

COMMONWEALTH OF PENNSYLVANIA

LEGISLATIVE JOURNAL

TUESDAY, OCTOBER 4, 2011

SESSION OF 2011

195TH OF THE GENERAL ASSEMBLY

No. 62

HOUSE OF REPRESENTATIVES

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

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

PRAYER

HON. GORDON R. DENLINGER, member of the House of Representatives, offered the following prayer:

Would you please join me in prayer.

Father in Heaven, we thank You for this new day and the realization that the gift of Your mercies is renewed each morning. In this fall season, as the leaves fall and the air is crisp, we see the beauty and the wisdom in all that You have made, and we give You praise and glory. As creator, God, You have blessed us beyond what anyone could ask or think. Father, thank You for all that You are.

In this new day we are about to engage in the business of governing, a labor that was begun by this Assembly in 1682. Lord, keep us mindful that we are the heirs of the vision of William Penn, who settled our Commonwealth by inviting groups who were religiously persecuted from around the globe – his fellow Quakers, the Mennonites and Amish, Scottish Presbyterians, German Reformed and Lutherans, and many, many others. Father, from severe persecution, they came here, here to Pennsylvania in search of the freedom to worship You according to the dictates of conscience and to avoid harm and possible death. Father, keep us mindful of our heritage, and help us to avoid laws which in any way limit or remove that freedom of personal belief, which Penn held so very dear.

Father, as we begin our deliberations, help us to be slow to anger, quick to forgive, mindful of the feelings of others, and always aware of those in our midst who have personal and family challenges. Father God, we bring them before You, all those who are hurting and in need of comfort, asking that through Your spirit, You will be their comfort and their supply. Father, we thank You in advance for all that You will do this day. These things we pray in the name of the Father and of the Son and of the Holy Ghost. 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 Monday, October 3, 2011, will be postponed until printed.

HOUSE RESOLUTIONS INTRODUCED AND REFERRED

No. 432 By Representative DeWEESE

A Resolution amending House Rule 10, further providing for debate.

Referred to Committee on RULES, October 4, 2011.

No. 434 By Representatives WATERS, V. BROWN, JOSEPHS, KIRKLAND, MAHONEY, KULA and YOUNGBLOOD

A Resolution urging the Surgeon General of the United States to conduct an investigation into the potential health effects of electronic devices and issue warnings with clear guidelines if the findings merit consumers being notified.

Referred to Committee on HEALTH, October 4, 2011.

HOUSE BILLS INTRODUCED AND REFERRED

No. 18 By Representatives MARSHALL, CALTAGIRONE, COHEN, CUTLER, DALEY, GEIST, GIBBONS, GINGRICH, HORNAMAN, JOSEPHS, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, KOTIK, KRIEGER, KULA, MILLARD, MILLER, MIRABITO, MOUL, OBERLANDER, READSHAW, K. SMITH, STEVENSON, TAYLOR, THOMAS, TOOHIL, VULAKOVICH, YOUNGBLOOD, EVANKOVICH, TRUITT, SWANGER, BOBACK, EVERETT, FARRY and GILLEN

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

Referred to Committee on LOCAL GOVERNMENT, October 4, 2011.

No. 19 By Representatives MARSHALL, CALTAGIRONE, COHEN, CUTLER, DALEY, GEIST, GIBBONS, GINGRICH, HORNAMAN, JOSEPHS, KAUFFMAN, M. K. KELLER,

KILLION, KNOWLES, KOTIK, KRIEGER, KULA, MILLARD, MILLER, MIRABITO, MOUL, OBERLANDER, READSHAW, K. SMITH, STEVENSON, TAYLOR, THOMAS, TOOHIL, VULAKOVICH, YOUNGBLOOD, EVANKOVICH, TRUITT, SWANGER, BOBACK, EVERETT, FARRY and GILLEN

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

Referred to Committee on LOCAL GOVERNMENT, October 4, 2011.

No. 21 By Representatives MARSHALL, CALTAGIRONE, COHEN, CUTLER, DALEY, GEIST, GIBBONS, GINGRICH, HORNAMAN, JOSEPHS, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, KOTIK, KRIEGER, KULA, MILLARD, MILLER, MIRABITO, MOUL, OBERLANDER, READSHAW, K. SMITH, STEVENSON, TAYLOR, THOMAS, TOOHIL, VULAKOVICH, YOUNGBLOOD, EVANKOVICH, TRUITT, SWANGER, BOBACK, EVERETT, FARRY and GILLEN

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

Referred to Committee on LOCAL GOVERNMENT, October 4, 2011.

No. 22 By Representatives SAINATO, MURT, BARRAR, CALTAGIRONE, BRENNAN, V. BROWN, D. COSTA, DALEY, DAVIS, GIBBONS, GOODMAN, HORNAMAN, KULA, LONGIETTI, MAHONEY, MANN, PASHINSKI, PETRARCA, SANTARSIERO, K. SMITH, TALLMAN, WHEATLEY, YOUNGBLOOD and SWANGER

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for order of probation and for sentencing proceeding generally.

Referred to Committee on JUDICIARY, October 4, 2011.

No. 23 By Representatives DeLUCA, D. COSTA, VULAKOVICH, HARKINS, READSHAW, MURPHY, HORNAMAN, DALEY, HEFFLEY, FARRY, MILLARD, SWANGER, CALTAGIRONE, YOUNGBLOOD, SCHRODER, KNOWLES, MURT, DEASY, TRUITT, V. BROWN, FABRIZIO and MOUL

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, further providing for sentences for second and subsequent offenses and for general criteria for parole.

Referred to Committee on JUDICIARY, October 4, 2011.

No. 1887 By Representatives BAKER, CLYMER, AUMENT, GEIST, BARRAR, R. BROWN, CREIGHTON, DAY, EMRICK, EVERETT, GABLER, GINGRICH, GROVE, HARHART, HARPER, HARRIS, MILLER, MURT, REICHLEY, SCAVELLO, SCHRODER, STEPHENS and SWANGER

An Act amending the act of December 19, 1984 (P.L.1140, No.223), known as the Oil and Gas Act, in preliminary provisions, further providing for definitions; in general requirements, further providing for well permits, for well location restrictions, for well site restoration, for protection of fresh groundwater and casing requirements, for protection of water supplies, for well reporting requirements and for bonding; in miscellaneous provisions, further providing for penalties, for civil penalties and production of materials, witnesses, depositions and rights of entry and for third party liability; and providing for well control specialists.

Referred to Committee on ENVIRONMENTAL RESOURCES AND ENERGY, October 4, 2011.

No. 1910 By Representatives FRANKEL, DeLUCA, MICOZZIE, DERMODY, MARKOSEK, BARBIN, BOYD, B. BOYLE, BRADFORD, BRIGGS, V. BROWN, BURNS, BUXTON, CHRISTIANA, CONKLIN, D. COSTA, P. COSTA, DALEY, DEASY, DePASQUALE, DeWEESE, ELLIS, J. EVANS, EVANKOVICH, FABRIZIO, FREEMAN, GEIST, GERGELY, GIBBONS, GOODMAN, HALUSKA, HANNA, HARHAI, HARKINS, HARRIS, HORNAMAN, JOSEPHS, W. KELLER, KORTZ, KOTIK, KRIEGER, KULA, LONGIETTI, MAHER, MAHONEY, MANN, MARSHALL, MATZIE, MUNDY, MUSTIO, NEUMAN, M. O'BRIEN, PASHINSKI, PAYTON, PRESTON, RAVENSTAHL, READSHAW, REESE, SABATINA, SACCONI, SAINATO, SANTARSIERO, SHAPIRO, M. SMITH, SONNEY, STABACK, STURLA, VULAKOVICH, WAGNER, WHEATLEY, WHITE, YOUNGBLOOD and DONATUCCI

An Act amending Title 40 (Insurance) of the Pennsylvania Consolidated Statutes, in general regulation, providing for contract negotiation; and making an editorial change.

Referred to Committee on INSURANCE, October 4, 2011.

No. 2001 By Representatives CLYMER, BAKER, BOYD, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for members of the Pennsylvania Gaming Control Board.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2002 By Representatives DAY, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WAGNER, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in administration and enforcement, providing for audit by Auditor General.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2003 By Representatives SCHRODER, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH,

HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in administration and enforcement, further providing for prohibited acts and penalties.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2004 By Representatives VULAKOVICH, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for qualifications and restrictions of Pennsylvania Gaming Control Board members.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2005 By Representatives CLYMER, BAKER, BOYD, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WAGNER and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for general and specific powers of the Pennsylvania Gaming Control Board.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2006 By Representatives VEREB, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for investigations and enforcement.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2007 By Representatives BOBACK, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for reports of Pennsylvania Gaming Control Board.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2008 By Representatives SWANGER, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN and TOEPEL

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Pennsylvania Gaming Control Board established.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2009 By Representatives LAWRENCE, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for general and specific powers of the Pennsylvania Gaming Control Board.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2010 By Representatives CLYMER, BAKER, BOYD, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WAGNER, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Pennsylvania Gaming Control Board established.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2011 By Representatives DAY, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, further providing for Pennsylvania Gaming Control Board established.

Referred to Committee on GAMING OVERSIGHT, October 4, 2011.

No. 2012 By Representatives DAY, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for Pennsylvania Gaming Control Board established and for licensing of principals.

Referred to Committee on GAMING OVERSIGHT,
October 4, 2011.

No. 2013 By Representatives VEREB, BAKER, BOYD, CLYMER, DUNBAR, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MAHER, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL, WATSON and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for general and specific powers of the Pennsylvania Gaming Control Board.

Referred to Committee on GAMING OVERSIGHT,
October 4, 2011.

No. 2014 By Representatives DUNBAR, BAKER, BOYD, CLYMER, EVERETT, GEIST, GINGRICH, HARRIS, HICKERNELL, KAUFFMAN, MILNE, PYLE, SAYLOR, SCHRODER, STERN, TALLMAN, TOEPEL and SWANGER

An Act amending Title 4 (Amusements) of the Pennsylvania Consolidated Statutes, in gaming, further providing for general and specific powers of the Pennsylvania Gaming Control Board.

Referred to Committee on GAMING OVERSIGHT,
October 4, 2011.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. The Speaker gives permission to the Appropriations Committee to continue their meeting while the House is in session. We will not have any roll-call votes in their absence.

BILLS REPORTED FROM COMMITTEES, CONSIDERED FIRST TIME, AND TABLED

HB 1324, PN 2470 (Amended) By Rep. MARSICO

An Act amending Title 20 (Decedents, Estates and Fiduciaries) of the Pennsylvania Consolidated Statutes, further providing for settlement of small estates on petition and for estates not exceeding \$25,000.

JUDICIARY.

HB 1596, PN 2471 (Amended) By Rep. MARSICO

An Act providing for the Pennsylvania Officer Down Advisory; authorizing and directing the Pennsylvania State Police to establish and maintain the Pennsylvania Officer Down Advisory; assessing costs; and providing for immunity and penalties.

JUDICIARY.

HB 1751, PN 2239 By Rep. GEIST

An Act designating the Uniontown to Brownsville link of State Route 43, beginning with State Route 51 in Uniontown, Fayette County, and ending at State Route 119 in Brownsville, Fayette County, as the "POW/MIA/KIA Memorial Highway."

TRANSPORTATION.

HB 1792, PN 2295

By Rep. GEIST

An Act designating a portion of S.R. 642 in Northumberland and Montour Counties, as the United States Army Specialist Zachariah W. Long Highway.

TRANSPORTATION.

HB 1794, PN 2472 (Amended)

By Rep. MARSICO

An Act providing for HIV-related testing for certain sex offenders; and making a related repeal.

JUDICIARY.

HB 1802, PN 2504

By Rep. GEIST

An Act designating the bridge on that portion of State Route 116 (York Road) over a tributary to Codorus Creek in North Codorus Township, York County, as the Corporal Luke S. Runyan and Officer David Tome Fallen Heroes Memorial Bridge.

TRANSPORTATION.

HB 1827, PN 2345

By Rep. GEIST

An Act redesignating a bridge in Irvona Borough, Clearfield County.

TRANSPORTATION.

HB 1839, PN 2356

By Rep. GEIST

An Act redesignating Duboistown Bridge, connecting Williamsport and Duboistown over the Susquehanna River, Lycoming County, as the Lance Corporal Abram Howard Memorial Bridge.

TRANSPORTATION.

SB 1043, PN 1161

By Rep. GEIST

An Act designating a bridge crossing Mill Lane in Old Lycoming Township, Lycoming County, as the Trooper Gary Rosenberger Memorial Bridge.

TRANSPORTATION.

APPROPRIATIONS COMMITTEE MEETING

The SPEAKER. The Speaker recognizes the gentleman, Mr. Adolph, for the purpose of calling a committee meeting.

Mr. ADOLPH. Thank you, Mr. Speaker.

If I could have the attention of the members, I would like to call a House Appropriations Committee meeting immediately in the majority caucus room. That is an immediate Appropriations Committee meeting in the majority caucus room. Thank you.

LEGISLATIVE FELLOWS INTRODUCED

The SPEAKER. If I could have the members' attention, I wanted to introduce some of the guests that are with us today. Located in the rear of the House, we would like to welcome students that are participating in the fall 2011 Legislative Fellowship Program. The students include:

Abdullah Ata, who attends Elizabethtown College. He is currently assigned to the Human Services Committee under Representative Cohen.

Julie Carr attends Temple University. She is working with the Urban Affairs Committee under Representative Thomas.

Adrienne Hodson is a student at Penn State Harrisburg. She is assigned to the Environmental Resources and Energy Committee under Representative George.

Dylan Reed attends Lebanon Valley College. He is working with the Democratic Caucus Chairman's Office under Representative Frankel.

Kyle Wagonseller is a student from Slippery Rock University, and he is assigned to the Transportation Committee under Representative McGeehan.

