative that, no, the government should not subsidize overhead costs of businesses that have built or operate in an environmentally efficient manner.

The event is based on team rather than individual participation. In addition to learning research skills, team participants develop speaking ability and poise through oral presentations. Students must be prepared to debate both sides of the topic. Twenty minutes before the presentation, students drew the side of the argument they would be advocating. After their 5-minute presentation, a panel of judges, including business leaders and educators, cross-examined the speakers for a maximum of 3 minutes. Evaluations were based on the thoroughness of their advocacy and the effectiveness of their delivery.

Fait and Conrad won a regional competition earlier this year at Bloomsburg University and the State championship in this event awarded at the FBLA State Leadership Conference in Hershey in April. They competed in Orlando this summer with teams of students from across the nation. By placing first they were awarded the national championship and a \$750 scholarship award.

The FBLA National Leadership Conference drew more than 6,000 high school students to the Orlando Hilton to participate in over 50 competitive and skills events from the areas of technology, public speaking, business, finance, and management.

Laurie Allison is the adviser of the FBLA chapter at Danville High School and Michael Nailor is the forensics team coach. Both Allison and Nailor have accompanied the team through the various levels of competition.

FBLA is the largest business career student organization in the world. The high school division has 215,000 members nationwide. The FBLA National Awards Program recognizes and rewards excellence in a broad range of business and career-related areas. Through State-based competition at the spring State Leadership Conferences, the students compete in events testing their business knowledge and skills. Top State winners are then eligible to compete for honors at the National Leadership Conference. The FBLA concept was developed in 1937 by Dr. Hamden L. Forkner of Columbia University.

Ben Fait and Ryan Conrad are also active members of the Danville High School's speech and debate team. As a team last year, they qualified to the National Forensic League

competition in Dallas, Texas, by defeating teams from all of eastern Pennsylvania. They qualified for the National Catholic Forensic League competition in Washington, DC, by beating teams from northeast Pennsylvania. At the State competition of the Pennsylvania High School Speech League, Ryan and Ben placed in the top eight teams in the State. The team won more than 50 interscholastic debates and lost less than 10 on their way to compiling the best record of any Danville High School debate team.

Ben and Ryan have both been named AP (Advanced Placement) Scholars and are members of the National Honor Society. Ben is currently ranked number 1 in his class of 155 and Ryan is number 7. In future plans Ryan would like to study physics at the University of Chicago and Ben hopes to study both biology and philosophy at the University of Pennsylvania.

And it is my honor to congratulate both of these young men for their accomplishments.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. If I could have the members' attention, I wanted to make one other announcement of a personal nature.

Representative Dave Maloney became a grandfather for the first time when Connor Jay Johnston was born Friday, September 30, to his daughter, Caitlin, and husband, Jonathan. So congratulations to Representative Maloney.

ANNOUNCEMENT BY MR. BAKER

The SPEAKER. For the purpose of making an announcement, the gentleman from Tioga, Mr. Baker, is recognized.

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

I am pleased to announce that one of our very nice, capable, intelligent lawyers in the Republican Caucus recently had a little baby girl. Whitney Krosse, who was our 1996 Olympian, competed in the Olympics in 1996, she had her third child. It is a baby girl, and her name is Bryn Amelia Krosse and weighed in at 7 pounds 15 ounces and 20 1/2 inches long. Congratulations, Whitney.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. SCAVELLO called up **HR 385, PN 2360**, entitled:

A Resolution designating the week of October 10 through 14, 2011, as "DECA Week" in Pennsylvania.

* * *

Mr. ROEBUCK called up **HR 386, PN 2361**, entitled:

A Resolution designating the month of October 2011 as "Parent Involvement Month" in Pennsylvania.

* * *

Mr. ROEBUCK called up **HR 405, PN 2396**, entitled:

A Resolution designating the month of October 2011 as "Disability Employment Awareness Month" in Pennsylvania.

* * *

Mr. DePASQUALE called up **HR 416, PN 2434**, entitled:

A Resolution designating the month of November 2011 as "Hydrocephalus Awareness Month" in Pennsylvania.

* * *

Mr. MYERS called up **HR 417, PN 2435**, entitled:

A Resolution recognizing September 2011 as "Hunger Action Month" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS—198

Adolph	Dunbar	Kirkland	Quinn
Aument	Ellis	Knowles	Rapp
Baker	Emrick	Kortz	Ravenstahl
Barbin	Evankovich	Kotik	Readshaw
Barrar	Evans, J.	Krieger	Reed
Bear	Everett	Kula	Reese
Benninghoff	Fabrizio	Lawrence	Reichley
Bishop	Farry	Longiotti	Roe
Bloom	Fleck	Maher	Rock
Boback	Frankel	Mahoney	Roebuck
Boyd	Freeman	Major	Ross
Boyle, B.	Gabler	Maloney	Sabatina
Boyle, K.	Galloway	Mann	Saccone
Bradford	Geist	Markosek	Sainato
Brennan	George	Marshall	Santarsiero
Brooks	Gerber	Marsico	Santoni
Brown, R.	Gergely	Masser	Saylor
Brown, V.	Gibbons	Matzie	Scavello
Brownlee	Gillen	McGeehan	Schroder
Burns	Gillespie	Metcalfe	Shapiro
Buxton	Gingrich	Metzgar	Simmons
Caltagirone	Godshall	Miccarelli	Smith, K.
Carroll	Goodman	Micozzie	Smith, M.
Causser	Grell	Millard	Sonney
Christiana	Grove	Miller	Staback
Clymer	Hackett	Milne	Stephens
Cohen	Hahn	Mirabito	Stern
Conklin	Haluska	Moul	Stevenson
Costa, D.	Hanna	Mullery	Sturla
Costa, P.	Harhai	Mundy	Swanger
Cox	Harhart	Murphy	Tallman
Creighton	Harkins	Murt	Thomas
Cruz	Harper	Mustio	Tobash
Culver	Harris	Myers	Toepel
Curry	Heffley	Neuman	Toohil
Cutler	Helm	O'Brien, M.	Truitt
Daley	Hennessey	O'Neill	Turzai
Davidson	Hess	Oberlander	Vereb
Davis	Hickernell	Parker	Vitali
Day	Hornaman	Pashinski	Vulakovich
Deasy	Hutchinson	Payne	Wagner
DeLissio	Johnson	Payton	Waters
Delozier	Josephs	Peifer	Watson
DeLuca	Kampf	Perry	Wheatley
Denlinger	Kauffman	Petrarca	White
DePasquale	Kavulich	Petri	Williams
Dermody	Keller, F.	Pickett	Youngblood

DeWeese	Keller, M.K.	Preston	
DiGirolamo	Keller, W.	Pyle	Smith, S.,
Donatucci	Killion	Quigley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Briggs	O'Brien, D.	Samuelson	Taylor
Evans, D.			

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

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. For the purpose of making an announcement, the Speaker recognizes the gentleman from Delaware County, Mr. Adolph.

Mr. ADOLPH. Thank you, Mr. Speaker.

Mr. Speaker, there will be an immediate Appropriations Committee meeting in the majority caucus room upon the break. Thank you.

The SPEAKER. There will be an immediate Appropriations Committee meeting in the majority caucus room at the break.

REPUBLICAN CAUCUS

The SPEAKER. For the purpose of a caucus announcement, the Speaker recognizes the lady from Susquehanna County, Ms. Major.

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce the Republicans will caucus today at 1:45. I would ask our Republican members to please report to our caucus room at 1:45. We would be prepared to come back on the floor, Mr. Speaker, at 3 p.m. Thank you.

DEMOCRATIC CAUCUS

The SPEAKER. For the purpose of a Democratic caucus announcement, the Speaker recognizes the gentleman from Allegheny County, Mr. Frankel.

Mr. FRANKEL. Thank you, Mr. Speaker.

Democrats will caucus at 1:45; caucus at 1:45. Thank you.

RECESS

The SPEAKER. Seeing no further business, this House stands in recess until 3 p.m., unless sooner recalled by the Speaker.

AFTER RECESS

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

BILLS REREPORTED FROM COMMITTEE**HB 823, PN 856** By Rep. ADOLPH

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

APPROPRIATIONS.

HB 1192, PN 1297 By Rep. ADOLPH

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

APPROPRIATIONS.

HB 1236, PN 1355 By Rep. ADOLPH

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

APPROPRIATIONS.

HB 1237, PN 1356 By Rep. ADOLPH

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

APPROPRIATIONS.

HB 1438, PN 2085 By Rep. ADOLPH

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

APPROPRIATIONS.

HB 1582, PN 2440 By Rep. ADOLPH

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, in municipal authorities, further providing for purposes and powers.

APPROPRIATIONS.

HB 1610, PN 2441 By Rep. ADOLPH

An Act establishing standards for preventing sudden cardiac arrest and death in student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

APPROPRIATIONS.

SB 389, PN 1200 By Rep. ADOLPH

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in vocational education, further providing for the definition of "vocational agricultural education."

APPROPRIATIONS.

**BILLS REPORTED FROM COMMITTEE,
CONSIDERED FIRST TIME, AND TABLED****HB 709, PN 723** By Rep. MILLER

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, further providing for definitions; and providing for school district options.

LABOR AND INDUSTRY.

HB 1191, PN 1304 By Rep. MILLER

An Act amending the act of August 15, 1961 (P.L.987, No.442), known as the Pennsylvania Prevailing Wage Act, excluding political subdivisions from the act; and authorizing optional prevailing wage ordinances.

LABOR AND INDUSTRY.

HB 1271, PN 2467 (Amended) By Rep. MILLER

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

LABOR AND INDUSTRY.

HB 1329, PN 2468 (Amended) By Rep. MILLER

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

LABOR AND INDUSTRY.

HB 1541, PN 1890 By Rep. MILLER

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

LABOR AND INDUSTRY.

HB 1685, PN 2469 (Amended) By Rep. MILLER

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

LABOR AND INDUSTRY.

CALENDAR**BILL ON SECOND CONSIDERATION**

The House proceeded to second consideration of **SB 105, PN 982**, entitled:

An Act providing for the establishment of a searchable budget database-driven Internet website detailing certain information concerning taxpayer expenditures and investments.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 105 be recommitted to the Rules Committee.

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

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **SB 858, PN 1360**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in district and assistant superintendents, further providing for eligibility; and making editorial changes.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 858 be recommitted to the Rules Committee.

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

* * *

The House proceeded to third consideration of **SB 227, PN 991**, entitled:

An Act amending the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, further providing for application for registration certificate, for issuance of registration certificate and for records; providing for disclosure; and further providing for emergency closure.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 227 be recommitted to the Rules Committee.

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

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1326, PN 1505**, entitled:

An Act amending the act of June 27, 2006 (1st Sp.Sess., P.L.1873, No.1), known as the Taxpayer Relief Act, further providing for adoption of preliminary budget proposals and for public referendum requirements for increasing certain taxes; providing for public referendum requirements for increasing certain taxes; and further providing for tax relief.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1326 be recommitted to the Rules Committee.

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

* * *

The House proceeded to second consideration of **SB 314, PN 1410**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, defining "interactive wireless communications device"; providing for prohibiting use of interactive wireless communications devices while operating motor vehicles; and further providing for duty of driver in construction and maintenance areas or on highway safety corridors, for duty of driver in emergency response areas, for accident report forms, for department to compile, tabulate and analyze accident reports, for television equipment, for applicability and uniformity of law and for disposition and use of liquid fuels and fuels tax.

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

BILL RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 314 be recommitted to the Transportation Committee.

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

LEAVES OF ABSENCE CANCELED

The SPEAKER. The Speaker turns to leaves of absence and notices the presence of the gentleman from Northampton, Mr. Samuelson, on the floor of the House as well as the gentleman from Montgomery, Mr. Briggs, on the floor of the House. Their names will be added to the master roll call.

LEAVE OF ABSENCE

The SPEAKER. The Speaker recognizes the majority whip, who requests a leave of absence for the gentleman from Allegheny County, Mr. MAHER, for the remainder of the day. Without objection, the leave will be granted.

RESOLUTION PURSUANT TO RULE 35

Mr. CLYMER called up **HR 408, PN 2412**, entitled:

A Resolution commemorating the 300th anniversary of the birth of Henry Melchior Muhlenberg.

On the question,
Will the House adopt the resolution?

The SPEAKER. On that resolution, the Speaker recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, HR 408 commemorates the 300th anniversary of the birth of Henry Melchior Muhlenberg. He was born September 6, 1711, in Einbeck, Germany. He is considered the patriarch of the Lutheran Church in America. In 1742 he emigrated to North America in response to a request from Lutherans in Pennsylvania to assist in providing trained clergy for the German Lutheran churches here in Pennsylvania.

Mr. Speaker, in 1742 Henry Muhlenberg founded the Old Trappe Church located in Trappe, Pennsylvania, and I understand the facilities—

The SPEAKER. Will the gentleman suspend for a second.

If we could have the members' attention, please. I appreciate it if the members would take their seats and hold the conversations to a minimum.

The Speaker thanks the members.

The gentleman, Mr. Clymer, may proceed.

Mr. CLYMER. It is my understanding that the first early Lutheran Church is in existence even today.

Shortly after arriving in Pennsylvania, Henry Melchior Muhlenberg married Anna Maria Weiser, the daughter of colonial leader Conrad Weiser. The couple had 11 children and founded the Muhlenberg family dynasty, where generations were very active in the military, politics, academia, and ministry. For example, of their children three sons entered the ministry and became prominent in other fields as well. Their son, Peter, became a Major General in the Continental Army and later was elected to the U.S. Congress. Frederick served as the first Speaker of the House in the U.S. Congress after his election to office. Henry, Jr., became pastor of the Zion Lutheran Church in Oldwick, New Jersey. Henry Ernst was an early scientist and the first president of Franklin College, now known as Franklin & Marshall. Their daughter, Elisabeth, married future General Francis Swaine. Maria Salome married the future U.S. Congressman, Matthias Richards. Eve married Emmanuel Shulze, and their son, John Andrew Shulze, was elected Governor of Pennsylvania. Mr. Speaker, that is just a resumé of some of the dedicated and committed service the Muhlenberg family had not only to Pennsylvania but to the United States as well.

Mr. Speaker, I have to mention, of course, that Muhlenberg College in Allentown, Pennsylvania, was also named in his honor as well, and I happen to be a proud graduate of Muhlenberg College.

Thank you, Mr. Speaker, for allowing me to share these fine thoughts about Henry Melchior Muhlenberg on the 300th anniversary of his birth. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

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

The following roll call was recorded:

YEAS—199

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Metcalfe	Schroder
Brownlee	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Miccarelli	Simmons
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causar	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Vereb
Davidson	Hickernell	Pashinski	Vitali
Davis	Hornaman	Payne	Vulakovich
Day	Hutchinson	Payton	Wagner
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Watson
Delozier	Kampf	Petrarca	Wheatley
DeLuca	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S., Speaker
DiGirolamo	Killion	Quinn	
Donatucci			

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, D. Maher O'Brien, D. Taylor

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

SUPPLEMENTAL CALENDAR A

BILLS ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1610, PN 2441**, entitled:

An Act establishing standards for preventing sudden cardiac arrest and death in student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

REMARKS SUBMITTED FOR THE RECORD

Mr. **VEREB** submitted the following remarks for the Legislative Journal:

Thank you, Mr. Speaker.

My intent in introducing HB 1610 is to have the Pennsylvania Department of Health offer information regarding the symptoms and warning signs of Sudden Arrhythmia Death Syndrome (SADS) through its Web site.

This is not intended to be a formal training program from an outside provider, but instead informational material provided on the DOH Web site so that coaches may review and become familiar with the symptoms and warning signs of SADS on an annual basis.

For this reason the training required under HB 1610 should have no fiscal impact on coaches or school districts.

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—199

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Mahoney	Roebuck

Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Metcalfe	Schroder
Brownlee	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Miccarelli	Simmons
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Vereb
Davidson	Hickernell	Pashinski	Vitali
Davis	Hornaman	Payne	Vulakovich
Day	Hutchinson	Payton	Wagner
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Watson
Delozier	Kampf	Petrarca	Wheatley
DeLuca	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S., Speaker
DiGirolamo	Killion	Quinn	
Donatucci			

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, D. Maher O'Brien, D. Taylor

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

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

STATEMENT BY MR. VEREB

The **SPEAKER**. The gentleman, Mr. Vereb, is recognized under unanimous consent relative to the legislation the House just voted.

Mr. **VEREB**. Thank you, Mr. Speaker.

I want to thank my colleagues for their support, all of my colleagues who helped in some of the technical language of this legislation.

If I could have the attention of the members, I just want to thank the Sudman family, whom the Speaker introduced earlier, who is here with us on the floor today.

The SPEAKER. If we could have your attention. If the members would please take their seats and hold the conversations down. The legislation that just passed was relative to the guests that we had introduced earlier this afternoon, and they are with us now.

Mr. VEREB. Thank you, Mr. Speaker.

Darren and Phyllis Sudman are here with us today with their daughter, Sally, and son, Jaden, and Phyllis's mother, Ellen Satinsky.

This institution was first introduced to this family earlier this session, and this family started a foundation called Simon's Fund, which raises money to screen and educate our youth athletes across the Commonwealth. They have screened hundreds and hundreds of people at no charge throughout a large area of the southeastern part of Pennsylvania and have found children to have symptoms or indications that they could suffer from sudden cardiac arrest.

Colleagues, we all do great work here, but this family started this fund because of the loss of their son, Simon, and they have put their tragedy right out in the wide open for the betterment and longer productive lives of the youth in our Commonwealth.

And I just want to thank you all for your unanimous support of this bill, the chairmen of the committees that ran this bill and sent it over to the Senate to hopefully get it signed into law ultimately. But I want to thank you for your support, and if you could recognize the Sudmans for being with us again here today, Mr. Speaker.

I thank you for the time.

The SPEAKER. Will our guests please rise again. Welcome again to the hall of the House, and congratulations to you for your dedication and effort.

STATEMENT BY MR. SHAPIRO

The SPEAKER. The Speaker recognizes the gentleman from Montgomery County, Mr. Shapiro, on unanimous consent relative to the legislation just passed.

Mr. SHAPIRO. Thank you, Mr. Speaker.

Mr. Speaker, I want to join the gentleman from Montgomery first to commend him on passing this important legislation but also to thank the Sudman family for bringing this issue to my attention probably about 6 years ago. And through their strength and through the inspiration that they have shared with many families throughout Montgomery County and our region relative to Simon and the tragedy that came upon their family, they have turned that tragedy really into a sense of triumph for a lot of other families in our area, making sure that families are armed with the information they need to ensure their children's safety, and now through this legislation, even more families can be touched throughout the Commonwealth of Pennsylvania.

So, Mr. Speaker, I just want to again thank the Sudman family and of course the great work that is done in Simon's Fund and lend my voice of support to them, as the gentleman from Montgomery did, and I thank the Speaker for his indulgence.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

* * *

The House proceeded to third consideration of **SB 389, PN 1200**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, in vocational education, further providing for the definition of "vocational agricultural education."

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

(Bill analysis was read.)

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

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—199

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Metcalfe	Schroder
Brownlee	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Miccarelli	Simmons
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causar	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Vereb
Davidson	Hickernell	Pashinski	Vitali
Davis	Hornaman	Payne	Vulakovich
Day	Hutchinson	Payton	Wagner
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Watson
Delozier	Kampf	Petrarca	Wheatley

DeLuca	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S.,
DiGirolamo	Killion	Quinn	Speaker
Donatucci			

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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 without amendment.

* * *

The House proceeded to third consideration of **HB 1236, PN 1355**, entitled:

An Act amending Title 30 (Fish) of the Pennsylvania Consolidated Statutes, in fishing licenses, further providing for deployed Pennsylvania National Guard members and for reserve component of armed forces members.

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

(Bill analysis was read.)

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

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—199

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Metcalfe	Schroder

Brownlee	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Miccarelli	Simmons
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stevens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Vereb
Davidson	Hickernell	Pashinski	Vitali
Davis	Hornaman	Payne	Vulakovich
Day	Hutchinson	Payton	Wagner
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Watson
Delozier	Kampf	Petrarca	Wheatley
DeLuca	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S.,
DiGirolamo	Killion	Quinn	Speaker
Donatucci			

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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 1237, PN 1356**, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, in hunting and furtaking licenses, further providing for resident license and fee exemptions.

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

(Bill analysis was read.)

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

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—199

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longiatti	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Metcalfe	Schroder
Brownlee	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Miccarelli	Simmons
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Vereb
Davidson	Hickernell	Pashinski	Vitali
Davis	Hornaman	Payne	Vulakovich
Day	Hutchinson	Payton	Wagner
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Watson
Delozier	Kampf	Petrarca	Wheatley
DeLuca	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood
Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S.,
DiGirolamo	Killion	Quinn	Speaker
Donatucci			

NAYS—0

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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 1192, PN 1297**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for nonmedical good Samaritan civil immunity.

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

(Bill analysis was read.)

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

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—199

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longiatti	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Metcalfe	Schroder
Brownlee	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Miccarelli	Simmons
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Vereb
Davidson	Hickernell	Pashinski	Vitali
Davis	Hornaman	Payne	Vulakovich
Day	Hutchinson	Payton	Wagner
Deasy	Johnson	Peifer	Waters
DeLissio	Josephs	Perry	Watson
Delozier	Kampf	Petrarca	Wheatley
DeLuca	Kauffman	Petri	White
Denlinger	Kavulich	Pickett	Williams
DePasquale	Keller, F.	Preston	Youngblood

Dermody	Keller, M.K.	Pyle	
DeWeese	Keller, W.	Quigley	Smith, S.,
DiGirolamo	Killion	Quinn	Speaker
Donatucci			

NAYS-0

NOT VOTING-0

EXCUSED-4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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 823, PN 856**, entitled:

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

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

(Bill analysis was read.)

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

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-197

Adolph	Dunbar	Kirkland	Ravenstahl
Aument	Ellis	Knowles	Readshaw
Baker	Emrick	Kortz	Reed
Barbin	Evankovich	Kotik	Reese
Barrar	Evans, J.	Krieger	Reichley
Bear	Everett	Kula	Roae
Benninghoff	Fabrizio	Lawrence	Rock
Bishop	Farry	Longietti	Roebuck
Boback	Fleck	Mahoney	Ross
Boyd	Frankel	Major	Sabatina
Boyle, B.	Freeman	Maloney	Saccone
Boyle, K.	Gabler	Mann	Sainato
Bradford	Galloway	Markosek	Samuelson
Brennan	Geist	Marshall	Santarsiero
Briggs	George	Marsico	Santoni
Brooks	Gerber	Masser	Saylor
Brown, R.	Gergely	Matzie	Scavello
Brown, V.	Gibbons	McGeehan	Schroder
Brownlee	Gillen	Metcalfe	Shapiro
Burns	Gillespie	Miccarelli	Simmons
Buxton	Gingrich	Micozzie	Smith, K.
Caltagirone	Godshall	Millard	Smith, M.

Carroll	Goodman	Miller	Sonney
Causer	Grell	Milne	Staback
Christiana	Grove	Mirabito	Stephens
Clymer	Hackett	Moul	Stern
Cohen	Hahn	Mullery	Stevenson
Conklin	Haluska	Mundy	Sturla
Costa, D.	Hanna	Murphy	Swanger
Costa, P.	Harhai	Murt	Tallman
Cox	Harhart	Mustio	Thomas
Creighton	Harkins	Myers	Tobash
Cruz	Harper	Neuman	Toepel
Culver	Harris	O'Brien, M.	Toohil
Curry	Heffley	O'Neill	Truitt
Cutler	Helm	Oberlander	Turzai
Daley	Hennessey	Parker	Vereb
Davidson	Hess	Pashinski	Vitali
Davis	Hickernell	Payne	Vulakovich
Day	Hornaman	Payton	Wagner
Deasy	Hutchinson	Peifer	Waters
DeLissio	Johnson	Perry	Watson
Delozier	Josephs	Petrarca	Wheatley
DeLuca	Kampf	Petri	White
Denlinger	Kauffman	Pickett	Williams
DePasquale	Kavulich	Preston	Youngblood
Dermody	Keller, F.	Pyle	
DeWeese	Keller, M.K.	Quigley	Smith, S.,
DiGirolamo	Keller, W.	Quinn	Speaker
Donatucci	Killion	Rapp	

NAYS-2

Bloom	Metzgar
-------	---------

NOT VOTING-0

EXCUSED-4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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 1438, PN 2085**, entitled:

An Act amending Title 16 (Counties) of the Pennsylvania Consolidated Statutes, adding provisions for required fiscal security through bonding, blanket bonding and insuring of elected and appointed county officers and employees; providing for determining the form, amount and payment of premiums for and the filing and recording of the required security and for the subsequent issuance of official commissions; and making related repeals.

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

(Bill analysis was read.)

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

The question is, shall the bill pass finally?

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

The following roll call was recorded:

YEAS—198

Adolph	Dunbar	Kirkland	Rapp
Aument	Ellis	Knowles	Ravenstahl
Baker	Emrick	Kortz	Readshaw
Barbin	Evankovich	Kotik	Reed
Barrar	Evans, J.	Krieger	Reese
Bear	Everett	Kula	Reichley
Benninghoff	Fabrizio	Lawrence	Roae
Bishop	Farry	Longietti	Rock
Bloom	Fleck	Mahoney	Roebuck
Boback	Frankel	Major	Ross
Boyd	Freeman	Maloney	Sabatina
Boyle, B.	Gabler	Mann	Saccone
Boyle, K.	Galloway	Markosek	Sainato
Bradford	Geist	Marshall	Samuelson
Brennan	George	Marsico	Santarsiero
Briggs	Gerber	Masser	Santoni
Brooks	Gergely	Matzie	Saylor
Brown, R.	Gibbons	McGeehan	Scavello
Brown, V.	Gillen	Metcalfe	Schroder
Brownlee	Gillespie	Metzgar	Shapiro
Burns	Gingrich	Miccarelli	Simmons
Buxton	Godshall	Micozzie	Smith, K.
Caltagirone	Goodman	Millard	Smith, M.
Carroll	Grell	Miller	Sonney
Causer	Grove	Milne	Staback
Christiana	Hackett	Mirabito	Stephens
Clymer	Hahn	Moul	Stern
Cohen	Haluska	Mullery	Stevenson
Conklin	Hanna	Mundy	Sturla
Costa, D.	Harhai	Murphy	Swanger
Costa, P.	Harhart	Murt	Tallman
Cox	Harkins	Mustio	Thomas
Creighton	Harper	Myers	Tobash
Cruz	Harris	Neuman	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Vereb
Davidson	Hickernell	Pashinski	Vitali
Davis	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Wagner
DeLissio	Johnson	Peifer	Waters
Delozier	Josephs	Perry	Watson
DeLuca	Kampf	Petrarca	Wheatley
Denlinger	Kauffman	Petri	White
DePasquale	Kavulich	Pickett	Williams
Dermody	Keller, F.	Preston	Youngblood
DeWeese	Keller, M.K.	Pyle	
DiGirolamo	Keller, W.	Quigley	Smith, S.,
Donatucci	Killion	Quinn	Speaker

NAYS—1

Day

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 1294, PN 2050**, entitled:

An Act amending Title 66 (Public Utilities) of the Pennsylvania Consolidated Statutes, further providing for valuation of and return on the property of a public utility; and providing for alternative regulatory mechanisms.

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

Ms. **MUNDY** offered the following amendment
No. **A02783**:

Amend Bill, page 3, line 28, by inserting after "recover"
net increases in

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

The **SPEAKER**. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. **MUNDY**. Thank you, Mr. Speaker.

In the wake of the natural gas explosion in Allentown, there is no question that we must do what we can to ensure that utilities properly maintain and replace their aging utility infrastructure. However, HB 1294 in its current form is not the answer.

The way in which HB 1294 is currently written allows the PUC (Public Utility Commission) to permit utility companies to automatically increase their rates to update their infrastructure, even if they see a reduction in their net infrastructure costs. And I have yet to see anyone dispute this fact.

This amendment would only allow utilities to recover the net increase in their capital costs through the automatic adjustment clause created by the underlying bill. Proponents of the underlying bill have objected to the use of the term "automatic rates" in the past, but the word "automatic" is even used in the bill itself. This is an automatic rate increase, and while there should be nothing automatic about a monopoly's ability to raise rates, at least my amendment would allow utilities to make their necessary infrastructure improvements without raising rates beyond what is absolutely needed to fund them.

Mr. Speaker, could I have a little order, please.

The **SPEAKER**. The House will please come to order. The members will please take their seats and kindly hold the conversations to a minimum.

The Speaker thanks the members.

The lady may proceed.

Ms. **MUNDY**. Again, while there should be nothing automatic about a monopoly's ability to raise rates, at least this amendment would allow utilities to make their necessary infrastructure improvements without raising rates beyond what is needed to fund them, because while these improvements may increase certain costs, the depreciation of existing infrastructure and things like tax benefits offset some of these costs. The purpose of this amendment is to reflect these cost reductions in automatic rates.

If a company is actively accelerating the deployment of new infrastructure, then they will fare well under this amendment, but if they are only conducting business as usual, then they will not see an automatic increase. Many utility companies like PECO Energy go years and years without filing a base rate increase while also investing millions of dollars in new infrastructure. In fact, PECO went 21 years without filing a single base rate increase while investing \$2.9 billion – billion with a "b" – in a new and replacement electric distribution plant. Had HB 1294 been in effect at that time, that \$2.9 billion could have been unnecessarily taken from consumers.

Water utility companies have been collecting automatic rates for years now, and they still say it is not enough. The PUC has allowed Aqua Pennsylvania and Pennsylvania American Water Companies to raise their automatic rates by 50 percent in recent years, and those companies still regularly request base rate increases that include infrastructure replacement costs. About every 2 years or so, like clockwork, these companies file a base rate increase request.

Morgan O'Brien, president and CEO (chief executive officer) of Peoples Natural Gas Company, testified before the House Consumer Affairs Committee this year on HB 1294. This businessman proposed some changes to the bill in order to ensure that customer interests are being protected. One of the changes he suggested, again as president of one of our largest natural gas utility companies, was that the automatic rate mechanism should only allow for the net increase in capital to be recovered. Mr. O'Brien stated in his testimony that automatic rates "must factor into consideration the current amount of depreciation included in current rates and only allow for the net increase in capital to be recovered." AARP agrees, the Industrial Energy Consumers of Pennsylvania agree, and most likely, the majority of your constituents would agree with Morgan O'Brien, president and CEO of Peoples Natural Gas.

The bottom line is that ratepayers must pay 100 percent of what it costs to repair or replace utility infrastructure, but they should not be paying one penny more than that. Who will stand with the consumer? Who will stand with older Pennsylvanians who struggle to make do on fixed incomes, with small businesses and large industrial utility customers who struggle to compete in the worldwide market? Who will stand with the consumer?

Vote with this amendment and we shall soon see who is protecting consumers. I ask for your support for this amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

I understand many of the comments made by the gentledady, and I am sure she is very sincere in her sentiments, but I would urge the members to vote "no" on this amendment for a number of reasons.

First off, although the amendment is a simple, more or less, one- or two-line amendment, this language, exact language in fact, was defeated in the committee when the bill was being considered at that time. And while the approach being offered by the gentledady seems to be rather straightforward and simplistic, in reality this inclusion of accumulated depreciation, which is a fairly complex and highly technical issue, is one best

left to the Public Utility Commission for evaluation when determining any alternative rate mechanism being proposed, not for the legislature to start monkeying around and throwing our 2 cents in when in reality the experts need to be dealing with this.

But this is a matter of comparing apples to oranges, and inclusion of this language would in fact undercut and defeat the very purpose of the bill, which is to help consumers, to help these utilities, and actually to help people who need to get back to work on major infrastructure upgrades. So this amendment would actually be antithetical to everything we are talking about helping the Pennsylvania consumer. By avoiding full-blown, expensive, lengthy rate review cases, we are actually going to be helping our consumers with marginal adjustments and improvements in the infrastructure. Particularly at a time when so many utilities have been damaged by recent storms, we need to think first and foremost about rebuilding our infrastructure, about getting people back to work, and overall helping the consumers in Pennsylvania.

So I would urge the members to vote "no" on amendment 02783. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from York County, Mr. Saylor.

Mr. SAYLOR. Thank you, Mr. Speaker.

This amendment actually complicates the issue even further in that the infrastructure for companies needs to be expedited and upgraded quickly many times, and the alternative ratemaking procedures that are set forth in this bill help save our consumers about \$900,000 per case. This is \$900,000 that our own constituents would have to pay if this amendment were added to the bill.

The customers are already paying very much so to try and protect their own interests, but we have in Pennsylvania the Office of Consumer Advocate and many other interests who go before the PUC and who can fight these base rate cases. And by the way, the PUC does not have to approve these cases. It is up to the PUC after they have heard from this petition as to whether they want to proceed.

There are many different safeguards already built into this bill to protect consumers, including reasonable allocation of costs to the appropriate customer class as well as a cap on the recovery of reasonable allocation of costs to the appropriate customers, and the PUC has a way of monitoring the earnings and statements to ensure that the utilities do not overcharge our consumers.

Mr. Speaker, I ask for a "no" vote on this amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy, for a second time.

Ms. MUNDY. Thank you, Mr. Speaker.

The proponents of this legislation would have you believe that it is a big deal for the utility companies to enumerate their cost savings as well as their expenditures. I disagree. They already have all of this information on their books. All they will need to do is put a couple of line items on a spreadsheet and give it to the PUC. This spreadsheet line item could save our constituents billions of dollars over time, and it would still allow utility companies to expedite their infrastructure

maintenance and replacement if that is what they need to do.

Utilities would not have to wait 9 months to implement this surcharge as it would in a base rate case, so the process would still be expedited and it would not have the price tag of a base rate proceeding. But even if it had a \$900,000 price tag, as the gentleman from York suggests, over time this requirement would save consumers billions and billions of dollars because it would say that you only get to recover what your actual costs of infrastructure replacement are.

Base rate proceedings save consumers billions in unnecessary rate increases over time. For example, in 2009 the Pennsylvania American Water Company requested a 12.5-percent annual rate increase, or an increase of \$58 million. Only about \$30 million, or 6.6 percent, was granted by the PUC. It is important to note that Pennsylvania American also has a DSIC (distribution service improvement charge), which would be allowed by this bill, a form of an automatic regulatory mechanism. Just last year in 2010, Aqua Pennsylvania, who also has a DSIC, requested to raise its rates by 11.8 percent. However, only about \$23.6 million was granted by the PUC instead of \$43.2 million. So you begin to see how these base rate filings have saved consumers millions and millions of dollars over time. The \$4 million used to finance these base rate proceedings saved consumers close to \$50 million in rate increases in the long run. However, many utility companies have not needed to even raise their base rates in 10 or 20 years. PECO gas, for example. PECO went 20 years without increasing its delivery or service charges while significantly upgrading and expanding its delivery system.

Proponents of HB 1294 as it is currently written make a point of saying that utilities cannot earn in excess of their approved rates of return, but the fact is that under this bill as it is written, consumers could still pay more than what it costs to improve infrastructure without utilities exceeding their rates of return.

Mr. Speaker, this amendment is vital to the interests of the consumers of Pennsylvania – low-income elderly consumers, industrial consumers who are trying to compete in the world marketplace, small businesses who use lots of electricity or power to run their businesses. This is the pro-consumer approach to this bill, and I would ask for your support.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—83

Barbin	DeLissio	Kavulich	Preston
Bishop	DeLuca	Keller, W.	Ravenstahl
Boyle, B.	DePasquale	Kirkland	Readshaw
Boyle, K.	Dermody	Kortz	Roebuck
Bradford	DeWeese	Kotik	Sabatina
Briggs	Donatucci	Kula	Samuelson
Brown, V.	Fabrizio	Longietti	Santarsiero
Brownlee	Frankel	Mahoney	Santoni
Burns	Freeman	Markosek	Shapiro
Caltagirone	Galloway	Matzie	Smith, K.
Carroll	George	McGeehan	Smith, M.
Cohen	Gerber	Mirabito	Staback
Conklin	Gergely	Mullery	Thomas
Costa, D.	Goodman	Mundy	Vitali
Costa, P.	Haluska	Murphy	Wagner

Cruz	Hanna	Myers	Waters
Curry	Harhai	Neuman	Wheatley
Daley	Harkins	O'Brien, M.	White
Davidson	Hornaman	Parker	Williams
Davis	Johnson	Pashinski	Youngblood
Deasy	Josephs	Payton	

NAYS—116

Adolph	Farry	Major	Reese
Aument	Fleck	Maloney	Reichley
Baker	Gabler	Mann	Roae
Barrar	Geist	Marshall	Rock
Bear	Gibbons	Marsico	Ross
Benninghoff	Gillen	Masser	Saccone
Bloom	Gillespie	Metcalfe	Sainato
Boback	Gingrich	Metzgar	Saylor
Boyd	Godshall	Miccarelli	Scavello
Brennan	Grell	Micozzie	Schroder
Brooks	Grove	Millard	Simmons
Brown, R.	Hackett	Miller	Sonney
Buxton	Hahn	Milne	Stephens
Causar	Harhart	Moul	Stern
Christiana	Harper	Murt	Stevenson
Clymer	Harris	Mustio	Sturla
Cox	Heffley	O'Neill	Swanger
Creighton	Helm	Oberlander	Tallman
Culver	Hennessey	Payne	Tobash
Cutler	Hess	Peifer	Toepel
Day	Hickernell	Perry	Toohil
Delozier	Hutchinson	Petrarca	Truitt
Denlinger	Kampf	Petri	Turzai
DiGirolamo	Kauffman	Pickett	Vereb
Dunbar	Keller, F.	Pyle	Vulakovich
Ellis	Keller, M.K.	Quigley	Watson
Emrick	Killion	Quinn	
Evankovich	Knowles	Rapp	Smith, S., Speaker
Evans, J.	Krieger	Reed	
Everett	Lawrence		

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

Mr. DePASQUALE offered the following amendment
No. A05286:

Amend Bill, page 4, lines 17 through 30, by striking out all of said lines and inserting

(d) Commission.—Prior to the filing of any alternative regulatory mechanism by a fixed utility or a city natural gas distribution operation, the commission, by regulation or order, shall:

(1) Establish safety and reliability standards and reporting requirements for each type of fixed utility or city natural gas distribution operation. The reporting requirements shall include the identification of the worst performing or most at-risk distribution segments of a utility's or city natural gas distribution operation's distribution systems.

(2) Provide for reasonable allocation of costs to the customer class responsible for the costs.

(3) For any mechanism authorized by subsection

(b)(2)(i)(B):

(i) Provide for credits to customer accounts for overcollections and collections for ineligible projects.

(ii) Provide for charges to customer accounts for undercollections.

(iii) Provide for a cap of 6% of total revenues associated with distribution service on the amount that may be collected from customers.

(4) Establish installation standards designed to ensure that the work performed on projects whose costs will be recovered through an alternative regulatory mechanism will be performed in a manner that protects the safety of the public. The installation standards shall require, at a minimum, that:

(i) The work performed on projects whose costs will be recovered through an alternative regulatory mechanism shall be performed by qualified employees of the utility or city natural gas distribution operation, unless the utility or city natural gas distribution operation shall first demonstrate to the commission, after notice and an opportunity to be heard is provided to representatives of the utility's or city natural gas distribution operation's employees, that it is not feasible or economical for the work to be performed by the employees. The costs of the work that is not performed by the qualified employees, or for which the commission has not issued a waiver prior to the work being performed, shall not be eligible for recovery through an alternative regulatory mechanism.

(ii) For any work on projects whose costs will be recovered through an alternative regulatory mechanism for a natural gas distribution utility or city natural gas distribution operation, the work shall have an inspector from the utility assigned to each job and this inspector shall work the same schedule and hours as the contractor. The cost of the work that is not inspected shall not be eligible for recovery through an alternative regulatory mechanism.

(iii) For any work on projects whose costs will be recovered through an alternative regulatory mechanism for a natural gas distribution utility or city natural gas distribution operation, the natural gas distribution utility or city natural gas distribution operation shall ensure that the construction, maintenance and inspection work is performed by individuals who have received operator qualification certification under the requirements and procedures set forth in 49 C.F.R. Pt. 192 Subpt. N (relating to qualification of pipeline personnel) or successor requirements and procedures. The costs of the work that is not performed in its entirety by individuals with operator qualification certification shall not be eligible for recovery through an alternative regulatory mechanism.

(iv) For any work on projects whose costs will be recovered through an alternative regulatory mechanism, the work that is performed on customers' property, including, but not limited to, work involving customer service lines and meters, shall be performed by qualified employees of the utility or city natural gas distribution operation. The costs of the work on customers' property that is not performed in its entirety by the employees shall not be eligible for recovery through an alternative regulatory mechanism.

(5) Provide for a cap on the amount that may be

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. DePasquale.

Mr. DePASQUALE. Thank you, Mr. Speaker.

This amendment will make sure that the workers that do the work on these necessary infrastructure upgrades are qualified to do the work, and actually, in a previous version of this legislation, this was actually part of the legislation. In this session it was not. So I merely added this language to make sure that the work is done by qualified workers, and I ask the members for an affirmative vote.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Ellis.

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

While I understand the gentleman's intent of the legislation, I do rise to oppose this amendment because of several reasons. The first, he claims that this will ensure that the construction and installation by the utility company is done mostly by union labor. The reality is that he wants to eliminate the use of subcontractors, and the reality, Mr. Speaker, is that a lot of the subcontractors out there are union workforce as well. So while this appears to be a pro-union piece, it may actually have the exact opposite reaction and we may see that the jobs that we are creating through this legislation will not happen because there will not be an ability to hire those folks that are contracted on a subcontractor basis, even though they in fact may be union workers.

Secondly, he adds protection language into this amendment that would seemingly be for the good of the workers, but the reality is, it is unnecessary because it is already provided for in section 2802 of Title 66 of 1996. Simply said, it says there is already a requirement that electric companies consider the, quote, "experience and expertise of their work force." Now, there is no guarantee that just because somebody works for the utility company, that they are actually more of an expert or have more skill to perform the job than a subcontractor.

So those are two reasons right there, Mr. Speaker, that I do not think that this amendment is necessary or will actually allow us to achieve the desired goal of the legislation.

And then finally, he also goes on to talk about prudent recovery. Well, the bill already contains the phrase "reasonable and PRUDENT COSTS" are recovered as required by the PUC. So I think it is unnecessary. I think this confuses an issue and does not move us in the direction that we hope to, which is to go out there, improve a system, and create jobs at the same time.

So I encourage a "no" vote on this amendment. Thank you very much, Mr. Speaker.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—95

Barbin	DeLissio	Keller, W.	Preston
Bishop	DeLuca	Kirkland	Ravenstahl
Boyle, B.	DePasquale	Kortz	Readshaw
Boyle, K.	Dermoddy	Kotik	Roebuck
Bradford	DeWeese	Kula	Sabatina
Brennan	Donatucci	Longietti	Sainato
Briggs	Fabrizio	Mahoney	Samuelson
Brown, V.	Frankel	Mann	Santarsiero
Brownlee	Freeman	Markosek	Santoni
Burns	Galloway	Marshall	Shapiro
Buxton	George	Masser	Smith, K.
Caltagirone	Gerber	Matzie	Smith, M.
Carroll	Gergely	McGeehan	Staback
Christiana	Gibbons	Mirabito	Sturla
Cohen	Goodman	Mullery	Thomas
Conklin	Haluska	Mundy	Toohil
Costa, D.	Hanna	Murphy	Vitali
Costa, P.	Harhai	Myers	Wagner
Cruz	Harkins	Neuman	Waters
Curry	Heffley	O'Brien, M.	Wheatley
Daley	Hornaman	Parker	White
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood
Deasy	Kavulich	Petrarca	

NAYS—104

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marsico	Rock
Bear	Gillen	Metcalfe	Ross
Benninghoff	Gillespie	Metzgar	Saccone
Bloom	Gingrich	Miccarelli	Saylor
Boback	Godshall	Micozzie	Scavello
Boyd	Grell	Millard	Schroder
Brooks	Grove	Miller	Simmons
Brown, R.	Hackett	Milne	Sonney
Causser	Hahn	Moul	Stephens
Clymer	Harhart	Murt	Stern
Cox	Harper	Mustio	Stevenson
Creighton	Harris	O'Neill	Swanger
Culver	Helm	Oberlander	Tallman
Cutler	Hennessey	Payne	Tobash
Day	Hess	Peifer	Toepel
Delozier	Hickernell	Perry	Truitt
Denlinger	Hutchinson	Petri	Turzai
DiGirolamo	Kampf	Pickett	Vereb
Dunbar	Kauffman	Pyle	Vulakovich
Ellis	Keller, F.	Quigley	Watson
Emrick	Keller, M.K.	Quinn	
Evankovich	Killion	Rapp	Smith, S., Speaker
Evans, J.	Knowles	Reed	
Everett	Krieger		

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

Mr. **BARBIN** offered the following amendment
No. **A02830**:

Amend Bill, page 3, line 22, by inserting after "RELIABILITY"
not to exceed 6%

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

AMENDMENT WITHDRAWN

The **SPEAKER**. On that question, the Speaker recognizes the gentleman, Mr. Barbin.