Also with the students is Ray Whittaker, the program's coordinator for the House of Representatives. Will our guests please rise. Welcome to the hall of the House.

GUESTS INTRODUCED

The SPEAKER. Also in the rear of the House, we would like to welcome a group of students from St. Vincent College in Latrobe. These young men and women represent the Aurelius Scholars, a group of students who take a directed version of the St. Vincent College core curriculum in order to study the classic texts of western civilization more fully. They are led by Dr. Jason Jividen, and they are the guests of Representative Rick Saccone. Will our guests please rise. Welcome to the hall of the House.

MRS. PENNSYLVANIA PRESENTED

The SPEAKER. The Speaker would like to invite Representative Simmons to the rostrum for the purpose of presenting a citation to Mrs. Kate Mack, the reigning Mrs. Pennsylvania.

Mr. SIMMONS. Thank you, Mr. Speaker.

Today I rise with great pride to recognize the achievements of Kate A. Mack of Allentown, Mrs. Pennsylvania United States 2011. Kate won the title of Mrs. Pennsylvania United States in Pittsburgh last March. From there she went on to Las Vegas in August to compete in the Mrs. United States Pageant, where she represented the Keystone State with distinction. Kate is a graduate of Southern Lehigh High School and went on to Lehigh University, where she majored in English and received a master's degree in secondary education.

Kate is currently employed as a 9th and 10th grade English teacher at her alma mater. In addition, Kate is involved with numerous organizations including the Make-A-Wish Foundation, the Valley Youth House, Women in Art in Pennsylvania, and other groups that support the needs of the underprivileged in our State. She and her husband, James, believe that the purpose of life is a life of purpose, and they strive to work tirelessly to enrich the lives of others with hope and joy. Kate's selection as Mrs. Pennsylvania United States demonstrates that she is an exceptional person who is not only a leader but also a positive role model for others to emulate.

Mr. Speaker, it is my honor to present her with this citation on behalf of the Pennsylvania House of Representatives. I congratulate her for her extraordinary accomplishments and offer her best wishes for continued success in the future.

Thank you, Mr. Speaker.

The SPEAKER. Mrs. Pennsylvania is invited to stay at the rostrum, as we are going to have her sing to us following another resolution that we do.

LEAVES OF ABSENCE

The SPEAKER. The Speaker turns to leaves of absence and recognizes the majority whip, who requests a leave of absence for the gentleman, Mr. KAMPF, from Chester County for the day. Without objection, the leave will be granted.

The Speaker recognizes the minority whip, who requests a leave of absence for the lady, Mrs. DAVIS, from Bucks County for the day. Without objection, the leave will be granted.

BILLS REPORTED FROM COMMITTEE, CONSIDERED FIRST TIME, AND TABLED

SB 281, PN 1638 (Amended) By Rep. CREIGHTON

An Act amending the act of August 9, 1955 (P.L.323, No.130), known as The County Code, further providing for commissioners sole contractors for county, for contract procedures, terms and bonds and advertising for bids and for evasion of advertising requirements.

LOCAL GOVERNMENT.

SB 282, PN 1584 By Rep. CREIGHTON

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further regulating contracts as to purchasing and advertising requirements.

LOCAL GOVERNMENT.

SB 283, PN 1585 By Rep. CREIGHTON

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

LOCAL GOVERNMENT.

SB 284, PN 1639 (Amended) By Rep. CREIGHTON

An Act amending the act of June 24, 1931 (P.L.1206, No.331), known as The First Class Township Code, further providing for contracts and acquisition of property and for general regulations concerning contracts.

LOCAL GOVERNMENT.

SB 285, PN 1587 By Rep. CREIGHTON

An Act amending the act of February 1, 1966 (1965 P.L.1656, No.581), known as The Borough Code, further providing for regulation of contracts, for evasion of advertising requirements and for certain purchase contracts.

LOCAL GOVERNMENT.

SB 286, PN 1640 (Amended) By Rep. CREIGHTON

An Act amending the act of May 27, 1953 (P.L.244, No.34), entitled "An act relating to and regulating the contracts of incorporated

towns and providing penalties," further providing for regulation of contracts; providing for adjustment; further providing for evasion of advertising requirements, for contracts between \$750 and \$10,000 and for separate bids for plumbing, heating, ventilating and electrical work.

LOCAL GOVERNMENT.

SB 287, PN 1641 (Amended) By Rep. CREIGHTON

An Act amending Titles 53 (Municipalities Generally) and 74 (Transportation) of the Pennsylvania Consolidated Statutes, further providing for competitive bidding of contracts by intergovernmental units, by parking authorities, by municipal authorities and by metropolitan transportation authorities.

LOCAL GOVERNMENT.

SB 288, PN 1590 By Rep. CREIGHTON

An Act amending the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, further regulating contracts and purchases.

LOCAL GOVERNMENT.

SB 289, PN 1591 By Rep. CREIGHTON

An Act amending the act of August 6, 1936 (Sp.Sess., P.L.95, No.38 1/2), entitled "An act to authorize and empower cities, boroughs, towns, and townships, separately or jointly, to provide for protection against floods by erecting and constructing certain works and improvements, located within or without their territorial limits, and within or without the county in which situate; and to expend moneys and incur indebtedness; to assess benefits against property benefited; to issue improvement bonds imposing no municipal liability; and to acquire, take, injure or destroy property for such purposes," further providing for competitive bidding of contracts.

LOCAL GOVERNMENT.

SB 290, PN 1592 By Rep. CREIGHTON

An Act amending the act of April 29, 1937 (P.L.526, No.118), referred to as the Political Subdivision Joint Purchases Law, increasing the amount of purchases that may be made subject to certain conditions.

LOCAL GOVERNMENT.

SB 291, PN 1593 By Rep. CREIGHTON

An Act amending the act of July 29, 1953 (P.L.1034, No.270), known as the Public Auditorium Authorities Law, increasing the dollar amount of supplies and materials which may be purchased without advertising.

LOCAL GOVERNMENT.

SB 292, PN 1594 By Rep. CREIGHTON

An Act amending the act of August 7, 1936 (1st Sp.Sess., P.L.106, No.46), referred to as the Flood Control Law, further providing for contracts and acquisition of property; and providing for adjustments.

LOCAL GOVERNMENT.

SB 293, PN 1595

By Rep. CREIGHTON

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

LOCAL GOVERNMENT.

SB 295, PN 1596

By Rep. CREIGHTON

An Act amending the act of May 28, 1937 (P.L.955, No.265), known as the Housing Authorities Law, further providing for awards of contracts, completion bond, additional bond for protection of materialmen and others.

LOCAL GOVERNMENT.

SB 296, PN 1597

By Rep. CREIGHTON

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, providing for adjustments based on Consumer Price Index; and further providing for work to be done under contract let on bids and exception, for purchase of supplies, for contracts for construction, repair, renovation or maintenance, for project contracts and for powers and duties of institution presidents.

LOCAL GOVERNMENT.

MASTER ROLL CALL

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

The following roll call was recorded:

PRESENT—201

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, D.	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Bear	Everett	Longietti	Roae
Benninghoff	Fabrizio	Maher	Rock
Bishop	Farry	Mahoney	Roebuck
Bloom	Fleck	Major	Ross
Boback	Frankel	Maloney	Sabatina
Boyd	Freeman	Mann	Saccone
Boyle, B.	Gabler	Markosek	Sainato
Boyle, K.	Galloway	Marshall	Samuelson
Bradford	Geist	Marsico	Santarsiero
Brennan	George	Masser	Santoni
Briggs	Gerber	Matzie	Saylor
Brooks	Gergely	McGeehan	Scavello
Brown, R.	Gibbons	Metcalfe	Schroder
Brown, V.	Gillen	Metzgar	Shapiro
Brownlee	Gillespie	Miccarelli	Simmons
Burns	Gingrich	Micozzie	Smith, K.
Buxton	Godshall	Millard	Smith, M.
Caltagirone	Goodman	Miller	Sonney
Carroll	Grell	Milne	Staback
Causer	Grove	Mirabito	Stephens
Christiana	Hackett	Moul	Stern
Clymer	Hahn	Mullery	Stevenson
Cohen	Haluska	Mundy	Sturla
Conklin	Hanna	Murphy	Swanger

Costa, D.	Harhai	Murt	Tallman
Costa, P.	Harhart	Mustio	Taylor
Cox	Harkins	Myers	Thomas
Creighton	Harper	Neuman	Tobash
Cruz	Harris	O'Brien, D.	Toepel
Culver	Heffley	O'Brien, M.	Toohil
Curry	Helm	O'Neill	Truitt
Cutler	Hennessey	Oberlander	Turzai
Daley	Hess	Parker	Verbe
Davidson	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Wagner
DeLissio	Johnson	Peifer	Waters
Delozier	Josephs	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolamo	Killion	Quigley	Smith, S.,
Donatucci	Kirkland	Quinn	Speaker
Dunbar	Knowles	Rapp	

ADDITIONS—0

NOT VOTING—0

EXCUSED—2

Davis Kampf

LEAVES CANCELED—1

Davis

The SPEAKER. Two hundred and one members having voted on the master roll call, a quorum is present.

If we could have the members' attention. If the members would please take their seats. Staff and guests, please take a seat and go to the side aisles. We are about to call up a condolence resolution.

CALENDAR

RESOLUTION PURSUANT TO RULE 35

Mr. SAYLOR called up **HR 422, PN 2445**, entitled:

A Resolution honoring Marine Sergeant Christopher M. Wrinkle of York County, who was killed in Afghanistan on July 31, 2011.

On the question,
Will the House adopt the resolution?

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

Mr. SAYLOR. Thank you, Mr. Speaker.

Today I rise with great sadness, but with great pride, to honor a brave soldier who gave his life in the line of duty on July 31, 2011, while stationed in western Afghanistan. Sgt. Christopher Wrinkle, who was 29 years old, died alongside his canine partner, Tosca, in a barracks fire. Two other Marines were also killed that day.

Sergeant Wrinkle enlisted in the United States Marine Corps and completed his basic training at Parris Island in South Carolina. He was trained as a military dog handler and joined the Marine Corps Forces Special Operations Command in 2007. Sergeant Wrinkle was deployed to Herat Province in Afghanistan to provide support to U.S. military operations there.

The Stewartstown resident was a 2001 graduate of Dallastown Area High School, where he was a member of the wrestling team. Sergeant Wrinkle was a member of the Christ Lutheran Church in Dallastown, where he joined the choir, youth group, and was a Boy Scout, a member of Scout Troop 43. He was also a member of the American Legion Post No. 605 in Dallastown.

As we stand here today to honor the memory of Sergeant Wrinkle, I am personally thankful that we are lucky to have so many young men and women who share in the sense of national duty and patriotism by willingness to serve our nation. They put their lives on the line to defend our freedoms and those of the people around the world. Sergeant Wrinkle was a man of honor, and I am sure he will be forever remembered for his ultimate sacrifice for our nation.

His family is extremely proud of Sergeant Wrinkle's career as a Marine and his dedication to building a program that trained military dogs and handlers. They also knew that Chris and his dog, Tosca, were dedicated to each other.

GUESTS INTRODUCED

Mr. SAYLOR. Mr. Speaker, we share in the grief of Sergeant Wrinkle's family: his mother, Joan, and stepfather, Kim Snyder, who are sitting to the wall here next to the Speaker; sisters Kate and Karoline Snyder; sister-in-law Pam Wrinkle; niece Audrey Wrinkle; cousin Teri Latterman; Chris's aunts, Linda Latterman and Nancy Folcomer; and United States Marine Sgt. Alexander Delgado.

The SPEAKER. Will our guests please rise. Welcome to the hall of the House.

Mr. SAYLOR. To the family, I ask that you accept the House's condolences on the loss of your fine son, Chris, who was a fine soldier, and we are so proud to have had people like Chris serving us in Afghanistan. Mr. Speaker, I ask that members join me in honoring Sgt. Chris Wrinkle by voting in support of HR 422.

Thank you, Mr. Speaker.

The SPEAKER. Members and all guests will please rise in a moment of silence in remembrance of our deceased soldier and in respect to his family.

(Whereupon, the members of the House and all visitors stood in a moment of silence in solemn respect to the memory of Sgt. Christopher M. Wrinkle.)

The SPEAKER. Members and guests may be seated.

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

The following roll call was recorded:

YEAS—201

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

NAYS—0

NOT VOTING—0

EXCUSED—2

Davis Kampf

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

The SPEAKER. The Speaker would like to invite Mrs. Pennsylvania back to the podium to sing the national anthem.

Members and all guests will please rise.

(The "Star-Spangled Banner" was sung by Kate Mack, the reigning Mrs. Pennsylvania.)

BILLS REREPORTED FROM COMMITTEE**HB 1294, PN 2050**

By Rep. ADOLPH

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.

APPROPRIATIONS.

SB 200, PN 1637

By Rep. ADOLPH

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.

APPROPRIATIONS.

BILL REPORTED AND REREFERRED TO COMMITTEE ON STATE GOVERNMENT**SB 637, PN 1242**

By Rep. MILLER

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, in contracts for public works, providing for verification of the employment eligibility of all employees for purposes of wage reporting and employment eligibility; prescribing penalties; and establishing good faith immunity under certain circumstances.

Reported from Committee on LABOR AND INDUSTRY with request that it be rereferred to Committee on STATE GOVERNMENT.

The SPEAKER. Without objection, the bill will be so rereferred.

RESOLUTION PURSUANT TO RULE 35

Mr. D. O'BRIEN called up **HR 382, PN 2351**, entitled:

A Resolution honoring and commending the life of United States Navy Captain Christopher J. Ferguson, who commanded the final United States space shuttle flight, July 8 to 21, 2011.

On the question,
Will the House adopt the resolution?