Mr. **BARBIN**. Thank you, Mr. Speaker.

I will be withdrawing these amendments. These amendments involve the recovery costs, which have already been voted on, as it relates to Representative Mundy's prior amendment.

I would like to say in withdrawing the three amendments – A02830, A02832, and A02833 – that the two issues that we are trying to deal with are going to have to be discussed by this chamber when this bill comes back from the Senate. Normally, when we would go forward with a bill like this, we would have a sunset provision in it, which is not included in the current bill, which would allow us to take 3 years to determine whether these three amendments really are in the public interest or not. But because there is no agreement with the other chamber on the terms of the bill we are voting on today, I will wait to voice my objections or recommendations for the final passage when this bill comes back from the Senate.

The **SPEAKER**. The Speaker thanks the gentleman.
The amendments are withdrawn.

GUEST INTRODUCED

The **SPEAKER**. The Speaker wants to take a moment to introduce an additional guest that is with us. The nephew of Representative Kotik is seated over here to the left of the Speaker, John Kluchonic. Will our guest please rise. Welcome to the hall of the House.

CONSIDERATION OF HB 1294 CONTINUED

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

Mr. **HANNA** offered the following amendment No. **A02861**:

Amend Bill, page 1, line 3, by striking out "and"

Amend Bill, page 1, line 4, by inserting after "mechanisms"
; and further providing for billing procedures

Amend Bill, page 5, by inserting between lines 2 and 3
Section 3. Section 1509 of Title 66 is amended to read:

§ 1509. Billing procedures.

(a) **General rule.**—All bills rendered by a public utility as defined in paragraph (1)(i), (ii), (vi) or (vii) of the definition of "public utility" in section 102 (relating to definitions) to its service customers, except bills for installation charges, shall allow at least 15 days for nonresidential customers and 20 days for residential customers from the date of transmittal of the bill for payment without incurring any late payment penalty charges therefor. All customers shall be permitted to receive bills monthly and shall be notified of their right thereto. All bills shall be itemized to separately show amounts for basic service, Federal excise taxes, applicable State sales and gross receipts taxes, to

the extent practicable, fuel adjustment charge, if any, State tax adjustment charge or such other similar components of the total bill as the commission may order. Any electric or gas public utility billing customers on a bimonthly or quarterly basis and rendering interim statements or bills each month shall include in such interim statement or bill an amount for the fuel adjustment charge based upon one-half of the total expected bimonthly kilowatt hour or cubic foot billing or one-third of the total expected quarterly billing and using the fuel adjustment charge rate applicable in the month of the interim statement or bill. At the time of preparing the bimonthly or quarterly bill, an appropriate adjustment shall be made in the total fuel adjustment charge billing for the period. Any public utility rendering bills on a bimonthly basis or quarterly basis shall calculate the fuel adjustment charge per kilowatt hour or cubic foot for the entire period as the weighted average of the two monthly rates or the three monthly rates whichever is applicable.

(b) Installation charges.—

(1) Prior to billing a customer for installation charges, a public utility shall provide the customer with an itemized statement that estimates the installation charges.

(2) A public utility may not bill a customer more than the total amount of the itemized statement for installation charges provided to a customer under paragraph (1) unless:

(i) The public utility provides the customer with notice of the increased cost together with a revised itemized statement of the installation charges.

(ii) The customer agrees in writing to pay the increased cost.

(3) A customer may not waive the requirements of paragraph (2) and any agreement to do so shall be void and unenforceable.

Amend Bill, page 5, line 3, by striking out "3" and inserting

4

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

AMENDMENT WITHDRAWN

The SPEAKER. The gentleman indicates the amendment is withdrawn. The Speaker thanks the gentleman.

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

Mr. THOMAS offered the following amendment
No. A02862:

Amend Bill, page 1, line 3, by striking out "and"
Amend Bill, page 1, line 4, by inserting after "mechanisms"
; and further providing for termination of utility service
Amend Bill, page 5, by inserting between lines 2 and 3
Section 3. Section 1406(g) of Title 66 is amended to read:

§ 1406. Termination of utility service.

* * *

(g) Qualification for LIHEAP.—

(1) A notice of termination to a customer of a public utility shall be sufficient proof of a crisis for a customer with the requisite income level to receive a LIHEAP Crisis Grant from the Department of Public Welfare or its designee.

(2) It shall be a condition of acceptance by a public utility of a LIHEAP Crisis Grant from the Department of Public Welfare or its designee that the public utility will not terminate service to the customer within 60 days of acceptance of the grant and will enter into a payment agreement under section 1405(d) (relating to payment agreements) or, notwithstanding the provisions of section 1405(d), a second or subsequent payment

agreement with the customer for payment of that portion of the bill which is not in dispute.

* * *

Amend Bill, page 5, line 3, by striking out "3" and inserting

4

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Thomas.

Mr. THOMAS. Thank you, Mr. Speaker.

Mr. Speaker, this question has been before this body two or three times, and on each occasion either the majority or the minority has said this is a good issue and we will get to it, but we have not moved any further than where we started.

This amendment is about public policy. We have a Federal program called LIHEAP (Low-Income Home Energy Assistance Program). Most of you on both sides are familiar with LIHEAP. It is the single, one of the single programs that is available to help people who are faced with excessive and sometimes delinquent utility bills and are able to look to government for help. The LIHEAP program is a Federal program. We provide LIHEAP grants each year in many cases to families who are on medical equipment and who will not be able to live without keeping their electricity on or being able to remain in a warm home.

So the basic question around LIHEAP today is whether or not we should allow a utility company to accept a LIHEAP grant and shut the service off a customer or refuse to turn service on. The Pennsylvania Department of Public Welfare under the previous leadership of Estelle Richman publicly acknowledged how many millions of dollars were sitting in the General Fund of the Philadelphia Gas Works because they accepted grants and did nothing to change the situation of the customer.

What my amendment says is that a utility company should not accept a grant unless there is some intent to change the circumstances of the customer. Why should we give a utility company a \$500 or \$1,000 grant that does nothing, does nothing to change the circumstances around the customer and in many cases will even aggravate the situation of the customer? Example: A customer owes \$1100, receives a LIHEAP grant for \$1,000, does not have \$100 at the time of the LIHEAP grant. The customer has a shutoff notice. If the customer does not have that \$100 at the time that that LIHEAP grant reaches that utility company, that service, that grant will be accepted by the utility company and the service will be terminated if that customer does not have that \$100.

So all my amendment does is says that we should not, we should not promote a public taxpayer program like LIHEAP in a way that it increases the profits of utility companies at the behest of customers who need service, whether it be heat, telephone, electricity, or water, because as all of you know, under Act 201 all utility companies – and 41 of us said no to Act 201 – but under Act 201 all utility companies are able to accept these grants and use these grants in a way that does not benefit the customer.

So, Mr. Speaker, I ask you, members of my side and members of the other side, as we approach this winter, do the right thing. Vote "yes" on amendment 2862 and make sure that LIHEAP grants do not increase the profit margins of the utility

companies while adversely impact fixed- and low-income customers.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

I rise in opposition to the good gentleman's amendment, because in many ways it is really wide of the mark and to a certain extent already addressed in the statute.

Right now under the existing statute under chapter 14, any family or person that is under 250 percent of poverty level, which is a very, very high percentage, if you are up to 250 percent of what the poverty level is, during the months of November 1 through March 1, we have what is called a winter moratorium. Your service cannot be cut off between the months of November 1 and March 1 for anybody who is at or beneath poverty level and up to 250 percent of poverty level.

In addition, it is incorrect to say that the grants are somehow a benefit to the utilities. They are not. The grants are used in lieu of payment of the bills. The grants essentially pay the bills. So there is no benefit to a utility company if that grant is being used to pay for the fuel and the service that the home is receiving.

In addition, that service is always credited to be able to use by those who qualify for the LIHEAP program. The fact of the matter is, this is a solution for a problem that is not real because it is already addressed under existing statute, and I might say it is also really not germane to what this bill is about, but we would ask everybody to vote "no" because it is a superfluous amendment. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Thomas, for the second time.

Mr. THOMAS. Mr. Speaker, it is never superfluous to care about what happens to people who might be doing less than you. That is never superfluous.

Mr. Speaker, in response to a couple facts, or I cannot call them facts. Number one, under Act 201 you are entitled to only one agreement. If there is a second agreement, it is an agreement that is extended by the Public Utility Commission under certain conditions. So you do not automatically have access to a second or subsequent agreement.

Number two, LIHEAP was created to provide assistance to both poor and rich, because there are some people who through no fault of their own, through out-of-control medical expenses, are faced with utility delinquencies. And, Mr. Speaker, our own Secretary, former Secretary Estelle Richman, raised the question about the millions of dollars in utility general accounts because customers were not able at the time to pay the difference between what the grant provided and what was owed.

And let me close on a real situation. Sometimes, like Einstein, we stand in the laboratory and think we see the world as it is and oftentimes it is not the way that we want it to be. I have an elderly constituent who called my office one morning. She and her husband had been married for 60-some years. Her husband died. She fell behind on her gas bill. The gas company sent her a shutoff notice. She called my office. The shutoff amount was for 60-some dollars. She asked the gas company to please give her a week in order for when her check gets there,

she would pay it. All the years that she was married, they paid their gas bill on time. Some months they carried credits from one month to another. I called the gas company and I wanted to know why her service was disconnected. They told me, because we want 60-some dollars. And I knew that this elderly lady in her eighties was living only on her check and that it would be a week or so before that check would arrive. I had the PGW representative come to my office and I wrote the check. Mr. Speaker, I wrote the check to have that service turned on. The representative took my check and would not turn that service on. And do you know why it was not turned on? It was not turned on because the company knew that there was a blockage in the chimney. It had nothing to do with the utility service. So they could have waited until she either got a grant or until she received her check.

Mr. Speaker, unless we speak clearly and through Act 201, there is broad discretion on the part of utility companies, and I have a copy of Act 201 right here. There is nothing, zero, nothing in Act 201 that says that once a utility company receives a LIHEAP grant, there is nothing that says that that grant will be segregated and maintained in an account on behalf of their property. Once that grant goes to the utility company and the customer does not have the difference between the delinquent amount and the grant, that grant ends up in the utility company's general fund. And if you do not have the couple-dollar difference, that service will not be turned on nor will that service stay on if the customer is without the necessary money to satisfy that delinquency at the time the grant is received.

And all I am saying, as reasonable-minded policymakers, all we are saying is, do not waste the public's money by sending utility grants to these utility companies who do no more, who know that it would not change the outcome of that customer's situation. All we are saying is, do not take it unless you read it and make it. Do not take the grant unless you are prepared to make changes in the situation of the customer, because at the end of the day that is really what it is about.

So I am asking each and every one of you, as we are on the eve of probably another bad winter— And I just received some data from people who have been tracking the impact of this situation on customers since Act 201 became law. The number of terminations, the number of families left in darkness, left without heat, has jumped actually by 60 percent, 60 percent, a 60.1-percent impact, while during the same period LIHEAP, LIHEAP grants have actually grown, because you and I know a couple of years we provided State dollars to the LIHEAP program. So while LIHEAP went up, the number of terminations went beyond. So where is the money? Where is the money? And all we are asking is, do not give the money away unless it is going to change the circumstances which that customer is faced with.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Bucks County, Mr. Clymer.

Mr. CLYMER. Thank you, Mr. Speaker.

Mr. Speaker, I really did not want to come up and speak on this issue, but since the gentleman from Philadelphia has indicated that we have to look at all options dealing with this issue of LIHEAP, I would suggest the gentleman also make investigations into the two casinos – Parx Casino in Bensalem

and SugarHouse Casino in Philadelphia – because we know the poor, the disadvantaged, the less educated are spending all their money or at least money that should be used for the household income, they are taking household income money and spending it in the very frivolous way and then they have no money to pay some of their bills. There are needy people, but I can also tell you there is a list of people over the years that I have looked at that could not pay for their household costs because they spent all their money. They admit it. They spent their money; they gambled their money away.

So I find it kind of interesting that while the gentleman from Philadelphia is talking about how we need to do things to help people, and I have always voted to help those who are in legitimate need as others as well, I think we should also ask the casinos to do their fair share, helping out to pay some of these costs. I am sure that with their benefits and their earnings that they have made over the years – and we understand things are rosier than ever – that they would be willing to perhaps contribute to the LIHEAP program to help the State pay the bills for those people who are in need for these very important issues that are now in front of this General Assembly.

So I wanted to share those thoughts, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS–63

Table with 4 columns of names: Bishop, Boyle, Bradford, Briggs, Brown, Brownlee, Buxton, Caltagirone, Cohen, Conklin, Costa, Cruz, Curry, Daley, Davidon, Davis, DeLissio, DeLuca, DePasquale, Dermody, DeWeese, Donatucci, Fabrizio, Frankel, Freeman, Galloway, George, Gergely, Harkins, Hornaman, Johnson, Josephs, Keller, Kirkland, Kortz, Kula, Mahoney, Markosek, Matzie, McGeehan, Mirabito, Mundy, Murphy, Myers, O'Brien, Parker, Pashinski, Payton, Preston, Ravenstahl, Roebuck, Sabatina, Samuelson, Santarsiero, Thomas, Vitali, Wagner, Waters, Wheatley, White, Williams, Youngblood

NAYS–136

Table with 4 columns of names: Adolph, Aument, Baker, Barbin, Barrar, Bear, Benninghoff, Bloom, Boback, Boyd, Brennan, Brooks, Brown, Burns, Carroll, Causer, Christiana, Clymer, Costa, Fleck, Gabler, Geist, Gerber, Gibbons, Gillen, Gillespie, Gingrich, Godshall, Goodman, Grell, Grove, Hackett, Hahn, Haluska, Hanna, Harhai, Harhart, Harper, Lawrence, Longiotti, Major, Maloney, Mann, Marshall, Marsico, Masser, Metcalfe, Metzgar, Miccarelli, Micozzie, Millard, Miller, Milne, Moul, Mullery, Murt, Mustio, Reese, Reichley, Roae, Rock, Ross, Saccone, Sainato, Santoni, Saylor, Scavello, Schroder, Shapiro, Simmons, Smith, Smith, Sonney, Staback, Stephens, Stern

Table with 4 columns of names: Cox, Creighton, Culver, Cutler, Day, Deasy, Delozier, Denlinger, DiGirolamo, Dunbar, Ellis, Emrick, Evankovich, Evans, J., Everett, Farry, Harris, Heffley, Helm, Hennessey, Hess, Hickernell, Hutchinson, Kampf, Kauffman, Kavulich, Keller, Keller, Killion, Knowles, Kotik, Krieger, Neuman, O'Neill, Oberlander, Payne, Peifer, Perry, Petrarca, Petri, Pickett, Pyle, Quigley, Quinn, Rapp, Readshaw, Reed, Stevenson, Sturla, Swanger, Tallman, Tobash, Toepel, Toohil, Truitt, Turzai, Vereb, Vulakovich, Watson, Smith, Speaker

NOT VOTING–0

EXCUSED–4

Table with 4 columns of names: Evans, D., Maher, O'Brien, D., Taylor

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

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

Mr. STURLA offered the following amendment No. A02864:

Amend Bill, page 1, line 3, by striking out "and"
Amend Bill, page 1, line 4, by inserting after "mechanisms"
; and further providing for cash deposits and household information requirements
Amend Bill, page 5, by inserting between lines 2 and 3
Section 3. Section 1404(a) of Title 66 is amended to read:
§ 1404. Cash deposits and household information requirements.
(a) General rule.—In addition to the right to collect a deposit under any commission regulation or order, the commission shall not prohibit a public utility, prior to or as a condition of providing utility service, from requiring a cash deposit in an amount that is equal to [one-sixth] one-twelfth of the applicant's estimated annual bill, except for a city natural gas distribution operation which may require a cash deposit in an amount that is equal to one-sixth of the applicant's estimated annual bill, at the time the public utility determines a deposit is required, from the following:

- (1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:
 - (i) Nonpayment of an undisputed delinquent account.
 - (ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.
 - (iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.
 - (iv) Unauthorized use of the utility service delivered on or about the affected dwelling.
 - (v) Failure to comply with the material terms of a settlement or payment agreement.
 - (vi) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.
 - (vii) Tampering with meters, including, but not limited to, bypassing a meter or removal of an automatic

meter reading device or other public utility equipment.

(viii) Violating tariff provisions on file with the commission so as to endanger the safety of a person or the integrity of the delivery system of the public utility.

(2) Any applicant or customer who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice.

(3) A customer who fails to comply with a material term or condition of a settlement or payment agreement.

* * *

Amend Bill, page 5, line 3, by striking out "3" and inserting
4

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

AMENDMENT WITHDRAWN

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. I will withdraw that.

The SPEAKER. The gentleman indicates he is withdrawing the amendment?

Mr. STURLA. Yes.

The SPEAKER. With that in mind, the Speaker notices that you have several other amendments. Were you looking to consider one or two of those and withdraw some of them? If you could advise us, we could probably save a little bit of time.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, on amendment 02863 Representative Harper has similar legislation, which I believe Representative Godshall is going to consider in committee. So I will withdraw that one. I will withdraw 02864. I will withdraw 02885, 02886, but I would like to offer 02889.

The SPEAKER. Thank you.

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

Mr. **STURLA** offered the following amendment
No. **A02889**:

Amend Bill, page 1, lines 2 and 3, by striking out "further providing for valuation of and " in line 2 and "return on the property of a public utility; and" in line 3

Amend Bill, page 1, lines 7 through 14; page 2, lines 1 through 16, by striking out all of said lines on said pages and inserting

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

Amend Bill, page 5, line 3, by striking out "3" and inserting
2

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, if I could, very briefly, the way the bill is drafted it would allow for combining wastewater and water improvements in the rates. The concern here is that, particularly for those of us that live in older communities in this State,

which is a majority of this State, a lot of the wastewater systems are combined storm and sewage wastewater systems. So what you have end up happening is there are some consumers that do a lot of storm and wastewater and may only have one faucet at the back of the warehouse or one toilet at the back of the warehouse and use very little water, and so you will end up, in some cases, having those people pay very little in terms of infrastructure improvement if you are doing wastewater infrastructure improvement, whereas it will be spread to your consumers that may not contribute much to the wastewater stream. If you are a gardener and you are out there watering your garden all the time, you do not put anything back in the wastewater stream but you use a lot of water. So this would not allow those costs to be spread among those different consumers but to say that they had to go to the consumers who were actually using those different infrastructures.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

Again, I think the original intention by the gentleman from Lancaster is admirable, but the problem is that the consolidation of both water and wastewater rates goes beyond merely infrastructure costs that were identified and in fact could result in significant rate increases, particularly for consumers of smaller water companies if the rates were now consolidated to cover both aspects of both water and wastewater.

So I think in the interest of some of the consumers that the gentleman referred to and, overall, consumers who utilize currently smaller systems, that this would be an amendment which is not going to serve them very well, that allowing combined rates by a company that provides both water and wastewater, to balance the economies of scale fails to take into account that if one side of that equation dramatically needs an increase in rates, it could affect that consumer.

So I would ask the members to vote "no" on amendment A02889. Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—56

Bishop	DeLissio	Hornaman	Payton
Boyle, B.	DePasquale	Johnson	Preston
Boyle, K.	Dermody	Josephs	Roebuck
Bradford	DeWeese	Kavulich	Sabatina
Briggs	Donatucci	Keller, W.	Samuelson
Brown, V.	Fabrizio	Kirkland	Santarsiero
Brownlee	Frankel	Kortz	Santoni
Caltagirone	Freeman	Kula	Sturla
Cohen	Galloway	Mahoney	Vitali
Conklin	George	Markosek	Wagner
Cruz	Gerber	McGeehan	Waters
Daley	Gergely	Myers	Wheatley
Davidson	Hanna	O'Brien, M.	Williams
Davis	Harkins	Parker	Youngblood

NAYS—143

Adolph	Everett	Major	Readshaw
Aument	Farry	Maloney	Reed
Baker	Fleck	Mann	Reese

Barbin	Gabler	Marshall	Reichley
Barrar	Geist	Marsico	Roae
Bear	Gibbons	Masser	Rock
Benninghoff	Gillen	Matzie	Ross
Bloom	Gillespie	Metcalfe	Saccone
Boback	Gingrich	Metzgar	Sainato
Boyd	Godshall	Miccarelli	Saylor
Brennan	Goodman	Micozzie	Scavello
Brooks	Grell	Millard	Schroder
Brown, R.	Grove	Miller	Shapiro
Burns	Hackett	Milne	Simmons
Buxton	Hahn	Mirabito	Smith, K.
Carroll	Haluska	Moul	Smith, M.
Causar	Harhai	Mullery	Sonney
Christiana	Harhart	Mundy	Staback
Clymer	Harper	Murphy	Stephens
Costa, D.	Harris	Murt	Stern
Costa, P.	Heffley	Mustio	Stevenson
Cox	Helm	Neuman	Swanger
Creighton	Hennessey	O'Neill	Tallman
Culver	Hess	Oberlander	Thomas
Curry	Hickernell	Pashinski	Tobash
Cutler	Hutchinson	Payne	Toepel
Day	Kampf	Peifer	Toohil
Deasy	Kauffman	Perry	Truitt
Delozier	Keller, F.	Petrarca	Turzai
DeLuca	Keller, M.K.	Petri	Vereb
Denlinger	Killion	Pickett	Vulakovich
DiGirolamo	Knowles	Pyle	Watson
Dunbar	Kotik	Quigley	White
Ellis	Krieger	Quinn	
Emrick	Lawrence	Rapp	Smith, S., Speaker
Evanovich	Longietti	Ravenstahl	
Evans, J.			

NOT VOTING—0

EXCUSED—4

Evans, D. Maher O'Brien, D. Taylor

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

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

The SPEAKER. The gentleman, Mr. Sturla, again, still has several amendments. If he could maybe help guide the Speaker as to which one he would like to call up of the next set.

Mr. STURLA. If I could call up 02892.

The SPEAKER. And does that indicate that you – and I am not pushing you – does that indicate that you are withdrawing 2890, 2891, and 2893?

Mr. STURLA. Yes.

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

Mr. **STURLA** offered the following amendment
No. **A02892**:

Amend Bill, page 5, by inserting between lines 2 and 3

(e) Expiration.—This section shall expire on December 31, 2017, unless sooner reenacted by the General Assembly, provided, however, that a public utility's alternative regulatory mechanism in effect at that time may continue.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

This simply provides for a sunset in 2017 so that a future legislature can come back and review this.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

I rise in opposition to this amendment. Please understand that the alternative recovery mechanism is designed to address timing issues, and the PUC, the Public Utility Commission, absolutely continues to have the ability to approve, disapprove, or modify applications that come before it for the replacement of pipe or other infrastructure.

It is going to take time for the process to get into place once the bill should become law and onto the Governor's desk. But in the end, the use of this alternative recovery mechanism is designed to incent acceleration of needed infrastructure replacement for safety purposes. That utility infrastructure replacement is going to be expedited in a good manner for the citizens of Pennsylvania, but it is going to be a continuous and ongoing process.

This amendment may actually act as a disincentive to that predictability with respect to needed infrastructure replacement. And keep in mind that the Public Utility Commission has made it clear that the process will have the benefit of providing for safer infrastructure at an expedited manner without in any way eliminating needed review, because the PUC maintains the process to approve, disapprove, or modify.

I would ask everybody to please vote "no" because it will undermine the intent of the legislation.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Sturla, for the second time.

Mr. STURLA. Thank you, Mr. Speaker.

I would agree with the previous speaker if it were not for the language that says, "...however, that a public utility's alternative regulatory mechanism in effect at that time" of review "may continue." So it will not stop anything from happening. It will in fact help with the acceleration. This is simply the ability 6 years from now to take a quick peek in, and if everything is going fine, it will be one of those bills that runs on a Tuesday afternoon and it is unanimous. Everybody says, yes, keep it; it is doing a great job; we love it; do not change it at all.

It will not hinder anything from happening that will currently happen under this legislation. It simply says, let us take a look at it 6 years from now and make sure that there are not some things we could do to improve it.

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

The following roll call was recorded:

YEAS—73

Barbin	DePasquale	Keller, W.	Readshaw
Bishop	Dermody	Kirkland	Roebuck
Boyle, B.	DeWeese	Kortz	Sabatina
Boyle, K.	Donatucci	Kula	Samuelson
Bradford	Fabrizio	Longietti	Santarsiero
Briggs	Frankel	Mahoney	Santoni
Brownlee	Freeman	Markosek	Shapiro
Burns	Galloway	Matzie	Smith, K.
Caltagirone	George	McGeehan	Smith, M.
Carroll	Gerber	Mirabito	Staback
Cohen	Gergely	Mullery	Sturla
Conklin	Goodman	Mundy	Vitali
Costa, P.	Haluska	Murphy	Wagner
Cruz	Hanna	Myers	Waters
Curry	Harkins	O'Brien, M.	Wheatley
Davidson	Hornaman	Parker	White
Davis	Josephs	Pashinski	Williams
Deasy	Kavulich	Payton	Youngblood
DeLissio			

NAYS—126

Adolph	Evans, J.	Kotik	Rapp
Aument	Everett	Krieger	Ravenstahl
Baker	Farry	Lawrence	Reed
Barrar	Fleck	Major	Reese
Bear	Gabler	Maloney	Reichley
Benninghoff	Geist	Mann	Roae
Bloom	Gibbons	Marshall	Rock
Boback	Gillen	Marsico	Ross
Boyd	Gillespie	Masser	Saccone
Brennan	Gingrich	Metcalfe	Sainato
Brooks	Godshall	Metzgar	Saylor
Brown, R.	Grell	Miccarelli	Scavello
Brown, V.	Grove	Micozzie	Schroder
Buxton	Hackett	Millard	Simmons
Causar	Hahn	Miller	Sonney
Christiana	Harhai	Milne	Stephens
Clymer	Harhart	Moul	Stern
Costa, D.	Harper	Murt	Stevenson
Cox	Harris	Mustio	Swanger
Creighton	Heffley	Neuman	Tallman
Culver	Helm	O'Neill	Thomas
Cutler	Hennessey	Oberlander	Tobash
Daley	Hess	Payne	Toepel
Day	Hickernell	Peifer	Toohil
Delozier	Hutchinson	Perry	Truitt
DeLuca	Johnson	Petrarca	Turzai
Denlinger	Kampf	Petri	Vereb
DiGirolamo	Kauffman	Pickett	Vulakovich
Dunbar	Keller, F.	Preston	Watson
Ellis	Keller, M.K.	Pyle	
Emrick	Killion	Quigley	Smith, S., Speaker
Evankovich	Knowles	Quinn	

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

The SPEAKER. Again, the gentleman, Mr. Sturla, has another grouping – and that is in my words, not yours, obviously – of amendments. If you could advise the Speaker if some of those are withdrawn in lieu of considering one, it would be helpful.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, I will withdraw 02903 but would like to make a brief comment on it, if I could.

The SPEAKER. The Speaker recognizes the gentleman, Mr. Sturla, under unanimous consent for the purposes of withdrawing amendment A02903.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, there will be a better day and a better time for this. This amendment would have prohibited suppliers from charging fees to employees for becoming third-party marketers. There are some things out there that in some cases border on a pyramid scheme where you say you will employ somebody if they buy your packet, which lets you sell their product to somebody else, and there is not any regulation in terms of how much money they are allowed to make on selling the packets to the people that are then going out and trying to get people to switch users of electric suppliers or gas suppliers, those types of things. Also, no restrictions in terms of Megan's Law and things like that as to whom they can employ. I think that requires something more than just an amendment today, and so I will withdraw 02903.

Also, 02941, 02942, and if I could bring up 02943.

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

Mr. STURLA offered the following amendment
No. **A02943**:

Amend Bill, page 5, by inserting between lines 2 and 3

(4) Include an infrastructure improvement implementation plan that specifies the nature of physical facility upgrades needed to ensure safety and reliability, the time frame for initiating replacement or repair of physical facilities and any other information the commission may require.

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

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

This just simply requires that a utility submit an infrastructure improvement implementation plan to the PUC as a condition for applying for an alternative regulatory mechanism. This is so that we can get an idea of what it is that they would like to do. I mean, it is something I actually have supported, the concept of this bill moving forward. I think this is trying to actually encourage those utilities to put some ideas in place about what it is that they want to do and how they intend to improve Pennsylvania.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh County, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

With all due respect to the gentleman's language, many of the aspects of what he has mentioned in his remarks and in the language of the amendment are already covered. Currently utilities routinely provide this kind of information, such as the implementation plan specifying the nature of upgrades, a timeframe for replacement, and other information required by the commission within asset management plans. To further add within statutory language what the PUC already does right now through its own supervision and regulation would add costs to these plans and impact our consumers.

So I would ask the members to vote "no" on the amendment. Thank you.

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

The following roll call was recorded:

YEAS—76

Bishop	DeLuca	Kavulich	Ravenstahl
Boyle, B.	DePasquale	Keller, W.	Readshaw
Boyle, K.	Dermoddy	Kirkland	Roebuck
Bradford	DeWeese	Kortz	Sabatina
Briggs	Donatucci	Kula	Samuelson
Brown, V.	Fabrizio	Longietti	Santarsiero
Brownlee	Frankel	Mahoney	Santoni
Caltagirone	Freeman	Markosek	Shapiro
Carroll	Galloway	Matzie	Smith, K.
Cohen	George	McGeehan	Smith, M.
Conklin	Gerber	Mirabito	Staback
Costa, D.	Gergely	Mullery	Sturla
Costa, P.	Goodman	Mundy	Vitali
Cruz	Haluska	Murphy	Wagner
Curry	Hanna	Myers	Waters
Davidson	Harkins	O'Brien, M.	Wheatley
Davis	Hornaman	Parker	White
Deasy	Johnson	Pashinski	Williams
DeLissio	Josephs	Payton	Youngblood

NAYS—123

Adolph	Everett	Krieger	Rapp
Aument	Farry	Lawrence	Reed
Baker	Fleck	Major	Reese
Barbin	Gabler	Maloney	Reichley
Barrar	Geist	Mann	Roae
Bear	Gibbons	Marshall	Rock
Benninghoff	Gillen	Marsico	Ross
Bloom	Gillespie	Masser	Saccone
Boback	Gingrich	Metcalfe	Sainato
Boyd	Godshall	Metzgar	Saylor
Brennan	Grell	Miccarelli	Scavello
Brooks	Grove	Micozzie	Schroder
Brown, R.	Hackett	Millard	Simmons
Burns	Hahn	Miller	Sonney
Buxton	Harhai	Milne	Stephens
Causser	Harhart	Moul	Stern
Christiana	Harper	Murt	Stevenson
Clymer	Harris	Mustio	Swanger
Cox	Heffley	Neuman	Tallman
Creighton	Helm	O'Neill	Thomas
Culver	Hennessey	Oberlander	Tobash
Cutler	Hess	Payne	Toepel
Daley	Hickernell	Peifer	Toohil
Day	Hutchinson	Perry	Truitt
Delozier	Kampf	Petrarca	Turzai
Denlinger	Kauffman	Petri	Vereb
DiGirolamo	Keller, F.	Pickett	Vulakovich
Dunbar	Keller, M.K.	Preston	Watson
Ellis	Killion	Pyle	

Emrick	Knowles	Quigley	Smith, S.,
Evankovich	Kotik	Quinn	Speaker
Evans, J.			

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

The SPEAKER. According to the information the Speaker has, the gentleman, Mr. Sturla, has four other amendments. I may have missed one that you withdrew, but I did not catch them all.

Mr. STURLA. Mr. Speaker, I will withdraw 02944 and 02945 and ask to call up 02958.

The SPEAKER. The Speaker thanks the gentleman.

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

Mr. STURLA offered the following amendment
No. A02958:

Amend Bill, page 1, line 2, by inserting after "providing" for definitions, for certain appropriations by right of eminent domain prohibited and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. The definition of "public utility" in section 102 of Title 66 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Gathering line." A pipe that:

(1) Carries uncompressed gas.

(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

"Gathering line company." A person or corporation owning or operating equipment or a facility in this Commonwealth that:

(1) Carries uncompressed gas.

(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

* * *

"Public utility."

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

(ii) Diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation.

(iii) Transporting passengers or property as a common carrier.

(iv) Use as a canal, turnpike, tunnel, bridge, wharf, and the like for the public for compensation.

(v) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation.

(vi) Conveying or transmitting messages or communications, except as set forth in paragraph (2)(iv), by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation.

(vii) Sewage collection, treatment, or disposal for the public for compensation.

(viii) Providing limousine service in a county of the second class pursuant to Subchapter B of Chapter 11 (relating to limousine service in counties of the second class).

(ix) Carrying uncompressed gas and whose equipment or facilities are used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

(2) The term does not include:

(i) Any person or corporation, not otherwise a public utility, who or which furnishes service only to himself or itself.

(ii) Any bona fide cooperative association which furnishes service only to its stockholders or members on a nonprofit basis.

(iii) Any producer of natural gas not engaged in distributing such gas directly to the public for compensation.

(iv) Any person or corporation, not otherwise a public utility, who or which furnishes mobile domestic cellular radio telecommunications service.

(v) Any building or facility owner/operators who hold ownership over and manage the internal distribution system serving such building or facility and who supply electric power and other related electric power services to occupants of the building or facility.

(vi) Electric generation supplier companies, except for the limited purposes as described in sections 2809 (relating to requirements for electric generation suppliers) and 2810 (relating to revenue-neutral reconciliation).

(3) For the purposes of sections 2702 (relating to construction, relocation, suspension and abolition of crossings), 2703 (relating to ejection in crossing cases) and 2704 (relating to compensation for damages occasioned by construction, relocation or abolition of crossings) and those portions of sections 1501 (relating to character of service and facilities), 1505 (relating to proper service and facilities established on complaint) and 1508 (relating to reports of accidents), as those sections or portions thereof relate to safety only, a municipal authority or transportation authority organized under the laws of this Commonwealth shall be considered a public utility when it owns or operates, for the carriage of passengers or goods by rail, a line of railroad composed of lines formerly owned or operated by the Pennsylvania Railroad, the Penn-Central Transportation Company, the Reading Company or the Consolidated Rail Corporation.

* * *

Section 2. Section 1104 of Title 66 is amended to read:

§ 1104. Certain appropriations by right of eminent domain prohibited.

Unless its power of eminent domain existed under prior law, no domestic public utility or foreign public utility authorized to do business in this Commonwealth shall exercise any power of eminent domain within this Commonwealth until it shall have received the certificate of public convenience required by section 1101 (relating to organization of public utilities and beginning of service). A gathering line company is expressly prohibited from exercising the power of eminent domain within this Commonwealth.

Section 3. Section 1311(c) of Title 66 is amended and the section is amended by adding a subsection to read:

Amend Bill, page 2, line 16, by striking out "2" and inserting
4

Amend Bill, page 5, line 3, by striking out "3" and inserting
5

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

The gentleman, Mr. Sturla, is in order on the amendment.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this deals with gathering lines. We all know that the Marcellus Shale industry is a welcome industry in this State, but for every well that gets drilled, there is a gathering line that is necessary. And what this amendment tries to do is to put some sense into that web of gathering lines that will be taking place across the State of Pennsylvania as more and more wells come online.

GERMANENESS QUESTIONED

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

Mr. Speaker, even should there be any validity, which is not conceded, to the amendment, this particular amendment is clearly not germane to the bill under the single-subject rule, rule 20 of our House rules.

HB 1294 solely addresses chapter 13 of Title 66, and the description of the bill indicates that the section provides "...for valuation of and return on the property..." quote, unquote, and "...alternative regulatory mechanisms." Nothing in the bill addresses the definition section of Title 66 or natural gas gathering line companies. In fact, the amendment amends chapter 1 and chapter 11 of Title 66 with respect to definitions.

Even if this amendment were adopted, eminent domain authority is granted not through Title 66, the Public Utilities Code; it is in fact done through the business corporations code. In the business corporations code, it is under 15 Pennsylvania Consolidated Statutes, section 1511(a)(2).

And then this issue trying to be addressed, whether a company is or should be subject to Public Utility Commission regulation, but rather that the public utility status carries with it the ability to petition the courts to exercise eminent domain, that issue will not be fixed in any way by this particular amendment. That issue right now is what is allowed to occur to go to the Public Utility Commission.

So we would move that this amendment is not germane, and I would ask individuals to vote that it is not germane.

The SPEAKER. The gentleman from Allegheny, Mr. Turzai, has raised the question of whether amendment A02958 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, as has been the case numerous times this session, I respectfully disagree with the majority leader on what is germane and what is not germane. This clearly deals with natural gas gathering lines and I believe is germane and would ask members to not only address this issue but understand its impact on the State of Pennsylvania.

Thank you, Mr. Speaker.

The SPEAKER. The question before the House is, is the amendment germane? Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—90

Barbin	DeLissio	Keller, W.	Preston
Bishop	DeLuca	Kirkland	Ravenstahl
Boyle, B.	DePasquale	Kortz	Readshaw
Boyle, K.	Dermody	Kotik	Roebuck
Bradford	DeWeese	Kula	Sabatina
Brennan	Donatucci	Longietti	Sainato
Briggs	Fabrizio	Mahoney	Samuelson
Brown, V.	Frankel	Mann	Santarsiero
Brownlee	Freeman	Markosek	Santoni
Burns	Galloway	Matzie	Shapiro
Buxton	George	McGeehan	Smith, K.
Caltagirone	Gerber	Mirabito	Smith, M.
Carroll	Gergely	Mullery	Staback
Cohen	Gibbons	Mundy	Sturla
Conklin	Goodman	Murphy	Thomas
Costa, D.	Haluska	Myers	Vitali
Costa, P.	Hanna	Neuman	Wagner
Cruz	Harhai	O'Brien, M.	Waters
Curry	Harkins	Parker	Wheatley
Daley	Hornaman	Pashinski	White
Davidson	Johnson	Payton	Williams
Davis	Josephs	Petrarca	Youngblood
Deasy	Kavulich		

NAYS—109

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Saylor
Boback	Godshall	Metzgar	Scavello
Boyd	Grell	Miccarelli	Schroder

Brooks	Grove	Micozzie	Simmons
Brown, R.	Hackett	Millard	Sonney
Causar	Hahn	Miller	Stephens
Christiana	Harhart	Milne	Stern
Clymer	Harper	Moul	Stevenson
Cox	Harris	Murt	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Perry	Turzai
DiGirolamo	Kampf	Petri	Vereb
Dunbar	Kauffman	Pickett	Vulakovich
Ellis	Keller, F.	Pyle	Watson
Emrick	Keller, M.K.	Quigley	
Evankovich	Killion	Quinn	Smith, S.,
Evans, J.	Knowles	Rapp	Speaker
Everett	Krieger	Reed	

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

The SPEAKER. The Speaker's information indicates that we are down to amendment 5283. Is that correct? Is the gentleman offering that amendment?

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

Mr. STURLA offered the following amendment No. A05283:

Amend Bill, page 1, line 2, by inserting after "providing" for establishment, members, qualifications and chairman and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. Section 301(b) of Title 66 of the Pennsylvania Consolidated Statutes is amended to read:

§ 301. Establishment, members, qualifications and chairman.

(b) Qualifications and restrictions.—Each commissioner, at the time of his appointment and qualification, shall be a resident of this Commonwealth and shall have been a qualified elector therein for a period of at least one year next preceding his appointment, and shall also be not less than 25 years of age. No person shall be appointed a member of the commission or hold any place, position or office under it, who occupies any official relation to any public utility or who holds any other appointive or elected office of the Commonwealth or any political subdivision thereof. Commencing July 1, 1977, commissioners shall devote full time to their official duties. No commissioner shall hold any office or position, the duties of which are incompatible with the duties of his office as commissioner, or be engaged in any business, employment or vocation, for which he shall receive any remuneration, except as provided in this chapter. No employee, appointee or official engaged in the service of or in any manner connected with, the commission shall hold any office or

position, or be engaged in any employment or vocation, the duties of which are incompatible with his employment in the service of or in connection with the work of the commission. No commissioner shall be paid or accept for any service connected with the office, any fee or emolument other than the salary and expenses provided by law. No commissioner shall participate in any hearing or proceeding in which he has any direct or indirect pecuniary interest. Within 90 days of confirmation, each commissioner shall disclose, at that time and thereafter annually, the existence of all security holdings in any public utility or its affiliates held by such commissioner, his or her spouse and any minor or unemancipated children and must either divest or place in a blind trust such securities. As used in this part, blind trust means a trust over which neither the commissioners, their spouses, nor any minor or unemancipated children shall exercise any managerial control, and from which neither the commissioners, their spouses, nor any minor or unemancipated children shall receive any income from the trust during the commissioner's tenure of office. Such disclosure statement shall be filed with the secretary of the commission and shall be open to inspection by the public during the normal business hours of the commission during the tenure of the commissioner. Every commissioner, and every individual or official, employed or appointed to office under, in the service of, or in connection with, the work of the commission, is forbidden, directly or indirectly, to solicit or request from, or to suggest or recommend to any public utility, or to any officer, attorney, agent or employee thereof, the appointment of any individual to any office, place or position in, or the employment of any individual in any capacity by, such public utility. Every commissioner, every bureau or office director or executive-level public employee and every administrative law judge employed or appointed to office under, in the service of or in connection with the work of the commission, is prohibited from accepting employment with any public utility or with any affiliate, intermediary, subsidiary or holding company of a public utility subject to the rules and regulations of the commission for a period of [one year] two years from the termination of term of office, service or employment with the commission, and every commissioner, every bureau or office director or other executive-level public employee and every administrative law judge employed or appointed to office under, in the service of or in connection with the work of the commission is prohibited from appearing before the commission on behalf of any public utility or any affiliate, intermediary, subsidiary or holding company of a public utility subject to the rules and regulations of the commission for a period of [three] four years, after terminating employment or service or term of office with the commission. Every commissioner, every bureau or office director or other executive-level public employee and every administrative law judge employed or appointed to office under the service of or in connection with the work of the commission shall not directly or indirectly solicit, request, suggest or recommend to any public utility or any affiliate, intermediary, subsidiary or holding company of a public utility, the appointment or employment of any person in any capacity by the public utility or any affiliate, intermediary, subsidiary or holding company thereof for a period of two years from the termination of term of office, employment or service with the commission. If any commissioner or person employed or appointed in the service of the commission violates any provision of this section, the commission shall forthwith remove him from the office or employment held by him. Provided, however, that if any commissioner violates any provision of this section, notice of such violation shall be immediately referred to State Ethics Commission or the Attorney General.

* * *

Section 2. Section 1311(c) of Title 66 is amended and the section is amended by adding a subsection to read:

Amend Bill, page 2, line 16, by striking out "2" and inserting
3

Amend Bill, page 5, line 3, by striking out "3" and inserting
4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment prohibits executive-level staff, administrative law judges, and commissioners of the PUC from holding positions with any public utility for a period of 2 years upon leaving the commission.

Mr. Speaker, this is similar to the kinds of restrictions that we impose on those members of the Gaming Commission. It does not make sense to allow someone who regulates the industry to make sweetheart deals with the industry and then go get a job with them a couple of months later. I am not accusing anyone of doing anything; I am just saying that we can prohibit anyone from getting themselves into trouble in the future if we simply pass this commonsense legislation. Thank you.

GERMANENESS QUESTIONED

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Sir, on this particular amendment, we would argue that it is not germane. HB 1294 solely addresses chapter 13 of Title 66. This particular amendment amends chapter 3 of Title 66 to extend the provisions for commissioners, bureau directors, executive-level employees, administrative law judges, to accept a position with a utility from 1 year to 2 years from the date of separation from the commission.

Certainly we understand why the original 1-year opt-out is there. That is consistent with some other places. But the fact of the matter is, all this bill is doing is dealing with the process, and as it states in chapter 13, "valuation of and return on the property" and "alternative regulatory mechanisms."

This is in no way legerdemain to the underlying bill at hand, and I would ask everybody to vote that it is not germane.

The SPEAKER. The gentleman from Allegheny County, Mr. Turzai, has raised the question of whether amendment A05283 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,

Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla. The gentleman does not seek recognition.