The following roll call was recorded:

YEAS—201

Adolph	Ellis	Kortz	Ravenstahl
Aument	Emrick	Kotik	Readshaw
Baker	Evankovich	Krieger	Reed
Barbin	Evans, D.	Kula	Reese
Barrar	Evans, J.	Lawrence	Reichley
Bear	Everett	Longietti	Roae
Benninghoff	Fabrizio	Maher	Rock

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

NAYS-0

NOT VOTING-0

EXCUSED-2

Davis Kampf

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

GUESTS INTRODUCED

The SPEAKER. The Speaker would like to recognize a couple other guests that are with us. Located in the rear of the House, we would welcome Michelle McLaughlin; her son, John, who is in the 10th grade; and her daughter, Cassidy, who is in the 4th grade. They are here today as the guests of Representative Killion. Will our guests please rise. Welcome to hall of the House.

Also located to the left of the Speaker, we would like to welcome Toye Akinjiola, a student at Kutztown University who is visiting with Representative Reichley today. Welcome to the hall of the House, Toye. Please rise.

UNCONTESTED CALENDAR

RESOLUTIONS PURSUANT TO RULE 35

Mr. SAYLOR called up **HR 421, PN 2444**, entitled:

A Resolution designating October 10, 2011, as "Put the Brakes on Fatalities Day" in Pennsylvania.

* * *

Mr. PASHINSKI called up **HR 425, PN 2453**, entitled:

A Resolution designating Tuesday, October 4, 2011, as "Music Education Advocacy Day" in Pennsylvania.

On the question,
Will the House adopt the resolutions?

The following roll call was recorded:

YEAS-201

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

DiGirolamo	Killion	Quigley	Smith, S.,
Donatucci	Kirkland	Quinn	Speaker
Dunbar	Knowles	Rapp	

NAYS—0

NOT VOTING—0

EXCUSED—2

Davis Kampf

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

SUPPLEMENTAL CALENDAR A

BILL ON THIRD CONSIDERATION

The House proceeded to third 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 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. TURZAI submitted the following remarks for the Legislative Journal:

Mr. Speaker, enactment of HB 1294 is important to continue to ensure that our Commonwealth utility distribution system infrastructure can be replaced in a timely manner and that all consumers continue to receive safe, reliable utility service at affordable rates.

HB 1294 creates a process through which utilities may (it is voluntary, not a mandate) recover infrastructure improvement costs from consumers in a more timely manner than currently permitted by law. It is important to note that this bill does not change or add to in any way the types of costs that are currently recovered from consumers. This bill only changes the timing of recovery. Recovery mechanisms like those authorized by HB 1294 are currently used in 18 States (including New York, Ohio, and Virginia).

HB 1294 also contains important consumer protections. For instance, any utility proposal to use one of the mechanisms authorized by HB 1294 is subject to PUC (Public Utility Commission) review and approval, rejection, or modification. Additionally, the PUC is required to set a cap on the amount that may be recovered through a mechanism as a condition of its approval of a utility proposal. Finally, use of a

mechanism is subject to quarterly reviews and an annual audit. All of these protections are intended to continue to provide consumers with a voice in matters relating to their utility services.

HB 1294 will incent replacement of utility infrastructure. There is no question that Pennsylvania’s utility distribution system infrastructure needs to be replaced. Most of it is between 75-100 years old and is reaching the end of its useful life. At some point maintenance and repair is no longer a viable option to maintain safety and reliability of the distribution system. Just like when you buy a car and over the years you make repairs and the car still runs great; eventually, though, repairing the car is no longer sufficient to keep it up and running, so you have to make the large investment in a new car. HB 1294 will facilitate infrastructure replacement projects by providing utilities access to lower cost capital and allowing them to further accelerate infrastructure improvement projects. Additionally, the recovery mechanisms provided for in the bill will gradualize recovery of these costs from consumers rather than recovering them all at once through a large rate increase following a base rate case.

HB 1294 will create jobs. As previously noted, enactment of this bill will incent additional investment in infrastructure. This in turn will necessitate creation of a workforce to complete those projects. HB 1294 will spur economic growth and job creation during a time when unemployment is at 8.2 percent, with 512,000 Pennsylvanians unemployed. Pennsylvania utilities have already begun to accelerate infrastructure improvement projects. However, without the more timely cost recovery authorized by this bill, these projects will be delayed due to "regulatory lag." HB 1294 will permit utilities to continue to aggressively move forward with replacing Pennsylvania’s aging utility distribution system infrastructure and continue to create long-term jobs in the State. For example:

- PPL has created an additional 300 construction jobs to complete distribution system projects;
- I.B. Abel, Inc., an engineering construction service specializing in utility projects from York, PA, estimates that enactment of HB 1294 will create approximately 150 jobs;
- Harlan Electric Company in Carlisle estimates that passage of HB 1294 will create 50 to 100 additional jobs for the company; and
- Columbia Gas has begun to implement an infrastructure improvement plan that has created more than 800 jobs since 2008. The downside to this is that Columbia has filed three rate cases at the PUC in the past 4 years. Two of these were filed solely to recover infrastructure investment costs. HB 1294 will extend the time between PUC rate cases.

For all of these reasons, I encourage you to vote “yes” on HB 1294.

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—184

Adolph	Emrick	Krieger	Ravenstahl
Aument	Evankovich	Kula	Readshaw
Baker	Evans, J.	Lawrence	Reed
Barbin	Everett	Longiatti	Reese
Barrar	Fabrizio	Maher	Reichley
Bear	Farry	Mahoney	Roae
Benninghoff	Fleck	Major	Rock
Bishop	Frankel	Maloney	Rockbeck
Bloom	Gabler	Mann	Ross

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

NAYS—17

Boback	Evans, D.	Kavulich	Samuelson
Bradford	Freeman	Mundy	Shapiro
Brown, V.	Gillen	Murphy	Vitali
DeLissio	Johnson	Payton	Wheatley
Donatucci			

NOT VOTING—0

EXCUSED—2

Davis	Kampf
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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. GODSHALL

The SPEAKER. The Speaker recognizes the gentleman from Montgomery County, Mr. Godshall, under unanimous consent relative to the bill that the House just voted.

Mr. GODSHALL. Thank you, Mr. Speaker.

I do have comments I would like to submit for the record out of respect. The caucus, after 2, 3 hours yesterday, you know, a lot of the comments we had yesterday are not needed today, and so I want to thank the caucus for their efforts yesterday. I also want to really thank the committee, Consumer Affairs

Committee, for the hard work that they put into this bill. It was a nonpartisan effort, and particularly Chairman Preston and the cooperation that I had all the way through on this bill. I want to thank the committee staffs on both sides of the aisle, in particular my staff of Amanda Rumsey and Colin Fitzsimmons, and our leadership and their staff, who helped also at the tail end on getting this bill ready for passage.

I want to also say, I want to thank those that helped me with some of the 40 amendments, which at this time I was not able to handle personally, and I appreciate the effort that everybody gave on this effort. It is a major bill. It is going to do a lot for Pennsylvania and I just appreciate the help everybody gave me.

Thank you very much.

The SPEAKER. The Speaker thanks the gentleman.

The clerk will pick up your additional remarks to be placed upon the record.

REMARKS SUBMITTED FOR THE RECORD

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

Thank you, Mr. Speaker.

HB 1294 will allow utilities, with approval from the PUC, to more timely recover the costs of infrastructure replacement from consumers. I want to stress that these costs are already recovered from consumers. Nothing in this bill changes or adds to the types of costs that may be recovered. This bill merely changes the timing of recovery and allows for more efficient and cost-effective recovery of infrastructure replacement costs. Utility use of a recovery mechanism authorized by this bill is voluntary, and any proposal for recovery by a utility is subject to PUC approval.

Utility infrastructure throughout the Commonwealth is reaching the end of its useful life. Now is the time for us to act to ensure that our utilities have the tools necessary to provide for continued system safety and reliability while minimizing the overall capital investment costs that will be recovered from ratepayers.

HB 1294 promotes the overall policy objective of replacing Pennsylvania's aging infrastructure; something we all know is needed. As noted in an article in the Morning Call on May 15, 2011, 79 percent of consumers polled indicated that they would be willing to pay a few more dollars per month to accelerate infrastructure replacement.

Additionally, a Washington Post article published in June of this year discussed how the Federal government has acknowledged that, like our Pennsylvania utility distribution systems, the electricity transmission system is also aging out and needs to be replaced. Energy Secretary Chu was quoted as saying that the U.S. electric network is so creaky that Thomas Edison "would feel really at home with most of today's power...system." (Washington Post, June 13, 2011).

One consequence of an aging electric system is more outages due to stress on the system. According to National Department of Energy data, nationwide from 2000-2004, there were 149 outages that affected 50,000 people or more. That figure doubled to 349 from 2005-2009.

Allowing more timely recovery of expenses related to infrastructure replacement will not only improve overall system reliability but it will also improve a utility's credit rating on Wall Street and increase the level of regulatory certainty in Pennsylvania. This in turn will make lower cost financing available to utilities. Timely recovery of project costs will reduce the interest on financing and other carrying costs that are passed on to ratepayers. This reduces the overall infrastructure replacement costs that must be paid by consumers.

Additionally, providing for more timely recovery will enable utilities to better plan and coordinate infrastructure replacement projects with other utilities, PENNDOT, and local governments, and to plan for long-term employment needs. All of this will act as an incentive to accelerate infrastructure replacement and create jobs. The

recovery mechanisms authorized by this bill will be subject to PUC oversight and public notice and participation.

This bill makes clear that only those projects that are related to safety or reliability and receive PUC approval will be eligible to use an accelerated recovery mechanism. The bill also provides that only costs that are determined by the PUC to be reasonable may be recovered. These provisions ensure that only reasonable costs related to infrastructure that is placed into service between rate cases are eligible for recovery under the mechanisms authorized in the bill. I stress: reasonable infrastructure costs; not office buildings, not corporate jets, and not "gold plated" systems.

This bill requires that the PUC, through regulation or order, develops a process for implementing this legislation and evaluating utility proposals for use of a mechanism. Both of these processes provide the opportunity for public comment and participation. A utility who wants to use a recovery mechanism must file a petition with the PUC. The procedure used by the PUC to deal with petitions also provides an opportunity for any interested consumer to comment and participate in the proceeding. Statements that consumers will not have a voice are simply untrue.

Additionally, approved mechanisms will be subject to quarterly review and annual audits to verify that a utility has only recovered costs for approved projects and that all costs are appropriately accounted for and reconciled.

This bill will permit utilities to gradualize the rate increases that will result from infrastructure replacement projects and requires the PUC to include, as part of its approval of a recovery mechanism, a cap on the amount that may be recovered from consumers. The alternative is to continue the current process of infrastructure investment recovery solely through base rate increases.

Continuing this "business as usual" approach will result in large rate increases to customers upon conclusion of a rate case proceeding at the PUC. The current process actually increases the costs that must be recovered from ratepayers. These additional costs include interest and other carrying costs on debt and regulatory litigation costs of up to \$2 million per utility, per rate case filed at the PUC. This is an inefficient and costly way to recover costs and results in significant increases in customer bills.

HB 1294 presents an opportunity to be proactive in encouraging infrastructure replacement while minimizing project costs and mitigating "rate shock."

I note that the water DSIC (distribution system improvement charge) enacted in 1996 and recognized nationwide as a model for effectively managing infrastructure improvement costs has not been subject to any consumer complaints at the PUC since its inception. The absence of consumer complaints demonstrates that consumers are able to budget for and absorb small gradual rate increases more effectively than the larger increases implemented after a base rate case.

HB 1294 does provide for use of an automatic adjustment charge (DSIC-type charge) but also recognizes that a "one size fits all" approach will not work here. HB 1294 grants utilities and the PUC flexibility to propose and approve any form of recovery mechanism that meets the conditions set forth in the bill.

The reality of the situation is that utility infrastructure is aging out and will need to be replaced. Consumers will pay the costs of replacing this infrastructure. What we need to decide today is whether we will allow utilities to more timely recover these costs, thereby reducing the overall costs passed on to consumers while also enabling consumers to better budget for these costs or not. If we do not pass HB 1294, consumers will still pay the costs of infrastructure replacement, but instead of paying a dollar or two each month, they will see large, possibly double-digit rate increases (due to the current base rate case process I previously described).

Finally, this bill will allow the PUC to approve combined rates for a utility that provides both water and wastewater service. This change is necessary to balance the "economies of scale" that have come about due to some of our larger water utilities taking over – with the encouragement of the PUC and DEP (Department of Environmental

Protection) – failing wastewater systems. As a result of these acquisitions, the water company must make investments to bring the wastewater system into compliance with Federal and State DEP and PUC mandates. The customers of these systems are often faced with large rate increases as a result of the improvements and maintenance necessary to bring the wastewater system into compliance. Utility wastewater systems (as opposed to a municipal system or authority) generally serve small communities and are made up of fewer customers than utility water systems. As a result, rate increases are difficult for wastewater utility customers to absorb because there are fewer customers to share in the costs.

HB 1294 will permit utilities providing both water and wastewater services to charge combined rates, subject to PUC approval, to help consumers of communities who cannot absorb the cost associated with the system upgrades and necessary costs of service. Again, the PUC will develop a process for evaluating and approving water and wastewater rates on a combined basis.

This bill is supported by the PUC, the Energy Association of Pennsylvania, Aqua Pennsylvania, the National Association of Water Companies, the Pennsylvania Chemical Industry Council, PMA (Pennsylvania Manufacturers' Association), a host of independent contractors, and various trade unions.

I encourage your support. HB 1294 will ensure the continued safety and reliability of Pennsylvania's critical utility infrastructure while minimizing the impact of the cost of infrastructure replacement on consumers.