Those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,

Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—90

Barbin	DeLissio	Keller, W.	Preston
Bishop	DeLuca	Kirkland	Ravenstahl
Boyle, B.	DePasquale	Kortz	Readshaw
Boyle, K.	Dermoddy	Kotik	Roebuck
Bradford	DeWeese	Kula	Sabatina
Brennan	Donatucci	Longietti	Sainato
Briggs	Fabrizio	Mahoney	Samuelson
Brown, V.	Frankel	Mann	Santarsiero
Brownlee	Freeman	Markosek	Santoni
Burns	Galloway	Matzie	Shapiro
Buxton	George	McGeehan	Smith, K.
Caltagirone	Gerber	Mirabito	Smith, M.
Carroll	Gergely	Mullery	Staback
Cohen	Gibbons	Mundy	Sturla
Conklin	Goodman	Murphy	Thomas
Costa, D.	Haluska	Myers	Vitali
Costa, P.	Hanna	Neuman	Wagner
Cruz	Harhai	O'Brien, M.	Waters
Curry	Harkins	Parker	Wheatley
Daley	Hornaman	Pashinski	White
Davidson	Johnson	Payton	Williams
Davis	Josephs	Petrarca	Youngblood
Deasy	Kavulich		

NAYS—109

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Saylor
Boback	Godshall	Metzgar	Scavello
Boyd	Grell	Miccarelli	Schroder
Brooks	Grove	Micozzie	Simmons
Brown, R.	Hackett	Millard	Sonney
Causar	Hahn	Miller	Stephens
Christiana	Harhart	Milne	Stern
Clymer	Harper	Moul	Stevenson
Cox	Harris	Murt	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Perry	Turzai
DiGiolamo	Kampf	Petri	Vereb
Dunbar	Kauffman	Pickett	Vulakovich
Ellis	Keller, F.	Pyle	Watson
Emrick	Keller, M.K.	Quigley	
Evankovich	Killion	Quinn	Smith, S., Speaker
Evans, J.	Knowles	Rapp	
Everett	Krieger	Reed	

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

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

Mr. STURLA. Mr. Speaker, would this be an appropriate time to move to suspend the rules for a late-filed amendment?

The SPEAKER. The Speaker would prefer to work through the amendments that have been timely filed before we would get into the discussion of late-filed amendments.

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

Mr. **GEORGE** offered the following amendment
No. **A02953**:

Amend Bill, page 1, line 4, by inserting after "mechanisms"
and for right of consumers

Amend Bill, page 2, line 16, by striking out "a section" and
inserting
sections

Amend Bill, page 5, by inserting between lines 2 and 3

§ 1330. Right of consumers.

The commission shall not eliminate or hinder in any way a residential consumer's right not to competitively shop for any service or good that is distributed under the authority of the commission by a provider of last resort.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. George.

Mr. GEORGE. Thank you, Mr. Speaker.

I must say to you, sir, that I am reminded of several years ago when I hear this debate in that I was luckily one of those who voted against deregulation, and that bill was supposedly the answer to everybody's concern about providing cheaper electricity to those of our citizens in this Commonwealth. The end result was it passed. There were only 30 of us that voted "no." And the end result was that \$14 billion was gathered by the utilities under stranded costs.

Now, there is not anybody in here that is a Republican or a Democrat that does not want to see people employed in their district, and there is not anyone in here that is a Republican or Democrat that wants to see people go hungry or go without a job. So that is what confuses me when I can watch what is going on today, because this bill would prevent the PUC from eliminating and it would help them to eliminate the right of our citizens to make their own choice, to know what way to go. And if it was right, they could be happy, and if it was wrong, they could be blamed, not by us 203 here playing this game of we want to save them money, when I can tell you, years ago these utilities kept rural America, who was selling cheaper electricity than the utilities could manufacture, because of the help of the United States government with Niagara Electric or the Tennessee Valley by producing cheaper electricity, and this Commonwealth of Pennsylvania allowed the utilities to pass the bill to say that the customer could not go off their line to go on with the rural electric because they did not want to lose the customers. But today they have got a scheme going where they want to develop little entities, who they claim are independent but in reality are owned by them, to provide the electricity and not be subject to the PUC controls on pricing.

Mr. Speaker, listen, I know it is jobs; I know it is money. I know it is all of these things, and so do you. Now, let us get off of this just once and show these people in Pennsylvania that we are together when it comes to protecting those who sent us down here. This amendment would prevent that from putting people in a terrible situation and further burdening and preventing them from being able to provide for their families.

Now, I know that I could go on and on and I am going to have somebody jump up and say that this amendment is not germane, and I will have something to say about that in one moment. I ask you to accept this amendment and vote "yes" if you believe as I do, that we are here to protect the multitude, those men and women in our middle class and our working class and our small business, that more than ever need us to understand what their plight and what their needs are. Thank you.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

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

I rise in opposition to amendment 2953. Let me make it clear, nothing in the underlying bill addresses the electric or natural gas retail markets or limits any customer's ability to shop or to choose not to shop for these services. There is nothing in the bill that in any way forces someone to shop.

In addition, in the existing statutory law, yes, there is current default generation service structure, but there is not a provision that forces people to shop. So this bill does not force people to shop; the existing statute does not force people to shop. It is irrelevant to the bill at hand that is chapter 13 of Title 66 and deals with the section for "valuation of and return on the property" and "alternative regulatory mechanisms."

Again, it is a solution without a problem, and we would ask you to please vote "no."

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady from Luzerne County, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

What this amendment does is prevent the Public Utility Commission from eliminating default services for our constituents.

Recently a utility company went out of business and left 8500 of its customers without any service whatsoever. What would these people do without default electric service? Where would they go? They would be forced to shop for service without default electric service.

This is a good amendment. It accomplishes a worthy goal. We need default service for those constituents who are unable to understand the complexities of shopping for electric service, and I would urge your support.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Cambria County, Mr. Barbin.

Mr. BARBIN. Thank you, Mr. Speaker.

I rise in support of this amendment. The underlying action that is being asked to take here is to allow public utilities to have additional flexibility and to provide additional powers to the PUC in carrying that out. The only thing that this amendment does is to say in the process of providing additional

authority to the PUC, we are going to make it clear that at least the people that need our help the most are protected and that regardless if somebody goes out of business or regardless if somebody at the PUC thinks that maybe there should be an exception for default service, the law would say it does it. The law would say, no matter what, we are providing language directing the PUC not to do anything which could affect these very vulnerable senior citizens.

There is nothing wrong with this amendment, and everybody in the House should approve it.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Turzai.

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

Just for clarification purposes, number one, the bill does not address generation service; it addresses distribution service.

Second, if there is not coverage provided by a utility, everyone can, if they want, shop for service from another utility under existing statute, and there are some 40-plus providers. And then in addition, the current act provides for a default generation service. If you do not want to shop, you can fall back on the default generation service.

This amendment has nothing to do with the issue at hand, and in addition, there is not a problem with the existing statute since it provides for default generation service or allows you to shop. It is your option as a consumer.

Please vote "no" to the George amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. George, for the second time.

Mr. GEORGE. Mr. Speaker, thank you.

I apologize; I know I am not as worldwide or bright as the majority leader, and I probably do not know near as much about a lot of things. But I do know this is a Title 66, and the darned default that he mentioned on two occasions is not going to happen to PPL or First Energy; it is going to happen to your constituency. So whenever they say to you, "What happened that I got nailed for default?" say, "Well, you know, we don't understand, because the bill I voted for, it wasn't supposed to do that." The truth of the matter is, you will not go home and brag about supporting the utility, the same utilities, Mr. Speaker, that bought a hydroelectric in Minnesota and bought a nuclear plant in Michigan and bought a coal-fire in Ohio when it could have been in Clearfield, if you will.

So, Mr. Speaker, if we want to do just one time the right thing and show the people we are the best they can send down here, then vote "yes" on this amendment. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—88

Barbin	Deasy	Kavulich	Petrarca
Bishop	DeLissio	Keller, W.	Preston
Boyle, B.	DeLuca	Kirkland	Ravenstahl
Boyle, K.	DePasquale	Kortz	Readshaw
Bradford	Dermody	Kotik	Roebuck
Brennan	DeWeese	Kula	Sabatina

Briggs	Donatucci	Longiotti	Samuelson
Brown, V.	Fabrizio	Mahoney	Santarsiero
Brownlee	Frankel	Mann	Santoni
Burns	Freeman	Markosek	Shapiro
Buxton	Galloway	Matzie	Smith, K.
Caltagirone	George	McGeehan	Smith, M.
Carroll	Gerber	Mirabito	Staback
Cohen	Gergely	Mullery	Sturla
Conklin	Goodman	Mundy	Thomas
Costa, D.	Haluska	Murphy	Vitali
Costa, P.	Hanna	Myers	Wagner
Cruz	Harhai	Neuman	Waters
Curry	Harkins	O'Brien, M.	Wheatley
Daley	Hornaman	Parker	White
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood

NAYS—111

Adolph	Fleck	Lawrence	Reese
Aument	Gabler	Major	Reichley
Baker	Geist	Maloney	Roae
Barrar	Gibbons	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Sainato
Boback	Godshall	Metzgar	Saylor
Boyd	Grell	Miccarelli	Scavello
Brooks	Grove	Micozzie	Schroder
Brown, R.	Hackett	Millard	Simmons
Causar	Hahn	Miller	Sonney
Christiana	Harhart	Milne	Stephens
Clymer	Harper	Moul	Stern
Cox	Harris	Murt	Stevenson
Creighton	Heffley	Mustio	Swanger
Culver	Helm	O'Neill	Tallman
Cutler	Hennessey	Oberlander	Tobash
Day	Hess	Payne	Toepel
Delozier	Hickernell	Peifer	Toohil
Denlinger	Hutchinson	Perry	Truitt
DiGirolamo	Kampf	Petri	Turzai
Dunbar	Kauffman	Pickett	Verab
Ellis	Keller, F.	Pyle	Vulakovich
Emrick	Keller, M.K.	Quigley	Watson
Evankovich	Killion	Quinn	
Evans, J.	Knowles	Rapp	Smith, S.,
Everett	Krieger	Reed	Speaker
Farry			

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

Mr. **GEORGE** offered the following amendment
No. **A02954**:

- Amend Bill, page 1, line 4, by inserting after "mechanisms" and for right of consumers
- Amend Bill, page 2, line 16, by striking out "a section" and inserting sections
- Amend Bill, page 5, by inserting between lines 2 and 3

§ 1330. Right of consumers.

The commission may not discriminate by regulation, policy or order against any residential consumer who chooses not to shop for electricity or natural gas that is distributed under the authority of the commission by a provider of last resort.

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

The **SPEAKER**. On that question, the Speaker recognizes the gentleman, Mr. George.

Mr. **GEORGE**. Mr. Speaker, again, I believe my constituents, I owe them the right to get beat down again. But you know, this bill and my amendment says that the commission may not discriminate by any regulation, policy, or order against any residential consumer who chooses not to shop for electricity that is distributed under the authority of the commission by a provider of last resort, and I leave it up to the good men and women to make that judgment call.

Thank you, Mr. Speaker.

The **SPEAKER**. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. **TURZAI**. Please vote against amendment 2954 for much the same reasons as the previous amendment. Please understand that the statute itself essentially precludes any action that discriminates against any class of customers.

Please vote "no."

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

The following roll call was recorded:

YEAS—90

Barbin	DeLissio	Keller, W.	Preston
Bishop	DeLuca	Kirkland	Ravenstahl
Boyle, B.	DePasquale	Kortz	Readshaw
Boyle, K.	Dermody	Kotik	Roebuck
Bradford	DeWeese	Kula	Sabatina
Brennan	Donatucci	Longiotti	Sainato
Briggs	Fabrizio	Mahoney	Samuelson
Brown, V.	Frankel	Mann	Santarsiero
Brownlee	Freeman	Markosek	Santoni
Burns	Galloway	Matzie	Shapiro
Buxton	George	McGeehan	Smith, K.
Caltagirone	Gerber	Mirabito	Smith, M.
Carroll	Gergely	Mullery	Staback
Cohen	Gibbons	Mundy	Sturla
Conklin	Goodman	Murphy	Thomas
Costa, D.	Haluska	Myers	Vitali
Costa, P.	Hanna	Neuman	Wagner
Cruz	Harhai	O'Brien, M.	Waters
Curry	Harkins	Parker	Wheatley
Daley	Hornaman	Pashinski	White
Davidson	Johnson	Payton	Williams
Davis	Josephs	Petrarca	Youngblood
Deasy	Kavulich		

NAYS—109

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross

Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Saylor
Boback	Godshall	Metzgar	Scavello
Boyd	Grell	Miccarelli	Schroder
Brooks	Grove	Micozzie	Simmons
Brown, R.	Hackett	Millard	Sonney
Causser	Hahn	Miller	Stephens
Christiana	Harhart	Milne	Stern
Clymer	Harper	Moul	Stevenson
Cox	Harris	Murt	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Perry	Turzai
DiGirolamo	Kampf	Petri	Vereb
Dunbar	Kauffman	Pickett	Vulakovich
Ellis	Keller, F.	Pyle	Watson
Emrick	Keller, M.K.	Quigley	
Evankovich	Killion	Quinn	Smith, S.,
Evans, J.	Knowles	Rapp	Speaker
Everett	Krieger	Reed	

NOT VOTING—0

EXCUSED—4

Evans, D. Maher O'Brien, D. Taylor

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

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

Ms. **MUNDY** offered the following amendment No. **A02884**:

Amend Bill, page 1, line 2, by inserting after "providing" for definitions and

Amend Bill, page 1, lines 7 through 9, by striking out all of said lines and inserting

Section 1. The definition of "public utility" in section 102 of Title 66 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding definitions to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Gathering line." A pipe that:

(1) Carries uncompressed gas.

(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

"Gathering line company." A person or corporation owning or operating equipment or a facility in this Commonwealth that:

(1) Carries uncompressed gas.

(2) Is used to gather gas from a producing gas well or production facility for transport to a compressor station, other well sites or to transmission or distribution lines or mains.

* * *

"Public utility."

(1) Any person or corporations now or hereafter owning or operating in this Commonwealth equipment or facilities for:

(i) Producing, generating, transmitting, distributing or furnishing natural or artificial gas, electricity, or steam for the production of light, heat, or power to or for the public for compensation.

(ii) Diverting, developing, pumping, impounding, distributing, or furnishing water to or for the public for compensation.

(iii) Transporting passengers or property as a common carrier.

(iv) Use as a canal, turnpike, tunnel, bridge, wharf, and the like for the public for compensation.

(v) Transporting or conveying natural or artificial gas, crude oil, gasoline, or petroleum products, materials for refrigeration, or oxygen or nitrogen, or other fluid substance, by pipeline or conduit, for the public for compensation.

(vi) Conveying or transmitting messages or communications, except as set forth in paragraph (2)(iv), by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation.

(vii) Sewage collection, treatment, or disposal for the public for compensation.

(viii) Providing limousine service in a county of the second class pursuant to Subchapter B of Chapter 11 (relating to limousine service in counties of the second class).

(2) The term does not include:

(i) Any person or corporation, not otherwise a public utility, who or which furnishes service only to himself or itself.

(ii) Any bona fide cooperative association which furnishes service only to its stockholders or members on a nonprofit basis.

(iii) Any producer of natural gas not engaged in distributing such gas directly to the public for compensation, including a gathering line company.

(iv) Any person or corporation, not otherwise a public utility, who or which furnishes mobile domestic cellular radio telecommunications service.

(v) Any building or facility owner/operators who hold ownership over and manage the internal distribution system serving such building or facility and who supply electric power and other related electric power services to occupants of the building or facility.

(vi) Electric generation supplier companies, except for the limited purposes as described in sections 2809 (relating to requirements for electric generation suppliers) and 2810 (relating to revenue-neutral reconciliation).

(3) For the purposes of sections 2702 (relating to construction, relocation, suspension and abolition of crossings), 2703 (relating to ejection in crossing cases) and 2704 (relating to compensation for damages occasioned by construction, relocation or abolition of crossings) and those portions of sections 1501 (relating to character of service and facilities), 1505 (relating to proper service and facilities established on complaint) and 1508 (relating to reports of accidents), as those sections or portions thereof relate to safety only, a municipal authority or transportation authority organized under the laws of this Commonwealth shall be considered a public utility when it owns or operates, for the carriage of passengers or goods by rail, a line of railroad composed of lines formerly owned or operated by the Pennsylvania Railroad, the Penn-Central Transportation Company, the Reading Company or the Consolidated Rail Corporation.

* * *

Section 1.1. Section 1311(c) of Title 66 is amended and the section is amended by adding a subsection to read:

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment would prohibit gathering line companies affiliated with the Marcellus Shale drilling industry from obtaining public utility status.

Public utilities in Pennsylvania have eminent domain. I offer this amendment in response to recent efforts by gathering line companies hailing from Texas to become public utilities in Pennsylvania. These companies, Pentex Pipeline Company, Peregrine Keystone Gas Pipeline, have applied to the PUC for certificates of public convenience so that they can operate as public utilities in Pennsylvania. Again, public utilities in Pennsylvania have the power of eminent domain.

I worry about the precedent that would be established should these certificates of public convenience be approved by the PUC. I fear that these companies would utilize the power of eminent domain in order to circumvent discussions and negotiations with homeowners on the issues of land easements, property, and mineral rights.

The PUC administrative law judge issued a recommendation back in December against Laser Northeast's application with good reason. Her recommendation said that the pipeline was being designed to serve only a specific group and not the entire public. Instead, the line would be part of a commercial process to carry gas from producers to the market. However, in May the PUC remanded this recommendation to deny Laser Northeast the ability to become a public utility by a narrow vote of 3 to 2 and asked the administrative law judge to reconsider her decision.

Now, while Laser has withdrawn its application, these two other companies have similar applications pending, and so I offer this amendment to state firmly in statute that gathering line companies are not public utilities as they do not operate with the public's best interests in mind.

Commissioner James H. Cawley said in his dissenting opinion in May that "The Public Utility Code must be strictly construed when pipelines are involved, because a certificate also confers the power of eminent domain, which upsets the negotiating balance between landowners and pipeline operators over rights-of-way or easements, with grave implications for the individual Pennsylvanians and their communities given the enormity of shale gas extraction underway in the state. The upset of this balance is not in the public interest and is sufficient reason to deny Laser's application."

Mr. Speaker, I could not agree with Commissioner Cawley more in this instance, and it is for these reasons that I ask you to support my amendment.

GERMANENESS QUESTIONED

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Akin to the good gentleman from Lancaster County's amendment that dealt with gathering lines, this, too, I would argue, is not germane.

Again, this underlying amendment is attempting to amend section 102 of Title 66 to change definitions that have nothing to do with the bill at hand. The bill at hand deals with "valuation of and return on the property" and "alternative regulatory mechanisms" under chapter 13 of Title 66.

And please note as an aside, and I am moving that this is not germane, but no utility is able to go in or is able to just do eminent domain. That is not how it works, and it is irrelevant to the underlying bill. But just so everybody understands, if you are a utility, you have to petition for eminent domain in a court of law. So it is not like a municipality that is able to use eminent domain powers. The ability of public utilities to do eminent domain must actually, they have to petition in a court of law.

But here it is an attempt to change definitions that do not deal with the underlying bill. It is a separate and distinct issue and is not germane to the subject at hand. I would ask everybody to please vote that it is not germane.

The SPEAKER. The gentleman from Allegheny, Mr. Turzai, has raised the question of whether amendment A02884 is germane.

Under House rule 27, questions involving whether an amendment is germane to the subject shall be decided by the House.

On the question,
Will the House sustain the germaneness of the amendment?

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Traditionally, the test for germaneness has been the single-subject standard. A statute could contain any number of provisions properly connected with and germane to the subject expressed in the title. To pass muster under the single-subject standard, an act must have a single unifying subject to which all of its provisions are germane. This requires a determination as to whether disparate subjects constitute parts of a unifying scheme to accomplish a single purpose.

Mr. Speaker, in discussing the single-subject requirement, the court in *DeWeese v. Weaver* explained that the Pennsylvania Consolidated Statutes comprise titles ranging from broad to narrow in purpose. A narrow consolidated title such as Fish or Game may be able to be treated as a single subject. Any number of substantive amendments should be permissible. A broad consolidated title such as Crimes and Offenses or Judiciary and Judicial Procedure requires a narrower purpose.

In the case of a broad consolidated title, substantive amendments must be tested for a unifying scheme. As an example of a broad title for purposes of the single-subject requirement, requiring DNA samples from incarcerated felony sex offenders does not bear a proper relation to joint and several liability for negligence, even though both topics are properly included in the Judicial Code.

Mr. Speaker, the key to determining whether a consolidated title is broad or narrow is whether it encompasses disparate subjects. In the case of Crimes and Offenses or Judiciary and Judicial Procedure, the titles encompass criminal law and civil law. These clearly are disparate subjects which make the titles broad in nature. The Public Utilities Code, on the other hand,

deals solely with the regulation of public utilities. It is a narrow subject. As such, under *DeWeese v. Weaver*, so long as amendments to Title 66 regulate public utilities, they pass the single-subject standard and should be ruled germane by this House.

Furthermore, Mr. Speaker, even if this House were to decide that Title 66 were a broad consolidated title, my amendment is still clearly germane to HB 1294. The title of HB 1294 is "...further providing for valuation of and return on the property of a public utility...." Mr. Speaker, in order to provide for valuation of and return on the property of a public utility, you must know what a public utility is. My amendment, 02884, helps define what a public utility is so that it is clear whom the provisions of HB 1294 apply to.

Mr. Speaker, it is time that the majority stop distorting this House's well-established rules and precedents to avoid having to make votes on issues that are important to the people of Pennsylvania. The people cannot and will not be fooled. A vote on the germaneness of A2884 is a vote on whether or not you believe that natural gas gathering lines should be public utilities and whether or not they should have the power of eminent domain for their pipelines.

The SPEAKER. On the question of germaneness, those who believe the amendment is germane will vote "aye"; those who believe the amendment is not germane will vote "no."

On the question recurring,
Will the House sustain the germaneness of the amendment?

The following roll call was recorded:

YEAS—90

Barbin	DeLissio	Keller, W.	Preston
Bishop	DeLuca	Kirkland	Ravenstahl
Boyle, B.	DePasquale	Kortz	Readshaw
Boyle, K.	Dermody	Kotik	Roebuck
Bradford	DeWeese	Kula	Sabatina
Brennan	Donatucci	Longietti	Sainato
Briggs	Fabrizio	Mahoney	Samuelson
Brown, V.	Frankel	Mann	Santarsiero
Brownlee	Freeman	Markosek	Santoni
Burns	Galloway	Matzie	Shapiro
Buxton	George	McGeehan	Smith, K.
Caltagirone	Gerber	Mirabito	Smith, M.
Carroll	Gergely	Mullery	Staback
Cohen	Gibbons	Mundy	Sturla
Conklin	Goodman	Murphy	Thomas
Costa, D.	Haluska	Myers	Vitali
Costa, P.	Hanna	Neuman	Wagner
Cruz	Harhai	O'Brien, M.	Waters
Curry	Harkins	Parker	Wheatley
Daley	Hornaman	Pashinski	White
Davidson	Johnson	Payton	Williams
Davis	Josephs	Petrarca	Youngblood
Deasy	Kavulich		

NAYS—109

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Saylor
Boback	Godshall	Metzgar	Scavello
Boyd	Grell	Miccarelli	Schroder
Brooks	Grove	Micozzie	Simmons

Brown, R.	Hackett	Millard	Sonney
Causer	Hahn	Miller	Stephens
Christiana	Harhart	Milne	Stern
Clymer	Harper	Moul	Stevenson
Cox	Harris	Murt	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Perry	Turzai
DiGirolamo	Kampf	Petri	Vereb
Dunbar	Kauffman	Pickett	Vulakovich
Ellis	Keller, F.	Pyle	Watson
Emrick	Keller, M.K.	Quigley	
Evankovich	Killion	Quinn	Smith, S., Speaker
Evans, J.	Knowles	Rapp	
Everett	Krieger	Reed	

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

Less than the majority having voted in the affirmative, the question was determined in the negative and the amendment was declared not germane.

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

Ms. **MUNDY** offered the following amendment
No. **A02951**:

Amend Bill, page 5, by inserting between lines 2 and 3
(4) Require an infrastructure replacement program that results in the accelerated replacement of aging infrastructure at a rate that exceeds the historic average annual rate of nonrevenue-enhancing infrastructure replacement for the prior 20-year period, including periodic review of the program with the opportunity for public hearings, if requested by interested parties. The procedures shall ensure that the mechanism terminates at the end of the program or when the commission finds that the fixed natural gas utility or city natural gas operation is not in compliance with a previously approved program.

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Morgan O'Brien, again, president and CEO of Peoples Natural Gas Company, testified before the House Consumer Affairs Committee this year on this underlying bill, HB 1294. One of the changes he suggested as president of one of our largest natural gas utility companies was that utilities should file a 3-year plan with the PUC every 3 years describing where and how their capital programs would be implemented. This would ensure that utilities are held accountable for the way they spend their increased rates, and that is what this amendment does. It would require utilities who are permitted to automatically increase their rates to implement an infrastructure replacement plan to accelerate the replacement of aging infrastructure. This plan would be submitted when the utility first applies to the

PUC to obtain the right to implement an automatic surcharge. The rate of replacing this infrastructure would have to exceed the utility's historic average annual rate for infrastructure replacement for the prior 20-year period, and this is a very important provision in this bill.

Let me repeat, the rate of replacing this infrastructure would have to exceed the utility's historic average annual rate for infrastructure replacement for the prior 20-year period. As the bill currently stands, utilities would not be required to update their infrastructure any faster than they are updating it right now. They would not have to do anything differently in order to increase their rates automatically. If the purpose of the bill is truly to accelerate infrastructure replacement and maintenance, then surely there should be some sort of a plan that the PUC can look at, and the utility needs to be doing more than what they are currently doing.

In addition, this amendment provides the public the opportunity to review the utility's plan through public hearings. Without this amendment, consumers would have to request to see the utility's quarterly reports in order to learn how their automatic rates are being spent. They would not have the opportunity to make their voices heard at public hearings as they do now in a base rate case.

Again, who will stand with the consumer? I ask that you support this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Lehigh, Mr. Reichley.

Mr. REICHLEY. Thank you, Mr. Speaker.

As a member from the Lehigh Valley where we had a very serious gas explosion within the last year or so, the replacement rate of infrastructure is a matter of grave concern. But the language and the requirements of this particular amendment would actually have the opposite effect of what the gentledady just voiced, I think in a very sincere way, and let me try to explain why.

By placing a 20-year period replacement scheme by way of this legislation, by way of this amendment, you will thereby force utilities into a faster replacement period than may be very well affordable through the very mechanism we are trying to provide in HB 1294 as a voluntary mechanism. So as a result, you are thereby going to place the utilities in a position for needing to come in for full-blown rate review cases, thereby forcing utility bills up even higher.

Again, listen very carefully, by the language of this particular amendment, you are forcing the utilities into a faster replacement schedule than is feasible and affordable and thereby driving up utility rates, not helping to keep them in line, whereas with the language of HB 1294 the way it is, this is a voluntary mechanism for those companies to replace infrastructure at an affordable pace with the smaller alternative rate mechanism option.

So I would ask the members, although it sounds attractive, this particular amendment would actually drive up consumer costs. Standing on the side of the consumer would be a "no" vote on this amendment. I am urging the members to vote "no" on amendment 02951.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy, for the second time.

Ms. MUNDY. Mr. Speaker, the whole idea of the bill is supposed to increase the rate of investment in infrastructure replacement and improvement. That is utter nonsense that this would drive up costs. It simply requires that they do what the underlying bill is asking them to do, and that is accelerate their rate of aging infrastructure replacement faster than they currently are doing. If you do not have any kind of a benchmark as to what they are doing now, how do you know that they are doing that?

So this amendment is pro-consumer. I totally disagree with the statements of the prior speaker. This bill requires the utility to come forth with an accelerated plan that does what the underlying bill is supposed to be asking them to do.

Again, I urge a "yes" vote on this amendment.

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

The following roll call was recorded:

YEAS—82

Barbin	DeLissio	Keller, W.	Ravenstahl
Bishop	DeLuca	Kirkland	Readshaw
Boyle, B.	DePasquale	Kortz	Roebuck
Boyle, K.	Dermody	Kotik	Sabatina
Bradford	DeWeese	Kula	Samuelsom
Briggs	Donatucci	Longietti	Santarsiero
Brown, V.	Fabrizio	Mahoney	Santoni
Brownlee	Frankel	Markosek	Shapiro
Burns	Freeman	Matzie	Smith, K.
Caltagirone	Galloway	McGeehan	Smith, M.
Carroll	George	Mirabito	Staback
Cohen	Gerber	Mullery	Sturla
Conklin	Gergely	Mundy	Thomas
Costa, D.	Goodman	Murphy	Vitali
Costa, P.	Haluska	Myers	Wagner
Cruz	Hanna	Neuman	Waters
Curry	Harkins	O'Brien, M.	Wheatley
Daley	Hornaman	Parker	White
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood
Deasy	Kavulich		

NAYS—117

Adolph	Farry	Lawrence	Reed
Aument	Fleck	Major	Reese
Baker	Gabler	Maloney	Reichley
Barrar	Geist	Mann	Roae
Bear	Gibbons	Marshall	Rock
Benninghoff	Gillen	Marsico	Ross
Bloom	Gillespie	Masser	Saccone
Boback	Gingrich	Metcalfe	Sainato
Boyd	Godshall	Metzgar	Saylor
Brennan	Grell	Miccarelli	Scavello
Brooks	Grove	Micozzie	Schroder
Brown, R.	Hackett	Millard	Simmons
Buxton	Hahn	Miller	Sonney
Causar	Harhai	Milne	Stephens
Christiana	Harhart	Moul	Stern
Clymer	Harper	Murt	Stevenson
Cox	Harris	Mustio	Swanger
Creighton	Heffley	O'Neill	Tallman
Culver	Helm	Oberlander	Tobash
Cutler	Hennessey	Payne	Toepel
Day	Hess	Peifer	Toohil
Delozier	Hickernell	Perry	Truitt
Denlinger	Hutchinson	Petrarca	Turzai

DiGirolamo	Kampf	Petri	Vereb
Dunbar	Kauffman	Pickett	Vulakovich
Ellis	Keller, F.	Preston	Watson
Emrick	Keller, M.K.	Pyle	
Evankovich	Killion	Quigley	Smith, S.,
Evans, J.	Knowles	Quinn	Speaker
Everett	Krieger	Rapp	

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

Ms. **MUNDY** offered the following amendment
No. **A02952**:

Amend Bill, page 5, by inserting between lines 2 and 3
(4) Provide that the fixed natural gas utility or city natural gas operation shall not initially establish an alternative regulatory mechanism pursuant to this section unless the commission has established the fixed natural gas utility's or city natural gas operation's rates in a general rate case as set out under section 1308(d) (relating to voluntary changes in rates) filed after the effective date of this section. The commission's procedures shall ensure that ratepayers receive timely and full flow through of all cost reductions and other efficiencies that result from the program through periodic rate case filings under section 1308(d) or another suitable methodology.

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

Morgan O'Brien, president and CEO of Peoples Natural Gas Company, testified before the House Consumer Affairs Committee this year on the underlying bill, which would allow the PUC to permit utility companies to automatically increase their rates to update their infrastructure. One of the changes to the underlying bill that he suggested, again as president of one of our largest natural gas utility companies, was that utilities should be required to file base rate cases every 3 to 5 years in order to factor in new efficiencies that new pipes create in gas operations. I agree with Mr. Morgan O'Brien, and that is the purpose of this amendment. It would require utilities to file a base rate case after the effective date of the bill in order to obtain PUC approval to automatically increase their rates.

It also requires the PUC to ensure its procedures require utilities to file periodic base rate cases. This would ensure ratepayers receive timely and full flow-through of all cost reductions and other efficiencies in their rates. This amendment will aid in preventing utilities from overcharging their customers automatic rates unless they truly need to do so. Proponents of HB 1294 have said that base rate cases are expensive. However, the money spent on a base rate case is

nowhere near expensive when one looks at the amount that utilities originally request in a base rate case and what the PUC eventually determines that they actually need.

Base rate case proceedings save consumers hundreds of millions of dollars in unnecessary rate increases over time. For example, in 2009 Pennsylvania American Water Company requested an annual increase of \$58 million. Only about \$30 million was granted by the PUC. It is important to note that PA American has already been able to place automatic surcharges on customer bills for 14 years now. Just last year in 2010, Aqua Pennsylvania, who was also able to automatically surcharge customer bills, requested to raise its rates by \$43.2 million annually. However, only about \$23.6 million was granted by the PUC.

The money used to finance these base rate proceedings has saved consumers close to \$50 million annually in just these two rate cases alone. Again, who will stand with the consumer? Who will help to prevent utilities from charging their customers automatic rates unless they truly need to do so? I ask for a positive vote on this amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Montgomery County, Mr. Godshall.

Mr. GODSHALL. Thank you, Mr. Speaker.

Some of the same arguments on the last amendment pertain also to this amendment. This amendment, what it would mainly do is really delay the implementation of the act. It takes at least 9 months to a year for the PUC to get involved. It takes time, possibly a year or more, to put the rate case together by the company, at a cost of approximately \$1 million on average and maybe more. And really, at this point the PUC already has the authority to require the utility to complete a base rate case as a condition of approval of a utility proposal, and this should be left up to the PUC at their discretion if they think they need one of these million-dollar rate cases.

The consumer protections are built into this legislation exactly the way they are now. These filings that are done by the companies would be done on a quarterly basis. They would then be perused by the PUC, and at that time there also would be a check on how much money and how much revenue that the companies were getting. They have a cap. The PUC places a cap on the amount they may recover.

So all of this is in play, and this would do nothing except delay the gas utilities, like PGW in Philadelphia and any other gas company, the ability to get investment to enhance infrastructure, which is vitally needed according to the PUC and a number of other agencies. We need this and we need it now.

Thank you. I ask for a negative vote.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy, for the second time.

Ms. MUNDY. Thank you, Mr. Speaker.

The gentleman is correct; we are turning enormous discretionary power over to the PUC. And frankly, I object to the underlying premise of doing that, but I would also like to point out that if Aqua Pennsylvania and Pennsylvania American Water Company, both of whom have DSICs now, are continuing to file base rate cases, the argument that this saves a base rate case is invalid, because Pennsylvania American Water Company has filed for base rate increases in 2001, 2003, 2007,

and 2009, and this is with a DSIC. It has not stopped them from filing for base rate increases, including new infrastructure costs.

Aqua Pennsylvania, same thing: has a DSIC in place; filed for a base rate increase in 2004, 2006, 2008, and 2010. It has not kept them from filing base rate increases, this DSIC that they already have.

Again, Mr. Speaker, let us bring some rational thought to this process. To protect consumers, we need to reflect both the cost of the new infrastructure and the savings of retiring old infrastructure and other efficiencies and costs. In a base rate case, we do this; under this bill, we do not. Please, act in the best interests of your consumers and vote in favor of my amendment.

Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Godshall, for the second time.

Mr. GODSHALL. Thank you, Mr. Speaker.

I would just like to mention, the water companies have been brought into play at this point in the discussion. The water companies' granting of this type of legislation, known as a DSIC, was granted in 1996 by this legislature, of which I voted for. Since that time, there has not been one complaint filed with the PUC by a customer of the water companies pertaining to any kind of activity that goes above and beyond what they would expect. And the same discretion granted by the PUC to a base rate case or to this type of case is there, it is in play, it is promised us by the PUC, and there has not been one complaint on the water legislation to date since 1996.

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

The following roll call was recorded:

YEAS—63

Bishop	DePasquale	Josephs	Payton
Boyle, B.	Dermody	Kavulich	Roebuck
Boyle, K.	DeWeese	Keller, W.	Sabatina
Bradford	Donatucci	Kirkland	Samuelson
Brown, V.	Fabrizio	Longietti	Santarsiero
Brownlee	Frankel	Mahoney	Santoni
Caltagirone	Freeman	Markosek	Smith, K.
Carroll	Galloway	McGeehan	Sturla
Cohen	George	Mirabito	Thomas
Conklin	Gerber	Mullery	Vitali
Cruz	Gergely	Mundy	Wagner
Curry	Goodman	Murphy	Waters
Daley	Hanna	Myers	Wheatley
Davis	Harkins	O'Brien, M.	Williams
DeLissio	Hornaman	Parker	Youngblood
DeLuca	Johnson	Pashinski	

NAYS—136

Adolph	Evans, J.	Kula	Readshaw
Aument	Everett	Lawrence	Reed
Baker	Farry	Major	Reese
Barbin	Fleck	Maloney	Reichley
Barrar	Gabler	Mann	Roae
Bear	Geist	Marshall	Rock
Benninghoff	Gibbons	Marsico	Ross
Bloom	Gillen	Masser	Saccone

Boback	Gillespie	Matzie	Sainato
Boyd	Gingrich	Metcalfe	Saylor
Brennan	Godshall	Metzgar	Scavello
Briggs	Grell	Miccarelli	Schroder
Brooks	Grove	Micozzie	Shapiro
Brown, R.	Hackett	Millard	Simmons
Burns	Hahn	Miller	Smith, M.
Buxton	Haluska	Milne	Sonney
Causar	Harhai	Moul	Staback
Christiana	Harhart	Murt	Stephens
Clymer	Harper	Mustio	Stern
Costa, D.	Harris	Neuman	Stevenson
Costa, P.	Heffley	O'Neill	Swanger
Cox	Helm	Oberlander	Tallman
Creighton	Hennessey	Payne	Tobash
Culver	Hess	Peifer	Toepel
Cutler	Hickernell	Perry	Toohil
Davidson	Hutchinson	Petrarca	Truitt
Day	Kampf	Petri	Turzai
Deasy	Kauffman	Pickett	Vereb
Delozier	Keller, F.	Preston	Vulakovich
Denlinger	Keller, M.K.	Pyle	Watson
DiGirolamo	Killion	Quigley	White
Dunbar	Knowles	Quinn	
Ellis	Kortz	Rapp	Smith, S., Speaker
Emrick	Kotik	Ravenstahl	
Evankovich	Krieger		

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

Ms. MUNDY offered the following amendment
No. A04946:

Amend Bill, page 1, line 3, by striking out "and"
 Amend Bill, page 1, line 4, by inserting after "mechanisms"
 ; and further providing for proper service and facilities
 established on complaint and authority to order
 conservation and load management programs
 Amend Bill, page 5, by inserting between lines 2 and 3
 Section 2.1. Section 1505 heading of Title 66 is amended and the
 section is amended by adding a subsection to read:
 § 1505. Proper service and facilities established on complaint;
 authority to order conservation and load
 management programs; authority to order
 replacement of aging infrastructure.

 (c) Authority to order replacement of aging infrastructure.—In
 determining or prescribing safe, adequate and sufficient services and
 facilities of a natural gas distribution company, the commission may
 order the natural gas distribution company to establish an aging
 infrastructure replacement program that the commission determines to
 be prudent and cost effective.

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

HB 1294 in its current form offers a carrot to utility companies to replace dangerous aging infrastructure. Well, this amendment provides the stick. This amendment would give the PUC the authority to order natural gas distribution companies to replace their aging infrastructure and to establish a program to do so. Why should we wait for these utilities to remove threats to public safety when we could allow the PUC to order them to make these improvements?

My amendment does not remove the underlying bill's incentive of charging automatic rates; it simply gives the PUC another tool to ensure that a tragedy like the Allentown explosion does not happen again. I urge you to think of your constituents' safety and support my amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Mr. Speaker, I rise in opposition to amendment 4946. I would note that I think it is interesting that on the one hand, the gentlelady who authors this particular amendment on the one hand indicates that she believes that the underlying bill provides too much authority to the Public Utility Commission, whereas on the other hand this amendment is designed to, quote, unquote, "give them power" by granting them the authority to order acceleration of natural gas utility distribution system infrastructure.

The fact of the matter is, the existing statute, section 1505(a) already has the balance appropriate. It expressly grants the Public Utility Commission the authority to prescribe, by regulation or order, repairs, alterations, or improvement in utility facilities that are necessary for the safety of the public. So that balance whereby the public utility has authority, by regulation or order, to put forth repairs, alterations, or improvements with the caveat that they are necessary for the safety of the public, as opposed to a carte blanche approach that the gentlelady is putting forth here in amendment 4946.

I would ask everybody to please vote against this particular amendment. It in effect does provide too much power with respect to the Public Utility Commission. It is also, I might say, dealing with chapter 15 of Title 66, Service and Facilities, and is not addressing aspects of chapter 13 of Title 66, which is at place here, which is really just designed to address the timing process.

Again keep in mind, the underlying bill provides for approval, disapproval, or modification by the Public Utility Commission. It just does it in a more expeditious manner. Please vote "no."

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the lady, Ms. Mundy, for the second time.

Ms. MUNDY. Well, I am confused, Mr. Speaker. If they already have the power and this amendment gives them that power, how is that a bad amendment or how is that not the proper thing to do? I would suggest that if they have the power, they certainly have not been exercising it. Maybe this would wake up the Public Utility Commission to require gas utilities in particular to upgrade their aging infrastructure to prevent instances like what happened in Allentown. If the PUC has the

power to do it, they certainly have not been exercising that power, and I would suggest that we make it clear that they have that power by voting for my amendment.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—70

Bishop	Dermody	Keller, W.	Roebuck
Boyle, B.	DeWeese	Kirkland	Sabatina
Boyle, K.	Donatucci	Kortz	Samuelson
Bradford	Fabrizio	Kula	Santarsiero
Briggs	Frankel	Longietti	Santoni
Brown, V.	Freeman	Mahoney	Shapiro
Brownlee	Galloway	Markosek	Smith, K.
Caltagirone	George	McGeehan	Smith, M.
Carroll	Gerber	Mirabito	Staback
Cohen	Gergely	Mullery	Sturla
Conklin	Goodman	Mundy	Thomas
Cruz	Haluska	Murphy	Vitali
Curry	Hanna	Myers	Wagner
Daley	Harkins	O'Brien, M.	Waters
Davidson	Hornaman	Parker	Wheatley
Davis	Johnson	Pashinski	Williams
DeLissio	Josephs	Payton	Youngblood
DePasquale	Kavulich		

NAYS—129

Adolph	Evankovich	Krieger	Ravenstahl
Aument	Evans, J.	Lawrence	Readshaw
Baker	Everett	Major	Reed
Barbin	Farry	Maloney	Reese
Barrar	Fleck	Mann	Reichley
Bear	Gabler	Marshall	Roae
Benninghoff	Geist	Marsico	Rock
Bloom	Gibbons	Masser	Ross
Boback	Gillen	Matzie	Saccone
Boyd	Gillespie	Metcalfe	Sainato
Brennan	Gingrich	Metzgar	Saylor
Brooks	Godshall	Miccarelli	Scavello
Brown, R.	Grell	Micozzie	Schroder
Burns	Grove	Millard	Simmons
Buxton	Hackett	Miller	Sonney
Causar	Hahn	Milne	Stephens
Christiana	Harhai	Moul	Stern
Clymer	Harhart	Murt	Stevenson
Costa, D.	Harper	Mustio	Swanger
Costa, P.	Harris	Neuman	Tallman
Cox	Heffley	O'Neill	Tobash
Creighton	Helm	Oberlander	Toepel
Culver	Hennessey	Payne	Toohil
Cutler	Hess	Peifer	Truitt
Day	Hickernell	Perry	Turzai
Deasy	Hutchinson	Petrarca	Vereb
Delozier	Kampf	Petri	Vulakovich
DeLuca	Kauffman	Pickett	Watson
Denlinger	Keller, F.	Preston	White
DiGirolamo	Keller, M.K.	Pyle	
Dunbar	Killion	Quigley	Smith, S.,
Ellis	Knowles	Quinn	Speaker
Emrick	Kotik	Rapp	

NOT VOTING—0

EXCUSED—4

Evans, D.	Maher	O'Brien, D.	Taylor
-----------	-------	-------------	--------

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

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

Ms. **MUNDY** offered the following amendment No. **A05282**:

Amend Bill, page 3, line 27, by inserting after "1308(d)"
(relating to voluntary changes in rates)

Amend Bill, page 5, line 2, by inserting after "(B)(2)(I)(B)"
of 5% of the utility's annual revenue requirement associated with distribution service as established by the commission in its most recent general rate case under section 1308(d)

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

The SPEAKER. On that question, the Speaker recognizes the lady, Ms. Mundy.

Ms. MUNDY. Thank you, Mr. Speaker.

This amendment would place a specific cap on automatic rate increases for natural gas, electric, and wastewater utility companies. The cap would be 5 percent of the utility's annual revenue requirement associated with distribution service.

As it currently stands, the bill leaves the amount of the cap to be decided by the PUC, and the PUC has shown that it has no problem raising the cap when it receives a request to do so from water utilities. Water utility companies have been allowed to automatically raise their rates for years now. As the Representative from Montgomery? Delaware? the maker of the bill had stated previously, the PUC granted, or we gave water customers or water utilities the ability to automatically surcharge customer bills in 1996. So the PUC, the cap on that at that time was 5 percent. The PUC initially limited their automatic rate increases to 5 percent, but it has shown in recent years that it has no problem with raising the cap. In fact, it has raised the cap on water companies to 7 1/2 percent, a 50-percent increase.