CALENDAR CONTINUED

BILLS ON SECOND CONSIDERATION

The House proceeded to second consideration of **HB 210, PN 533**, entitled:

An Act amending the act of December 19, 1990 (P.L.1234, No.204), known as the Family Caregiver Support Act, further providing for intent, for definitions, for caregiver support program, for reimbursements and for entitlement not created.

On the question,

Will the House agree to the bill on second consideration?

Mr. BAKER offered the following amendment **A05287**:

Amend Bill, page 7, line 28, by striking out the bracket before "\$200]"

Amend Bill, page 7, lines 28 and 29, by striking out "]" in line 28 and "\$600" in line 29

Amend Bill, page 7, line 30, by inserting a bracket before the period after "4(c)(2)"

Amend Bill, page 7, line 30, by inserting after "4(C)(2)."

] subject to the following:

(i) Except as otherwise provided under subparagraph (ii), in individual cases where there is a demonstrated need, the maximum amount available to a qualified primary caregiver may exceed \$200 but shall not be more than \$500. The need must be specifically documented in the care receiver's care plan.

(ii) Reimbursement under subparagraph (i) shall be limited to \$200 if an Area Agency on Aging's average monthly reimbursement exceeds \$300 across its entire caregiver support program caseload.

Amend Bill, page 8, line 4, by striking out the bracket before "\$2,000]"

Amend Bill, page 8, lines 4 and 5, by striking out "]" in line 4 and "\$6,000" in line 5

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

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

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

This amendment merely makes the legislation consistent with Federal law, and it is agreed to by all of the parties that have worked so hard for so many years to bring this legislation up to date. This amendment will ensure that the State caregiver program and the Federal caregiver program have the same standards in the benefit that they provide. Specifically, the monthly reimbursement for the State program will remain at \$200; however, in individual cases where there is a demonstrated need, the maximum amount available to a qualified primary caregiver may exceed \$200 and may go up to as much as \$500.

The amendment requires that the need be specifically documented in the care receiver's care plan, and in addition, the amendment mirrors the Federal program guideline, which prohibits increasing the \$200 monthly amount if an area agency on aging's average monthly reimbursement exceeds \$300 across its entire caregiver support program caseload. The amendment also retains the current \$2,000 one-time home modification reimbursement. Again, the Federal home modification reimbursement is currently at \$2,000, and we keep it at that level.

As many of you know, I have been working on this legislation for over 10 years, and there was an amount of \$6,000 in there originally, but in talking with all of the area agencies on aging, the Department of Aging, the administration, the average actually comes up to about \$700, so there really has not been a documented need above the \$2,000 limit. We are keeping it consistent with Federal law, and I believe this amendment has been agreed to by all parties concerned.

Thank you very much, Mr. Speaker, and I ask for your kind support on the amendment.

The SPEAKER. Will the House agree to the amendment?

VOTE CORRECTION

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

Mr. GEORGE. Mr. Speaker, if you would please, I am not going to ask you to do it again, but when you called for the vote on HB 2914, I was going to make a motion that we – HB 1294 – that we send that to the Committee of Local Government. And in the meantime my button was locked in and I voted erroneously. I would like to be recorded as a "no," if you would, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

His comments will be spread upon the record.

If there are other corrections of the record, we will take them when we complete the vote on this, because before the House, technically, is the amendment A05287.

CONSIDERATION OF HB 210 CONTINUED

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

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

Ms. MUNDY. Thank you, Mr. Speaker.

I rise in opposition to the amendment. The underlying bill had it right: We need to make these investments in home care for our frail elderly in order to keep them out of nursing homes. This is penny-wise and pound-foolish. Family caregivers save the Commonwealth literally hundreds of thousands, perhaps even millions, of dollars annually by caring for loved ones in their communities at home, where they want to be. We should be increasing the reimbursement amounts to better enable them to do that.

Representative Baker's underlying bill did that. I am understanding that the Governor is giving some pushback, because we do not like to spend money in Pennsylvania. Well, you can spend it on home care or you can spend it in nursing homes. I prefer to spend it where people want to be, in a place where it is much more cost-effective to care for them.

So I would urge a "no" vote on the amendment. Let us increase the limits so that people can afford to do this for their loved ones, their neighbors, their friends, and keep them in their communities.

Thank you, Mr. Speaker.

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

On that question, the Speaker recognizes the lady from Philadelphia, Ms. DeLissio.

Ms. DeLISSIO. Thank you, Mr. Speaker.

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

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Ms. DeLISSIO. Thank you, Mr. Speaker.

I have two questions. One has to do with the home modifications that the amendment reduces from the original in the underlying bill from \$6,000 to \$2,000. Is there any mechanism at all to look at individual cases that might see an expenditure above \$2,000?

The SPEAKER. Will the gentleman just suspend for a minute, the lady suspend.

If we could have the members' attention. If we could hold the conversations down, we would appreciate it. It is a little bit hard to hear. The House will please come to order and hold the conversations down.

The Speaker thanks the members. The gentleman may proceed with the answer.

Mr. BAKER. Thank you, Mr. Speaker.

I believe I heard the question about going above \$2,000?

Ms. DeLISSIO. Is there, Mr. Speaker, is there a mechanism for the home modification line item to make an exception above the \$2,000 if there is a compelling reason? I do not see that language in the amendment.

Mr. BAKER. I know that the area agencies on aging have an assessment process whereby they evaluate those needs. And across the spectrum, the average needs right now come to about \$700, but if they go above that, there is a \$2,000 cap. If it goes above that, then I do believe there is another program available called the options program that may also be available and helpful to those caregivers.

Ms. DeLISSIO. My second question, Mr. Speaker, has to do with the "may" increase language to \$500 "in individual cases where there is a demonstrated need." Do we have any idea if that process will be onerous in order to do that, because I do agree with my colleague that says the emphasis from a consumer perspective is definitely on receiving services in the least restrictive environment, and that environment is definitely home. So with these restrictions, it is putting a financial burden perhaps unduly on those individuals who would like to maintain their lifestyles in their own home, and a much costlier option for the State if they should become part of the Medicaid program in order to access nursing home care.

Mr. BAKER. I acknowledge your concerns and I agree with you. I certainly hope that this does not put any additional onerous standards or requirements in place. As I said earlier, all of the interested parties – the groups, the State associations, the triple A's, the administration – everyone is in agreement with this language, and it is consistent with Federal law, so it seems that we do have basically all parties supportive of this amendment. And they did come to me requesting that this be implemented into this bill, and I am hoping that nothing will be onerous in this process.

Ms. DeLISSIO. On the amendment, Mr. Speaker?

The SPEAKER. On the amendment, the lady is in order.

Ms. DeLISSIO. On the amendment. I was really struck by the average cost per situation, whether it was for home modifications or in individual cases, for this program across the Commonwealth. I think a part of that may be the fact that this program is undersubscribed. There are some dollars on the State side left over at the end of each fiscal year, and I would just encourage all of my colleagues in the House to ensure that their constituents know that this is a program they can avail themselves of.

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 Chester County, Mr. Hennessey.

Mr. HENNESSEY. Thank you, Mr. Speaker.

I would like to point out to the House members that HB 210 was one of the earliest bills that we cleared from the House Aging and Older Adults Services Committee. We felt that it was necessary to update that bill, the State of Pennsylvania law; it had not been looked at in terms of upgrading and actually gotten a change in the law since about 1990. The amendment that is being proposed brings us into conformity with Federal law. We try to do that in a number of different situations across the legislative gamut as we try to conform our laws with Federal law to make this a smooth and streamlined process for our citizens and for various providers in the health-care field.

I urge adoption of this amendment and ultimate passage of HB 210 as amended so that we can bring ourselves into conformity with Federal law and keep this a clear and smooth-sailing process for the citizens of Pennsylvania. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—113

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

NAYS—88

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

NOT VOTING—0

EXCUSED—2

Davis Kampf

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

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

Bill as amended was agreed to.

The SPEAKER. The bill as amended will be reprinted.

* * *

The House proceeded to second consideration of **HB 267, PN 220**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for installment payment plans.

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

Mr. **DeLUCA** offered the following amendment No. **A05389**:

Amend Bill, page 1, line 2, by inserting after "for"
sentences for offenses committed with firearms and

Amend Bill, page 1, lines 6 through 8, by striking out all of said lines and inserting

Section 1. Section 9712 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 9712. Sentences for offenses committed with firearms.

(a) Mandatory sentence.—Except as provided under section 9716 (relating to two or more mandatory minimum sentences applicable), any person who is convicted in any court of this Commonwealth of a crime of violence as defined in section 9714(g) (relating to sentences for second and subsequent offenses), shall, if the person visibly possessed a firearm or a replica of a firearm, whether or not the firearm or replica was loaded or functional, that placed the victim in reasonable fear of death or serious bodily injury, during the commission of the offense, be sentenced to a minimum sentence of at least five years of total confinement notwithstanding any other provision of this title or other statute to the contrary. Such persons shall not be eligible for parole, probation, work release or furlough. The mandatory sentence imposed under this subsection shall be imposed consecutively to any other sentence imposed by the court.

(b) Proof at sentencing.—Provisions of this section shall not be an element of the crime and notice thereof to the defendant shall not be required prior to conviction, but reasonable notice of the Commonwealth's intention to proceed under this section shall be provided after conviction and before sentencing. The applicability of this section shall be determined at sentencing. The court shall consider any evidence presented at trial and shall afford the Commonwealth and the defendant an opportunity to present any necessary additional evidence and shall determine, by a preponderance of the evidence, if this section is applicable.

(c) Authority of court in sentencing.—There shall be no authority in any court to impose on an offender to which this section is applicable any lesser sentence than provided for in subsection (a) [or], to place such offender on probation [or], to suspend sentence or to impose the mandatory sentence concurrent to any other sentence. Nothing in this section shall prevent the sentencing court from imposing a sentence greater than that provided in this section. Sentencing guidelines promulgated by the Pennsylvania Commission on Sentencing shall not supersede the mandatory sentences provided in this section.

(d) Appeal by Commonwealth.—If a sentencing court refuses to apply this section where applicable, the Commonwealth shall have the right to appellate review of the action of the sentencing court. The appellate court shall vacate the sentence and remand the case to the

sentencing court for imposition of a sentence in accordance with this section if it finds that the sentence was imposed in violation of this section.

(e) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Firearm." Any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive or the expansion of gas therein.

"Replica of a firearm." An item that can reasonably be perceived to be a firearm.

Section 2. Section 9758(b) of Title 42 is amended and the section is amended by adding a subsection to read:

Amend Bill, page 2, line 13, by striking out "2" and inserting
3

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

AMENDMENT WITHDRAWN

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

Mr. DeLUCA. Thank you, Mr. Speaker.

Mr. Speaker, I am going to withdraw this amendment, but I just would like to alert the House members that I will be working with Chairman Marsico on this amendment, because I think it is a very important amendment. In fact, about 15 years ago, roughly 15 years ago, we passed legislation in this House to make it mandatory that anyone who committed a violent crime with a gun would receive an added 5-year sentence. Unfortunately, the district attorneys have been pleading it down and the judges have been running these sentences concurrently.

What this amendment will do is follow the full intent of the law that we put in this House that says anyone convicted of a violent crime with a firearm would get a 5-year mandatory sentence added on. You know, we hear a lot about we need more legislation. We do not need more legislation pertaining to guns and firearms. We need to follow the legislation that we passed in this House, and that is why I will be working with Chairman Marsico to bring this out to the full House, and with his commitment, I will be withdrawing this amendment, Mr. Speaker. Thank you.

The SPEAKER. The Speaker thanks the gentleman.

The amendment is withdrawn.

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

* * *

The House proceeded to second consideration of **HB 529, PN 496**, entitled:

An Act amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, defining the offense of false caller identification information display; and imposing penalties.

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

* * *

The House proceeded to second consideration of **HB 1025, PN 1112**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for collection of restitution, reparation, fees, costs, fines and penalties.

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

* * *

The House proceeded to second consideration of **HB 1349, PN 1558**, entitled:

An Act amending the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, further providing for legislative intent, for definitions and for proposed regulations and procedures for review.

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

Ms. **JOSEPHS** offered the following amendment No. **A05171**:

Amend Bill, page 4, line 30, by inserting after "Regulations."
The term does not include a health care provider, a nursing home, a personal care home, a professional staffing company or a professional registry.

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

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

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

This amendment exempts from the definition of "small business" any health-care provider or nursing personal care home- or health-care professional staffing company or registry from inclusion as a small business for the purpose of this legislation. We believe that small business providers of health care should have to overcome a high standard of evidence, that an agency is acting precipitously or inappropriately before it can argue that the regulation is substantially harmful or burdensome. We put our health and our lives in the hands of small businesses that are medical providers. I do not want anybody to suffer. I do not want anybody, heaven forbid, to die because there are people in Harrisburg wrangling over whether this is a small business and whether this regulation may or may not be harmful to the business. Peoples' lives, peoples' health – much more important.

Please support 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 lady, Ms. Pickett.

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

Mr. Speaker, I would urge my colleagues to vote "no" on this amendment. We believe it is very important to maintain consistency in the definitions of our small businesses. And most

assuredly, our small community hospitals, our small nursing care facilities, our personal care facilities, deserve the consideration to have a voice at the table when amendments are being written that will affect them. We are merely asking that within their industry that they have a voice against the larger health-care companies that they may be working with within their field.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—55

Bishop	DePasquale	Josephs	Roebuck
Boyle, B.	Dermody	Keller, W.	Sabatina
Boyle, K.	DeWeese	Kirkland	Samuelson
Bradford	Donatucci	Kortz	Santarsiero
Brennan	Evans, D.	Kula	Staback
Briggs	Fabrizio	Mann	Sturla
Brown, V.	Frankel	Markosek	Thomas
Brownlee	Freeman	McGeehan	Vitali
Buxton	Gerber	Murphy	Wagner
Cohen	Gergely	Myers	Waters
Cruz	Hanna	O'Brien, M.	Wheatley
Curry	Harkins	Parker	Williams
Daley	Hornaman	Payton	Youngblood
Davidson	Johnson	Preston	

NAYS—146

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

NOT VOTING-0

EXCUSED-2

Davis Kampf

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. JOSEPHS offered the following amendment No. A05190:

Amend Bill, page 4, line 15, by inserting after "later." The small business must notify the agency which has taken the final agency action. Service of notice must comply with Pa.R.C.P. No. 422 (relating to The Commonwealth and Political Subdivisions).

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

I am proposing in this amendment that hand-delivered notice to the responsible agency be given by the small business that may seek judicial review to get out from under what that small business considers might be burdensome or excessive. We do not want this notice to be lost in a bunch of e-mails. We do not want it dropped off at a desk and ending up in that circular file. We want to make sure that the agency knows that the small business is protesting and is using the provisions of this bill.

I appreciate 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 lady, Ms. Pickett.

Ms. PICKETT. Mr. Speaker, when a small business asks for judicial review, they are merely questioning whether or not that agency followed the directions of this bill and considered small business when they made their regulatory decisions. We believe that we have currently the proper notification in this bill, and I am asking for a "no" vote on this amendment.

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

The following roll call was recorded:

YEAS-57

Boyle, B. DePasquale Johnson Payton
Boyle, K. Dermody Josephs Preston
Bradford DeWeese Keller, W. Roebuck
Brennan Donatucci Kirkland Sabatina
Briggs Evans, D. Kula Samuelson
Brown, V. Fabrizio Mahoney Santarsiero

Brownlee Frankel Mann Santoni
Buxton Freeman Markosek Sturla
Caltagirone Galloway McGeehan Vitali
Cohen George Mundy Wagner
Conklin Gerber Myers Waters
Cruz Gergely Neuman Wheatley
Curry Hanna O'Brien, M. Williams
Daley Harkins Parker Youngblood
Davidson

NAYS-144

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

NOT VOTING-0

EXCUSED-2

Davis Kampf

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. JOSEPHS offered the following amendment A05191:

Amend Bill, page 4, line 15, by inserting after "later." Judicial review shall be conducted under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action) and shall not be subject to 42 Pa.C.S. Ch. 73 Subch. C (relating to judicial arbitration).

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment has to do with judicial review. It has to do with arbitration as opposed to court cases. I understand that there is a very valuable role for arbitration. It saves very precious and expensive court time, but in this case, we feel, we are afraid that small businesses – and remember, these small businesses are up to 500 people; not so small in some people's minds – that these small businesses would use arbitration as part of judicial review in order to drag out the process, in order to delay and delay until the agency which is trying to regulate it basically gives up or the agency has to concede many years of the business protesting and the business not adopting the regulations that the agency thinks it ought to. This is just common sense. It just helps us as the legislature make sure that the executive does as we have directed the executive. We are coequal branches. We do not want to give the executive advantages; we do not want to give us advantages. This is common sense, and I hope the people will support it.

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. Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

Once again I would like to remind everyone that the business may request a review of the agency's compliance with the considerations of small business that is related in this bill when they ask for judicial review. Arbitration is faster and less expensive, and it is best for our small businesses, when it is possible, to use it.

Mr. Speaker, I would ask for a "no" vote on A05191.

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

The following roll call was recorded:

YEAS-54

Bishop	Dermody	Keller, W.	Roebuck
Boyle, B.	DeWeese	Kirkland	Sabatina
Boyle, K.	Donatucci	Kula	Samuelson
Bradford	Evans, D.	Mahoney	Santarsiero
Brennan	Fabrizio	Mann	Santoni
Briggs	Frankel	Markosek	Sturla
Brown, V.	Freeman	McGeehan	Thomas
Brownlee	George	Mundy	Vitali
Buxton	Gergely	Myers	Wagner
Caltagirone	Hanna	O'Brien, M.	Waters
Cohen	Harkins	Parker	Wheatley
Conklin	Hornaman	Payton	Williams
Cruz	Johnson	Preston	Youngblood
Curry	Josephs		

NAYS-147

Adolph	Everett	Lawrence	Ravenstahl
Aument	Farry	Longiotti	Readshaw
Baker	Fleck	Maher	Reed
Barbin	Gabler	Major	Reese
Barrar	Galloway	Maloney	Reichley

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

NOT VOTING-0

EXCUSED-2

Davis Kampf

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. JOSEPHS offered the following amendment
No. A05221:

Amend Bill, page 1, lines 1 through 7, by striking out all of said lines and inserting
To improve State rulemaking by creating procedures to analyze the availability of more flexible regulatory approaches for small businesses.

Amend Bill, page 1, lines 10 through 18; pages 2 through 7, lines 1 through 30; page 8, lines 1 through 20, by striking out all of said lines on said pages and inserting
Section 1. Short title.

This act shall be known and may be cited as the Regulatory Flexibility Act.

Section 2. Definitions.

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

"Agency." A Commonwealth board, commission, department or officer authorized by statute to promulgate regulations or make adjudications.

"Proposed regulation." A proposal by an agency for a new regulation or for a change in, addition to or repeal of an existing

regulation.

"Regulation." An agency statement of general applicability, without regard to its designation, which implements, interprets, or prescribes law or policy or which describes the organization, procedure or practice requirements of an agency. The term includes the amendment or repeal of a regulation. The term does not include:

- (1) a statement concerning only the internal management of any agency and not affecting private rights or procedures available to the public;
- (2) a declaratory ruling; or
- (3) an intra-agency or interagency memorandum.

"Small business." A business entity, including its affiliates, that meets all of the following paragraphs:

- (1) Is independently owned and operated.
- (2) Meets one of the following subparagraphs:
 - (i) Employs fewer than 500 full-time employees.
 - (ii) Has gross annual sales of less than \$6,000,000.

Section 3. Economic impact statements.

Prior to the adoption of a proposed regulation which may have an adverse impact on small businesses, the agency shall prepare an economic impact statement which includes the following:

- (1) An identification and estimate of the number of the small businesses subject to the proposed regulation.
- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (3) A statement of the probable effect on impacted small businesses.
- (4) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

Section 4. Regulatory flexibility analysis.

(a) Requirement.—Prior to the adoption of a proposed regulation, the agency shall prepare a regulatory flexibility analysis in which the agency shall, as consistent with health, safety, environmental and economic welfare, consider utilizing regulatory methods which will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The agency's consideration shall include the following methods of reducing the impact of the proposed regulation on small businesses:

- (1) Establishment of less stringent compliance or reporting requirements for small businesses.
- (2) Establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses.
- (3) Consolidation or simplification of compliance or reporting requirements for small businesses.
- (4) Establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation.
- (5) Exemption of small businesses from requirements contained in the proposed regulation.

(b) Notice.—Prior to the adoption of a proposed regulation which may have an adverse impact on small businesses, the agency shall notify the Independent Regulatory Review Commission of its intent to adopt the proposed regulation. The commission shall advise and assist agencies in complying with this section.

Section 5. Judicial review.

(a) Administrative agency law.—A small business that is aggrieved by a violation of this act is entitled to judicial review under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(b) Limitation of time.—Notwithstanding 42 Pa.C.S. § 5522(b)(1) (relating to six months limitation), an action for review under subsection (a) must be commenced within one year of publication of final rulemaking in the Pennsylvania Bulletin.

Section 6. Periodic review of regulations.

(a) Existing regulations.—For regulations in effect on the effective date of this section, the following apply:

(1) Except as set forth in paragraph (2), by January 1, 2016, each agency shall review the regulations to determine whether the regulations should be continued without change or should be amended or rescinded, consistent with the stated objectives of the enabling statutes, to minimize economic impact of the regulations on small businesses in a manner consistent with the stated objective of applicable statutes.

(2) If the head of an agency determines that completion of the review is not feasible by January 1, 2016, the following apply:

- (i) The agency shall transmit notice of a certification of the determination to the Legislative Reference Bureau for publication as a notice in the Pennsylvania Bulletin.
- (ii) Publication of the notice extends the time period under paragraph (1) by one year.
- (iii) Only five notices are permitted under this paragraph.

(b) Subsequent regulations.—Regulations promulgated on or after the effective date of this section, shall be reviewed every five years to ensure that they minimize economic impact on small businesses in a manner consistent with the stated objectives of enabling statutes.

(c) Standard.—In reviewing regulations under this section, an agency shall consider the following factors:

- (1) Continued need for the regulation.
- (2) Nature of public complaints or comments concerning the regulation.
- (3) Complexity of the regulation.
- (4) Extent to which the rule overlaps, duplicates or conflicts with other Federal, State and local regulations.
- (5) Length of time since the regulation has been evaluated and degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

Section 20. Effective date.

This act shall take effect January 1, 2012, or immediately, whichever is later.

On the question,

Will the House agree to the amendment?

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

In committee, we had a somewhat enlightening discussion about what is the relationship to us, this statute, and Federal law. Someone asked, is this bill, is HB 1349 prospective or retrospective? The maker said it was prospective; however, when you look at Federal legislation, Small Business Administration legislation to which HB 1349 is pinned, is anchored, you see that the Small Business Administration can look back. So the question came up, is HB 1349, in practical terms, going to be prospective or retrospective? I have solved that problem with this amendment by having a complete gut and replace. This is an amendment that substitutes model legislation from the Small Business Administration's Office of Advocacy for small businesses. This is the model that I would rather use rather than the American Legislative Exchange Council, which is not an expert in small business that I have ever heard of.

The amendment also returns to the maker's original bill from several years ago, from when she was asked on the floor – with a substantially similar, if not identical, bill – why she picked 100 as the number of people that should be part of the definition

for what makes a small business. She said that 96 percent – and we can give you the site for this – 96 percent of businesses in Pennsylvania which consider themselves small businesses, which we would consider small businesses, fall within the definition of 100 or fewer employees. So this amendment does two things. It uncouples us from the Federal government, which we seem to have a very schizophrenic relationship with. "Yes; we love you. No; we hate you. Yes; we will take advantage of you. No; we will throw you out of our State." This is one of the "we will go with you, Federal government, for no rhyme or reason." I would like to change that. I would like to have support for this amendment. Please vote "yes" on amendment 05221.

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. Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

While parts of this amendment would require us going back to look at all regs – and some of us might think that might not be a bad idea – it is beyond the scope of what we want to do with this bill. At this point, we are trying to give small business a voice at the table as regulations are developed as we go forth. Also, when we talk about the description of a small business, yes, there are many different definitions that are official, unofficial, and all sorts of opinions on that. I believe it is very important that we go with a consistent definition of "small business" at this time and we use the Federal SBA standards that they use for small business. They judge a small business on its size within the industry in which it is doing business. We believe this is best way to attempt to even our competitive playing field on regulations.

I urge a "no" vote on this amendment, Mr. Speaker.

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

The following roll call was recorded:

YEAS—62

Bishop	Dermody	Keller, W.	Roebuck
Boyle, B.	DeWeese	Kirkland	Sabatina
Boyle, K.	Donatucci	Kula	Samuelson
Bradford	Evans, D.	Mahoney	Santarsiero
Brennan	Fabrizio	Mann	Santoni
Briggs	Frankel	Markosek	Staback
Brown, V.	Freeman	McGeehan	Sturla
Brownlee	George	Mirabito	Thomas
Buxton	Gergely	Mullery	Vitali
Carroll	Gibbons	Mundy	Wagner
Cohen	Hanna	Myers	Waters
Conklin	Harkins	O'Brien, M.	Wheatley
Cruz	Hornaman	Parker	White
Curry	Johnson	Pashinski	Williams
Davidson	Josephs	Preston	Youngblood
DeLissio	Kavulich		

NAYS—139

Adolph	Everett	Lawrence	Ravenstahl
Aument	Farry	Longiatti	Readshaw
Baker	Fleck	Maher	Reed
Barbin	Gabler	Major	Reese
Barrar	Galloway	Maloney	Reichley
Beard	Geist	Marshall	Roae

Benninghoff	Gerber	Marsico	Rock
Bloom	Gillen	Masser	Ross
Boback	Gillespie	Matzie	Saccone
Boyd	Gingrich	Metcalfe	Sainato
Brooks	Godshall	Metzgar	Saylor
Brown, R.	Goodman	Miccarelli	Scavello
Burns	Grell	Micozzie	Schroder
Caltagirone	Grove	Millard	Shapiro
Causar	Hackett	Miller	Simmons
Christiana	Hahn	Milne	Smith, K.
Clymer	Haluska	Moul	Smith, M.
Costa, D.	Harhai	Murphy	Sonney
Costa, P.	Harhart	Murt	Stephens
Cox	Harper	Mustio	Stern
Creighton	Harris	Neuman	Stevenson
Culver	Heffley	O'Brien, D.	Swanger
Cutler	Helm	O'Neill	Tallman
Daley	Hennessey	Oberlander	Taylor
Day	Hess	Payne	Tobash
Deasy	Hickernell	Payton	Toepel
DeLozier	Hutchinson	Peifer	Toohil
DeLuca	Kauffman	Perry	Truitt
Denlinger	Keller, F.	Petrarca	Turzai
DePasquale	Keller, M.K.	Petri	Vereb
DiGirolamo	Killion	Pickett	Vulakovich
Dunbar	Knowles	Pyle	Watson
Ellis	Kortz	Quigley	
Emrick	Kotik	Quinn	Smith, S.,
Evankovich	Krieger	Rapp	Speaker
Evans, J.			