So in this instance, the word "cap" is a misnomer. My amendment would place firmly in statute a 5-percent cap for these other types of utility companies. Should a utility need more money to make their infrastructure improvements, then they can file a base rate case, as they will inevitably do anyway. Take Aqua Pennsylvania, for example. Only 6 months after raising its automatic rate cap from 5 percent to 7 1/2 percent, Aqua Pennsylvania filed another base rate case for \$43.2 million. The company said this money would be used for infrastructure improvements, which is what its automatic rates are supposed to be used for.

History has shown that many utility companies will continue to file base rate cases even if they have this automatic rate mechanism in place and even if the cap of the automatic rate mechanism is raised significantly. While this fact makes me question why we should even allow automatic rate increases, my amendment would at least prohibit natural gas, electric, and wastewater utilities from raising their automatic rates above 5 percent.

For the last time, Mr. Speaker, who will stand with the consumer? Please support my amendment.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman from Butler County, Mr. Ellis.

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

I rise in opposition to amendment A05282 for several reasons.

Mr. Speaker, the maker of the amendment would have you believe that putting a prescriptive cap on the amount of capital costs related to infrastructure improvements would somehow make this a windfall from the consumers to the utility company. This, in my estimation, Mr. Speaker, is an incorrect starting point, because all the amounts that are actually recovered are taken into consideration in a base rate case anyway.

This amendment, in my estimation, is unnecessary because the bill, as I mentioned in a previous amendment, already provides for reasonable and prudent costs to be recovered. Additionally, the inclusion of the language will require that any changes, similar to the last amendment, will have to come back through the legislative process in years to come.

Mr. Speaker, unfortunately, this approach that is being offered is a one-size-fits-all solution. The PUC needs and should have the regulatory flexibility to look at things on a case-by-case basis. Varying sizes of utility systems means that some utility companies with more infrastructure replacement needs will have to naturally have a larger cap.

And, Mr. Speaker, the other thing that this amendment does not take into consideration is that base rate cases also include other costs— Mr. Speaker? I am sorry. May I have just a little bit of calm here.

Thank you very much, Mr. Speaker.

Mr. Speaker, my final thought was that the base rate cases also take into consideration other costs besides just infrastructure. They also take into consideration things such as salaries.

So for those reasons, I encourage a "no" vote on the amendment, and thank you very much, Mr. Speaker.

LEAVE OF ABSENCE

The SPEAKER. The Speaker returns to leaves of absence and recognizes the minority whip, who requests a leave of absence for the gentleman, Mr. SHAPIRO, from Montgomery County for the remainder of the day. Without objection, the leave will be granted.

CONSIDERATION OF HB 1294 CONTINUED

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

The following roll call was recorded:

YEAS—80

Bishop	DeLuca	Kavulich	Petrarca
Boyle, B.	DePasquale	Keller, W.	Preston
Boyle, K.	Dermody	Kirkland	Ravenstahl
Bradford	DeWeese	Kortz	Readshaw
Briggs	Donatucci	Kotik	Roebuck
Brown, V.	Fabrizio	Longietti	Sabatina
Brownlee	Frankel	Mahoney	Samuelson
Caltagirone	Freeman	Markosek	Santarsiero

Carroll	Galloway	Matzie	Santoni
Cohen	George	McGeehan	Smith, K.
Conklin	Gerber	Mirabito	Smith, M.
Costa, D.	Gergely	Mullery	Staback
Costa, P.	Goodman	Mundy	Thomas
Cruz	Haluska	Murphy	Vitali
Curry	Hanna	Myers	Wagner
Daley	Harhai	Neuman	Waters
Davidson	Harkins	O'Brien, M.	Wheatley
Davis	Hornaman	Parker	White
Deasy	Johnson	Pashinski	Williams
DeLissio	Josephs	Payton	Youngblood

NAYS—118

Adolph	Evans, J.	Krieger	Reed
Aument	Everett	Kula	Reese
Baker	Farry	Lawrence	Reichley
Barbin	Fleck	Major	Roae
Barrar	Gabler	Maloney	Rock
Bear	Geist	Mann	Ross
Benninghoff	Gibbons	Marshall	Saccone
Bloom	Gillen	Marsico	Sainato
Boback	Gillespie	Masser	Saylor
Boyd	Gingrich	Metcalfe	Scavello
Brennan	Godshall	Metzgar	Schroder
Brooks	Grell	Miccarelli	Simmons
Brown, R.	Grove	Micozzie	Sonney
Burns	Hackett	Millard	Stephens
Buxton	Hahn	Miller	Stern
Causar	Harhart	Milne	Stevenson
Christiana	Harper	Moul	Sturla
Clymer	Harris	Murt	Swanger
Cox	Heffley	Mustio	Tallman
Creighton	Helm	O'Neill	Tobash
Culver	Hennessey	Oberlander	Toepel
Cutler	Hess	Payne	Toohil
Day	Hickernell	Peifer	Truitt
DeLozier	Hutchinson	Perry	Turzai
Denlinger	Kampf	Petri	Vereb
DiGirolamo	Kauffman	Pickett	Vulakovich
Dunbar	Keller, F.	Pyle	Watson
Ellis	Keller, M.K.	Quigley	
Emrick	Killion	Quinn	Smith, S.,
Evanovich	Knowles	Rapp	Speaker

NOT VOTING—0

EXCUSED—5

Evans, D.	O'Brien, D.	Shapiro	Taylor
Maher			

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

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

Mr. HANNA offered the following amendment No. **A02898**:

- Amend Bill, page 1, line 3, by striking out "and"
- Amend Bill, page 1, line 4, by inserting after "mechanisms" and for natural gas extraction
- Amend Bill, page 5, by inserting between lines 2 and 3
- Section 3. Title 66 is amended by adding a chapter to read:

CHAPTER 13-A
NATURAL GAS EXTRACTION

Sec.
1331-A. Definitions.

- 1332-A. Natural gas extraction rate.
- 1333-A. Rate adjustment index.
- 1334-A. Administration.
- 1335-A. Well information.
- 1336-A. Duties of department.
- 1337-A. Meters.
- 1338-A. Commission.
- 1339-A. Enforcement.
- 1340-A. Criminal penalties.
- 1341-A. Criminal grading.
- 1342-A. Enforcement orders.
- 1343-A. Administrative penalties.
- 1344-A. Regulations.
- 1345-A. Recordkeeping.
- 1346-A. Examinations.
- 1347-A. Local distribution.
- 1348-A. Statewide environmental initiatives.
- § 1331-A. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Account." The Shale Impact Account established in section 1347-A (relating to local distribution).

"Average annual price of natural gas." The arithmetic mean of the New York Mercantile Exchange (NYMEX) Henry Hub settled price on the last trading day of each month of a calendar year as reported by the Wall Street Journal for the 12-month period ending March 31.

"Barrel." A barrel of 42 U.S. gallons of natural gas liquids.

"Department." The Department of Environmental Protection of the Commonwealth.

"Eligible applicants." A county, municipality, council of governments, watershed organization, institution of higher education, nonprofit organization, Pennsylvania Fish and Boat Commission or an authorized organization as defined in 27 Pa.C.S. § 6103 (relating to definitions).

"Highway mileage." The number of miles of public roads and streets most recently certified by the Department of Transportation as eligible for distribution of liquid fuels funds under the act of June 1, 1956 (1955 P.L.1944, No.655), referred to as the Liquid Fuels Tax Municipal Allocation Law.

"Municipality." A borough, city, town or township.

"Natural gas." A fossil fuel consisting of a mixture of hydrocarbon gases, primarily methane and possibly including ethane, propane, butane, pentane, carbon dioxide, oxygen, nitrogen and hydrogen sulfide and other gas species. The term includes natural gas from oil fields known as associated gas or casing head gas, natural gas fields known as nonassociated gas, coal beds, shale beds and other formations. The term does not include coal bed methane.

"Natural gas liquids." Hydrocarbons in natural gas which are separated from the gas as liquids through the process of absorption, condensation, adsorption or other methods in gas processing of cycling plants.

"New well." An unconventional well that is within six months of its commencement of production.

"Number of producing unconventional wells." The most recent numerical count of producing unconventional wells on the inventory maintained and provided to the commission by the department as of the last day of each month.

"Producer." A person or its subsidiary, affiliate or holding company that holds a permit or other authorization to engage in the business of severing natural gas for sale, profit or commercial use from an unconventional well in this Commonwealth. The term shall not include a producer that severs natural gas from a site used to store natural gas that did not originate from the site.

"Reporting period." Every three successive calendar months beginning January 1, 2012.

"Unconventional well." A bore hole drilled or being drilled for the purpose of or to be used for producing oil or gas from a geological

formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where oil or gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation of the well bore.

"Unit."

(1) One thousand cubic feet of natural gas measured at the wellhead at a temperature of 60 degrees Fahrenheit and an absolute pressure of 14.73 pounds per square inch in accordance with American Gas Association Standards and according to Boyle's Law for the measurement of gas under varying pressures with deviations as follows:

(i) The average absolute atmospheric pressure shall be assumed to be 14.4 pounds to the square inch, regardless of elevation or location of point of delivery above sea level or variations in atmospheric pressure from time to time.

(ii) The temperature of the gas passing the meters shall be determined by the continuous use of a recording thermometer installed to properly record the temperature of gas flowing through the meters. The arithmetic average of the temperature recorded each 24-hour day shall be used in computing gas volumes. If a recording thermometer is not installed, or is installed and not operating properly, an average flowing temperature of 60 degrees Fahrenheit shall be used in computing gas volume.

(iii) The specific gravity of the gas shall be determined annually by tests made by the use of an Edwards of Acme gravity balance, or at intervals as necessary. Specific gravity determinations shall be used in computing gas volumes.

(iv) The deviation of the natural gas from Boyle's Law shall be determined by annual tests or at other shorter intervals as necessary. The apparatus and method used in making the test shall be in accordance with recommendations of the National Bureau of Standards or Report No. 3 of the Gas Measurement Committee of the American Gas Association. The results of the test shall be used in computing the volume of gas delivered under this chapter.

(2) In the case of natural gas produced in liquid form, a unit shall be measured on a 1,000 cubic feet equivalent basis, determined using the ratio of 6,000 cubic feet of natural gas to one barrel of natural gas liquids.

"Vertical gas well." An unconventional well which begins as a vertical linear bore and is not intentionally deviated from the vertical which is incapable of producing 60,000 units per day.

§ 1332-A. Natural gas extraction rate.

(a) Establishment.—Beginning January 1, 2012, there shall be levied a natural gas extraction rate on each unconventional well producing in this Commonwealth subject to the rate adjustment index in section 1333-A (relating to the rate adjustment index), except that new wells and vertical wells shall only be subject to the base rate established in subsection (c).

(b) Exemptions.—The rate shall not be imposed on the following:

(1) Units severed by a producer and sold and delivered to a manufacturer of tangible personal property, as defined in section 201(m) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the manufacturer's use within this Commonwealth if the units have been severed from one or more producing sites or nonproducing sites on property owned by the manufacturer.

(2) Units provided free of charge to the owner of the surface under which the gas is severed if the surface owner is the end user of the gas.

(c) Base rate.—The base rate shall be 25¢ per unit severed at the

wellhead.

§ 1333-A. Rate adjustment index.

(a) Annual adjustment.—The base rate shall be adjusted annually by the amount of the rate adjustment index as calculated under subsection (c), provided that the adjusted rate shall never be less than the base rate. The adjusted rate shall be effective for the next fiscal year.

(b) Determination of adjustment.—On or before April 30 of each year following the effective date of this section, the commission shall calculate and determine the amount of the rate adjustment index.

(c) Calculation of adjustment.—The rate adjustment index shall be determined as follows:

(1) If 7% of the average annual price of gas is less than the base rate, the rate adjustment index shall be zero and the adjusted rate shall be the base rate.

(2) If 7% of the average annual price of gas is greater than the base rate, the rate adjustment index shall be 50% of the difference between 7% of the average annual price of gas and the base rate. The adjusted rate shall be the resulting rate adjustment index plus the base rate.

(d) Publication of adjustment.—The commission shall forward the amount of the rate adjustment index and the adjusted rate, as determined under subsection (c), to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin by May 1 of each year and shall simultaneously provide the information to producers by written notice. Failure of the amount of the rate adjustment index and the adjusted rate to be published or provided to producers as required by this subsection shall not affect the effectiveness of the adjusted rate under subsection (b).

(e) Discontinuance of data.—If publication of the NYMEX Henry Hub average monthly gas price data is discontinued, the adjusted rate then in effect shall not be adjusted until a comparable method for determining the rate adjustment index is adopted by the General Assembly in legislation.

(f) Other adjustments.—If the base data of the NYMEX Henry Hub average monthly gas price is substantially revised, the commission shall, when determining the amount of the rate adjustment index under subsection (c), make appropriate changes to ensure that the rate adjustment index is reasonably consistent with the result which would have been attained had the substantial revision not been made. If the commission is unable to make reasonable changes sufficient to ensure a consistent result, the adjusted rate then in effect shall not be adjusted until a comparable method for determining the rate adjustment index is adopted by the General Assembly in legislation.

(g) Application of rate determinations.—The provisions of this section shall affect only the determination of the rate imposed in section 1332-A (relating to natural gas extraction rate). The provisions of this section are not intended, nor shall they be construed, to affect any other determination whatsoever, including, but not limited to, the determination of royalty due under mineral leases. Notwithstanding any other provision of law, the rate imposed under section 1332-A shall not reduce any royalty payments due under mineral leases and the producer may not recover any portion of the rate paid from the royalty owner through other means of deduction or reallocation, notwithstanding any provision in the lease, contract or agreement.

§ 1334-A. Administration.

(a) Report.—Within 25 days after the last day of a reporting period, each producer shall submit a report and payment of the rate with the commission on a form prescribed by the commission for each reporting period. The report shall include the following:

(1) The units of production severed by the producer for each unconventional well for the reporting period.

(2) The number of producing unconventional wells of a producer in each county and municipality.

(3) The amount due for the reporting period.

(b) Payment.—The reported amount due shall be paid on the day the report is required to be filed. The amount due shall become delinquent if not remitted to the commission on the reporting date.

(c) Cost.—Beginning May 1, 2012, and each May 1 thereafter, the commission shall determine the reasonable annual cost to collect and distribute the amounts in accordance with this chapter and shall deduct that amount from the total amount collected under this chapter. Amounts determined under this subsection are hereby annually appropriated to the commission to carry out its duties under this chapter.

§ 1335-A. Well information.

(a) List.—The department shall provide the commission with a list of the unconventional wells that have received a drilling permit from the department. The list shall be updated on a monthly basis.

(b) Updates.—A producer subject to the rate shall notify the commission of the following within 30 days after a calendar month in which the change occurs:

(1) The initiation of production at a well or the removal of a well from production.

(2) The use of a different accredited laboratory to issue a wellhead meter certification.

§ 1336-A. Duties of department.

(a) Confirmation of payment.—Prior to issuing a permit to drill an unconventional well in this Commonwealth, the department shall determine whether the producer has paid the sums then due and payable under section 1332-A (relating to natural gas extraction rate).

(b) Prohibition.—The department shall not issue a permit to drill an unconventional well until the sums due and payable under section 1332-A that are not subject to a good faith dispute have been paid to the commission.

§ 1337-A. Meters.

A producer who drills an unconventional well in this Commonwealth shall provide and maintain a wellhead meter at the unconventional well that is tested, calibrated and maintained in accordance with industry standards approved by the commission. A wellhead meter installed after the effective date of this section shall be a digital meter. Wellhead meters shall not be subject to 3 Pa.C.S. Ch. 41 (relating to weights and measures). Multiple wells located on the same drilling pad may utilize the same meter.

§ 1338-A. Commission.

(a) Powers.—The commission shall have the authority to make the inquiries and determinations necessary to calculate and collect the rate imposed under this chapter, including, if applicable, interest and penalties.

(b) Notice.—If the commission determines the amount due has not been paid in full, it may issue a notice of the amount due and demand for payment and shall set forth the basis for the determination.

(c) Address.—Notice of failure to pay the correct amount shall be sent to the producer at its registered address via certified mail.

(d) Time period.—The commission may challenge the amount paid under this chapter within three years after the date the report under section 1334-A (relating to administration) is filed.

(e) Intent.—If no report is filed or a producer files a false or fraudulent return with the intent to evade payment, an assessment of the amount owed may be made at any time.

§ 1339-A. Enforcement.

(a) Assessment.—The commission shall assess interest on a delinquent fee at the rate prescribed under section 806 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(b) Penalty.—In addition to the interest under subsection (a), if a producer fails to make timely payment, there shall be added to the amount due a penalty of 5% of the amount if failure to file a timely payment is for not more than one month, with an additional 5% penalty for each additional month, or fraction of a month, during which the failure continues, not to exceed 25% in the aggregate.

(c) Timely payment.—If the commission determines that a producer has not made a timely payment, the commission shall send a written notice of the amount of the deficiency to the producer within 30 days from the date of determining the deficiency. If the producer has not provided a complete and accurate statement of the volume of gas extracted for the reporting period, the commission may estimate the

volume in its deficiency notice.

(d) Remedies.—The remedies provided under this chapter are in addition to any other remedies provided at law or in equity.

(e) Lien.—Fines, fees, interest and penalties shall be collectible in the manner provided by law for the collection of debts. If the producer liable to pay an amount neglects or refuses to pay the amount after demand, the amount, together with costs which may accrue, shall be a judgment in favor of the Commonwealth upon the property of the producer, but only after the judgment has been entered and docketed of record by the prothonotary of the county where the property is situated. The Commonwealth may transmit to the prothonotaries of the respective counties certified copies of the judgments. It shall be the duty of each prothonotary to enter and docket the judgments of record in his office and to index each judgment, without requiring the payment of costs as a condition precedent to the entry of the judgment.

§ 1340-A. Criminal penalties.

(a) Offense defined.—It shall be unlawful for a producer to:

(1) Intentionally make or cause to be made a false or fraudulent report under this chapter with the intent to defraud the Commonwealth.

(2) Refuse to permit the commission or its authorized agents to examine books, records or papers or hinder or obstruct the commission in the performance of a duty under this chapter.

(3) Violate 18 Pa.C.S. § 4903 (relating to false swearing) or 4904 (relating to unsworn falsification to authorities), including a violation in providing or preparing information required by this chapter.

(4) Intentionally fail to make timely payment of the rate.

(b) Probable cause.—If the commission believes that probable cause of a violation under this section exists, the commission shall refer the case to the Attorney General for investigation.

§ 1341-A. Criminal grading.

(a) Summary offense.—Except as set forth in subsection (b), a producer that willfully violates this chapter or an order issued under this chapter commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than \$1,000 nor more than \$10,000 and costs or to a term of imprisonment for not more than 30 days, or both.

(b) Misdemeanor offense.—A producer that commits a second or subsequent violation of this chapter or an order of the commission commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not less than \$10,000 per day for each violation or to imprisonment for a period of not more than one year, or both.

(c) Violations.—Each violation for each separate day and each violation of this chapter or order issued under this chapter shall constitute a separate offense under subsection (a) or (b).

§ 1342-A. Enforcement orders.

(a) Issuance.—The commission may issue an order as necessary to enforce this chapter. An order issued under this section shall take effect upon notice, unless the order specifies otherwise. An appeal of the order must be in accordance with Subchapter B of Chapter 3 (relating to investigations and hearings).

(b) Compliance.—A producer has the duty to proceed diligently to comply with an order issued under subsection (a). If a producer fails to proceed diligently or to comply with an order within the time required, the producer shall be guilty of contempt and shall be punished by the court in an appropriate manner. The commission shall apply to the Commonwealth Court, which shall have jurisdiction over matters relating to contempt.

§ 1343-A. Administrative penalties.

(a) Civil penalties.—In addition to any other proceeding authorized by law, the commission may assess a civil penalty upon a producer for the violation of this chapter. In determining the amount of the penalty, the commission shall consider the willfulness of the violation and other relevant factors.

(b) Separate offense.—Each violation for each separate day and each violation of this chapter shall constitute a separate offense.

(c) Limitation of actions.—Notwithstanding a limitation in 42

Pa.C.S. Ch. 55 Subch. B (relating to civil actions and proceedings), an action under this section must be brought within three years of the violation.

(d) Procedure.—A penalty under this chapter is subject to Subchapter B of Chapter 3 (relating to investigations and hearings).

§ 1344-A. Regulations.

The commission shall promulgate regulations necessary to enforce this chapter.

§ 1345-A. Recordkeeping.

A producer liable for the rate imposed under this chapter shall keep records, make reports and comply with regulations of the commission. If necessary, the commission may require a producer to make reports, render statements or keep records as the commission deems sufficient to determine liability for the rate.

§ 1346-A. Examinations.

(a) Access.—The commission or its authorized agents or representatives shall:

(1) Have access to the books, papers and records of a producer in order to verify the accuracy and completeness of a report filed or amount paid under this chapter.

(2) Require the preservation of books, papers and records for any period deemed proper not to exceed three years from the end of the calendar year to which the records relate.

(3) Examine an employee of a producer under oath concerning the severing of natural gas or a matter relating to the enforcement of this chapter.

(4) Compel the production of books, papers and records and the attendance of individuals who the commission believes to have knowledge of relevant matters in accordance with this title.

(b) Unauthorized disclosure.—Information obtained by the commission as a result of a report, examination, investigation or hearing under this chapter shall be confidential, except for official purposes, in accordance with judicial order or as otherwise provided by law. An individual unlawfully divulging the information commits a misdemeanor and shall, upon conviction, be sentenced to pay a fine of not more than \$1,000 and costs of prosecution or to imprisonment for not more than one year, or both.

§ 1347-A. Local distribution.

(a) Establishment.—There is hereby established a restricted receipts account to be known as the Shale Impact Account to be administered by the commission.

(b) Deposit.—The rate imposed under section 1332-A (relating to natural gas extraction rate) and received by the commission shall be deposited into the account. Funds in the account are hereby appropriated, on a continuing basis, to the commission for the purposes of this chapter.

(c) Conservation districts.—

(1) Beginning May 1, 2012, and on each May 1 thereafter, \$7,500,000 of the funds in the account shall be distributed by the commission to county conservation districts.

(2) Funds available under paragraph (1) shall be distributed as follows:

(i) One-half shall be distributed by dividing the amount equally among conservation districts.

(ii) One-half shall be distributed using a formula that divides the annual amount appropriated to each county conservation district by the county from the county general fund, special fund and grant sources by the amount appropriated to county conservation districts by counties from the county general fund, special fund and grant sources and multiplying the resulting percentage by the funds available.