NOT VOTING—0

EXCUSED—2

Davis Kampf

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. JOSEPHS offered the following amendment
No. A05274:

Amend Bill, page 1, line 7, by inserting after "review"
; and requiring a study by the Legislative Budget and
Finance Committee

Amend Bill, page 8, by inserting between lines 19 and 20
Section 4. The Legislative Budget and Finance Committee shall
study the cost of implementing the addition of section 2(c)(10) and (d)
of the act and report the results of the study to the General Assembly,
the Secretary of the Senate, the Chief Clerk of the House of
Representatives and the Independent Fiscal Office.

Amend Bill, page 8, line 20, by striking out "4" and inserting
5

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This amendment just seeks to add to the list of people to
which the Legislative Budget and Finance Committee must
report with their findings on the costs incurred by the agencies

when implementing legislation under this bill. We do not know what this is going to cost. We have no idea since the State Department's appropriations were cut along with a great deal of other appropriations as we have been discussing since the budget passed. This is, we think, a fair amount of extra work for the State Department. We would like to have it reported. We would like to have it reported widely. The reports, it only means that the report has got to be sent to two other entities. The report is already made. We do not see any reasons why entities should not get on their own this report, and I would appreciate 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 lady, Ms. Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

Perhaps one of our first concerns should be, what does it cost the businesses that we are applying these regulations to? But we will be able to judge a fiscal note within our own House here, in the House of Representatives, and we do have word from the Governor's Office that they report they believe this will be of a minimal fiscal impact. Therefore, we also know that States that are currently using regulatory flex for their small businesses say that they also have experienced very, very little added expense, if any; that would be some of the ones that I have read about: Colorado, Oklahoma, New York, and Arizona.

So, Mr. Speaker, I urge a "no" vote on this amendment, please.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

We are not asking for anything extraordinary. Maybe all of those States that are reporting that they had little or no expense never looked at it; we have no idea. Our State here is what we are concerned about. We are concerned about protecting the taxpayers' hard-earned money. We do not want money going to the State Department that is unreported, or we do not want the State Department to be not doing jobs because it does not have the resources to do it. Both of these are very evil, that we should avoid if we are going to think about transparency, if we are going to allow the citizens of this Commonwealth – who, after all, we work for – to know what we are doing.

All we are doing is adding— This costs two more clicks of somebody's mouse. This report is already made. We are sending it to two other people. That is all there is to this amendment. Now, you might say we could have somebody else send it to these two other entities. That is true; we could. But officially, these are the groups that ought to know because they have the expertise, because they are the Independent Fiscal Office, and the Legislative Budget and Finance Committee will report to the Independent Fiscal Office. That is not going to cost a lot of money. It seems that officially the Independent Fiscal Office ought to have this information.

Please support my amendment. Thank you.

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

The Speaker recognizes the lady, Ms. Pickett, for the second time.

Ms. PICKETT. Mr. Speaker, again I urge a "no" vote. I believe the information is sufficiently available to those who need it the way we have written this bill. Thank you.

On the question recurring,

Will the House agree to the amendment?

The following roll call was recorded:

YEAS—70

Bishop	DePasquale	Keller, W.	Roebuck
Boyle, B.	Dermody	Kirkland	Sabatina
Boyle, K.	DeWeese	Kula	Samuelson
Bradford	Donatucci	Longietti	Santarsiero
Brennan	Evans, D.	Mahoney	Santoni
Briggs	Fabrizio	Mann	Shapiro
Brown, V.	Frankel	Markosek	Smith, M.
Brownlee	Freeman	McGeehan	Staback
Buxton	George	Mirabito	Sturla
Caltagirone	Gerber	Mundy	Thomas
Cohen	Gergely	Myers	Vitali
Conklin	Gibbons	O'Brien, M.	Wagner
Costa, P.	Hanna	Parker	Waters
Cruz	Harhai	Pashinski	Wheatley
Curry	Harkins	Payton	White
Daley	Hornaman	Petrarca	Williams
Davidson	Johnson	Preston	Youngblood
DeLissio	Josephs		

NAYS—131

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

NOT VOTING—0

EXCUSED—2

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

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

Ms. **JOSEPHS** offered the following amendment No. **A05276**:

Amend Bill, page 4, lines 27 through 30, by striking out all of said lines and inserting

"Small business." A business entity, including an affiliate, that complies with all of the following paragraphs:

- (1) Is independently owned and operated.
- (2) Either:
 - (i) employs less than 100 full-time employees;
 - or
 - (ii) has gross annual sales of less than \$6,000,000.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

This is another amendment which attempts to deal with the definition of this bill, with small business in this bill, which I have pointed out is already dependent on the Federal government, which I am not sure is a really good idea. As I said before, the maker of this bill had already said on the floor that 96 percent of the businesses would be covered by this kind of a definition. That seems to me to be pretty complete. This bill was, when we did this subject matter, we did it in HB 236, which went to the Commerce Committee, which is actually where this bill should have gone as well. Another issue.

So at any rate, what this amendment does is it changes the definition of "small business." It says it is one that "Is independently owned and operated" and "Either: (i) employs less than 100..." workers "...or (ii) has gross annual sales of less than \$6,000,000." This is the definition that was used in the 2006 legislation that passed the House, passed the Senate, and I do not see any reason, it is a better definition. I think we ought to go with something that is clear, which allows the business community, the regulated community, to know whether or not this entity is a small business.

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. Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

Once again we are asking the regulatory commission to consult on the effects of proposed regulation with small businesses that are under the thresholds defined by the Federal SBA. Mr. Speaker, we know that were that to be a flat number of \$6 million, that 92 percent of the small businesses in the SBA definition of "industries" would not qualify to have a voice at the table when these regulations are considered. We know that if a flat number of 100 employees was used, that 89 percent of industries that are in these definitions would not qualify for a voice at the table when regulations are being considered.

Mr. Speaker, we could talk about small florists; their threshold is \$7 million. Gasoline and convenience stores; their threshold is \$27 million. Our own small coal companies here in Pennsylvania; their threshold is 500 employees. Sporting goods stores, \$14 million. Furniture stores, \$19 million. Small manufacturers in particular would be hit, with 500 employees or under, as a small business. Specialty trade contractors, \$14 million. Small ag operations, \$7 million. Taxi services, \$7 million. Under those thresholds, we are asking that those businesses be consulted as small businesses when regulations are considered by the commission.

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

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

Does the gentleman, Mr. Samuelson, seek recognition on this amendment?

The gentleman is on order.

Mr. SAMUELSON. Thank you, Mr. Speaker.

I rise in support of the Josephs amendment to have a plain language, clear definition of what is a small business. The legislation that we considered back in 2006 spelled it out in black and white; in fact, I think it was the gentlelady's, the prime sponsor, I think it was her own amendment back in 2006 that said that we should define small businesses as 100 employees or less. In fact, it went on to say, back in 2006, that that does cover 96 percent of our small businesses and the ones that we feel need this regulatory relief the most.

Now, today's version has a different definition. It could go up to 500, but it is also not spelled out in black and white. To understand today's version, it refers to a Federal definition of what is a "small business." And if you go seek out that Federal definition, it is about a 20-page document. So for a couple of reasons, over the last couple years we have talked about regulations for nursing homes, personal care homes, gas drillers; last session we even talked about puppy mills in Pennsylvania and tried to tighten up the regulation of puppy mills. Well, when you think about it, if we shift today from 100 up to 500, there are a lot of businesses that fall in that category, and I think passage of the Josephs amendment, getting it back to the definition that we had in this legislation in 2006 – make it 100; make it consistent with our earlier version – that would answer a lot of questions.

I urge a "yes" vote on the Josephs amendment.

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

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

Ms. PICKETT. Mr. Speaker, in asking for a "no" vote on this amendment, I do believe that we are at this point seeking consistency by using a definition that is already in use for small businesses. I believe it puts them on a more even playing field within their own industries, and we believe that it is in black and white and concisely written and the right way to go at this time with this bill.

Thank you, Mr. Speaker. I do urge the "no" vote.

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

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

I would like to rise in support of the Josephs amendment. I was part of the committee meeting when we discussed this definition of "small business," and it is impenetrable trying to figure out under the current language who would be included and who would not. But one thing was clear by the admission of the maker and others: It could include up to 500 people. Now, we all want to help small businesses, but I do not think any of us view a 500-person entity as a small business.

I hear the concerns of the maker of the amendment with regard to the provisions in the Josephs language, with regard to the \$6 million limit. I understand them, but I think by deleting the 500-employee definition in the current bill, the Josephs amendment is improving this bill. It is simple. It is clear. It is better, and I think between the two options, the Josephs is clearly superior and more in conformance with what we as this body view as a small business. So I ask for an affirmative vote.

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

The following roll call was recorded:

YEAS—82

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

NAYS—119

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

DeLuca	Kauffman	Perry	Toohil
Denlinger	Keller, F.	Petrarca	Truitt
DiGirolamo	Keller, M.K.	Petri	Turzai
Dunbar	Killion	Pickett	Vereb
Ellis	Knowles	Pyle	Vulakovich
Emrick	Kotik	Quigley	Watson
Evankovich	Krieger	Quinn	
Evans, J.	Lawrence	Rapp	Smith, S., Speaker
Everett	Longietti	Reed	
Farry			

NOT VOTING—0

EXCUSED—2

Davis Kampf

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. JOSEPHS offered the following amendment
No. A05295:

Amend Bill, page 4, lines 27 through 30, by striking out all of said lines and inserting

"Small business." A business entity, including an affiliate, that complies with all of the following paragraphs:

(1) Is independently owned and operated.

(2) Either:

(i) employs less than 250 full-time employees;

or

(ii) has gross annual sales of less than

\$6,000,000.

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

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

Ms. JOSEPHS. Thank you, Mr. Speaker.

Well, we will try again. I have no notion, nor have I gotten any kind of clear answer why we are talking about 500 employees and why we are not talking about the gross sales, the annual gross sales of the business. I have great admiration for the maker of this bill who could understand her own language. Maybe it is like handwriting, you know? I tried to read it. Other members of my committee tried to figure out what it meant. The attorneys attached to the committee tried to figure out what it meant. Nobody could figure out what it meant. I am glad the maker knows because maybe she can tell the rest of us sometime.

My amendment, my amendment replaces the definition of "small business," but I am not going down to 100. I am going to 250 workers with annual gross sales of \$6 million or less. That is clear. Everybody who is listening got that definition. It is right there. I am not going to interrogate right now, but this is a challenge. Somebody who is supporting this bill, get up and in four sentences tell us what we mean by "small business." I just did it. If you vote for this amendment and it passes, you can do it, too; cannot do it now.

Please support 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 lady, Ms. Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

There again, I believe that it is important to judge a small business within its own industry and with the sizes of businesses with which it must compete in that industry. We are only asking that that small business within that realm be given a voice when regulations are considered. I urge a "no" vote again on this definition. We need the definition that is in the bill, Mr. Speaker. Thank you.

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

The following roll call was recorded:

YEAS—81

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

NAYS—120

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

Emrick	Knowles	Quigley	
Evankovich	Kotik	Quinn	Smith, S.,
Evans, J.	Krieger	Rapp	Speaker
Everett	Lawrence		

NOT VOTING—0

EXCUSED—2

Davis Kampf

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 Speaker notes for the record that had the lady, Ms. Josephs, did have one other amendment, 5293, which was out of order and it would have proposed to amend one of the other amendments which did not pass.

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

Mr. SAMUELSON offered the following amendment
No. A05288:

Amend Bill, page 4, line 30, by inserting after "Regulations)." The term shall not include any business engaged directly in the drilling, extraction or attempted extraction of natural gas or any business providing services, supplies, labor or any other support to a business engaged in the drilling, extraction or attempted extraction of natural gas.

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

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

Mr. SAMUELSON. Thank you, Mr. Speaker.

This amendment would exempt from the definition of "small business," "...any business engaged directly in the drilling, extraction or attempted extraction of natural gas or any business providing services, supplies, labor or...other support to a business engaged in the drilling, extraction or attempted extraction of natural gas."

When this bill was considered in the committee a week ago, there was a vote to not allow public hearings on this piece of legislation. There were many questions. Many of the questions revolved around what impact this bill would have on regulation of natural gas drillers, on future regulation of natural gas drillers, on public safety relating to the growing business in the Marcellus Shale region.

Now, since we did not have a public hearing here on the floor of the House, we have an opportunity to limit the scope of this bill so that it would not weaken regulation of natural gas drilling. You can look at our legislative calendar, the bills that have been introduced. There have been about 100 pieces of legislation that have to do with natural gas drilling in Pennsylvania, some of which talk about increased regulation. I got a cosponsor memo just last week from the gentleman from

Snyder County talking about standards for well pad construction; in fact, directing a regulatory agency, the Environmental Quality Board, to develop those standards. Well, would it not be a shame if we had new standards for well pad construction and then we found out it did not apply to any driller with less than 500 employees?

There is also legislation that has been introduced about disclosure of fracking chemicals, chemicals used in the fracking process. Well, what if this House would pass such a regulation, pass such a law implemented by regulation by DEP, and then we found out that that disclosure would not apply to any business or subcontractor with fewer than 500 employees?

Just yesterday Governor Corbett talked about his proposals for the Marcellus Shale region. In fact, he talked about increasing the setback distance for wells, tripling the setback distance.

I also have another regulation requiring the setback distance from private water wells, some new regulatory implications here. What if we would adopt what the Governor said but then we find out that any driller, any subcontractor, any business related to the drilling with 475, 480, 499 employees would not be covered by this regulation?

Our constituents, when they look at the Marcellus Shale gas drilling industry, they want us to stand up and make sure that the drilling is conducted in a safe manner, that we should not be allowing opportunities to weaken clean water standards, to weaken clean air standards, to weaken workplace safety standards. If you look at this bill, the bill in chief without this amendment, starting on page 7, line 22, it talks about a "regulatory flexibility analysis." Part of that regulatory flexibility analysis could have less stringent reporting, less stringent deadlines. Also, one of the possibilities would be exempting small business from all or part of the regulation.

When it comes to natural gas drilling in Pennsylvania, we should not be exempting the businesses from regulation. We should stand up for clean air standards, clean water standards, workplace safety standards, and this amendment, which would exempt the natural gas drilling industry from the provisions of this overall legislation, would help to protect the safety of our communities.

I would urge a "yes" vote for amendment 5288. 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. Pickett.

Ms. PICKETT. Thank you, Mr. Speaker.

I would like to remind my colleagues that this small business Regulatory Flexibility Act is seeking to have regulators and job creators work together to protect important public policy goals such as environmental quality, travel safety, workplace safety, without sacrificing jobs that are so important in this State. We are asking agencies to examine regulatory alternatives that would accomplish the objective of the rule while minimizing any adverse impact on our small businesses.

The initiative only requires agencies to consider regulatory alternatives by looking at different regulatory methods that will accomplish the objective of the rule while minimizing this adverse impact on small businesses. It does not require them to choose any of those methods.

Mr. Speaker, today IRRC (Independent Regulatory Review Commission) is already directed to consider business when it considers regulations. In the event that they tend to reach out to large businesses in doing so, we are asking to make sure that they document that small businesses were included in those discussions and those considerations.

When we talk about the industry mentioned in this amendment, Mr. Speaker, we may be talking about eliminating small Pennsylvania businesses that are selling services to the natural gas industry. We are asking that they may not have a voice in writing those regulations if we pass this amendment. I believe that would be wrong.

Mr. Speaker, we may be talking about small valve suppliers, small truck repair businesses, food delivery businesses, and, Mr. Speaker, largely they are small, individually owned Pennsylvania businesses that have been able to find success around the gas industry in our State.

When we talk about the companies, Mr. Speaker, we might talk about looking at a Carrizo that has 132 employees versus the effect on a Chesapeake with 10,000 employees or a Chevron with 62,000 employees or a CONSOL with 8600 employees. Mr. Speaker, I believe that we need to consider the impact on those smaller industries as they work to compete with larger industries within their own group.

I urge a "no" vote on this amendment, Mr. Speaker.

ANNOUNCEMENT BY MR. MAHER

The SPEAKER. For what purpose does the gentleman from Allegheny, Mr. Maher, seek recognition?

Mr. MAHER. Well, Mr. Speaker, I believe you were reading my mind, because I did not want the hour of 1 o'clock to come by without an announcement, if I might, under unanimous consent.

The SPEAKER. While not totally proper, parliamentary-wise, knowing the timeliness of your announcement, the gentleman may proceed.

Mr. MAHER. Thank you.

While we are talking about Pennsylvania, we of course need to think about our great agricultural industry, and some of the bounty of Pennsylvania was to be enjoyed by those in this General Assembly and anyone in the sound of my voice on the plaza today. Some of you may have already enjoyed the Pennsylvania potatoes, the Pennsylvania apples, the Pennsylvania milk, and Pennsylvania pulled pork. That is all available until 1 p.m. So I just thought I would make sure that members know that Pennsylvania agriculture is here and holding forth to allow all those in the Capitol, all those in Harrisburg to enjoy that on a complimentary basis today.

CONSIDERATION OF HB 1349 CONTINUED

Mr. MAHER. But, Mr. Speaker, I might also add I was also seeking recognition on the amendment if we are going to go past 1.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

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

On that question, the Speaker recognizes the gentleman from Dauphin County, Mr. Payne. The gentleman waives off.

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

On that question, the Speaker recognizes the gentleman from Armstrong County, Mr. Pyle.

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

Will the maker of the amendment please rise for a few questions?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

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

Mr. Speaker, I have a question. It is clearly apparent this amendment is intended to address the growing Marcellus industry in Pennsylvania. Yes? Correct?

Mr. SAMUELSON. Yes.

Mr. PYLE. Yet you keep mentioning natural gas drillers. Does your amendment differentiate between our traditional shallow well drillers and our new neighbors in the Marcellus play, or are you just addressing all natural gas as being incompatible with being a small business? Because that is what I have heard from you.

Mr. SAMUELSON. This amendment would address all drilling extraction, attempted extraction, because the bill in chief talks about any business up to 500 employees possibly being exempt from the clean water regulation, the clean air regulation, the workplace safety regulation, so it does not differentiate specifically for Marcellus Shale. Obviously, Marcellus Shale has dramatically expanded the drilling in Pennsylvania, but this amendment is worded to any business engaged in drilling, extraction, or attempted extraction of natural gas or other businesses providing services, the subcontractors.

Mr. PYLE. So it does attach to our traditional shallow well drillers that have been operating here, employing not Oklahomans, not Texans, but employing Pennsylvanians for approximately 85 to 100 years?

Mr. SAMUELSON. Yes; they currently employ Pennsylvanians. They have been in business for a long time and currently they are regulated by the State. If in the future they have 475, 490 employees and they could ask to be exempt from regulations in Pennsylvania, this amendment seeks to make sure that regulations in the drilling industry continue.

Mr. PYLE. So up to 500 they have to apply for a waiver for something they are already protected by?

Mr. SAMUELSON. Under current law, they are regulated. The bill in chief seeks to provide an exemption or a possible exemption for employers up to 500 employees. Under current law—

Mr. PYLE. They are already exempt.

Mr. SAMUELSON. —the drilling industry is regulated by the Department of Environmental Protection.

Mr. PYLE. Mr. Speaker, on the amendment, please?

The SPEAKER. The gentleman is in order on the amendment.

Mr. PYLE. Thank you.

Mr. Speaker, I have got to urge a "no" vote. I have got 31,000 shallow wells that have been drilled across Armstrong and Indiana Counties, every one of them by a Pennsylvania-based business, none of them more than 50 people. Now, these are jobs that allow these guys to go home and buy the prom dress for their kids. These are not minimum-wage jobs. These are small, often family-operated businesses that have been successfully going after shallow

wells, fracking to a much lesser extent than the deep Marcellus wells, which is well known and well regulated.

I just do not know the point of the bill other than to, for the first time, attach a tax to harvesting of Pennsylvania's natural resources. If we go after and include the shallow wells, again in just two counties of the west, it would attach to 31,000 shallow wells. This is the stuff people and all your gas suppliers have been heating your homes with for years. Now, granted, Marcellus is what catches our attention now because of the grandiosity and scale of the operation; however, in including the shallow wells, it shuts down traditional Pennsylvania businesses, employing Pennsylvanians, and doing so very successfully for a number of years.

Mr. Speaker, I have got to urge and implore a "no" vote on amendment 5288. Thank you.

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

On that question, the Speaker recognizes the gentleman from Delaware County, Mr. Vitali.

Mr. VITALI. Thank you, Mr. Speaker.

You know, there is an old saying, "If it's not broke, don't fix it."

I rise in support of the Samuelson amendment because I do not believe the current regulatory system is broken with regard to the gas drilling industry.

Now, the previous speaker from Indiana and Armstrong Counties, I just want to make sure he is clear that if the Samuelson amendment is passed, his industry, the people who go to work and buy the prom dresses and so forth, they will not be affected in any way. So all the people who are employed in Indiana and Armstrong Counties, all the people, that whole shallow gas drilling industry, will not be affected. The Samuelson amendment simply keeps existing law as it is with regard to the regulatory process exactly the same. So his fears should be allayed with regard to that.

Mr. Speaker, I am very concerned with regard to the bill in chief with regard to the potential easing of regulations. I was up in Dimock, near the lady's district, and I saw the homes affected by the sloppy drilling of Cabot and how that affected the people. And we in fact in the regulatory process passed drilling standard regulations that would deal with issues just like that Dimock situation. So I am concerned if we have any regulations relaxed or the process relaxed, that would affect the health and safety.

We have also passed, last term, wastewater discharge regulations. These go to the quality of water in the Commonwealth, and I think the enactment of those regulations has caused more fracking water to be recycled and has generally improved the safety of water Pennsylvanians drink. So I am concerned with changing something that right now has been in effect and is keeping our water safe.

Mr. Speaker, I do not think — we all want to help small businesses — but I do not think anyone views ExxonMobil or Talisman or all these other drilling companies as small businesses. And my concern here is that due to the amorphous definition of "small business," which includes up to 500 people, and due to the fact that these drilling entities are capital intensive so that they are mostly equipment rather than people, so that you can have a company come here that is an enormous operation but does not employ that many people, that there might be a different way to compose those regulations.

So I think we ought to keep the regulatory process with regard to the drilling industry as it is. It is my understanding that that is what Samuelson's amendment does, so I would urge a "yes" vote for Samuelson. Thank you.

LEAVE OF ABSENCE CANCELED

The SPEAKER. The Speaker returns to leaves of absence and recognizes the presence of the lady from Bucks County, Mrs. Davis. Her name will be added to the master roll call.

CONSIDERATION OF HB 1349 CONTINUED

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

On that question, the Speaker recognizes the gentleman from Allegheny, Mr. Maher.

Mr. MAHER. Thank you, Mr. Speaker.

It is past 1, and I would like to ask the gentleman who authored this amendment if he would receive a question?

The SPEAKER. The gentleman indicates he will stand for interrogation. You may proceed.

Mr. MAHER. Thank you, Mr. Speaker.

Your amendment is drafted so that it affects not just businesses directly engaged in exploration or production, but if I am reading it correctly, it is any business that is providing services, supplies, personnel, et cetera. Is that right?

Mr. SAMUELSON. Yes. It includes the subcontractors used in the drilling industry.

Mr. MAHER. And with this global definition of entities that would not be small businesses, if a firm that is involved in drilling were to order a pizza and that pizza would be delivered, now if I understand correctly, that pizza delivery shop, assuming it is a local one, is no longer a small business in your definition?

Mr. SAMUELSON. Thank you. Under current law—

Mr. MAHER. I am asking about your amendment, sir.

Mr. SAMUELSON. Absolutely. Restaurants, businesses have to adhere to basic food safety standards. Under this bill without the amendment, a provider up to 500 employees could claim that they would like to be exempt. I would say the current situation, where we have had regulation of the food industry, should continue. What if you found out—

Mr. MAHER. Mr. Speaker, I am afraid the gentleman must not have understood my question.

Mr. SAMUELSON. Let me try to answer it again. What if you as a driller decided to order cantaloupe, and you found out that the supplier of those cantaloupes had 475 employees and therefore could be exempt from fruit safety? I think all across this nation you have seen the recall. I think you should not be arguing that you should have some kind of blanket exemption.

There are two other alternatives we could have considered. One is to have the definition at—

Mr. MAHER. Mr. Speaker?

Mr. SAMUELSON. —100, and one is to have a public hearing, which did not happen.

Mr. MAHER. Mr. Speaker, that concludes my interrogation. If I could speak on the amendment, please?

The SPEAKER. On the amendment, the gentleman is in order.

Mr. MAHER. This amendment goes to what businesses are small and which are not. That is what the amendment is about. And the reason I can understand why the gentleman ran away from answering that question, because under his definition just about anybody doing any kind of business just about anywhere west of the Cumberland Valley all the way to the Ohio border would not be a small business. It does not matter if you start up. It does not matter what you do. It is like geographic discrimination that makes no sense to me except for if you misunderstand what the bill says and if you misunderstand that there are differences between shallow wells and deep wells. And if you did not understand what the bill says, then you might write an amendment like this, because the bill does not exempt anyone from any regulation. What it says is that those voices must be heard; the voices of small business must be heard. And the gentleman's attempt to put a gag, to put duct tape across the mouths of everyone west of the Susquehanna River, is wrongheaded, and I urge you to treat it accordingly.

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 Northampton County, Mr. Freeman.

Mr. FREEMAN. Thank you, Mr. Speaker.

Mr. Speaker, I rise in support of the Samuelson amendment. This is a commonsense amendment to make sure that we are not allowing any segment of the drilling industry that deals with the practice, which has come under increased criticism and concern on the part of many residents of this State, to elude necessary regulation, to drag out a process of regulation, or in any way, shape, or form evade important health and safety regulations designed to protect the environment. It is common sense. Regardless of whether they are a small driller or a large corporation that is drilling, they should all be covered by the same regulatory process to ensure the environmental integrity of the Commonwealth of Pennsylvania to protect health and safety standards. That is what is at issue here with the Samuelson amendment. We should not be carving out an exception for a small driller to say those regulations do not necessarily need to apply to you or you can appeal them or you can elude from them or you can drag out the process for 18 months in an effort to try and escape coming under that oversight.

Drilling in Pennsylvania has been an ongoing concern for many people in this State. Its impacts are affecting many communities, particularly across the northern tier. At the very least, at the very least we should be ensuring that the kind of environmental oversight that is necessary to make sure it is done properly is not evaded or in some way sidestepped by what I do not think was the intent of the lady's legislation.

This makes sense. Let us not give a loophole to small drillers to get away from being under the kind of regulation and oversight that is necessary to protect the health, safety, and environmental integrity of this Commonwealth. I urge a "yes" vote.

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

Is the lady from Philadelphia, Ms. Josephs, seeking recognition on this amendment? The lady may proceed on the amendment.

Ms. JOSEPHS. Thank you, Mr. Speaker.

This is the amendment I am jealous of the maker. I should have thought of it myself. This is the environmental vote. We all want to help small business, of course, but small business and certainly under this expanded definition, which includes very many large businesses as well, as it turns out, I believe we will see it can cause as much damage. I mean, if it is your house that the water catches on fire when you put a match up to it, do you really care if the business that did that has 500 or fewer employees? I do not think so.

Those people here who know that their constituents care about the environment, I urge you to pay attention to this vote and to vote for the Samuelson amendment. This is really the environmental vote of this bill.

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 Delaware County, Mr. Vitali, for the second time.

Mr. VITALI. Thank you, Mr. Speaker.