(d) Additional distributions.—Following the distributions made under subsection (c), 60% of the funds then remaining in the account shall be distributed by the commission by June 15 of each year in accordance with this subsection. Municipalities and counties are encouraged, where appropriate, to jointly fund projects that cross

jurisdictional lines. The distribution shall be as follows:

(1) Thirty-six percent shall be distributed to counties in which producing unconventional gas wells are located. The amount for each county shall be determined using a formula that divides the number of producing unconventional gas wells in the county by the number of producing unconventional gas wells in this Commonwealth and multiplies the resulting percentage by the amount available for distribution under this paragraph.

(2) Thirty-seven percent shall be distributed to municipalities in which producing unconventional gas wells are located. The amount for each municipality shall be determined using a formula that divides the number of producing unconventional gas wells in the municipality by the number of producing unconventional gas wells in this Commonwealth and multiplies the resulting percentage by the amount available for distribution under this paragraph.

(3) Twenty-seven percent shall be distributed to municipalities located in a county in which producing unconventional gas wells are located. The amount available for distribution in each county shall be determined by dividing the number of producing unconventional gas wells in the county by the number of producing unconventional gas wells in this Commonwealth and multiplying the resulting percentage by the amount available for distribution under this paragraph. The resulting amount available for distribution in each county in which producing unconventional gas wells are located shall be distributed to each municipality in the county regardless of whether an unconventional gas well is located in the municipality as follows:

(i) One-half shall be distributed to each municipality using a formula that divides the population of the municipality within the county by the total population of the county and multiplies the resulting percentage by the amount available for distribution to the county under this subparagraph.

(ii) One-half shall be distributed to each municipality using a formula that divides the highway mileage of the municipality within the county by the total highway mileage of the county and multiplies the resulting percentage by the amount available for distribution to the county under this subparagraph.

(e) Use of funds.—A county or municipality receiving funds under this section shall use the funds only for the following purposes:

(1) Construction, reconstruction, maintenance and repair of roadways, bridges and public infrastructure.

(2) Water, storm water and sewer systems, including construction, reconstruction, maintenance and repair.

(3) Emergency preparedness and public safety, including police and fire services.

(4) Environmental programs, including trails, parks and recreation, open space, flood plain management, conservation districts and agricultural preservation.

(5) Preservation and reclamation of surface and subsurface waters and water supplies.

(6) Tax reductions, including homestead exclusions.

(7) Records management, geographic information systems and information technology.

(8) To provide safe and affordable housing to residents.

§ 1348-A. Statewide environmental initiatives.

(a) Distributions.—Following the distributions made under section 1347-A(c) and (d) (relating to local distribution), 40% of the funds then remaining in the account shall be distributed by the commission as follows:

(1) Seventy percent to the Commonwealth Financing Authority to be utilized for grants to eligible applicants for the following purposes:

(i) To implement acid mine drainage abatement and cleanup efforts, mine reclamation and to plug

abandoned and orphaned oil and gas wells.

(ii) Grants for watershed protection as defined in 27 Pa.C.S. § 6103 (relating to definitions).

(iii) Planning and enforcement authorized under section 6 of the act of January 24, 1966 (1965 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities Act.

(iv) Water, storm water and sewer systems, including construction, reconstruction, maintenance and repair.

(v) The planning, acquisition, development, rehabilitation and repair of greenways, recreational trails, open space, natural areas, community conservation and beautification projects, community and heritage parks and forest conservation.

(vi) Flood control and dam safety projects, including the removal of dams where appropriate.

(2) Twenty percent to the Environmental Stewardship

Fund.

(3) Ten percent to the Hazardous Sites Cleanup Fund.

(b) Restriction on use of proceeds.—

(1) Funds shall not be used by a recipient for public relations, outreach, communications, lobbying or litigation purposes.

(2) Property purchased using funds from the account under this section shall not be conveyed or resold to another person without approval from the Department of Conservation and Natural Resources.

(3) Grants may not be used by an authorized organization as defined in 27 Pa.C.S. § 6103 for land acquisition unless the authorized organization has obtained the written consent of the county and municipality in which the land is situated.

(c) Coordination with other agencies.—The department and the Department of Conservation and Natural Resources shall review applications for funding under this section as requested by the Commonwealth Financing Authority and provide recommendations on priority of projects and project approval for consideration by the Commonwealth Financing Authority.

Amend Bill, page 5, line 3, by striking out "3" and inserting

4

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, amendment 2898 addresses the many issues raised by the development of the Marcellus Shale across Pennsylvania. Mr. Speaker, with all due respect to the Governor, his announcement this morning of his plan shows the dramatic differences between his proposal and what I and many legislators in both this House and in the Senate feel needs to be done to regulate drilling and pay for that regulation. However, Mr. Speaker, amendment A02898 was drafted and filed on June 13 of this year and falls short of Chairman George's Protect PA plan, which I support.

AMENDMENT WITHDRAWN

Mr. HANNA. So I will be withdrawing this amendment, Mr. Speaker, and urging the majority leader to schedule these drilling issues for consideration of this House.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

On the question recurring,

Will the House agree to the bill on second consideration?

Mr. HANNA offered the following amendment No. **A02956**:

Amend Bill, page 1, line 2, by inserting after "Statutes," in rates and rate making,

Amend Bill, page 1, line 3, by striking out "and"

Amend Bill, page 1, line 4, by inserting after "mechanisms"

; and, in services and facilities, providing for electricity supplied to seasonal businesses

Amend Bill, page 2, line 16, by striking out "a section" and inserting

sections

Amend Bill, page 5, by inserting between lines 2 and 3

§ 1512. Electricity supplied to seasonal businesses.

(a) Limitation on charges.—If a customer of a seasonal business has not requested that electric service be disconnected during any period of nonuse of the seasonal business and there is no usage of the electric service during that period, a public utility company supplying electric service to the customer may not impose a monthly fee during the period of nonuse that exceeds \$25 per month.

(b) Definition.—For purposes of this section, "seasonal business" means a campground, ski resort, amusement park, fair ground, hunting camp, recreational park, community pool, sport complex or water park.

On the question,

Will the House agree to the amendment?

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Hanna.

Mr. HANNA. Thank you, Mr. Speaker.

Mr. Speaker, this amendment is designed to protect those who have seasonal businesses and do not want to incur the disconnect charges but do in fact not use electricity for extended periods of time because of the seasonal nature of their business. What my amendment does is provide that these businesses could not be charged more than \$25 a month for any month in which they do not use any electricity.

Mr. Speaker, this amendment is designed to protect a whole host of seasonal businesses, including campgrounds, ski resorts, amusement parks, and most importantly, Mr. Speaker, fairs. County fairs were the ones that originally approached me about this. They do not want to have their electricity disconnected, but they do believe there should be a cap on the amount that they pay per month in any month where they do not use any electricity.

Mr. Speaker, I urge a "yes" vote for amendment A02956. Thank you, Mr. Speaker.

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. Thank you, Mr. Speaker.

I would ask that the members please oppose amendment 2956. The fact of the matter is, nothing in this bill addresses rates for seasonal service or otherwise in any way addresses rates for certain types of service. In addition, please note that by imposing such a restriction, we are actually looking for other utility customers to essentially subsidize.

So please vote "no" on this amendment. There is nothing in the bill that addresses rates for seasonal service or even deals with rates for certain types of service. Please vote "no."

The SPEAKER. The question is, will the House agree to the amendment?

On that question, the Speaker recognizes the gentleman, Mr. Hanna, for a second time.

Mr. HANNA. Thank you, Mr. Speaker.

Again, Mr. Speaker, as I said, this bill is designed to protect seasonal businesses. Keep in mind that those seasonal businesses include your county fairs. They do not want to go through the disconnect and reconnect costly procedure that utilities require. If we pass this amendment, they will pay a minimum fee, which obviously is there to pay the utilities for what their costs are, but they will not be subject to exorbitant charges in any month where they use no electricity. That is the important part, Mr. Speaker. It is fair to fairs in particular but to all seasonal businesses.

Thank you, Mr. Speaker. I urge a "yes" vote on 2956.

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

The following roll call was recorded:

YEAS—82

Barbin	DeLissio	Kavulich	Payton
Bishop	DeLuca	Keller, W.	Petrarca
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermody	Kortz	Roebuck
Bradford	DeWeese	Kotik	Sabatina
Briggs	Donatucci	Kula	Samuelson
Brown, V.	Fabrizio	Longietti	Santarsiero
Brownlee	Frankel	Mahoney	Santoni
Burns	Freeman	Markosek	Smith, K.
Caltagirone	Galloway	Matzie	Smith, M.
Carroll	George	McGeehan	Staback
Cohen	Gerber	Millard	Sturla
Conklin	Gergely	Mirabito	Thomas
Costa, D.	Gibbons	Mullery	Vitali
Costa, P.	Haluska	Mundy	Wagner
Cruz	Hanna	Murphy	Waters
Curry	Harhai	Myers	Wheatley
Daley	Harkins	O'Brien, M.	White
Davidson	Hornaman	Parker	Williams
Davis	Johnson	Pashinski	Youngblood
Deasy	Josephs		

NAYS—116

Adolph	Farry	Major	Reed
Aument	Fleck	Maloney	Reese
Baker	Gabler	Mann	Reichley
Barrar	Geist	Marshall	Roae
Bear	Gillen	Marsico	Rock
Benninghoff	Gillespie	Masser	Ross
Bloom	Gingrich	Metcalfe	Saccone
Boback	Godshall	Metzgar	Sainato
Boyd	Goodman	Miccarelli	Saylor
Brennan	Grell	Micozzie	Scavello
Brooks	Grove	Miller	Schroder
Brown, R.	Hackett	Milne	Simmons
Buxton	Hahn	Moul	Sonney
Causar	Harhart	Murt	Stephens
Christiana	Harper	Mustio	Stern
Clymer	Harris	Neuman	Stevenson
Cox	Heffley	O'Neill	Swanger
Creighton	Helm	Oberlander	Tallman
Culver	Hennessey	Payne	Tobash

Cutler	Hess	Peifer	Toepel
Day	Hickernell	Perry	Toohil
Delozier	Hutchinson	Petri	Truitt
Denlinger	Kampf	Pickett	Turzai
DiGirolamo	Kauffman	Preston	Vereb
Dunbar	Keller, F.	Pyle	Vulakovich
Ellis	Keller, M.K.	Quigley	Watson
Emrick	Killion	Quinn	
Evankovich	Knowles	Rapp	Smith, S.,
Evans, J.	Krieger	Readshaw	Speaker
Everett	Lawrence		

NOT VOTING—0

EXCUSED—5

Evans, D.	O'Brien, D.	Shapiro	Taylor
Maher			

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

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

The SPEAKER. That concludes all of the amendments that were timely filed. There are two late-filed amendments.

MOTION TO SUSPEND RULES

The SPEAKER. Does the gentleman from Lancaster, Mr. Sturla, seek recognition to move to suspend the rules for the consideration of amendment A05384?

Mr. STURLA. Yes, Mr. Speaker.

The SPEAKER. The gentleman, Mr. Sturla, moves that the rules be suspended for the consideration of amendment A05384.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Sturla.

Mr. STURLA. Thank you, Mr. Speaker.

Very quickly, this would expand what is allowable as a recoverable cost. Currently if you have electric service and it is aboveground, moving it underground is not a recoverable cost for the utilities, as I understand it, according to them. This would simply allow that to happen for any of you that live in an older community that would like to have some of their lines buried at some point in time, whether for the fact that it is a historic district or whether it is that it is a safety issue in particular areas. This is something that would allow for that to happen in a much more timely manner and allow the companies to recover their costs.

Thank you, Mr. Speaker.

The SPEAKER. On the question of suspension of the rules, the Speaker recognizes the majority leader, Mr. Turzai.

Mr. TURZAI. I would ask the members to please vote "no."

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

The following roll call was recorded:

YEAS—89

Barbin	DeLissio	Kavulich	Petrarca
Bishop	DeLuca	Keller, W.	Preston
Boyle, B.	DePasquale	Kirkland	Ravenstahl
Boyle, K.	Dermoddy	Kortz	Readshaw
Bradford	DeWeese	Kotik	Roebuck
Brennan	Donatucci	Kula	Sabatina
Briggs	Fabrizio	Longietti	Sainato
Brown, V.	Frankel	Mahoney	Samuelson
Brownlee	Freeman	Mann	Santarsiero
Burns	Galloway	Markosek	Santoni
Buxton	George	Matzie	Smith, K.
Caltagirone	Gerber	McGeehan	Smith, M.
Carroll	Gergely	Mirabito	Staback
Cohen	Gibbons	Mullery	Sturla
Conklin	Goodman	Mundy	Thomas
Costa, D.	Haluska	Murphy	Vitali
Costa, P.	Hanna	Myers	Wagner
Cruz	Harhai	Neuman	Waters
Curry	Harkins	O'Brien, M.	Wheatley
Daley	Hornaman	Parker	White
Davidson	Johnson	Pashinski	Williams
Davis	Josephs	Payton	Youngblood
Deasy			

NAYS—109

Adolph	Farry	Lawrence	Reese
Aument	Fleck	Major	Reichley
Baker	Gabler	Maloney	Roae
Barrar	Geist	Marshall	Rock
Bear	Gillen	Marsico	Ross
Benninghoff	Gillespie	Masser	Saccone
Bloom	Gingrich	Metcalfe	Saylor
Boback	Godshall	Metzgar	Scavello
Boyd	Grell	Miccarelli	Schroder
Brooks	Grove	Micozzie	Simmons
Brown, R.	Hackett	Millard	Sonney
Causar	Hahn	Miller	Stephens
Christiana	Harhart	Milne	Stern
Clymer	Harper	Moul	Stevenson
Cox	Harris	Murt	Swanger
Creighton	Heffley	Mustio	Tallman
Culver	Helm	O'Neill	Tobash
Cutler	Hennessey	Oberlander	Toepel
Day	Hess	Payne	Toohil
Delozier	Hickernell	Peifer	Truitt
Denlinger	Hutchinson	Perry	Turzai
DiGirolamo	Kampf	Petri	Vereb
Dunbar	Kauffman	Pickett	Vulakovich
Ellis	Keller, F.	Pyle	Watson
Emrick	Keller, M.K.	Quigley	
Evankovich	Killion	Quinn	Smith, S., Speaker
Evans, J.	Knowles	Rapp	
Everett	Krieger	Reed	

NOT VOTING—0

EXCUSED—5

Evans, D.	O'Brien, D.	Shapiro	Taylor
Maier			

Less than a majority of the members required by the rules having voted in the affirmative, the question was determined in the negative and the motion was not agreed to.

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

MOTION TO SUSPEND RULES

The SPEAKER. Does the gentleman from Delaware County, Mr. Vitali, seek recognition to suspend the rules for the consideration of amendment A05317?

The gentleman from Delaware County, Mr. Vitali, moves to suspend the rules for consideration of amendment A05317.

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

The SPEAKER. On that question, the Speaker recognizes the gentleman, Mr. Vitali.

Mr. VITALI. Mr. Speaker, I would be happy to withdraw this motion in exchange for being able to just take maybe 2 minutes and just talk about the amendment.

The SPEAKER. The gentleman may proceed.

Mr. VITALI. Thank you, Mr. Speaker.

I just wanted to use this opportunity to— I will be withdrawing this amendment, which is essentially HB 33, which essentially would oppose a 6-percent severance tax on natural gas drilling and divide the proceeds, a third to the General Fund, a third to the Environmental Fund, and a third to local municipalities. I am withdrawing it. I understand what the numbers are today, but I think it is particularly important that we consider this in light of the plan proposed by the Governor today, which gives no money to the General Fund, virtually no money to southeastern Pennsylvania. It has an effective rate of 1 percent. You have States like Texas imposing a drilling tax of about 7 1/2 percent; West Virginia, 6 percent. So the Governor's proposal is woefully inadequate. I think we in the House need to take the initiative on issues like this and pass over to the other chamber a good, fair severance tax.

Thank you, Mr. Speaker.

MOTION WITHDRAWN

The SPEAKER. The gentleman, Mr. Vitali, withdraws his motion to suspend the rules.

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

* * *

The House proceeded to second consideration of **SB 200, PN 1403**, entitled:

An Act establishing standards for managing concussions and traumatic brain injuries to student athletes; assigning duties to the Department of Health and the Department of Education; and imposing penalties.

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

Mr. **BRIGGS** offered the following amendment
No. **A05291**:

Amend Bill, page 1, line 16, by inserting after "concussions"
or a licensed or certified health care professional trained in
the evaluation and management of concussions and
designated by such licensed physician

Amend Bill, page 1, line 17; page 2, lines 1 through 3, by striking
out "(2) A certified athletic trainer who is trained in the " in line 17 on
page 1, all of lines 1 and 2 and "(3)" in line 3 on page 2 and inserting
(2)

Amend Bill, page 2, lines 7 and 8, by striking out all of said lines

Amend Bill, page 5, line 16, by striking out "in 60 days" and
inserting

July 1, 2012, or immediately, whichever is later

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

The following roll call was recorded:

YEAS—198

Adolph	Donatucci	Killion	Quinn
Aument	Dunbar	Kirkland	Rapp
Baker	Ellis	Knowles	Ravenstahl
Barbin	Emrick	Kortz	Readshaw
Barrar	Evankovich	Kotik	Reed
Bear	Evans, J.	Krieger	Reese
Benninghoff	Everett	Kula	Reichley
Bishop	Fabrizio	Lawrence	Roae
Bloom	Farry	Longietti	Rock
Boback	Fleck	Mahoney	Roebuck
Boyd	Frankel	Major	Ross
Boyle, B.	Freeman	Maloney	Sabatina
Boyle, K.	Gabler	Mann	Saccone
Bradford	Galloway	Markosek	Sainato
Brennan	Geist	Marshall	Samuelson
Briggs	George	Marsico	Santarsiero
Brooks	Gerber	Masser	Santoni
Brown, R.	Gergely	Matzie	Saylor
Brown, V.	Gibbons	McGeehan	Scavello
Brownlee	Gillen	Metcalfe	Schroder
Burns	Gillespie	Metzgar	Simmons
Buxton	Gingrich	Miccarelli	Smith, K.
Caltagirone	Godshall	Micozzie	Smith, M.
Carroll	Goodman	Millard	Sonney
Causar	Grell	Miller	Staback
Christiana	Grove	Milne	Stephens
Clymer	Hackett	Mirabito	Stern
Cohen	Hahn	Moul	Stevenson
Conklin	Haluska	Mullery	Sturla
Costa, D.	Hanna	Mundy	Swanger
Costa, P.	Harhai	Murphy	Tallman
Cox	Harhart	Murt	Thomas
Creighton	Harkins	Mustio	Tobash
Cruz	Harper	Myers	Toepel
Culver	Harris	Neuman	Toohil
Curry	Heffley	O'Brien, M.	Truitt
Cutler	Helm	O'Neill	Turzai
Daley	Hennessey	Oberlander	Vereb
Davidson	Hess	Parker	Vitali
Davis	Hickernell	Pashinski	Vulakovich
Day	Hornaman	Payne	Wagner
Deasy	Hutchinson	Payton	Waters
DeLissio	Johnson	Peifer	Watson
Delozier	Josephs	Perry	Wheatley
DeLuca	Kampf	Petrarca	White
Denlinger	Kauffman	Petri	Williams
DePasquale	Kavulich	Pickett	Youngblood
Dermody	Keller, F.	Preston	
DeWeese	Keller, M.K.	Pyle	Smith, S.,
DiGirolamo	Keller, W.	Quigley	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—5

Evans, D. O'Brien, D. Shapiro Taylor
Maher

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

On the question,

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

The **SPEAKER**. On that question, the Speaker recognizes the
gentleman from Montgomery County, Mr. Briggs.

Mr. **BRIGGS**. Thank you, Mr. Speaker.

I just wanted to take a quick moment to thank you for
supporting the amendment. I have been working on the
language of the bill for a few years, and I specifically want to
thank Representative Cutler and Representative Stevenson for
teaming up this last week to help me get agreed-to language to
get this to the next step.

Thank you very much.

On the question recurring,

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

Bill as amended was agreed to.

(Bill as amended will be reprinted.)

ANNOUNCEMENT BY SPEAKER

The **SPEAKER**. For the information of the members, there
will be no further votes this evening. There are a few
announcements.

**LABOR AND INDUSTRY
COMMITTEE MEETING**

The **SPEAKER**. The Speaker recognizes the gentleman from
York County, Mr. Miller, for the purpose of making an
announcement.

Mr. **MILLER**. Thank you, Mr. Speaker.

I would like to announce that there will be a voting meeting
of the House Labor and Industry Committee at 10:45 tomorrow
morning in the majority Appropriations Committee conference
room, 10:45 in their conference room. It is for a rereferral of
one bill, SB 637, to the State Government Committee. Again,
that is 10:45 tomorrow morning, the L&I Committee has a
voting committee meeting in the majority Appropriations
Committee conference room.

Thank you, Mr. Speaker.

The **SPEAKER**. There will be a Labor and Industry
committee meeting tomorrow at 10:45 a.m. in the majority
Appropriations Committee conference room.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HB 1294 and SB 200 be recommitted to the Committee on Appropriations.

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

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be removed from the tabled calendar and placed on the active calendar:

HB 267;
HB 529; and
HB 1025.

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

RESOLUTION

Mr. TURZAI called up **HR 89, PN 917**, entitled:

A Resolution directing the Joint State Government Commission to study and review the economic impacts on the regulated community and on the Commonwealth of implementation of the 2008 amendments to the Dog Law and the regulatory standards which were adopted to implement the legislation.

On the question,
Will the House adopt the resolution?

RESOLUTION TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 89 be removed from the active calendar and placed on the tabled calendar.

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

RESOLUTION REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that HR 89 be removed from the tabled calendar and placed on the active calendar.

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

VOTE CORRECTION

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

Mr. MURPHY. Correction of the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.

Mr. MURPHY. Mr. Speaker, I was inadvertently recorded in the affirmative on concurrence for SB 1151, PN 1605, on Wednesday, September 28, and I wanted to correct the record and be recorded in the negative.

The SPEAKER. The gentleman's remarks will be spread upon the record.

Mr. MURPHY. Thank you, Mr. Speaker.

BILLS AND RESOLUTIONS PASSED OVER

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

ADJOURNMENT

The SPEAKER. Seeing no further business, the Speaker recognizes the gentlelady, Ms. Brownlee, from Philadelphia County, who moves that this House do adjourn until Tuesday, October 4, 2011, at 11 a.m., e.d.t., unless sooner recalled by the Speaker.

On the question,
Will the House agree to the motion?
Motion was agreed to, and at 5:43 p.m., e.d.t., the House adjourned.