I was not going to get up again, but I was just sort of puzzled by some of the comments from the gentleman from Allegheny County about duct taping the mouths of small business. I just do not get that. All this Samuelson amendment does is keeps current law just as it is with regard to drillers and related suppliers. I mean, no one is complaining to me about their mouths being duct taped.

I have actually participated in the regulatory process. I know I have been at public hearings where I or any other member of the audience had the right to speak up at an IRRC hearing. There is no duct taping involved.

With regard to these regulations, and we are talking about the regulatory process, there is a public comment period. Everyone can comment right now. Everyone can go to these hearings and comment. So when we talk about duct taping mouths, I just have no idea where that is coming from.

I also was puzzled by a comment – I am not sure if it was from the gentleman from Allegheny County or Indiana County – about pizza delivery places. That is not contemplated by this amendment. When you talk about suppliers to drillers, you are not talking about pizza delivery people; you are talking, a fair interpretation of that is people who supply materials and services, things like the chemical fluids, the trucks, the other ancillary services. We are not talking about pizza. Come on; that is just silly.

So all Samuelson does is keep the current regulatory process the same with regard to drilling. "If it ain't broke, don't fix it." Support Samuelson. Thank you.

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

On that question, the Speaker recognizes the gentleman from Allegheny, Mr. Maher, for the second time.

Mr. MAHER. Thank you, Mr. Speaker.

I am sorry I have confused the gentleman from Delaware County, but if he reads beginning on line 5 – it is a short amendment – lines 5 to 7, "...any business providing services, supplies, labor or any other support to a business engaged in the drilling, extraction or attempted extraction of natural gas." Those are the businesses that would be prohibited from being considered small businesses if this amendment proceeds.

So I do agree with you insofar as you say it is just silly to mistreat the pizza shop. This amendment would do that. This amendment is not about the other things you are talking about. This amendment is about, what are small businesses and what are not? And to say that any entity who is doing any kind of business with anybody who is in the particular industry is therefore not a small business, well, it would not disaffect your constituents, Mr. Speaker, but it would disaffect every small business in Allegheny County, Washington County, Fayette County, Greene County, Beaver County – continue across the State. This is a geographic discrimination that does not affect your neighbors but would affect mine and would affect the members in about two-thirds of this House. And I would suggest if your object was something otherwise, you should have written it otherwise, because the way it is written right now it is just downright wrong, east against west. It is not right. Believe it or not the bridges that go across the Susquehanna connect the roads that actually continue west from there.

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. Pickett, for the second time.

Ms. PICKETT. Thank you, Mr. Speaker.

I do think we have gone far afield here in talking about loopholes and exemptions. That is not what we are seeking. We are in fact seeking a voice for our small businesses who create our much-needed jobs, a voice at the table of the discussion of regulations being proposed, and we are also stating that they need to be consistent with the legislative intent of health, safety, environmental, and economic welfare legislation.

You might be interested in knowing, Mr. Speaker, that we are in fact it seems somewhat in tandem with some of our agencies here in Pennsylvania and the very one that would be the most forefront, in a very diligent position, regarding our water and air, which has been mentioned. That would be DEP. DEP has a small business ombudsman on board and is using that person, that office, to seek the input of small businesses as it goes forth with our environmental regulations. Mr. Speaker, I do not believe that we have seen weakened regulations since that happened.

I ask a "no" vote on 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, Mr. Samuelson, for the second time.

Mr. SAMUELSON. Thank you, Mr. Speaker.

In Pennsylvania the drilling industry is subject to clean water regulations and clean air regulations, workplace safety regulations. We just heard a moment ago that there was an ombudsman within DEP that is working within the existing regulatory framework to ensure safety for our citizens. There is bipartisan legislation that would ask for future regulation of the fracking fluids. What chemicals are going into these fracking fluids?

Governor Corbett just yesterday wanted us to talk about well setbacks for drinking water wells. It would be a shame if we find out down the road that this bill that we are going to be voting on tomorrow would provide a way for the drilling

industry to get out of some of these regulations, to lessen some of these regulations. Reading from the bill, to propose less stringent reporting, less stringent schedules, less stringent deadlines; propose that there might be an exemption for small business from all or part of the regulation.

We should insist on reasonable regulation of the natural gas drilling industry. We should not allow a method whereby certain businesses of 300, 400, 475 employees could propose a lesser standard.

Vote "yes" on this amendment, which would take the natural gas drilling industry out of this small business proposal that is advanced by the gentelady.

Thank you, Mr. Speaker.

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

The following roll call was recorded:

YEAS—63

Bishop	DeLissio	Kavulich	Sabatina
Boyle, B.	DePasquale	Keller, W.	Samuelson
Boyle, K.	Dermody	Kirkland	Santarsiero
Bradford	DeWeese	Kortz	Santoni
Brennan	Donatucci	Longietti	Shapiro
Briggs	Evans, D.	Mann	Smith, K.
Brown, V.	Fabrizio	Markosek	Staback
Brownlee	Freeman	McGeehan	Sturla
Buxton	Galloway	Mundy	Thomas
Caltagirone	George	Myers	Vitali
Cohen	Gerber	O'Brien, M.	Wagner
Conklin	Haluska	Parker	Waters
Cruz	Hanna	Pashinski	Wheatley
Daley	Harkins	Payton	Williams
Davidson	Johnson	Preston	Youngblood
Davis	Josephs	Roebuck	

NAYS—139

Adolph	Farry	Lawrence	Rapp
Aument	Fleck	Maher	Ravenstahl
Baker	Frankel	Mahoney	Readshaw
Barbin	Gabler	Major	Reed
Barrar	Geist	Maloney	Reese
Bear	Gergely	Marshall	Reichley
Benninghoff	Gibbons	Marsico	Roae
Bloom	Gillen	Masser	Rock
Boback	Gillespie	Matzie	Ross
Boyd	Gingrich	Metcalfe	Saccone
Brooks	Godshall	Metzgar	Sainato
Brown, R.	Goodman	Miccarelli	Saylor
Burns	Grell	Micozzie	Scavello
Carroll	Grove	Millard	Schroder
Causar	Hackett	Miller	Simmons
Christiana	Hahn	Milne	Smith, M.
Clymer	Harhai	Mirabito	Sonney
Costa, D.	Harhart	Moul	Stephens
Costa, P.	Harper	Mullery	Stern
Cox	Harris	Murphy	Stevenson
Creighton	Heffley	Murt	Swanger
Culver	Helm	Mustio	Tallman
Curry	Hennessey	Neuman	Taylor
Cutler	Hess	O'Brien, D.	Tobash
Day	Hickernell	O'Neill	Toepel
Deasy	Hornaman	Oberlander	Toohil
Delozier	Hutchinson	Payne	Truitt
DeLuca	Kauffman	Peifer	Turzai
Denlinger	Keller, F.	Perry	Verb
DiGirolamo	Keller, M.K.	Petrarca	Vulakovich
Dunbar	Killion	Petri	Watson
Ellis	Knowles	Pickett	White

Emrick	Kotik	Pyle	
Evankovich	Krieger	Quigley	Smith, S.,
Evans, J.	Kula	Quinn	Speaker
Everett			

NOT VOTING—0

EXCUSED—1

Kampf

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?
Bill was agreed to.

BILL ON THIRD CONSIDERATION

The House proceeded to third consideration of **HB 1582, PN 2440**, entitled:

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

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—202

Adolph	Dunbar	Knowles	Rapp
Aument	Ellis	Kortz	Ravenstahl
Baker	Emrick	Kotik	Readshaw
Barbin	Evankovich	Krieger	Reed
Barrar	Evans, D.	Kula	Reese
Bear	Evans, J.	Lawrence	Reichley
Benninghoff	Everett	Longietti	Roae
Bishop	Fabrizio	Maher	Rock
Bloom	Farry	Mahoney	Roebuck
Boback	Fleck	Major	Ross
Boyd	Frankel	Maloney	Sabatina
Boyle, B.	Freeman	Mann	Saccone
Boyle, K.	Gabler	Markosek	Sainato
Bradford	Galloway	Marshall	Samuelson
Brennan	Geist	Marsico	Santarsiero
Briggs	George	Masser	Santoni
Brooks	Gerber	Matzie	Saylor
Brown, R.	Gergely	McGeehan	Scavello
Brown, V.	Gibbons	Metcalfe	Schroder
Brownlee	Gillen	Metzgar	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	Taylor
Creighton	Harkins	Myers	Thomas
Cruz	Harper	Neuman	Tobash
Culver	Harris	O'Brien, D.	Toepel
Curry	Heffley	O'Brien, M.	Toohil
Cutler	Helm	O'Neill	Truitt
Daley	Hennessey	Oberlander	Turzai
Davidson	Hess	Parker	Vereb
Davis	Hickernell	Pashinski	Vitali
Day	Hornaman	Payne	Vulakovich
Deasy	Hutchinson	Payton	Wagner
DeLissio	Johnson	Peifer	Waters
DeLozier	Josephs	Perry	Watson
DeLuca	Kauffman	Petrarca	Wheatley
Denlinger	Kavulich	Petri	White
DePasquale	Keller, F.	Pickett	Williams
Dermody	Keller, M.K.	Preston	Youngblood
DeWeese	Keller, W.	Pyle	
DiGirolamo	Killion	Quigley	Smith, S.,
Donatucci	Kirkland	Quinn	Speaker

NAYS—0

NOT VOTING—0

EXCUSED—1

Kampf

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 SPEAKER. There will be no more votes. However, there are some announcements.

STATE GOVERNMENT COMMITTEE MEETING

The SPEAKER. Is the gentleman, Mr. Metcalfe, seeking recognition for the purpose of making an announcement?

Mr. METCALFE. Yes, Mr. Speaker.

The SPEAKER. The gentleman may make the announcement.

Mr. METCALFE. Mr. Speaker, the State Government Committee will reconvene immediately upon leaving the floor for a meeting to continue the business that we started this morning, and that meeting will be held in G-50 of the Irvis Building; so that is G-50 for members of the State Government Committee. If they could come to G-50, we will continue the business that we started this morning with the State Government Committee meeting.

Thank you, Mr. Speaker.

The SPEAKER. The Speaker thanks the gentleman.

The State Government Committee will meet in room G-50, Irvis Building, immediately upon leaving the floor.

VOTE CORRECTION

The SPEAKER. The gentleman, Mr. Schroder, is seeking recognition for the purpose of making an announcement?

Mr. SCHRODER. Seeking recognition to correct the record, Mr. Speaker.

The SPEAKER. The gentleman may state his correction.

Mr. SCHRODER. Thank you, Mr. Speaker.

Mr. Speaker, on final passage on HB 1294, I was recorded as a "yes" vote and wish to be recorded as a "no" vote, in the negative. Thank you.

The SPEAKER. The gentleman's remarks will be spread upon the record.

HEALTH COMMITTEE MEETING

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

Mr. BAKER. Committee announcement.

The SPEAKER. The gentleman may make the announcement.

Mr. BAKER. Thank you, Mr. Speaker.

At the call of the Chair tomorrow, the Health Committee will meet in room G-50; call of the Chair tomorrow, room G-50, committee meeting for the Health Committee.

The SPEAKER. The Health Committee will meet in room G-50, Irvis Building, tomorrow at the call of the Chair.

REPUBLICAN CAUCUS

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

Ms. MAJOR. Thank you, Mr. Speaker.

I would like to announce that Republicans will caucus at 2:15 this afternoon. I would ask our Republican members to please report to our caucus room at 2:15. Thank you, Mr. Speaker.

DEMOCRATIC CAUCUS

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

Mr. FRANKEL. Thank you, Mr. Speaker.

There will be a Democratic caucus at 2:30; a Democratic caucus at 2:30. It is an important caucus. Thank you.

VOTE CORRECTION

The SPEAKER. For what purpose does the lady, Ms. Brownlee, rise?

Ms. BROWNLEE. Unanimous consent, Mr. Speaker.

The SPEAKER. The lady from Philadelphia, Ms. Brownlee, is recognized under unanimous consent.

Ms. BROWNLEE. On the vote for HB 1294, I was recorded as a positive. I wish it to be recorded as a negative, Mr. Speaker.

The SPEAKER. The lady's remarks will be spread upon the record.

Ms. BROWNLEE. Thank you, Mr. Speaker.

BILLS RECOMMITTED

The SPEAKER. The Speaker recognizes the majority leader, who moves that the following bills be recommitted to the Committee on Appropriations:

HB 210;
HB 267;
HB 529;
HB 1025; and
HB 1349.

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 HB 1271 and SB 631 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.

BILLS REMOVED FROM TABLE

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 831 and SB 832 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.

BILLS TABLED

The SPEAKER. The Speaker recognizes the majority leader, who moves that SB 831 and SB 832 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.

BILLS RECOMMITTED

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

SB 281;
SB 282;
SB 283;
SB 284;
SB 285;

SB 286;
SB 287;
SB 288;
SB 289;
SB 290;
SB 291;
SB 292;
SB 293;
SB 295; and
SB 296.

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

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

HB 439, PN 2502 (Amended) By Rep. METCALFE

An Act prohibiting certain licensees from knowingly employing illegal aliens; and imposing sanctions.

STATE GOVERNMENT.

ANNOUNCEMENT BY SPEAKER

The SPEAKER. For the information of the members, I am going to keep the desk open for the report of an additional committee later this afternoon.

RECESS

The SPEAKER. This House stands in recess to the call of the Chair.

AFTER RECESS

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

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

HB 1825, PN 2339 By Rep. METCALFE

An Act authorizing the Department of General Services, with the approval of the Governor, to remove and release the restrictive use covenants imposed on certain real property situate in the Borough of Blossburg, Tioga County.

STATE GOVERNMENT.

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. The Speaker recognizes the lady, Mrs. Rosemary Brown, from Monroe County, who moves that this House do adjourn until Wednesday, October 5, 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 3:27 p.m., e.d.t., the House adjourned.